

Memorandum / Staff Report:

To: Water & Sewer Board
From: Jackie Quandt, Project Engineer *JQ*
Date: September 26, 2023
Regarding: Dedication of Water Distribution System
Petawa Residence and Cultural Center

In February 2021, the City of Brookfield entered into a Development Agreement with Petawa Residence and Cultural Center, Inc. ("Developer") located at 16830 West North Avenue and 2330 Hillsdale Drive West. The Agreement required the Developer to construct water main improvements to serve the development and subsequently dedicate same to the City of Brookfield. The Developer has completed their obligation to construct said infrastructure and has requested the City accept dedication.

Staff has reviewed this matter and recommends the Water and Sewer Board accept dedication of the water main improvements.

Resolution Number _____ for the City of Brookfield, Wisconsin

Resolution Number:

Resolution Title:

WHEREAS, Petawa Residence and Cultural Center, Inc. (“Developer”) located at 16830 West North Avenue and 2330 Hillside Drive West (the “Property”), entered into a Development Agreement with the City of Brookfield in February 2021; and

WHEREAS, Sections 12 and 18 of the Development Agreement provided that Developer shall dedicate and convey the water main improvements to the City, free and clear of all encumbrances; and

WHEREAS, Developer has constructed and installed water main for the Property at its expense and in accordance with the plans and specifications conforming to applicable City ordinances and approved by the City and has provided an affidavit that all labor and material claims relating to the water distribution systems have been paid; and

WHEREAS, the Director of Public Works has certified that the said water distribution has been completed substantially in accordance with state law and City ordinances and are in satisfactory operating condition; and

WHEREAS, the Water and Sewer Board has considered the dedication at its meeting held on October 10, 2023 and recommends approval thereof.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Brookfield that said dedication is accepted.

Adopted this [insert day] day of [insert month] [insert year].

Approved:

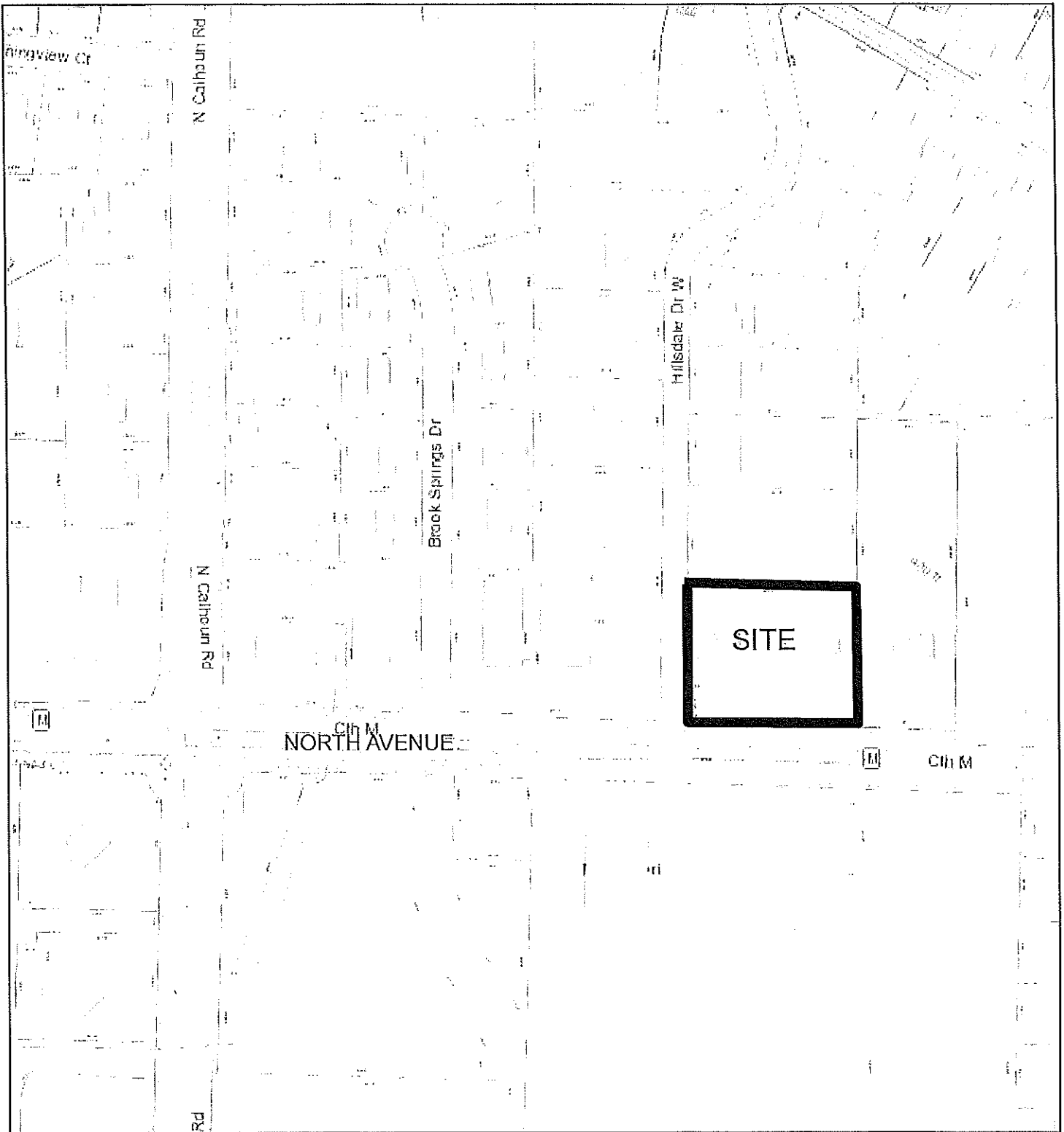
Attested:

Mayor Steven V. Ponto








City Clerk Michelle Luedtke

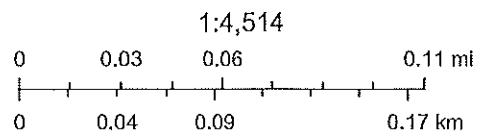
Publication Date: [insert month, day, year]

Location Map



9/26/2023, 2:42:40 PM

-  Historic Lot Line
-  Tie
-  Curve
-  Parcel Dimensions
-  Structure
-  ROW
-  Tax Parcels



Waukesha County, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

DEDICATION OF IMPROVEMENTS

THIS DEED OF DEDICATION OF IMPROVEMENTS (“Dedication”) is made by PETAWA RESIDENCE AND CULTURAL CENTER, INC. (the “Developer”) and granted to the City of Brookfield (“City”).

RECITALS:

WHEREAS, the Developer is the owner of the property located at 16830 West North Avenue and 2330 Hillside Drive West (“Property”) in the City of Brookfield, Wisconsin; and

WHEREAS, the City and Developer entered into a Development Agreement (“Agreement”) on or about February 11, 2021 for a Project, as defined in the Agreement, on the Property; and

WHEREAS, under that Agreement, the Developer was required to design, construct, install, and dedicate to the City certain water distribution system improvements, including structures, mains, conduits, pipes, equipment, and appurtenances which are in any way a part of or pertain to such water distribution improvements, and are located in the City’s property, right-of-way, or easement (“Improvements”) entirely at their own expense and under certain conditions as authorized under Wisconsin Statutes Chapter 236 and required under Titles 14 and 16, as applicable, of the Brookfield Municipal Code; and

WHEREAS, the Developer has completed the design, construction, and installation of said Improvements in accordance with City standards, and the Director of Public Works has certified the systems' acceptability.

NOW, THEREFORE, for good and valuable consideration, receipt of which is herein acknowledged, the Developer hereby warrants as follows:

1. The above-referenced recitals are true and correct and hereby incorporated by reference.
2. The Developer hereby gives, grants, conveys, and fully dedicates the Improvements that are located in the City's property, right-of-way, or easement to the City forever, free and clear of all encumbrances.
3. The Developer hereby warrants that all contractors, subcontractors, material suppliers, and laborers have been fully paid for their work and materials in the design, construction, and installation of the Improvements and that waivers in full have been obtained from same.
4. The Developer hereby assigns all rights, privileges, and warranties of whatsoever nature and kind for the Improvements to the City, and any and all benefits derived therefrom shall inure to the City, its agents, and employees.
5. The Developer hereby warrants it owns the Improvements, has the right to convey the same, and has the necessary and lawful authority to dedicate the same to the City for the stated purposes.
6. The Developer hereby warrants it will forever defend the title to the Improvements against the lawful claims of all persons whomsoever.
7. The Developer hereby warrants that the system herein conveyed is of good quality and free from faults and defects and conforms to as-built drawings.
8. The Developer shall guarantee the Improvements against defects due to faulty materials or workmanship which appear within a period of one year from the date of this dedication, and shall pay for any damages resulting from said defects to City property.

9. The Developer hereby declares that this dedication is irrevocable and shall be binding upon the Developer and City and their respective heirs, successors, and assigns.
10. Developer intends that this dedication shall become effective immediately upon the Common Council's adoption of the resolution accepting this dedication.
11. The Developer hereby certifies that no mortgage exists affecting the Improvements located on the Property.

(Signature page to follow)

IN WITNESS WHEREOF, the Developer has executed this deed by signing hereto.

DEVELOPER: PETAWA RESIDENCE AND CULTURAL CENTER, INC.

Pilar Racca

Pilar Racca, Petawa Cultural Center Board Treasurer

STATE OF WISCONSIN)
)ss
WAUKESHA COUNTY)

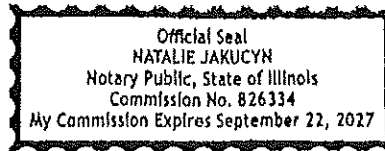
Personally came before me this 24th day of September 2023 the above named Pilar Racca, as Petawa Cultural Center Board Treasurer of PETAWA RESIDENCE AND CULTURAL CENTER, INC. to me known to be the person who executed the foregoing instrument, and acknowledged the same.

Natalie Jakucyn
Notary Public

My Commission is permanent/expires: Sept 22, 2027

This document should be returned to:

City of Brookfield
Engineering Division
2000 N. Calhoun Road
Brookfield, WI 53005



This document was drafted by Jenna Merten, City Attorney

CERTIFICATE OF DIRECTOR OF PUBLIC WORKS


I, THOMAS M. GRISA, the duly qualified and acting Director of Public Works of the CITY OF BROOKFIELD, do hereby certify:

That the construction and installation of the water distribution system improvements, by the DEVELOPER of Petawa in the CITY OF BROOKFIELD, have been completed in accordance with the approved designs, plans and specifications therefore, or in accordance with approved changes, variations, alterations and modifications; and

That the said systems, facilities and improvements are in satisfactory operating condition; and

That I further certify that the DEVELOPER has submitted satisfactory written evidence that they have paid all of the costs incurred in the construction and installation of said systems and improvements.

Dated this 26th day of September, 2023.



Thomas M. Grisa, P.E.
Director of Public Works