

RESOLUTION NO. 020408-02

**A Resolution Amending a Previously Approved and Previously Amended
Precise Implementation Plan
For The Project Known As The Cliffs of Fontana.**

WHEREAS, Par Development, Inc. ("Par") did previously petition the Village of Fontana-on-Geneva Lake to amend the Village's zoning ordinance (and accompanying zoning map) with regard to the property described more specifically in Addendum "A", attached hereto and incorporated herein by reference as if set forth at length herein (the "Subject Property"); and

WHEREAS, the Village did previously adopt Ordinance No. 10/24/05/1 rezoning the Subject Property to the Planned Development Zoning District and approving a General Development Plan ("GDP") for the Subject Property; and

WHEREAS, Par did subsequently petition the Village for approval of a Precise Implementation Plan ("PIP") for the Subject Property by filing the components of the PIP on January 13, 2006; and

WHEREAS, the Village did previously approve Resolution No. 08-07-06-02 whereby the proposed PIP for the Subject Property was approved; and

WHEREAS, Par did subsequently petition the Village for an amendment to said PIP by correspondence dated March 8, 2007 and received by the Village on March 8, 2007; and

WHEREAS, the Village did previously approve Resolution No. 04-02-07-01 whereby the PIP was amended; and

WHEREAS, Par did subsequently petition for an additional amendment to said PIP by correspondence dated June 5, 2007 and received by the Village on June 5, 2007; and

WHEREAS, the Village did previously approve Resolution No. 07-02-07-01 whereby the PIP was further amended; and

WHEREAS, Par did subsequently petition for an additional amendment to said PIP by the filing of materials with the Village on October 11, 2007 and received by the Village on October 11, 2007; and

WHEREAS, the Plan Commission has approved said proposed third amendment to the PIP for the Subject Property; and

WHEREAS, the Village Board has been asked to consider the proposed third amendment to the PIP for the Subject Property as submitted by Par and as approved by the Plan Commission.

NOW, THEREFORE, BE IT RESOLVED by the Village Board for the Village of Fontana-on-Geneva Lake, as follows:

SECTION 1.

That the recitals set forth above are incorporated herein by reference as if set forth at length herein.

SECTION 2.

A. That the previously approved PIP, as previously amended, for the Subject Property, herein defined, is hereby further amended to incorporate the following documents and those alterations to the PIP described in those documents. To the extent the following documents are inconsistent with the PIP components set forth in the original PIP Resolution or the first or second amendment to said original PIP Resolution, this Resolution shall control.

1. T-Wall Retaining Wall System drawing prepared by The Neel Company dated November 5, 2007 and bearing a last revision date of January 14, 2008 and having an engineer's seal (by Edward Kallas) which is dated January 15, 2008 (14 pages) and received November 8, 2007 (5 pages);
2. Correspondence from Midland Standard Engineering and Testing, Inc. dated January 8, 2008 and bearing an engineer's stamp by Mr. William D. Pringge (2 pages of correspondence and 20 pages of attachments to correspondence).
3. Sprinkler system drawing dated October 1, 2007 and received November 8, 2007 by Specialty Sprinkling Systems, Inc. (1 page);
4. Irrigation System Drawing prepared by Specialty Sprinkling Systems, Inc. dated October 1, 2007 (1 page);
5. Construction Sequence and Erosion Control Plan, last revised October 29, 2007 and received on November 8, 2007, as prepared by RSV Engineering (1 page).

B. That notwithstanding anything set forth to the contrary in the GDP or the PIP, as amended, that the separation distance between residential structures shall be not less than twelve (12) feet.

C. That notwithstanding anything set forth to the contrary in the GDP or the PIP, as amended, the building height within the development shall not be greater than 35 feet as measured from the nearest abutting point of the street curb to the highest roof peak.

D. That notwithstanding anything set forth to the contrary in the GDP or the PIP, as amended,

or the Development Plan, the path leading from the Subject Property to the duck pond recreational area shall be made available to the public by the recording of an easement or Condominium Declaration or other document deemed adequate by the Village. The roads in the Subject Property, pursuant to said recorded document, shall be made available to the public for the purpose of accessing said path at its origination point in the Subject Property. According to the terms of such recorded document, the path shall, along its entire length, be maintained by the Condominium Association and said Association shall insure said path year round; the path shall be closed from December 1st to April 1st; and the path shall be blocked, in a manner deemed acceptable to the Village, at its origination point on the Subject Property such that vehicles may not enter it.

E. Adequate provision shall be made in the recorded Condominium Declaration for the maintenance and replacement of the retaining wall built pursuant to this PIP Resolution and the Development Agreement and the path leading to the duck pond recreational area (including off-site portions), including a requirement that the Condominium Association establish and maintain an adequate reserve fund for said maintenance obligation. Furthermore, said Condominium Declaration shall provide that the Village shall have the right, but not the obligation, to maintain or replace said retaining wall and path in the event the Condominium Association fails to do so, with the Village having the right to special assess the cost thereof to the Condominium Association and the unit owners. Said Condominium Declaration shall provide for a stipulation for such special assessments.

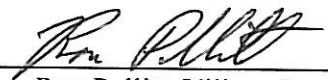
F. That non-substantive deviations from the details set forth in the PIP, as amended, for the Subject Property, herein defined, and as previously approved, may be reviewed and approved by the Village of Fontana, acting through the Village Administrator, without the need for additional review of said non-substantive changes by the Village Plan Commission or the Village Board.


SECTION 3.

All other terms and conditions of the original PIP approval and the previous Amendments thereto not inconsistent, including referenced drawings and engineering and site plans, herewith shall remain in fully force and effect.

PASSED AND ADOPTED by the Village Board for the Village of Fontana-on-Geneva Lake this 4th day of February, 2008.

VILLAGE BOARD OF THE VILLAGE OF
FONTANA-ON-GENEVA LAKE

By: 
Ron Pollitt, Village President

Attest: 
Dennis Martin, Village Clerk

ADDENDUM "A"

BEING PART OF OUTLOT 13 THRU 15 OF ASSESSOR'S PLAT #1 TO C.L. ADDITION TO THE VILLAGE OF FONTANA, WALWORTH COUNTY, WISCONSIN, BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF THE NE 1/4 SECTION 15, TOWN 1 NORTH, RANGE 16 EAST; THENCE S09°46'50"E, A DISTANCE OF 202.54' TO THE POINT OF BEGINNING; THENCE N89°21'10"E, A DISTANCE OF 459.00' TO A POINT ON A CURVE, SAID POINT BEING ON THE WESTERLY RIGHT OF WAY LINE OF S.T.H. "67"; THENCE ALONG SAID CURVE TO THE RIGHT 342.35' SAID CURVE HAVING A RADIUS OF 845.00' A CHORD THAT BEARS S22°37'49"W FOR A LENGTH OF 340.01' TO A POINT; THENCE S55°46'07"E, A DISTANCE OF 45.00' TO A POINT; THENCE S34°13'53"W, A DISTANCE OF 503.90' TO A POINT; THENCE S89°11'38"W, A DISTANCE OF 87.37' TO A POINT; THENCE S88°24'50"W, A DISTANCE OF 64.77' TO A POINT; THENCE S01°49'02"E, A DISTANCE OF 26.09' TO A POINT; THENCE S81°48'07"W, A DISTANCE OF 44.00' TO A POINT; THENCE N02°06'01"W, A DISTANCE OF 33.00' TO A POINT; THENCE S81°57'26"W, A DISTANCE OF 850.96' TO A POINT; THENCE N01°44'33"W, A DISTANCE OF 52.71' TO A POINT; THENCE S81°53'32"W, A DISTANCE OF 201.00' TO A POINT; THENCE S01°37'48"E, A DISTANCE OF 225.09' TO A POINT; THENCE S81°53'32"W, A DISTANCE OF 24.00' TO A POINT; THENCE N01°37'48"W, A DISTANCE OF 862.05' TO A POINT; THENCE N77°11'32"E, A DISTANCE OF 250.39' TO A POINT; THENCE N87°49'55"E, A DISTANCE OF 590.34' TO A POINT; THENCE N58°59'29"E, A DISTANCE OF 192.53' TO A POINT; THENCE N79°25'44"E, A DISTANCE OF 203.58' TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 24.14 ACRES MORE OR LESS.