

**SPECIAL MEETING
AGENDA
STORM WATER UTILITY
COMMITTEE**

**MONDAY, JANUARY 3, 2011
ROOM 204
4:00 P.M.**

***Anthony Nudo, Chairman
G. John Ruffolo, Vice Chairman
Steve Bostrom***

***Patrick Juliana
Jan Michalski
Ray Misner***

C. REFERRED TO COMMITTEE

- C-1. Proposed Resolution To Direct the Office of the City Attorney to Take enforcement Action Against Brookstone Homes to Obtain Compliance with its Contract with the City of Kenosha.

CITIZENS COMMENTS RELATED ONLY TO JURISDICTION OF STORMWATER UTILITY COMMITTEE

ALDERMAN COMMENTS

IF YOU ARE DISABLED AND IN NEED OF ASSISTANCE CALL 653-4050 BEFORE NOON ON THE DATE INDICATED FOR THIS MEETING.

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE MEMEBERS OF THE COMMON COUNCIL MAY BE PRESENT AT THE MEETING, AND ALTHOUGH THIS MAY CONSITUTE A QUORUM OF THE COMMON COUNCIL, THE COUNCIL WILL NOT TAKE ANY ACTION AT THIS MEETING.

RESOLUTION NO. _____

**BY: ALDERPERSON ANTHONY NUDO
ALDERPERSON STEVE BOSTROM**

**TO DIRECT THE OFFICE OF THE CITY ATTORNEY TO TAKE
ENFORCEMENT ACTION AGAINST BROOKSTONE HOMES
TO OBTAIN COMPLIANCE WITH ITS CONTRACT WITH THE
CITY OF KENOSHA**

WHEREAS, on December 2, 2008, the City of Kenosha, the Kenosha Water Utility, and Brookstone Homes, Inc. (“Brookstone Homes”) entered into a Developer's Agreement (“Developer's Agreement”) for the development of 29.77 acres of real estate formerly owned by the City of Kenosha and transferred to Brookstone Homes pursuant to a separate transaction; and,

WHEREAS, the Developer's Agreement imposes certain obligations on Brookstone Homes including, but not limited to, an obligation to construct streets, install sidewalks, and other infrastructure; and,

WHEREAS, said Developer's Agreement requires that Brookstone Homes posts various types of security to guaranty performance of its obligations, such security including a letter of credit, \$5,000.00 cash deposit contemporaneous with the application for the mass grading erosion control permit, and bonds to assure quality of sidewalks; and,

WHEREAS, Brookstone Homes has failed to provide all of the assurances required by the Developer's Agreement.

NOW THEREFORE, BE IT RESOLVED that the Common Council for the City of Kenosha does hereby direct that the Office of the City Attorney take enforcement action against Brookstone Homes, Inc. with regard to potential material breaches of that Developer's Agreement, such potential material breaches specifically including, but not limited to, the failure to post the letter of credit, to post the \$5,000 cash deposit in conjunction with the mass grading erosion control permit and such bonds as are necessary to ensure the adequacy of the sidewalks that have been installed, such enforcement action to include, but not be limited to, an action in a competent court for specific performance of the developer's obligations.

Adopted this _____ day of _____, 2010.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor Date: _____

Drafted By:
EDWARD R. ANTARAMIAN,
City Attorney