



Preserving Yesterday's Heritage for Tomorrow.

IN THE NAME AND BY THE AUTHORITY OF THE TOWN OF CEDARBURG, WISCONSIN

RESOLUTION #2015-14

A Resolution to Amend the Subdivision Development Agreement Between the Town and Hidden Prairie, LLC for the Hidden Prairie Subdivision Regarding a Release of Bike Path Easements

Amendment to the Subdivision Development Agreement

- WHEREAS**, the Town Board on September 4, 2002, adopted Resolution No. 2002-03 a Subdivision Development Agreement between the Town of Cedarburg and Hidden Prairie, LLC for the Hidden Prairie Subdivision.
- WHEREAS**, the Subdivision Development Agreement stated that “Bike paths included in this subdivision shall be noted on the final plat as a permanent easement to the Town” and “[t]he Subdivider shall escrow the estimated costs associated with the bike paths with the Town for the future construction of said paths.”
- WHEREAS**, the Subdivision Development Agreement further provides that, “[i]n the event the bicycle paths are not constructed within 20 years after the Town Board grants approval to the final plat, the amount escrowed for each path, together with the accrued interest, shall be returned to the Developer or its assigns.”
- WHEREAS**, the Developer has sought an amendment to the Subdivision Development Agreement to remove and release the requirements of the bike path easements, and refund the escrowed money for said bike paths to the Developer.
- WHEREAS**, the Town Plan Commission has considered and recommended the removal and release of said bike path easements in the subdivision.
- WHEREAS**, the Town and Developer may amend the Subdivision Development Agreement if it is in writing signed and executed by the parties, and pursuant to Wis. Stat. Sec. 236.293, the Town Board of the Town of Cedarburg is authorized to release any restriction placed on platted land by grant of easement or in any other manner.

NOW, THEREFORE, BE IT RESOLVED AND AGREED, that said Subdivision Development Agreement shall be amended to provide as follows:

Section I- E. 1. Shall be removed and stricken in its entirety:

- ~~1. Bike paths included in this subdivision shall be noted on the final plat as a permanent easement to the Town.~~

Section I-E. 3. Shall be amended to read:

3. The Subdivider shall escrow the estimated costs associated with the bike paths with the Town for the future construction of said paths. In the event the bicycle paths are not constructed within 10 (formerly 20) years after the Town Board grants approval to the final plat, the amount escrowed for each path, together with the accrued interest, less 1/2 of any fees and costs incurred by the Town related to the Release of the Bike Path Easements and Amending the Subdivision Development Agreement, shall be returned to the Developer or its assigns.

BE IT FURTHER RESOLVED, that the Town Clerk shall record a certified copy of this Resolution for the Amendment of the Subdivision Development Agreement at the Ozaukee County Register of Deeds.

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin on this 3 day of June, 2015.


David M. Valentine
Town Board Chairman

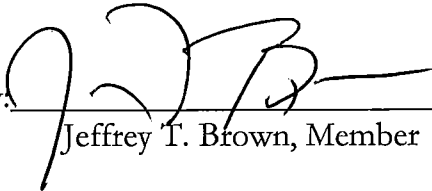
ATTEST:



Eric Ryer
Asst. Administrator/Clerk

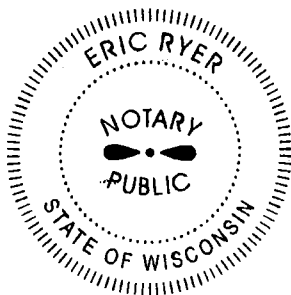
THIS AMENDMENT IS APPROVED AND AGREED TO by the Subdivider
this 9th day of June, 2015.

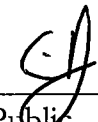
Hidden Prairie, LLC

By: 
Jeffrey T. Brown, Member

State of Wisconsin)
Town of Cedarburg) ss.
Ozaukee County)


Personally came before me this 9th day of June, 2015, the above named Jeffrey T. Brown to
me known to be the person who executed the foregoing instrument in his official capacity as
Member of the above Company, and acknowledge that he executed the foregoing
instrument as a managing member of said Company by its authority.




Notary Public
My Commission expires 1-11-19
Ozaukee County, Wisconsin

Town Clerk: Dated this 9 day of June, 2015

This is to certify that this is a true and accurate copy of Resolution #2015-14 which was adopted
by the Town Board of the Town of Cedarburg.


Eric Ryer, Asst. Administrator/Clerk

**ATTACHMENT A
HIDDEN PRAIRIE
LEGAL DESCRIPTION**

PART OF THE NORTHWEST QUARTER, SOUTHWEST QUARTER AND SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18, T.10 N., R.21 E., TOWN OF CEDARBURG, OZAUKEE COUNTY, WISCONSIN AND DESCRIBED AS;
BEGINNING AT THE WEST QUARTER CORNER SAID SECTION 18; THENCE N 01° 01' 40" W., 1401.18 FEET ALONG THE WEST LINE SAID NW ¼; THENCE N 89° 20' 53" E., 896.29 FEET; THENCE S 01° 48' 26" E., 412.51 FEET; THENCE N 89° 28' 46" E., 1321.43 FEET; THENCE S 01° 48' 19" E., 993.72 FEET ALONG THE EAST LINE SAID NW ¼ TO THE CENTER OF SAID SECTION 18; THENCE S 89° 32' 55" W., 2236.86 FEET ALONG THE SOUTH LINE SAID NW ¼ TO THE POINT OF BEGINNING.