

TOWN OF GRAND CHUTE
BOARD OF SUPERVISORS
OUTAGAMIE COUNTY, STATE OF WISCONSIN

**AMENDMENT OF FINAL RESOLUTION 09 SERIES OF 2019
N. MCCARTHY ROAD
(W. Wisconsin Avenue (STH 96) to W. Capitol Drive)**

WHEREAS, on June 4, 2019, the Town of Grand Chute, Outagamie County, adopted Final Resolution 09 Series of 2019 authorizing the commencement of work or improvements and special assessments for street construction located on N. McCarthy Road (W. Wisconsin Avenue (Sth 96) to W. Capitol Drive), in Sections 18 & 19, 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 Capitol Drive Storage LLC, Donald H. Abel, Betty L. Abel, Dennis L. Capelle, Laurel R. Griesbach, Russell T. Griesbach, Ligia A. Rivera, Miriam L. Douglass, The D & D Enterprises Family Limited Partnership, Josh Doughty, and Schroeder Holdings LLC (collectively “Appealing Parties”) in the Circuit Court of Outagamie County, the Town of Grand Chute 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 09 Series of 2019 was adopted, following a Decision & Order by the Circuit Court of Outagamie County invalidating some of the assessments, 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 09 Series of 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 by the Town of Grand Chute Ordinances and by Sec. 66.0703, Wis. Stats., the Town of Grand Chute adopts the following Amendment to and modification of Final Resolution 09 Series of 2019 adopted on June 4, 2019, and referenced herein:

1. To resolve disputed litigation, the Special Assessments levied against the following properties shall be in the amount of \$0.00:
 - a. The land and improvements located at 5305 W. Capitol Drive within the Town and identified on the Town’s records as Parcel Number 101080700;

- b. The land and improvements located at 2005 N, McCarthy Road within the Town and identified on the Town's records as Parcel Number 102118300;
 - c. The land and improvements located at 1920 N. McCarthy Road within the Town and identified on the Town's records as Parcel Number 102119000;
 - d. The land and improvements located at 2040 N. McCarthy Road within the Town and identified on the Town's records as Parcel Number 102119200;
 - e. The land and improvements located at 1900 N. McCarthy Road within the Town and identified on the Town's records as Parcel Number 102412500;
 - f. The land and improvements located at 2595 N. McCarthy Road within the Town and identified on the Town's records as Parcel Number 102424601;
 - g. The land and improvements located at 5322 W. Clairemont Drive within the Town and identified on the Town's records as Parcel Number 102425200;
 - h. The land and improvements located at 5275 W. Clairemont Drive within the Town and identified on the Town's records as Parcel Number 102497600;
 - i. The land and improvements located at 2510 N. McCarthy Road within the Town and identified on the Town's records as Parcel Number 101082900; and
 - j. The land and improvements located at 3355 N. McCarthy Road within the Town and identified on the Town's records as Parcel Number 101080701.
2. Except as modified herein, and all other respects, Final Resolution 09 Series of 2019, adopted on June 4, 2019, remains in full force and effect.

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

TOWN OF GRAND CHUTE

By: _____

Jason Van Eperen
Commission President

By: _____

Angie Cain
Commission Secretary