

RESOLUTION 053019B  
AUTHORIZING THE SIGNING OF THE DEVELOPMENT AGREEMENT  
BETWEEN THE VILLAGE OF ELM GROVE and ELM GROVE HEIGHTS, LLC  
AND ITS RECORDING SUBJECT TO CONDITIONS

**WHEREAS**, the Village of Elm Grove has considered and proceeded through the approval steps as stated in the recitals of the Development Agreement between the Village of Elm Grove and Elm Grove Heights, LLC, namely Exhibit A attached hereto and incorporated as part of this resolution; and

**WHEREAS**, the Village of Elm Grove Board of Trustees has concluded that the review criteria contained in Village of Elm Grove Ordinance § 335-30 (H) (2) and (3) have been met except as hereafter indicated; and

**WHEREAS**, the Village Board of Trustees, after due consideration, hereby approves the execution of Exhibit A by the Village President and Clerk but directs that the recording of same be withheld until the conditions stated hereafter in section 2. have been met to the full satisfaction and concurrence of the Village Manager, the Zoning Administrator, the Village Engineer and the Village Attorney (collectively "Staff"); and

**WHEREAS**, the Village Board, pursuant to Village of Elm Grove Ordinance § 335-30 (I) (2) intends that rezoning to the Planned Development Unit Overlay District not become effective until Exhibit A is fully executed by the parties thereto and recorded with the Waukesha County Register of Deeds and further that the recording of same shall be withheld by the Village Manager until all conditions contained in section 2. have been accomplished; and

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the Village of Elm Grove hereby resolves:

1. That the above **WHEREAS** clauses are hereby incorporated into and made a part of this Resolution.
2. That the following conditions must be accomplished:
  - A. That the Wetland delineation for the Property as defined in Exhibit A. has been completed and accepted by all reviewing authorities and Staff.
  - B. That the Wisconsin Department of Transportation has issued permits for improvements within the Bluemound Road right-of-way and a traffic control plan has been completed to the satisfaction of Village Staff and the Department of Transportation **prior to the start of any construction in the right-of-way.**
  - C. That the City of Brookfield has approved, executed and delivered to the Village of Elm Grove all documentation evidencing approval of the amendment of the Water Service Agreement in place with the Village of Elm Grove.
  - D. That the City of Brookfield has approved the design specifications for the public water main extension to serve the Development as well as other properties with the service area of the water main.
  - E. That if other properties within the water main service area express interest in extending the water main to service those properties, a cost sharing agreement between Elm Grove Heights LLC and those interested properties has been agreed upon and executed.
  - F. That the Wisconsin Department of Natural Resources has approved the public water main extension **prior to the start of any work on the water main extension.**

- G. That the Wisconsin Department of Natural Resources has completed a navigability determination for the drainage creek located on the northern portion of the property.
- H. That an Endangered Resources Review has been completed to the satisfaction of the Wisconsin Department of Natural Resources.
- I. That the Storm Water and Surface Water Management and Utility Plan has been approved in accordance with the specifications applicable to all State, Federal, and Village statutes, regulations, ordinances, and MMSD Chapter 13 regulations.
- J. That all conditions stated in Exhibit A. have been met to the satisfaction of Staff.

APPROVED this 30<sup>th</sup> day of May 2019

VILLAGE OF ELM GROVE

\_\_\_\_\_  
Neil H. Palmer, Village President

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Mary S. Stredni, Village Clerk

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We hereby certify this 30th day of May, 2019, that the within Resolution was adopted by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays by the Board of Trustees of the Village of Elm Grove.

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Neil H. Palmer, Village President

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Mary S. Stredni, Village Clerk