

management and park and recreational purposes. Development within these corridors is prohibited.

7. For any land division in the Transition Area, both east and west of the Boundary Line, an 80-foot wide landscaped building setback shall be provided as a condition of any development approval.

**SECTION 14
DESIGN AND CONSTRUCTION OF PUBLIC STREETS, SIDEWALKS,
IMPROVEMENTS, AND PLACEMENT OF PUBLIC UTILITIES
IN STREET RIGHT-OF-WAY IN BOUNDARY ADJUSTMENT AREA PRIOR TO
ATTACHMENT OF TOWN TERRITORY TO CITY**

14.01 The City shall use public highway rights-of-way to extend municipal services wherever reasonably possible. The Town shall permit use of Town roads within the Boundary Adjustment Area and the full width of Blackhawk Road and highways along the Boundary Line for such purpose, subject only to the City's obligations to maintain access for emergency vehicles and owners and occupants of property in the Town and to restore the road upon completion of construction. Where the City cannot use public highways for extensions of services, the Town acknowledges the City's right to obtain easements from private property owners subject to compensation as required by state law.

14.02 The City may levy special assessments against a parcel of property in the Boundary Adjustment Area of the Town for public improvements that specially benefit the parcel. The Town hereby approves such future levies, under Sec. 66.0707, Wis. Stats. In the event that this blanket pre-approval provision is either not approved by the State Department of Administration or invalidated by a court of competent jurisdiction, the Town further agrees that it shall timely approve each such special assessment levy by separate resolution pursuant to said statute.

- (a) The owner or other interested party may challenge such special assessments as an owner of property in the City would have the right to do.
- (b) Payment of such special assessments shall be deferred and interest shall not accrue thereon until the parcel is attached to the City.
- (c) Notwithstanding paragraph (b) above, the amount of each such special assessment shall be adjusted from the date of levy to the date of attachment based on the Engineering News Record Construction Cost Index, or such equivalent index as may be available at the time.
- (d) Each such special assessment shall be payable in six annual installments with interest, from the date of attachment.

- (e) Prior to attachment there shall be only one special assessment of each benefiting public improvement component (e.g. road pavement, curb and gutter, public sidewalk, street lights, street trees, traffic signals and other intersection improvement components, public drainage improvements, sanitary sewer mains, sewer interceptors, public water mains, etc.), except for driveway, curb and gutter and public sidewalk repairs which shall be billable to the abutting benefited property as special charges for current services rendered pursuant to Sec. 66.0627, Wis. Stats., and corresponding City ordinances and policies generally applicable to all property in the City. In accordance with Sec. 66.0707, Wis. Stats., the Town hereby pre-approves the levy of such future special charges by the City. In the event that this blanket pre-approval provision is either not approved by the State Department of Administration or invalidated by a court of competent jurisdiction, the Town further agrees that it shall timely approve each such special charges levy by separate resolution pursuant to said statute. Any subsequent assessment for another improvement of the same component shall be made only if consistent with the City's special assessment policy generally applicable to all property in the City. The first payment for such subsequent assessments shall be deferred with interest to a date not less than 10 years after attachment and the assessments shall be payable in six annual installments.

14.03

Notwithstanding subsection 14.02, any owner of property in the Town shall be entitled upon request to receive City sewer and/or water services prior to attaching the property to the City if the owner agrees to pay for extension of the services to the property over a five year period with interest and agrees to attachment of the property at the end of the five year period. Costs for extension shall be determined on the same basis as costs generally applicable for extensions to similarly situated property within the City. At any time after five years from the date that services were extended to the property under this paragraph, the City may attach the property by Attachment Ordinance adopted by majority vote of the elected members of the Common Council without consent of the property owner(s) or residents, subject to other procedural requirements of subsection 12.01 of this Plan. This paragraph does not supersede subsections 11.02 and 12.02 of this Plan. This paragraph applies only to existing parcels and parcels created under paragraph (e) of subsection 13.02. An owner's entitlement to receive sewer and/or water services under this paragraph applies only to: existing uses on existing parcels as of March 28, 2002; new or expanded uses on existing parcels after March 28, 2002, provided the new or expanded uses do not constitute development as defined in this Plan; and new houses and accessory structures built on parcels created under paragraph (e) of subsection 13.02.

14.04

The Town shall not establish any new sanitary districts east of the Boundary Line.