

**VILLAGE OF WINDSOR
RESOLUTION 2022-67**

**APPROVAL OF A REDUCTION IN THE LETTER OF CREDIT
FOR WINDSOR GARDENS – PHASE 5B**

WHEREAS, Donald C. Tierney and Joanne K. Tierney, LLC and Apple Apartments, LLC (“Developer”) has requested a reduction in the Letter of Credit which serves as surety for completion of infrastructure for Windsor Gardens – Phase 5B; and

WHEREAS, the Developer has completed to the satisfaction of the Village Engineer the infrastructure set forth in the attached Baxter & Woodman correspondence, and dedicated same to the Village; and

WHEREAS, the Village Engineer has reviewed the Developer's request and recommends approval of same; and

WHEREAS, at its regularly scheduled meeting on August 4, 2022, the Village Board reviewed the dedication, request for a reduction in the Letter of Credit, and the information provided by the Village Engineer.

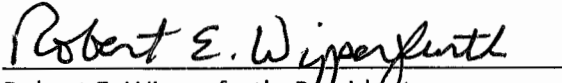
NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Windsor as follows:

- A. The Village accepts dedication of the infrastructure from the Developer to the Village as set forth in the attached Baxter & Woodman correspondence.
- B. The Developer’s Letter of Credit for Windsor Gardens – Phase 5B shall be reduced to \$3,087.50 as approved by the Village Engineer, contingent upon receipt by the Village of lien waivers in a form satisfactory to the Village Engineer for all work upon which the reduction is based.
- C. The Developer may provide a copy of this Resolution and the attachments thereto to any third-party requesting verification of the Village's approval of the reduction.
- D. An updated Letter of Credit, or alternative surety as approved by the Village, shall be issued and provided to the Village simultaneous with or prior to the Village's surrender of the existing Letter of Credit.
- E. Notwithstanding this reduction in the Letter of Credit, the Developer shall remain obligated to timely satisfy all of the conditions imposed by the Village Board to which the Letter of Credit serves as a surety, and to provide satisfactory verification of compliance to the Village. Any necessary or requested reviews or submissions to the

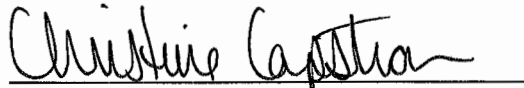
Village for determinations of compliance shall be made at least ten (10) business days prior to the date upon which verification of compliance is required.

The above and foregoing Resolution was duly adopted by the Village Board of the Village of Windsor, Dane County, Wisconsin at a meeting held on August 4, 2022 by a vote of 5 in favor and 0 opposed.

VILLAGE OF WINDSOR


Robert E. Wipperfurth, President

Attested by:


Christine Capstran, Clerk

Incorporated by Reference:

Developer Request

Baxter & Woodman Correspondence dated 07/27/2022

2005 W. Beltline Highway, Suite 201
Madison, WI 53713
608.277.1230
www.baxterwoodman.com
info@baxterwoodman.com



Memo

To: Village of Windsor

From: Jerry Groth, Village Engineer

Date: July 27, 2022

Project No.: 210787.90, Task14

Subject: Windsor Gardens Phase 5b LOC Reduction/Release

Don Tierney (Developer) has requested a reduction in letter of credit for Windsor Gardens Phase 5b.

The existing LOC totals \$290,040 and expires on August 20, 2022. The existing LOC covered the entire Village controlled portion of the project that generally consisted of earth moving, roads, ribbon curb, sidewalk, street lighting, and signage. Per our policy we retain 10% of the cost of the surface course for another year.

The cost of surface course was estimated in 2021 to cost \$30,875 (one half of total bituminous paving cost). Ten percent of \$30,875.00 results in an LOC remaining of \$3,087.50. A separate spreadsheet is attached showing the estimated construction cost breakdown received in 2021 and the LOC calculation.

As noted in their cover letter, Joanne Tierney has indicated that they want to provide you a check for \$3,087.50 and eliminate the LOC. Hence you would cash the check now and pay them \$3,087.50 in Spring of 2023, assuming no issues with final asphalt surface course.

We observed final paving this spring and have As-Built information for the project including lot corner elevations. The residential lots are served by well and septic systems so there is no public watermain or sanitary sewers for this development.

We also enclose a signed Acceptance of Public Improvements form dated 7/26/22.

Respectfully submitted,

BAXTER & WOODMAN, INC.
CONSULTING ENGINEERS

A handwritten signature in cursive script, appearing to read "Gerald D. Groth".

Gerald D. Groth, P.E.

Windsor Gardens – Don & Joanne Tierney

July 26, 2022

Village Of Windsor
Attn: Jamie Rybarczyk
4084 Mueller Road
Windsor, WI 53532

Re: Windsor Gardens Letters of Credit

Dear Jamie,

Windsor Gardens has two irrevocable letters of credit in the amounts of \$50,850.25 for Phase 4 and \$290,040.00 for Phase 5B.

We would like to cancel the 5B LOC for \$290,040.00 (worksheet attached) as all of the public improvements have been completed. The top coat of asphalt is still in the warrantee stage as it is less than one year old. We are required to continue the surety for this until the warrantee period is up. The amount of surety required is \$3,087.50. We would like to ask to issue the Village a check for this amount instead of getting a new letter of credit. When the warrantee period is up, the Village could return the same amount to us.

Thank you and please let us know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Joanne Tierney". The signature is written in a cursive style with a large, sweeping initial "J".

Joanne Tierney



Windsor

Growing Forward

Dedication of Public Improvements

The undersigned hereby dedicates the below listed public improvements to the Village of Windsor, and represents in their individual capacity they possess the legal authority to do so. The undersigned further acknowledges no dedication is effective until accepted by resolution of the Windsor Village Board.

Property Owner / Petitioner

Don Tierney - Windsor Gardens Phase 5 B
Name

3564 Egic Rd
Address

DeForest, WI 53532
City, State, Zip Code

608-837-0102 - cell 608-575-6538
Phone (Residence / Business / Cell)

jk tierney 999@gmail.com
Email

Donald Tierney
Signature

If signing on behalf of a corporation, limited liability company or partnership indicate your full name and title:

Name

Title

Acceptance of Public Improvements and Reduction In Letter of Credit will require submittal of:

(1) Computation of Quantities Completed, and (2) As-Built Plan Set for the Development Phase.

WINDSOR GARDENS PHASE 5B VARIOUS DATES 7/27/22

Plat Name & Phase

Date Inspected by Village or County

Date Accepted

Gerald D. Roth, VILLAGE ENGINEER.

Right-of-Way

Street

Sanitary Sewer Main

Water Main

Storm Sewer Main

Culvert and Ditch

Sidewalk or Path

Trees

Lighting

Signage

Park, Conservancy, and/or Open Space (Site Stabilization – Grade, Seed, & Matte)

Park

Conservancy

Open Space

Stormwater System (per Stormwater Management Agreement)

Swales

Culverts and Storm Sewers

Wet Detention Basins

Infiltration Basins

Vegetative Buffers

Other: _____

Dated: 7/26/2022

Windsor Gardens Phase 5B Budget							
Bid Item Number	Item Description	Units of Measure	Estimated Quantity	Unit Cost	Total Amount	% Complete	\$ Complete
DEMOLITION AND EARTHWORK							
1	Right Of Way Grading	LS	1	\$ 55,000	\$ 55,000	100%	\$ 55,000
DEMOLITION AND EARTHWORK SUBTOTAL:					\$ 55,000		
EROSION AND SEDIMENTATION CONTROL							
2	Silt Fence	LF	50	\$ 2	\$ 100	100%	\$ 100
3	Tracking Pad - Breaker Run, 3" Minus	TON	135	\$ 10	\$ 1,350	100%	\$ 1,350
4	Ditch Check - Stone Weepers	TON	220	\$ 10	\$ 2,200	100%	\$ 2,200
5	Seed, Fertilize, & Mulch	SY	5,600	\$ 0.50	\$ 2,800	100%	\$ 2,800
6	Erosion Mat	SY	1,600	\$ 2.25	\$ 3,600	100%	\$ 3,600
EROSION CONTROL AND SEDIMENTATION SUBTOTAL:					\$ 10,050		
STREETS AND PAVEMENTS							
7	Crushed Aggregate Base Course	TON	4,800	\$ 10	\$ 48,000	100%	\$ 48,000
8	3.5" Asphalt Pavement	TON	950	\$ 65	\$ 61,750	100%	\$ 61,750
9	30" Concrete Ribbon Curb	LF	3,350	\$ 14	\$ 46,900	100%	\$ 46,900
10	Street Lights	LS	1	\$ 18,000	\$ 18,000	100%	\$ 18,000
11	Street Signs	LS	1	\$ 2,000	\$ 2,000	100%	\$ 2,000
STREETS AND PAVEMENTS SUBTOTAL:					\$ 176,650		\$ 241,700
TOTAL				\$	241,700		

Original Work Amount	\$ 241,700.00
Work Completed Amount	\$ 241,700.00
Work Remaining Amount	\$ -
10% Of Remaining Work	\$ -
Reduced LOC Amount	\$ -

10% of top coat → \$3,087.50 - would like to issue check instead of a new LOC.

Windsor Gardens Phase 5B Construction Estimate

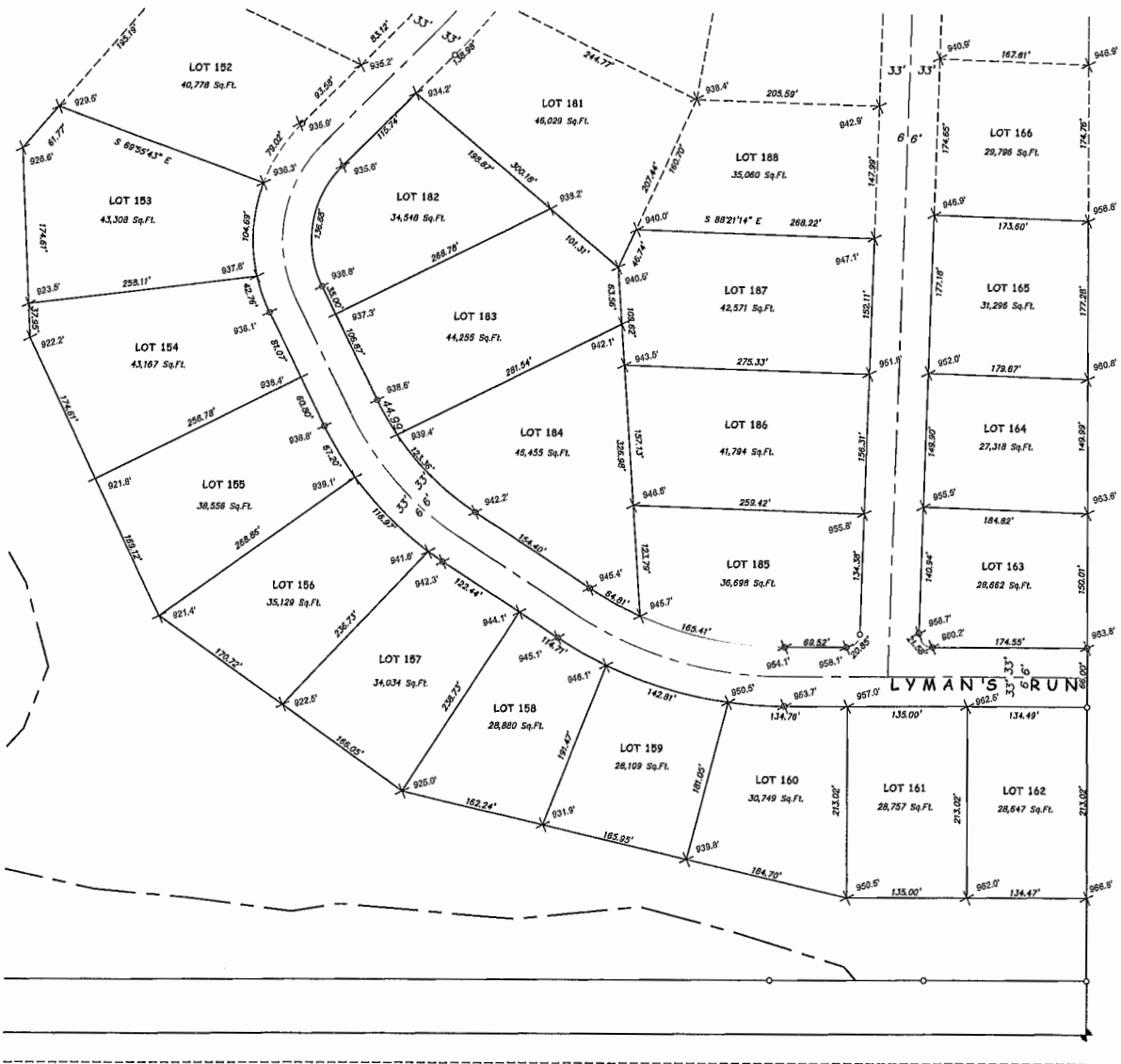
				Dane Co	Windsor	Total	Surface Course Cost Only
1	3.5-inch Asphaltic Pavement	550	TON	\$65.00	\$35,750.00	\$35,750.00	\$17,875.00
2	30-inch Concrete Ribbon/Valley Curb	1950	LF	\$14.00	\$27,300.00	\$27,300.00	
3	Crushed Aggregate Base Course	2250	TON	\$10.00	\$22,500.00	\$22,500.00	
4	Right of Way Grading	1	LS	\$32,000.00	\$32,000.00	\$32,000.00	
5	Seed, Fertilize & Mulch ROW	3250	SY	\$0.50	\$1,625.00	\$1,625.00	
6	Tracking Pad	45	TON	\$10.00	\$450.00	\$450.00	
7	Stone Weeper	100	TON	\$10.00	\$1,000.00	\$1,000.00	
8	Erosion Mat	850	SY	\$2.25	\$1,912.50	\$1,912.50	
				Subtotal =	\$122,537.50	\$122,537.50	
1	3.5-inch Asphaltic Pavement	275	TON	\$65.00	\$17,875.00	\$17,875.00	\$8,937.50
2	30-inch Concrete Ribbon Curb	950	LF	\$14.00	\$13,300.00	\$13,300.00	
3	Crushed Aggregate Base Course	2000	TON	\$10.00	\$20,000.00	\$20,000.00	
4	Right of Way Grading	1	LS	\$17,500.00	\$17,500.00	\$17,500.00	
5	Seed, Fertilize & Mulch ROW	1600	SY	\$0.50	\$800.00	\$800.00	
6	Tracking Pad	45	TON	\$10.00	\$450.00	\$450.00	
7	Stone Weeper	105	TON	\$10.00	\$1,050.00	\$1,050.00	
8	Erosion Mat	750	SY	\$2.25	\$1,687.50	\$1,687.50	
				Subtotal =	\$72,662.50	\$72,662.50	
1	3.5-inch Asphaltic Pavement	125	TON	\$65.00	\$8,125.00	\$8,125.00	\$4,062.50
2	30-inch Concrete Ribbon Curb	450	LF	\$14.00	\$6,300.00	\$6,300.00	
3	Crushed Aggregate Base Course	550	TON	\$10.00	\$5,500.00	\$5,500.00	
4	Right of Way Grading	1	LS	\$5,500.00	\$5,500.00	\$5,500.00	
5	Seed, Fertilize & Mulch ROW	750	SY	\$0.50	\$375.00	\$375.00	
6	Tracking Pad	45	TON	\$10.00	\$450.00	\$450.00	
7	Stone Weeper	15	TON	\$10.00	\$150.00	\$150.00	
8	Silt Fence	50	LF	\$2.00	\$100.00	\$100.00	
				Subtotal =	\$26,500.00	\$26,500.00	
1	Street Signs	1	LS	\$2,000.00	\$2,000.00	\$2,000.00	
2	Lighting	1	LS	\$18,000.00	\$18,000.00	\$18,000.00	
3	Pond Grading	1	LS	\$10,000.00	\$10,000.00	\$10,000.00	
4	Seed, Fertilize & Mulch Pond Area	7500	SY	\$0.50	\$3,750.00	\$3,750.00	
5	Stone Weeper	10	TON	\$10.00	\$100.00	\$100.00	
6	Silt Fence	1500	LF	\$2.00	\$3,000.00	\$3,000.00	
7	Erosion Mat	2850	SY	\$2.25	\$6,412.50	\$6,412.50	
8	Rip Rap with Fabric	4	CY	\$75.00	\$300.00	\$300.00	
9	36-inch RCP Riser Pond Outlet	1	Each	\$1,500.00	\$1,500.00	\$1,500.00	
10	12-inch RCP Storm Sewer Pipe	40	LF	\$48.00	\$1,920.00	\$1,920.00	
11	12-inch RCP Apron Endwall	1	Each	\$1,200.00	\$1,200.00	\$1,200.00	
				Subtotal =	\$48,182.50	\$48,182.50	
				TOTAL =	\$28,182.50	\$241,700.00	\$30,875.00
				LOC	\$33,819.00	\$290,040.00	\$3,087.50 <<<<



BIRRENKOTT SURVEYING

P.O. Box 237
1677 N. Bristol Street
Sun Prairie, WI. 53590
Phone (608) 837-7463
Fax (608) 837-1081

AS-BUILT MAP WINDSOR GARDENS PHASE 5B



Legend:

X^{XXX.X'} = Lot Corner Elevations



Dated: July 26, 2022
Surveyed: B.E.R.
Drawn: B.E.R.
Checked: D.V.B.
Approved: [Signature]
Field book:
Comp. File:
DRG File: Windsor Gardens Phase 5 As Built.dwg
Office Map No. 190778

Notes:

This survey is subject to any and all easements and agreements both recorded and unrecorded.

The disturbance of a survey stake by anyone is in violation of Section 236.32 of Wisconsin Statutes.

Wetlands, if present have not been delineated.

This survey shows some visible, above-ground improvements only. No guarantee is made for below-ground structures.

Elevations Referenced To: NAVD83.