

RESOLUTION NO. 2017-10

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**PRELIMINARY RESOLUTION DECLARING INTENT  
TO LEVY SPECIAL ASSESSMENTS  
UNDER MUNICIPAL POLICE POWER  
PURSUANT TO §66.0703, STATS.**

The Village Board of the Village of Fox Point, Milwaukee County, Wisconsin, DO  
RESOLVE AS FOLLOWS:

SECTION 1: INTENT TO LEVY SPECIAL ASSESSMENTS

1. The Village Board hereby declares its intention to exercise its police power under §66.0703, Stats., to levy special assessments upon property in the assessment district hereafter described for benefits conferred upon such property by reason of the following public work and improvements:

Wastewater collection system improvements,  
including but not limited to planning, design, construction,  
materials, labor and equipment to repair or replace defective  
or failing sanitary sewer or replace laterals  
and eliminate clear water connections to the  
Village sanitary sewer system

2. The property to be assessed lies within the following described assessment  
district:

ASSESSMENT DISTRICT

The assessment district includes all of the following properties in the Village of Fox Point:

8125 North Poplar Lane  
8205 North Poplar Lane  
8135 North Links Way  
8305 North Santa Monica Boulevard  
6928 North Barnett Lane  
6963 North Barnett Lane  
7228 North Barnett Lane  
1450 East Goodrich Lane  
1453 East Goodrich Lane  
1800 East Fox Lane  
1810 East Fox Lane  
1820 East Fox Lane

3. The total amount assessed against the properties in the described assessment  
district shall not exceed the total cost of the improvements.

4. The Village Board hereby determines that the improvements constitute an  
exercise of the police power for the health, safety and general welfare of the Village and its

inhabitants.

5. The Village Director of Public Works, along with the Village's contracted engineer for this project, shall prepare a report which shall consist of:

- a. Preliminary plans and specifications for the proposed improvements.
- b. An estimate of the entire cost of the proposed improvements.
- c. A schedule of the proposed assessments.
- d. A statement that the property against which the assessments are proposed is benefited.

6. When the report is completed, the Village engineer shall file a copy of the report with the Village Clerk for public inspection.

7. The Village Board currently intends to proceed with the foregoing public work and improvements only upon the voluntary cooperation and participation of the affected property owners. This will require that the affected property owners allow Village staff and Village contractors to enter their private property, with all necessary vehicles and equipment, in order to perform the necessary work, and that the affected property owners sign any necessary documents to allow this entry. It will also require that the affected property owners accept the imposition of costs for this work as an assessment against their property, by a waiver of special assessment pursuant to Section 66.0703(7)(b) Wisconsin Statutes. If this complete cooperation of the affected property owners is not forthcoming, the Village will not proceed as currently contemplated. The notice and hearing requirements of Wisconsin Statutes Section 66.0703(7)(a) are not applicable to this assessment, therefore, because either these requirements will be waived by the affected property owners pursuant to Section 66.0703(7)(b) or this assessment will not proceed as currently contemplated.

8. The assessment against any parcel may be paid in cash or in annual installments the number of which shall be determined by the Village Board and shall be incorporated in the final resolution in this matter.

#### SECTION 2: SEVERABILITY.

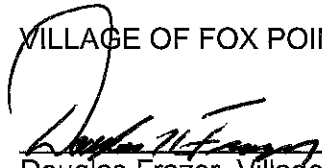
The several sections of this resolution are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the resolution. The remainder of the resolution shall remain in full force and effect. Any other resolutions whose terms are in conflict with the provisions of this resolution are hereby repealed as to those terms that conflict.

#### SECTION 3: EFFECTIVE DATE.

This resolution shall take effect immediately upon passage as provided by law.

Dated this 10th day of October, 2017.

VILLAGE OF FOX POINT



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Douglas Frazer, Village President

ATTEST:



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Kelly Meyer, Village Clerk/Treasurer