

RESOLUTION NO. 16-632

**A RESOLUTION TO AUTHORIZE A REDUCTION AND RELEASE
OF THE FINANCIAL GUARANTEE FOR
THE HUNT CLUB FARMS SUBDIVISION,
UPON RECEIPT OF A REPLACEMENT LETTER OF CREDIT**

WHEREAS, the Hunt Club Farms subdivision Developer's Agreement requires the Developer to provide a financial guarantee to the Town, and allows the financial guarantee to be reduced upon approval in writing by the Town Board, and the existing guarantee requires reductions to be done by Resolution; and

WHEREAS, the Developer initially satisfied the financial guarantee requirement, such that the work was allowed to commence, by providing some of the guarantee amount in the form of a letter of credit and the remaining required amount in the form of an escrow agreement; and

WHEREAS, Section 18.07(1) of the Town Code requires all of the improvements in the development to be complete and approved by the Town before the final plat is recorded, but provides an exception in Section 18.07(1)(f) that allows the final plat of the subdivision to be recorded if a letter of credit in an amount equal to double the cost of the remaining improvements is filed with the Town; and

WHEREAS, the foregoing requirement of the Town Code was made known to the Developer in many ways months ago, including by the Town Attorney's letter of October 21, 2016; and

WHEREAS, while the Developer could continue with the development project with the previously approved financial guarantees, in compliance with Wisconsin Statutes Section 236.13 and Chapter 18 of the Town Code, the Developer now seeks to record the final plat of the subdivision prior to the subdivision improvements being complete; and

WHEREAS, the Town Engineer has estimated the cost of the remaining improvements to be \$257,367 at this time; and double that amount, as required by the Town Code, is \$514,734; and the cost of barn removal, which is separately required, is \$14,850; which results in a required letter of credit amount of \$529,584 before the plat can be recorded at this time; and

WHEREAS, the Developer therefore seeks to replace the existing financial guarantees with a letter of credit in the amount of \$529,584, and the Town Board approves this revision to the financial guarantee.


NOW, THEREFORE, BE IT HEREBY RESOLVED by the Town Board of the Town of Delafield, Waukesha County, Wisconsin, that the Letter of Credit filed by Hunt Club

Farms, LLC dated 11/07/16 with regard to the development known as Hunt Club Farms subdivision, and the Agreement for Escrow Funds for Improvements filed by Hunt Club Farms, LLC signed by the Developer on 11/09/16 may be fully released and reduced to zero, subject to the following condition precedent to this release being effective. Prior to the release of the existing Letter of Credit and Escrow Agreement funds, the Developer shall file with the Town Clerk an original letter of credit in a form approved by the Town Attorney in the amount of \$529,584.

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized and directed to notify the financial institution which provided the Letter of Credit and to notify the Escrow Agent of this reduction and release pursuant to the procedures described in the Letter of Credit and Escrow Agreement documents, upon satisfaction of the foregoing condition precedent.


Dated this 13th day of December, 2016.

TOWN OF DELAFIELD



Lawrence G. Krause, Town Chair

ATTEST:



Mary Elsnel, Town Clerk

~~Published and/or posted~~ this 14th day of December, 2016.