

The Town of Cedarburg, Wisconsin

IN THE NAME AND BY THE AUTHORITY OF THE TOWN OF CEDARBURG, WISCONSIN
RESOLUTION #2017-4

"Resolution to Approve an Additional Extension of Time to Consider the CUP Application by Eco-Site for a New Mobile Service Support Structure and Facilities located at 4628 Cedar Creek Road"

WHEREAS, the Town of Cedarburg ("Town") is a political subdivision as a body corporate and politic within Ozaukee County, Wisconsin;

WHEREAS, on September 28, 2016, the Town is in receipt of a complete conditional use permit ("CUP") application submitted by Eco-Site, Inc. (its agent Joe Coyle of Pyramid Network Services, LLC) ("Applicant") for a new mobile service support structure and facilities for T-Mobile on property owned by Scott and Patricia Akerlund and located at 4628 Cedar Creek Road in the Town of Cedarburg;

WHEREAS, Town Code Sec. 320-107 VII (5) and Wisconsin State Statute Sec. 66.0404 (2) (d), both provide that, "[w]ithin 90 days of its receipt of a complete application, a political subdivision shall complete all of the following or the applicant may consider the application approved, **except that the applicant and the political subdivision may agree in writing to an extension of the 90 day period.**" (emphasis added);


WHEREAS, the Applicant is considering an alternative site(s) outside of the Town to potentially locate its new mobile service support structure and facilities;

WHEREAS, the Applicant and Town Board have previously sought and agreed to an extension of said 90 day period to March 1, 2017, to allow Applicant additional time to explore an alternative site(s);

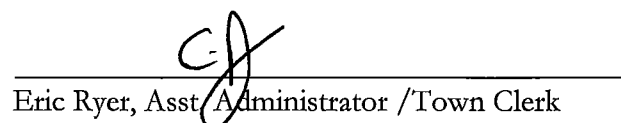
WHEREAS, the Applicant now seeks an additional extension of time until May 3, 2017, to allow Applicant additional time to explore an alternative site(s);

NOW THEREFORE, BE IT RESOLVED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, does hereby approve the attached Agreement between the Town and Applicant, and the Town Administrator is authorized to execute the Extension of Time Agreement (First Amendment) for the extension of the 90 day period to May 3, 2017.

Approved and Adopted this 1st day of February 2017.



David M. Valentine, Town Chairman



Eric Ryer, Asst. Administrator / Town Clerk

**EXTENSION OF TIME AGREEMENT
(First Amendment)**

This Agreement is effective as of the 1st day of February, 2017, by and between the Town of Cedarburg ("Town"), a Wisconsin political subdivision as a body corporate and politic, and Eco-Site, Inc., its agent Joe Coyle of Pyramid Network Services, LLC, ("Applicant").

WHEREAS, on September 28, 2016, the Town is in receipt of a complete conditional use permit ("CUP") application submitted by Applicant for a new mobile service support structure and facilities for T-Mobile on property owned by Scott and Patricia Akerlund and located at 4628 Cedar Creek Road in the Town of Cedarburg;

WHEREAS, Town Code Sec. 320-107 VII (5) and Wisconsin State Statute Sec. 66.0404 (2) (d), both provide that, "[w]ithin 90 days of its receipt of a complete application, a political subdivision shall complete all of the following or the applicant may consider the application approved, except that the applicant and the political subdivision may agree in writing to an extension of the 90 day period;" (emphasis added);

WHEREAS, the Applicant is considering an alternative site(s) outside of the Town to potentially locate its new mobile service support structure and facilities;

WHEREAS, the Applicant and Town Board have previously sought an extension of said 90 day period to allow Applicant additional time to explore an alternative site(s);

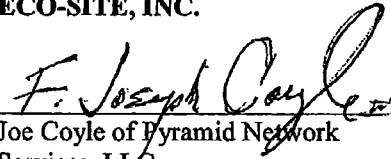
WHEREAS, on November 1, 2016, the Applicant and Town Board entered into an Extension of Time Agreement for an extension of said 90 day period to March 1, 2017, to allow Applicant additional time to explore an alternative site(s);

WHEREAS, the Applicant is now seeking an additional extension of time until May 3, 2017, to allow Applicant additional time to explore an alternative site(s);

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS: the 90 day period for the Town to consider the CUP application of the Applicant shall be further extended until May 3, 2017. Each person executing this Agreement on behalf of the Town and Applicant represents and warrants that such person is duly authorized to execute and deliver this Agreement on behalf of his respective party.

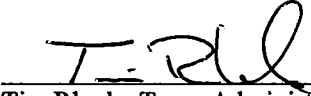
IN WITNESS WHEREOF, the parties have caused this Agreement to be signed effective as the date and year first above written.

ECO-SITE, INC.



Joe Coyle of Pyramid Network
Services, LLC
Its: Agent and Project Manager

TOWN OF CEDARBURG



Tim Rhode, Town Administrator