

**STATE OF WISCONSIN
MILWAUKEE AND OZAUKEE COUNTIES
VILLAGE OF BAYSIDE**

RESOLUTION NO: 13-03

**FINAL RESOLUTION AUTHORIZING CONSTRUCTION OF
PUBLIC IMPROVEMENTS AND LEVYING
SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY (022-0216-001)**

WHEREAS the Village Board (the "Governing Body") of the Village of Bayside, Milwaukee and Ozaukee Counties, Wisconsin (the "Municipality") on the 20th day of December, 2012 adopted a preliminary resolution declaring its intention to levy special assessments pursuant to Section 66.0703, Wis. Stats., upon the property benefited by the construction of water system improvements; and

WHEREAS the Governing Body held a public hearing in the Bayside Village Hall Board Room at 6:00 p.m. on the 7th day of February, 2013, for the purpose of hearing all interested persons concerning the preliminary resolution and the report relating to the proposed improvements and assessments, and heard all persons who desired to speak at the hearing; and

WHEREAS the Governing Body has examined the report relating to the improvements and assessments (including the schedule of proposed assessments contained therein) and has considered the statements of those persons appearing at the public hearing;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Municipality, as follows:

1. The report pertaining to the construction of the above-described public improvements, including plans and specifications therefor, is adopted and approved.
2. The improvements shall be carried out in accordance with such report, and payment for the improvements shall be made by assessing the cost to the property benefited as indicated in the report.
3. The assessments shown on the report, representing an exercise of the police power, have been determined on a reasonable basis and are hereby confirmed. The total amount assessed will not exceed \$140,000. Each of the affected properties listed on Exhibit A will be assessed either (1) \$120,000 if the property owner makes the election described in the Installment Assessment Notice attached as Exhibit B below, and pays the assessment in full on or before April 1, 2013; (2) \$130,000 if the property owner makes the election described in the Installment Assessment Notice

attached as Exhibit B below, and pays the assessment in full on or before November 1, 2013; or (3) \$140,000 if the property owner elects to pay in installments as described in Section 5 below.

4. The assessments for all projects included in the report are hereby combined as a single assessment but any interested property owner may object to each assessment separately or all assessments jointly for any purpose.

5. The property owners may, at their option, pay the assessments to the Treasurer in cash or in 19 equal, annual installments of principal plus interest, at a rate not to exceed 4.50% per annum on the unpaid balance. All assessments will be collected in installments as provided in the preceding sentence, except assessments with respect to which the property owner shall within 30 days from the date of the Installment Assessment Notice (defined in Section 7 below) elect to pay the assessment in full as provided in such Notice. The assessments paid in installments shall bear interest from November 1, 2014. The first installment of the assessments shall be due January 31, 2015, shall include interest from November 1, 2014, to November 1, 2015, and each subsequent installment shall be due on January 31 of each year until paid in full and shall include one year's interest on the unpaid portion of the assessment.

6. The Village Clerk shall publish this resolution as a class 1 notice and mail a copy of this resolution and a statement of the final assessment against the benefited property to every interested person whose post office address is known or can with reasonable diligence be ascertained, including each property owner whose name appears on the assessment roll.

7. The Village Clerk shall publish as a class 1 notice the Installment Assessment Notice attached hereto as Exhibit B and incorporated herein by this reference (the "Installment Assessment Notice") in accordance with Section 66.0715(3)(e), Wis. Stats.

Passed and Approved this 7th day of February, 2013.



President



Village Clerk

EXHIBIT A

Tax Key # of Property

022-0216-001

Exhibit A - Participating Addresses

Bayside Enterprises Plaza, LLC	326 W. Brown Deer Road
Sendiks Bayside, LLC	340 W. Brown Deer Road

EXHIBIT B
INSTALLMENT ASSESSMENT NOTICE

Notice is hereby given that contracts are about to be let by the Village of Bayside, Milwaukee and Ozaukee Counties, Wisconsin for the construction of water system improvements and that the amount of the special assessment for the improvements has been determined as to each parcel of real estate affected and a statement of the assessment is on file with the Village Clerk; it is proposed to collect the special assessment in 19 installments, as provided for by Section 66.0715(3) of the Wisconsin Statutes, with interest at a rate not to exceed 4.50 % per year; that all assessments will be collected in installments as above provided except assessments on property where the owner files with the Village Clerk by April 1, 2013, a written notice that the owner elects to pay the special assessment on the owner's property, describing the property, to the Village Treasurer on or before November 1, 2013 unless the election is revoked. If, after making such election, the property owner fails to make the payment to the Village Treasurer, the Village Clerk shall place the entire assessment on the following tax roll.

Dated February 7, 2013


Clerk of the Village of Bayside