

TOWN OF GRAND CHUTE
SANITARY DISTRICT NO. 1 & 2
OUTAGAMIE COUNTY, WISCONSIN

**AMENDMENT OF FINAL RESOLUTION SD12-01-2019
W. ELSNER ROAD
(N. Gillett Street - Richmond Street)**

WHEREAS, on March 19, 2019, the Town of Grand Chute Sanitary District No. 1 & 2, Outagamie County, adopted Final Resolution SD12-01-2019 authorizing special assessments for water and sewer main installation located on W. Elsner Road (N. Gillett Street - Richmond Street) in Section 10, T21n-R17E as located in the Town of Grand Chute, and levying special assessments against abutting property owners or on an area wide basis to specially benefiting property owners under Chapter 60 and 66.0703(1)(b), et al, police powers, Wis. Stats., 2017-2018 as amended; and,

WHEREAS, in accordance with the Resolution of litigation initiated by Ronald G. Wolff Jr., Big Dreamers LLC, Mark J. Zitzelsberger, Angelo Danelon, Gina Morasca, James Benzschawel, Barbara Benzschawel, Wendy R. Niemi, Mike Morgan, James E. Reider, Lisa M. Reider, Amy Kesting, Anthony J. Martin, Pat Martin, Mark H. Lemke, Marilou Lemke, David J. Martin, and Carol Sloan (collectively "Appealing Parties") in the Circuit Court of Outagamie County, the Town of Grand Chute Sanitary District No. 1 & 2 and the Appealing Parties have agreed to modify the assessment as it relates to the property owned by the Appealing Parties at the time Final Resolution SD12-01-2019 was adopted, which modification is authorized pursuant to the provisions of Sec. 66.0703, Wis. Stats.;

WHEREAS, in accordance with the Resolution of litigation initiated by the Appealing Parties in the Circuit Court of Outagamie County, the Appealing Parties have also agreed to waive all rights of appeal and notice requirements that may arise out of the adoption of this Amendment to Final Resolution SD12-01-2019, as those rights of appeals and/or notice requirements are set forth in Sec. 66.0703, Wis. Stats.;

NOW THEREFORE, in accordance with the authority granted the Town of Grand Chute Sanitary District No. 1 & 2 by the Town of Grand Chute Ordinances, Section 60.70, Wis. Stats, and by Sec. 66.0703, Wis. Stats., the Town of Grand Chute Sanitary District No. 1 & 2 adopts the following Amendment to and modification of Final Resolution SD12-01-2019 adopted on March 19, 2019, and referenced herein:

1. To resolve disputed litigation, the Special Assessments levied against the following properties shall be in the amount of \$15,000.00 total for water main and sanitary sewer:
 - a. The land and improvements located at 4615 and 4623 N. Richmond Street within the Town and identified on the Town's records as Parcel Number 101034100;

- b. The land and improvements located at 1680 W. Elsner Road within the Town and identified on the Town's records as Parcel Number 101035205;
 - c. The land and improvements located at 1324 W. Elsner Road within the Town and identified on the Town's records as Parcel Number 101035501; and
 - d. The land and improvements located at 4501 N. Richmond St within the Town and identified on the Town's records as Parcel Number 101037300.
2. The Appealing Parties Special Assessments for water main and sanitary sewer will be deferred until a connection is made to the water main and/or sanitary sewer;
3. Except as modified herein, and all other respects, Final Resolution SD12-01-2019, adopted on March 19, 2019, remains in full force and effect.

Date introduced, approved and adopted this 21 day of December, 2021.

TOWN OF GRAND CHUTE SANITARY
DISTRICT NO. 1 AND 2

By:  _____

Jason Van Eperen
Commission President

By:  _____

Angie Cain
Town Clerk