

Office of the Clerk Treasurer
201 Delafield Street
Waukesha, Wisconsin 53188-3633

Sara Spencer, Interim - Clerk Treasurer
clerktreas@waukesha-wi.gov
1-262-524-3550

July 1, 2024

To: Natalie Driebel, Accounting Clerk, Finance Department

Re: Claim for Summons and Complaint

Submitted by: The Glen at Standing Stone LLC
N63 W23849 Main St
Waukesha, WI 53189

Date Claim Received: June 27, 2024

Date Incident Occurred: July 2, 2021

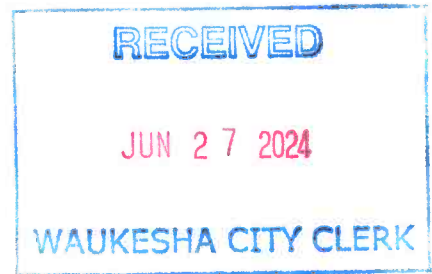
The enclosed is being sent to you to provide to our insurance or as needed for your review.

Sincerely,

A handwritten signature in blue ink that reads "Sara Spencer".


Sara Spencer
City of Waukesha Interim - Clerk-Treasurer

Cc: Clerk (original) / Finance / Attorney / Department of Public Works



VIA PERSONAL DELIVERY

June 27, 2024


Gina Kozlik, City Clerk
City of Waukesha
201 Delafield Street, Suite 200
Waukesha, WI 53188

Re: Notice of Claim Pursuant to Wisconsin Statute §893.80, et al.

Dear Ms. Kozlik:

The Glen at Standing Stone, LLC, a Wisconsin limited liability company (“Standing Stone”) is a party to a Development Agreement dated July 2, 2021, with the City of Waukesha, a Wisconsin municipal corporation (concerning parcels identified within such Development Agreement (“Agreement”). There are related development agreements also entered into with the municipality including Development Agreement dated the 17th day of June, 2021 with the City of Waukesha Water Utility as well as Public Works Development Agreement entered into with the City of Waukesha dated July 15, 2021. Collectively those agreements were entered into in aid of the approved process for the development of The Glen at Standing Stone, a master plan community consisting of single family and condominium units which development, under the Development Agreements, was proposed to be built outside but within one-half mile of the City’s Tax Incremental District 22, referred to herein as “TID 22”.

Under the terms and conditions of the Agreement, an incentive payment was due Developer as defined in Part 2 of the Agreement and was deemed an eligible project cost under Wis. Stats. §66.1105 and the amended project plan for TID 22. The work consisted of infrastructure in aid of the development including the extension of Tenney Drive, a public street.

Following the entering of the Agreement, in good faith the Developer pursued the infrastructure required components in order to complete Tenney Avenue, and the bridge construction. Less

than one month after signing the TIF Developer's Agreement the City began a string of impactful and required changes to the agreed upon scope, requirements, standards, plans and resulting budget for this endeavor. As a result of the actions of the City of Waukesha, substantial costs were incurred far in excess of what was budgeted. Those include at least the following: (i) delays from the City of Waukesha Engineering Department approval and authorization to proceed on the project specific to on-site improvements that were not in the WISDOT right-of-way, (ii) work stoppage as ordered by the City of Waukesha Engineering Department that extended the cost and timing of geotechnical testing, construction staking and other field engineering items, versus handling items concurrently as was planned, (iii) modification of approved plans including changing from a residential cross section to a commercial cross section for the construction of Tenney Avenue and the Tenney Avenue bridge, (iv) delays in application submittal to WISDOT for approval based on project plan changes by the City Engineering Department, (v) delays in construction of infrastructure due to bypass improvements mandated under separate project by the Waukesha Water Utility project, (vi) required modifications to the plan by the City Engineering Department including adding a sidewalk to nowhere, (vii) required modifications to the plan by the City Engineering Department including adding a project specific unusable left turn lane, when WISDOT restricted left turn movements, (viii) required modifications to the plan for the construction of the bridge, and (ix) other material deviations to the original project plan as approved. As a result of these costs, Standing Stone has incurred direct costs of \$3,241,400 together with additional soft costs for engineering, interest costs, inspection, project management and oversight. Therefore, we strongly believe the TIF Agreement budget was not established nor performed in Good Faith by the City given the immediate, numerous continuing changes, increased scope and mandated unnecessary improvements. In essence, the Project was held hostage by the continuing demands of City staff for additional expenditures in order to receive the benefit of the Development Agreement.

Developer has provided to the City pursuant to the terms of the project's Development Agreement, documentation supporting the construction costs incurred on November 17, 2023. The Developer has received \$1,600,000 to date and no additional payment has been remitted.

The Developer is owed the difference between the direct costs it has occurred to date together with the additional soft costs as provided under the Agreement; as a result of the position asserted by the City staff, including at a meeting held between Jennifer Andrews and Jeff Fortin of the City, and John Wahlen and Alan Peters representing Cornerstone Development, on November 22, 2023, Standing Stone believes the City intends to default its obligation of paying the balance of the incentive payment required to be paid, including under Paragraph 4 and 5 of the Agreement, and as acknowledged by City Staff with their cover sheet commentary recommending the Agreement.

Moreover, by virtue of the actions taken by the City, including changing the scope of work, additional infrastructure costs were incurred which has benefitted the City and TID 22, and it would be unjust, including under theories of quantum merit and quasi contracts, to deny the City's responsibility to reimburse the Developer for the additional costs incurred over and above that which was originally contemplated and budgeted by the parties under the Agreement for the project.

The Developer is requesting an additional reimbursement under the terms of the Agreement in the amount of \$1,565,800.

CORNERSTONE DEVELOPMENT



John Wahlen

cc: Shawn Reilly, Mayor, Jennifer Andrews, Director of Community Development
Brian Running, City Attorney

Enclosures: Timeline of Events; Cost spreadsheet with corresponding notes; Supporting documentation Exhibits A-D which identify communication on the incurred costs.

Timeline of Events | Standing Stone

12/9/20 – Plan Commission Approval (PUD Final Site Plan & Architectural Review)

[City of Waukesha - File #: PC20-0114 \(legistar.com\)](#)

Plans that were part of this submittal and approval:

- 2020-11-13 Glen at Standing Stone Lplan Set
- 2020-11-18 Landscape Plan – Attachment I
- 2020-11-18 Engineering Plan Checklist – Attachment B
- 2020-11-18 Sewer Plan Review – Attachment H
- Civil Plans Standing Stone Condos 2020-11-12
- Civil Plans Standing Stone East 2020-11-12
- Civil Plans Tenny Ave 2020-11-12
- 2020-11-18 Stormwater Management Plan – Attachment D
- Preliminary Stormwater Standing Stone Complete Report 2020-11-12
- Glen PUD-SPAR Cover Sheet
- Glen PUD Dept Comments
- Glen SPAR Dept Comments

Of interest are the Civil Plans for Tenny Ave dated 2020-11-12, they illustrate the 5” asphalt (in 2 lifts) and 10” stone base cross section (page 42). Looking at the other review comments on this sheet, they include specific measurements such as ‘place the back of sidewalk 0.5 feet inside right of away’ or ‘minimum sewer slope to be 0.45% instead of 0.40%’, but no clear indication that the cross section should change to 6” asphalt (in 3 lifts) and 12” stone.

It should also be noted that the civil engineering plans attached to this approval were used to generate the cost estimate for Tenny Avenue improvements and the \$1.6M TIF financing assistance.

3/16/21 – Common Council Approval

[City of Waukesha - Meeting of City Council on 3/16/2021 at 6:30 PM \(legistar.com\)](#)

PC20-0117 – Same plans from the 12/9/20 Plan Commission are part of this approval, including a draft PUD Development Agreement.

PC20-0116 – Plat approval.

The condo plat that is attached and part of this approval only illustrates sidewalk on one side of Tenny Avenue towards the bypass, whereas the single-family plat illustrates sidewalk on both sides of Tenny Avenue. The attached Glen Plat Dept Comments sheet makes no mention of the sidewalk along Tenny Avenue; therefore, does not address which sidewalk layout is correct.

PC20-115 – CSM approval.

4/8/21 – Common Council Approval - Developers Agreement

[City of Waukesha - Meeting of City Council on 4/8/2021 at 6:30 PM \(legistar.com\)](#)

ID#21-1971

[City of Waukesha - File #: ID#21-1971 \(legistar.com\)](#)

Engineering Developers Agreement is attached. Interesting to note, in the attached Cover Sheet – Glen at Standing Stone Development Agreement, which is staff's comments and recommendation for approval states (in the third paragraph):

“The final incentive payment, subject to any payment adjustments, if applicable, would not occur until these items are completed.”

Per the staff report, it implies that payment adjustments could be made.

Then after the approval of the Developers Agreement on 4/8/21 is when the construction plans were revised to include the additional cost items that we've noted below.

Standing Stone / Tenny Ave - Extra Project Costs Beyond TID Scope

ADDED

REASON

COST

EXPLANATION OF OVERAGES

ROADWAY CHANGES \$ 400,000

EXHIBIT A - TRIO; ALSO TIMELINE; BUECHL NOTES FROM PRE-CONSTRUCTION MEETING

Original construction plans that were used to bid and budget the project had a roadway cross section of 10-inches of stone and 5-inches of asphalt for Tenny Avenue; however, revised plans issued after the 4/8/21 Common Council approval of the Standing Stone Developers Agreement that were based on city review comments increased the cross section to 12-inches of stone and 6-inches of asphalt. This change added approximately \$400,000 in roadway cost because of the added quantities, and now the asphalt must be installed in 3 lifts rather than 2 (due to the 6-inch thickness).

WISDOT CHANGES \$ 224,400

EXHIBIT B

We first received final WisDOT approval for the Tenny Ave / STH 59/164 intersection in January 2022. That process took about a year to finalize the intersection (signals / no signals) and design with the WisDOT. Plan delays and changes added approximately \$224,400 in roadway and grading cost due to material modifications, extra concrete replacement, additional square footage, additional stone for turn lanes and wetland fill due to scour analysis of floodplain.

SIGNAL DELAY \$ 70,000

EXHIBIT B

In the summer of 2021, the City of Waukesha stopped progress because they were concerned that the WisDOT about us getting ROW permission - yet they already had it in a **Memo of Understanding** from the DOT. We incurred additional cold weather costs and additional roadway undercuts because we were trying to finish installing the first section of the roadway at the end of the construction season. Extra costs due to this delay was approximately \$70,000 (\$35,000 cold weather + \$35,000 undercuts). No signal was required, so this delay was meaningless.

SIGNAL DELAY - TESTING \$ 50,000

EXHIBIT B

This delay from the city also pushed out the geotechnical testing, construction staking, and other field engineering items. Originally it was estimated that these services could multitask for the site grading and underground utilities since work was scheduled to occur at the same time, but this delay meant that these operations no longer be overlapped. Thus, our geotechnical testing, staking, and other field engineering costs doubled, which added approximately \$50,000.

WATER DELAYS \$ 50,000

EXHIBIT C

There were delays in starting the bypass improvements because of the Waukesha Water Utility water project that had lane closures in place for all of the 2022 construction season; so, our work had to be split into two seasons because access to the WisDOT ROW was limited. Extra mobilization and setup cost, plus price increases from 2022 to 2023 due to this delayed access added an extra \$50,000.

SIDEWALK TO NOWHERE \$ 80,000

EXHIBIT D
DNR was not in favor of the sidewalk from Standing Stone Drive to Highway 59; we requested not to build it, as it's a sidewalk to nowhere -- there is no pedestrian traversing along the highway...(8,215 square feet of concrete, additive stone).

BRIDGE CHANGE \$ 5,800

EXHIBIT A-2
The chain link fence, as requested by the City for additional pedestrian protection was added to this project (invoice attached, cost \$5,800). Earlier plans note the guard rail, but nothing was mentioned that an additional railing was needed.

ADDITIONAL COSTS:

INFLATIONARY SPIKES \$ 185,600

TIF funding was approved in 2020; however, the CPI (inflation) spiked afterwards, adding additional cost to the project. We assumed 2% year over year; however, this delta quickly compounded. Historical CPI data is listed below, illustrating a jump after 2020:

- 2016 – 2.1%
- 2017 – 2.1%
- 2018 – 1.9%
- 2019 – 2.3%

- 2020 – 1.4%
- 2021 – 7.0%
- 2022 – 6.5%
- 2023 – 4.1%

Total inflation jump from 2020 to now is 17.6%, minus assumed 6% for the assumed 2% annual adjustment, equates to 11.6% inflation increase. This equals an extra \$185,600 (\$1.6M x 11.6%) due to rapid inflation.

SOIL CONDITIONS \$ 500,000

Soil boring data through the wetland fill documented peat material at depths ranging from 0-feet to 8-feet. We assumed a universal undercut of 2-feet to bridge the material; however, upon excavation conditions were worse than anticipated. Per the direction of the city and soil engineer undercuts averaged 8-feet and were backfilled with stone. This added an extra cost of \$500,000 to the bridge crossing.

TOTAL OVERAGES - \$ 1,565,800

EXHIBIT A – (BUECHL NOTES FROM PRE-CONSTRUCTION MEETING)

Storm Sewer:

- Submittals
- Compaction density testing is Contractor responsibility. Submit to Inspector.
- Submit televising video to city for approval prior to paving.

Street Lighting Conduit:

- Not applicable.

□ Jeff Henke

Structure Adjustment:

- Make sure all water valves will turn up to proposed asphalt grade. No drop in risers will be allowed
- New frame and cover for all manholes and inlets.
- All sanitary and storm sewer rings shall be "Pro-Rings". Sanitary manholes shall have an internal chimney seal between top ring and frame only.

Street:

- *Submittals - asphalt*
- Proof roll of virgin soil needed prior to fill soil in street areas.
- Proof roll of subbase required prior to installing base course. Requires fully loaded quad axle dump truck. Inspector observes and approves proof roll.
- 12-inch stone base course, 5 inch asphalt in two lifts.
- Some milled streets are full depth milling and some are 2 inch milling
- Concrete panels:

Concrete:

- ~~Concrete Pavement Alternative~~
- Handicap ramps: make sure each ramp complies with ADA regulations.
- ~~The sidewalk at driveways should be lowered and driveways cut back as shown on drawings.~~
- ~~City Sidewalk inspector is marking additional sidewalk panels to be removed and replaced.~~
- Provide copies of cylinder test results to Inspector for review and filing.

Send to inspector

Hot Mix Asphalt:

- Pre-paving meeting/walkthrough is required. Check for binder course removal and replacements, curb and gutter removal and replacements.
- Compaction testing is Contractor responsibility.
- Prior to surfacing, all structures must be adjusted to the correct grade. Make sure all water valves turn up prior to paving.
- Butt joints will be inspected and may have to be re-sawn just prior to surfacing.
- Surface tolerances:
 - The surface shall be flush with the flange at all handicap ramps and ¼" above the flange in other areas.
 - Manholes and valves shall be adjusted as listed in City Standard Specifications.
- Submit mix design

Pavement Markings:

- See plan

Record Drawings:

- Submit red line utility record drawings to City for review and approval. Submit televising video for approval prior to asphalt binder paving.

EXHIBIT A (CONTINUED)

John Wahlen

Subject: FW: Tenny Ave Improvements

From: Nick Duerr <nduerr@trioeng.com>
Sent: Monday, May 20, 2024 3:24 PM
To: John Wahlen <jw@cornerstonedevelopment.com>
Cc: Josh Pudelko <jpudelko@trioeng.com>
Subject: RE: Tenny Ave Improvements

Good afternoon John,

We reviewed the Nov. 12th 2020 Tenny Ave plans against the approved June 7, 2021 construction plans. The two items that changed which would have a substantial cost implication are:

1. Tenny Ave. base course and asphalt specs (City added 1" of additional asphalt binder course and 2" of additional gravel base course to the road cross section with review comments)
- * 2. Bridge guardrail and fence (City coordination in 2024 for final guardrail and fencing specs)

A-2

Please let us know if you have any questions or need anything else.

Thank you,

Nick Duerr
Trio Engineering
Direct: 262.790.1480 | Ext. 101
Fax: 262.790.1481
nduerr@trioeng.com



4100 N Calhoun Road, Suite 300
Brookfield, WI 53005



Northway Fence Inc

N57 W13250 Shenandoah Drive
 Menomonee Falls, WI 53051
 Phone: (262) 781-7382
 Fax: (262) 781-3130

Invoice

Invoice Number	4164
Invoice Date	2/2/2024

Bill To: The Glen at Standing Stone
 N63 W23849 Main St
 Sussex, WI 53089

Re: Bridge Railing

Job No	Customer Job No	Customer PO	Payment Terms	Due Date
F240062			Net 30 Days	3/3/2024
Quantity	Description	U/M	Rate/Unit	Price
1.00	Bridge Railing Installation	LS	5,800.00	5,800.00

Subtotal	\$	5,800.00
Sales Tax (if applicable)	\$	0.00
Total Due	\$	5,800.00

Thank you for your business!

EXHIBIT B

John Wahlen

Subject: FW: The Glen at Standing Stone - Setback

From: Alan Peters <apeters@truevinedevelopment.com>

Sent: Friday, July 23, 2021 5:15 PM

To: John Wahlen <jw@cornerstonedevelopment.com>; John McGee <max@cornerstonedevelopment.com>; Joe Orendorf <joe@cornerstonedevelopment.com>; John Huskisson <husk@cornerstonedevelopment.com>

Subject: The Glen at Standing Stone - Setback

Good Afternoon John / Max/ Joe/ Husk,

David Buechl at the City is not letting me start underground until they have that piece of paper from the DOT that grants access. This is ridiculous because the City and DOT have a Memorandum of Understanding (an agreement) that they will require the Standing Stone property owner to extend Tenny Avenue to connect to the bypass. So, by nature of this agreement, access will be forthcoming.

I spoke with David Buechl and outlined our request to proceed with site improvements that are not in the DOT right of way. Basically, his answer was 'this is how they do it'. But, by the end of our conversation, he said he didn't have the authority to make the change, but I should talk to Alex Damien (City Engineer). I spoke with Alex and gave him the overview and background of what is going on. He was going to connect with David and DOT to get more info. I told both David and Alex that a delay of a few months would push this project back into 2022 before any early start permits could start; thus, further delaying the tax base creation for this project.

So right now, I am not able to start underground on Monday.

I will follow up with Alex again on Monday, but any further delay I will have to quickly escalate this to the City Administrator (Kevin Lahner).

Sorry to drop this note on a Friday afternoon, but this just came up and wanted to keep you in the loop right away.

Thanks,

Alan Peters | Partner

Phone: 262.490.2572

True Vine Development

PO Box 1984 | Brookfield | WI 53008

www.truevinedevelopment.com

Real Estate Consulting | Development | Facility Management

EXHIBIT B

John Wahlen

From: Alan Peters <apeters@truevinedevelopment.com>
Sent: Tuesday, June 25, 2024 5:05 PM
To: John Wahlen
Subject: Tenny - WisDOT Changes
Attachments: The Glen at Standing Stone - Asphalt & Concrete Quote_Revised_03172021.pdf; RE: 140446 Tenny Ave; pavement removals.pdf

John,

Following up with more info on this item:

WisDOT CHANGES \$ 224,400

We first received final WisDOT approval for the Tenny Ave / STH 59 in 2022. That process took about a year to finalize the intersection (signature with the WisDOT. Plan delays and changes added approximately \$220,000 grading cost due to material modifications, extra concrete replacement footage, additional stone for turn lanes and wetland fill due to scour

The WisDOT plan for the Tenny Avenue intersection was dated 11/21/19. Since they city delayed until the summer of 2021 to submit the access application to the WisDOT, we didn't get updated plans or cost till early 2022 when the final permit was issued. Original costs from Stark for that intersection design dated 11/21/19 were:

- Pavement Markings - \$24,500
- STH 59/164 ROW - \$88,550
- STH 59/164 ROW Alternates - \$73,220
- Total - \$186,270

Actual cost more than doubled from the original because we had to remove half the median (to restrict left hand turn movements), WisDOT had us remove extra concrete slabs per attached email and photos, thus incurring more cost and delays.

2019 Tenny Ave Plans:

<https://www.dropbox.com/scl/fo/t2dnyat9chfy43c6c6o30/AFlyV7AYn2jkyOAXF17jGUI?rlkey=ytpkej9gxr40vrtf951mxaq5&dl=0>

If the city would have submitted the WisDOT application in December of 2020 when our item was on the Plan Commission agenda, it could have been bid and constructed in the summer 2021; thus avoiding many of the delays and price increases that were noted.

Alan Peters | Partner
Phone: 262.490.2572

True Vine Development
PO Box 1984 | Brookfield | WI 53008
www.truevinedevelopment.com

**ASPHALT / CONCRETE
PAVING CONTRACTOR**

12845 W Burreigh Rd
Brookfield, Wisconsin 53005
Telephone 414-466-7820
FAX 262-784-6840

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To:	True Vine Development	Contact:	Alan Peters		
Address:	PO Box 1984 Brookfield, WI 53008	Phone:	262-490-2572		
Project Name:	The Glen @ Standing Stone & Aspen Overlook Residential Dev. - Wa	Bid Number:			
Project Location:	Tenny Ave.; STH 59/164 & Big Bend Rd., Waukesha, WI	Bid Date:	3/5/2021		
Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price

Aspen Overlook

80	6" Conc. Walk/ Approaches To Tenny Ave.	1,200.00	SF	\$5.20	\$6,240.00
90	30" Conc. C&g/ Gutter @ 3 New Appr.'s To Existing Tenny Ave.	100.00	LF	\$32.00	\$3,200.00
100	18" Vf Conc. C&g	730.00	LF	\$21.25	\$15,512.50
110	4" Reinf. Conc. Walk/ Patio	2,425.00	SF	\$5.25	\$12,731.25
120	Concrete Flume	1.00	EACH	\$400.00	\$400.00
130	Detectable Warning Fields @ H.c. Ramps	3.00	EACH	\$385.00	\$1,155.00
140	Two (2) Mobilizations	1.00	LS	\$3,761.25	\$3,761.25
170	Fine Grade W/ Final Balance Of Stone <ul style="list-style-type: none"> · After C&G Has Been Installed - See #195 - Alternate To Perform Initial Rough In · Install 3-Inches 1.25" Limestone · Fine Grade · 1 Mobilization Figured - \$1,000 Per Mob Thereafter 	4,250.00	SY	\$3.85	\$16,362.50
180	2.5-Inch Commercial Grade Binder <ul style="list-style-type: none"> · Installed In 2021 · 3/4" Commercial Grade Binder · Wedging At Curb · 1 Mobilization Figured - \$1,200 Per Mob Thereafter 	4,250.00	SY	\$8.15	\$34,637.50
190	1.75-Inch Commercial Grade Surface (year 2022) <u>Installed In 2022</u> <ul style="list-style-type: none"> · 3/8" Commercial Grade Binder · Milling Wedges At Curb · Sweeping & Tack · Striping Per Plan Page C1.2 & C1.3 (No Signs) · 1 Mobilization Figured - \$1,200 Per Mob Thereafter 	4,250.00	SY	\$8.25	\$35,062.50

Total Price for above Aspen Overlook Items: \$129,062.50

Aspen Overlook Alternate

150	Layout/ Offset Stakes	1.00	LS	\$1,600.00	\$1,600.00
160	Cocnrete Testing	1.00	LS	\$1,200.00	\$1,200.00
195	Rough In Base Course (Prior To Curb) <ul style="list-style-type: none"> · Rough In Base Aggregate After Passing Subgrade Proof Roll · Rough In 9.0-Inches Of 1.25" Limestone · 1 Mobilization Included - \$1,000 Per Mob Thereafter 	4,450.00	SY	\$8.75	\$38,937.50

Total Price for above Aspen Overlook Alternate Items: \$41,737.50

Pavement Marking Allowance

500	Epoxy Allowance For Tenny Ave & STH 59 Based On Plans Dated 11.21.2019	1.00	LS	\$24,500.00	\$24,500.00
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**ASPHALT / CONCRETE
PAVING CONTRACTOR**

12845 W Burtleigh Rd
Brookfield, Wisconsin 53005
Telephone 414-466-7820
FAX 262-784-6840

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To:	True Vine Development	Contact:	Alan Peters
Address:	PO Box 1984 Brookfield, WI 53008	Phone:	262-490-2572
Project Name:	The Glen @ Standing Stone & Aspen Overlook Residential Dev. - Wa	Fax:	
Project Location:	Tenny Ave.; STH 59/164 & Big Bend Rd., Waukesha, WI	Bid Number:	
		Bid Date:	3/5/2021

Total Price for above Pavement Marking Allowance Items: \$24,500.00

STH 59/ 164 ROW Imp.'s

300	30" "A" WisDOT Conc. C&g	700.00 LF	\$19.75	\$13,825.00
310	9" Doweled PCCP	1,500.00 SY	\$44.35	\$66,525.00
320	Drilled Epoxy Tie Bars	400.00 EACH	\$8.50	\$3,400.00
330	Conc. Snow Nose	1.00 EACH	\$800.00	\$800.00
340	Two (2) Mobilizations	1.00 LS	\$4,000.00	\$4,000.00

Total Price for above STH 59/ 164 ROW Imp.'s Items: \$88,550.00

STH 59/ 164 ROW Imp.'s Alternates

350	Layout/ Offset Stakes	1.00 LS	\$1,600.00	\$1,600.00
360	Concrete Testing	1.00 LS	\$1,200.00	\$1,200.00
370	Rough In Base Aggregate (Prior To Concrete Pavement) <u>Per Detail C4.01 On Plan Set Dated 11/21/2019</u> <ul style="list-style-type: none"> • 16-Inches Breaker Run • 6-Inches 1.25" Aggregate Base • 1 Mobilization Included - \$1,000 Per Mob Thereafter 	2,390.00 SY	\$28.00	\$66,920.00
380	STH 59 Aggregate Shoulder <ul style="list-style-type: none"> • 3/4" Limestone Aggregate Shoulder • 6 Inches Thick • 3 Feet Wide • <u>Per Detail C4.0 & C4.01 On Plan Set Dated 11/21/2019</u> • 1 Mobilization Included - \$1,000 Per Mob Thereafter 	700.00 LF	\$5.00	\$3,500.00

Total Price for above STH 59/ 164 ROW Imp.'s Alternates Items: \$73,220.00

Tenny Ave. Roadway

200	30" Vf Conc. C&g - GPS Stringless	4,075.00 LF	\$14.00	\$57,050.00
210	4" Non-reinf. Conc. Walk - GPS Stringless	22,000.00 SF	\$3.35	\$73,700.00
230	Two (2) Mobilizations & GPS Setup	1.00 LS	\$4,500.00	\$4,500.00
240	Detectable Warning Fields @ H.c. Ramps	16.00 EACH	\$385.00	\$6,160.00
250	Fine Grade W/ Final Balance Of Stone <ul style="list-style-type: none"> • After C&G Has Been Installed - See #280 - Alternate To Perform Initial Rough In • Install 3.5 - Inches 1.25" Limestone • Fine Grade • 1 Mobilization Figured - \$1,000 Per Mob Thereafter 	9,500.00 SY	\$4.25	\$40,375.00
260	3.5-Inch Asphaltic Binder - 3 LT 58-28 S <ul style="list-style-type: none"> • Installed In 2021 	9,500.00 SY	\$11.25	\$106,875.00

**ASPHALT / CONCRETE
PAVING CONTRACTOR**

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Brookfield, Wisconsin 53005
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To:	True Vine Development	Contact:	Alan Peters
Address:	PO Box 1984 Brookfield, WI 53008	Phone:	262-490-2572
Project Name:	The Glen @ Standing Stone & Aspen Overlook Residential Dev. - Wa	Bid Number:	
Project Location:	Tenny Ave.; STH 59/164 & Big Bend Rd., Waukesha, WI	Bid Date:	3/5/2021

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
270	<ul style="list-style-type: none"> • 3 LT 58-28 S • Wedging At Curb • 1 Mobilization Included - \$1,200 Per Mob Thereafter 1.50 - Inch Asphaltic Surface 4 LT 58-28 S (year 2022) Installed In 2021	9,500.00	SY	\$5.75	\$54,625.00
	<ul style="list-style-type: none"> • 4 LT 58-28 S • Sweeping & Tack • Per Detail On C9.00 • 1 Mobilization Included - \$1,200 Per Mob Thereafter 				
Total Price for above Tenny Ave. Roadway Items:					\$343,285.00

Tenny Ave. Roadway Alternate

280	<ul style="list-style-type: none"> • Rough In Base Aggregate (Prior To Curb) • Rough In Base Aggregate After Passing Subgrade Proof Roll • Rough In 6.5-Inches Of 1.25" Limestone • 1 Mobilization Included - \$1,000 Per Mob Thereafter 	11,400.00	SY	\$6.25	\$71,250.00
Total Price for above Tenny Ave. Roadway Alternate Items:					\$71,250.00

The Glen @ Standing Stone Roadway

10	30" Vf Conc. C&g - GPS Stringless	8,600.00	LF	\$14.15	\$121,690.00
20	4" Non-reinf. Conc. Walk - GPS Stringless	33,000.00	SF	\$3.35	\$110,550.00
30	6" Non-reinf. Conc. Walk/ Approaches	10,175.00	SF	\$5.20	\$52,910.00
40	Two (2) Mobilizations & GPS Setup	1.00	LS	\$4,975.00	\$4,975.00
50	Interim Inlets - Year 2022	30.00	EACH	\$940.00	\$28,200.00
60	Fine Grade W/ Final Balance Of Stone <ul style="list-style-type: none"> • After C&G Has Been Installed - See #75 - Alternate To Perform Initial Rough In • Install 3.5 - Inches 1.25" Limestone • Fine Grade • 1 Mobilization Figured - \$1,000 Per Mob Thereafter 	15,010.00	SY	\$4.00	\$60,040.00
65	3.5-Inch Asphaltic Binder - 3 LT 58-28 S <ul style="list-style-type: none"> • Installed In 2021 • 3 LT 58-28 S • Wedging At Curb 	15,010.00	SY	\$11.10	\$166,611.00
70	1.50 - Inch Asphaltic Surface 4 LT 58-28 S (year 2022) Installed In 2022 <ul style="list-style-type: none"> • 4 LT 58-28 S • Milling Wedges At Curb • Sweeping & Tack • Striping For Stalls In The Private Court 	15,010.00	SY	\$6.15	\$92,311.50

**ASPHALT / CONCRETE
PAVING CONTRACTOR**

12845 W Burling Rd
Brookfield, Wisconsin 53005
Telephone 414-466-7820
FAX 262-784-6840

An Equal Opportunity Employer



To:	True Vine Development	Contact:	Alan Peters
Address:	PO Box 1984 Brookfield, WI 53008	Phone:	262-490-2572
Project Name:	The Glen @ Standing Stone & Aspen Overlook Residential Dev. - Wa	Bid Number:	
Project Location:	Tenny Ave.; STH 59/164 & Big Bend Rd., Waukesha, WI	Bid Date:	3/5/2021

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
400	Asphaltic Paths - 6 Foot Wide <ul style="list-style-type: none"> • No Details Provided In The Plan • Assumptions Made • Asphaltic Path - 6 Feet Wide • Path - Single Lift 3-inches Thick Of 3/8" Commercial Grade Mix • Stone Base 8 Feet Wide (needed To Facilitate A Quad Axle Dump Truck) • Stone Base 6-inches Thick Of 1.25" Limestone • Rough In & Fine Grade • 1 Mobilization Included - \$1,000 Per Mob Thereafter 	950.00	SY	\$36.00	\$34,200.00

Total Price for above The Glen @ Standing Stone Roadway Items: \$671,487.50

The Glen @ Standing Stone Roadway Alternate

75	Rough In Base Aggregate (Prior To Curb) <ul style="list-style-type: none"> • Rough In Base Aggregate After Passing Subgrade Proof Roll • Rough In 6.5-Inches Of 1.25" Limestone • 1 Mobilization Included - \$1,000 Per Mob Thereafter 	18,000.00	SY	\$3.90	\$70,200.00
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Total Price for above The Glen @ Standing Stone Roadway Alternate Items: \$70,200.00

Notes:

- As required by the Wisconsin Lien law, Stark Pavement Corporation, Inc., hereby notifies you that persons or companies furnishing labor or material for construction on your land may have lien rights on your land and buildings if not paid. Those entitled to lien rights, in addition to the undersigned, are those who contract directly with you or those who give you notice within 60 days after they first furnished labor or material for the construction. Accordingly, you will probably receive notice from those who furnish labor or material for the construction, you should give a copy of each notice received to your mortgage lender, if any. We agree to cooperate with you and your lender, if any, to see that all potential lien claimants are duly paid.
- **INSURANCE:**
 Our proposal includes the attached certificate of liability coverage and contractors blanket additional insured endorsement. If the contract requires higher limits of coverage as listed below, add accordingly to our proposal.
 CG2010 & CG2037 (07/04) ADD: \$500.00
 CG2010 & CG2037 (10/01) ADD: \$1,000.00
 Umbrella to be primary/non-contributory ADD: \$1,000.00
 Waiver of subrogation ADD: \$100.00
- Price reflects asphalt placement in temperatures at or above 40°F; if required by the Prime Contractor's schedule to place asphalt in temperatures lower than 40°F, Stark Pavement Corporation, Inc., will not be held liable for damage or defects attributed to temperature or other weather conditions.
- Price does not include paving work taking place between December 1, 2020 and April 15, 2021, or after December 1, 2021.

**ASPHALT / CONCRETE
PAVING CONTRACTOR**

12845 W Burleigh Rd
Brookfield, Wisconsin 53005
Telephone 414-466-7820
FAX 262-784-6840

An Equal Opportunity Employer



To: True Vine Development	Contact: Alan Peters
Address: PO Box 1984 Brookfield, WI 53008	Phone: 262-490-2572
	Fax:
Project Name: The Glen @ Standing Stone & Aspen Overlook Residential Dev. - Wa	Bid Number:
Project Location: Tenny Ave.; STH 59/164 & Big Bend Rd., Waukesha, WI	Bid Date: 3/5/2021

• **Exclusions:**

- Traffic Control
- Saw cutting
- Removals
- Utility Adjustments
- Layout
- Cold Weather Protection
- High early concrete/ Access gaps
- Concrete stoops, footings, foundations, steps, stairs, walls or bollards
- Curb Backfilling
- Interim Inlets
- Joint sealing/ caulking
- Material Testing
- Concrete washout box/ pit
- Reinforcing/doweled expansion joints
- Barricades or traffic control
- Final Sawing For Clean Edge
- Permits or Fees
- PG 64-28 (PG 58-28 oil was used)

Additional Notes:

- **1% Bond NOT Included**
- **Addendum (s) #- N/A**
- **All work based on Plans Dated 02/05/2021 & STH 59 / 164 dated 11/21/2019 and attached takeoffs**
- **Asphalt & Grading MOBILIZATIONS IDENTIFIED ABOVE**
More than two (2) mobilizations for each area or eight (8) total - add \$1,500 for each additional
- **REMOVALS AND BASE STABILIZATION BY OTHERS**
- **PROOF ROLL TRUCK BY OTHERS**
- **NOT RESPONSIBLE FOR UNSTABLE/UNSUITABLE BASE**
- **SUBGRADE TO BE +/- .1' OF FINISH GRADE PRIOR TO GRADING/PLACING STONE**
- **ONCE SUBGRADE IS READY. STARK SHALL BE ALLOWED 2 DAYS TO ENSURE PROPER GRADE HAS BEEN SET.**
- **Stark Pavement Corp reserves the right to refuse to construct a pavement unless minimum grades of 1% are attainable for surface drainage. If the Owner directs construction with less than a minimum grade of 1%, it is understood and agreed that water-ponding may occur and that no warranty will attach to the Work. Stark Pavement Corp. is not responsible for the redesigning of plan grades in-order to establish a minimum of 1% drainage.**
- **All Stone Base MUST pass a qualified proof roll witnessed and signed off by inspecting agency prior to any pavement being placed. Stark Pavement Corp. shall be entitled to additional compensation for loss of production due to soft base.**
- **Stark Pavement will not place Asphalt or Concrete below the contract temperature specifications - without a written directive from the Prime or Owner. If directed to place below contract temperature specifications additional cold weather paving charges will be incurred.**
- **Additional stone for final prep of grade to be furnished by others and placed by Stark Pavement Corp. - if stone**

**ASPHALT / CONCRETE
PAVING CONTRACTOR**

12845 W Burleigh Rd
Brookfield, Wisconsin 53005
Telephone 414-466-7820
FAX 262-784-6840

An Equal Opportunity Employer



To: True Vine Development	Contact: Alan Peters
Address: PO Box 1984 Brookfield, WI 53008	Phone: 262-490-2572
Project Name: The Glen @ Standing Stone & Aspen Overlook Residential Dev. - Wa	Fax:
Project Location: Tenny Ave.; STH 59/164 & Big Bend Rd., Waukesha, WI	Bid Number:
	Bid Date: 3/5/2021

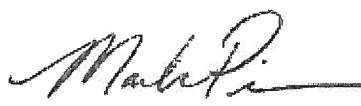
alternates are not accepted.

Any Changes or modifications to project will be subject to proposal revision.

Work to be completed in 2021 & 2022

Payment Terms:

Payment terms of net 30 days from the date of invoice. A 1.5% service charge will be added on all past due outstanding balances. All prices are valid for no greater than 30 days.

ACCEPTED: The above prices, specifications and conditions are satisfactory and hereby accepted. Buyer: _____ Signature: _____ Date of Acceptance: _____	CONFIRMED: Stark Pavement Corporation Authorized Signature:  Estimator: Mark Pichler (414) 466-7820 markp@starkcorp.us
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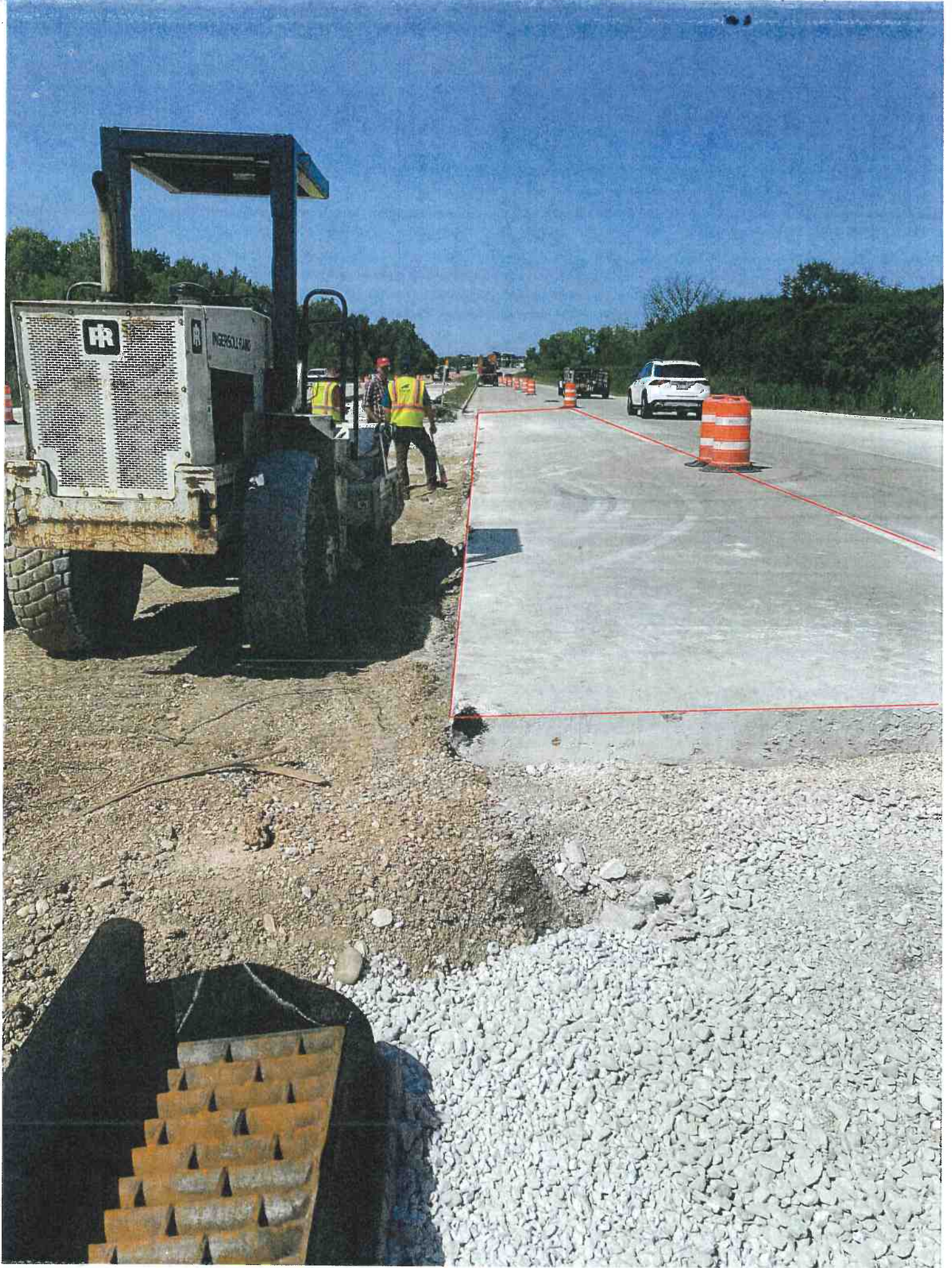




EXHIBIT B

(SIGNAL DELAY)

John Wahlen

From: Alex Damien <ADamien@waukesha-wi.gov>
Sent: Friday, August 27, 2021 11:44 AM
To: John Wahlen
Cc: Mayor Shawn Reilly; Kevin Lahner; David Buechl; Michael Grulke; Alan Peters; Brian Running; Julie Gay; Jennifer Andrews
Subject: WisDOT Log # 140446 Glen at Standing Stone Required Improvements Letter, City of Waukesha

delay for WAUGHT

John,

We have received the WisDOT Log #14044c Glen at Standing Stone Required Improvement Letter dated August 26, 2021 from Art Baumann at WisDOT regarding the requirements for the future intersection of Tenny Ave and Les Paul Pkwy/Wis 59. According to the letter, a traffic signal is not being required at this time and would only be considered in the future following an additional traffic study in 3 or more years if the City / Developer chooses. In lieu of a traffic signal, WisDOT is requiring additional modifications to the intersection that will not allow a left turn from southbound Tenny Ave. The City concurs with these findings.

The current development plans that were submitted recently to WisDOT do not meet all the requirements spelled out in the letter at this time. Please respond to this email confirming your intention to complete the final development plans and acquire the necessary WisDOT permits.

While these final plans are being developed and permitting is being completed, work may begin for this development but only outside of the WisDOT right of way and following City standards / requirements.

Best Regards,
Alex



Alex Damien, PE

City Engineer

City of Waukesha

Phone: 262-524-3600

Email: adamien@waukesha-wi.gov

201 Delafield St., Waukesha, WI, 53188

<https://waukesha-wi.gov/>



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EXHIBIT B



APPLICATION/PERMIT TO WORK ON HIGHWAY RIGHT-OF-WAY

Wisconsin Department of Transportation (WisDOT)

DT1812 1/2016 s. 86.07(2), 86.16 and other applicable Wis. Stats.

1. Applicant's Name, Address, City, State and ZIP Code City of Waukesha 201 Delafield Street Waukesha, WI 53188		2. Work Start Date 08/01/2021	4. Location Description (¼ section, section, town, range; provide plat and location maps) NE 1/4 of the SW 1/4, Section 14, Town 6 N, Range 19 E Owner: The Glen at Standing Stone, LLC N63 W23849 Main Street Sussex, WI 53089
		3. Work Finish Date* 07/01/2022	
5. Is the work area near a survey monument? (If yes, call 866-668-2852 or email geodetic@dot.wi.gov) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		6. Work Location (List all that apply) Town: _____ Village: _____ City: <u>Waukesha</u> County: <u>Waukesha</u>	
8. Trans 401 project designation? (Provide a formal erosion control plan for all Major projects. See provision #13.) <input type="checkbox"/> Major <input checked="" type="checkbox"/> Minor		7. Highway (List all that apply) WIS STH 164-59 US _____ Interstate _____ Les Paul Pkwy	
9. Are any environmental approvals, certifications or permits required from other regulatory agencies? (If yes, provide a copy of each item. If no, provide proof of other agency coordination as needed. For additional information, go to environmental coordination .) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		13. Provide detailed description of how work will be accomplished. Use page 2 or additional pages if needed. Provide work plans, drawings and specifications as needed. For chemical treatment, answer questions on page 2. Civil development plans for the intersection improvements and roadway reconstruction which detail all necessary construction items within the S.T.H. right-of-way are included for WisDOT approval.	
10. Work Type (Check all that apply) <input type="checkbox"/> Access management <input type="checkbox"/> Crash investigation/cleanup <input checked="" type="checkbox"/> Drainage: Culverts/tiles <input checked="" type="checkbox"/> Drainage: Grading/riprap <input checked="" type="checkbox"/> Drainage: Storm Sewer <input type="checkbox"/> Environmental assessment <input type="checkbox"/> Harvesting nature products <input type="checkbox"/> Hazmat: Cleanup/remediation <input type="checkbox"/> Hazmat: Monitoring wells <input type="checkbox"/> Invasive species assessment <input checked="" type="checkbox"/> Landscaping <input type="checkbox"/> Soil borings <input type="checkbox"/> Surveying <input checked="" type="checkbox"/> Turn Lane Construction		12. Work Zone Description (Check all that apply) <input type="checkbox"/> Not applicable <input type="checkbox"/> Full road closure: detour** <input type="checkbox"/> Full road closure: temporary <input checked="" type="checkbox"/> Lane closure: without flagging <input type="checkbox"/> Lane closure: with flagging <input type="checkbox"/> Lane encroachment (2 feet or less) <input type="checkbox"/> Intersection/roundabout <input checked="" type="checkbox"/> Shoulder/parking lane closure Freeway/expressway location <input type="checkbox"/> Off shoulder: < 30' off white line <input type="checkbox"/> Off shoulder: ≥ 30' off white line <input type="checkbox"/> Near right-of-way line or fence Non-Freeway/expressway location <input checked="" type="checkbox"/> Off shoulder: < 15' off white line <input type="checkbox"/> Off shoulder: ≥ 15' off white line <input checked="" type="checkbox"/> Back of curb: < 2' behind <input type="checkbox"/> Back of curb: ≥ 2' behind	
11. Vegetation Management (Check all that apply) <input type="checkbox"/> Mow <input type="checkbox"/> Remove <input type="checkbox"/> Prune <input type="checkbox"/> Cut and/or trim <input type="checkbox"/> Plant <input type="checkbox"/> Chemically treat ¹³			

2 MONTHS TO SUBMIT THIS!

It is understood and agreed that approval is subject to the applicant's full compliance with the pertinent Statutes, as well as any codes, rules, regulations, and other jurisdictional agencies' permit requirements. Applicant shall comply with all permit provisions, superimposed notes, and detail drawings that WisDOT may add. Any alteration of this form by the applicant is prohibited and may be cause to revoke this permit. When approved, the permit does not transfer any land; nor give, grant or convey any land right, right in land, nor easement in WisDOT right-of-way. It is not assignable or transferrable. All costs associated with this permit are the permittee's responsibility unless otherwise noted.

(Main Contractor Company Name, if applicable)	X <u>David Buechl</u> (Applicant or Authorized Representative Signature) (If Computer-filled, Brush Script Font) DAVID BUECHL	7-23-21 (Date)
(Contractor Representative/Title)	(Area Code/Phone No. - Office) 262-524-3600	(Title) dbuechl@waukesha-wi.gov
(Area Code/Phone No. - Cell)	(Email Address)	(Area Code/Phone No.)

* Includes permanent restoration. If the permitted work has not started by the "Work Finish Date", this permit is null and void. If the permitted work has started, but has not been completed by the "Work Finish Date", the work shall not be completed unless authorized through an approved written time extension or a subsequent permit. ANY PERMIT ISSUED IS REVOCABLE.

For Official Wisconsin DOT Use Only - Do Not Write Below

<input type="checkbox"/> PERMITTEE SHALL NOTIFY THE WISDOT REPRESENTATIVE LISTED BELOW 3 DAYS BEFORE STARTING ANY WORK: Region contact, title, office address, area code/phone no., and email address Wisconsin DOT _____ _____ _____	<input type="checkbox"/> See Supplemental Permit Provisions (Page 4) <input type="checkbox"/> Special Permit Provisions Also Included <input type="checkbox"/> Lane Closure System notification required <input type="checkbox"/> Insurance or performance bond required <input type="checkbox"/> Other regulatory agency permits not required <input type="checkbox"/> **State highway traffic detour permit required <input type="checkbox"/> Permit issued in conjunction with: _____ <input type="checkbox"/> Permit voids and supersedes permit(s): #_____, Issued _____ <input type="checkbox"/>	Date Application Received Date Application Complete Permit Issuance Date Permit Expiration Date Permit Extension Date Permit Number
	(WisDOT Authorized Representative Signature - If Computer-filled, Brush Script Font)	

EXHIBIT B (CONTINUED)

John Wahlen

From: David Buechl <dbuechl@waukesha-wi.gov>
Sent: Thursday, July 22, 2021 10:56 AM
To: Craig Derouin; Alan Peters
Cc: John Wahlen
Subject: RE: Standing Stone Sanitary Sewer Start Date Inspection Needed

Craig: Don't start until the WDOT permits are obtained to Work in the Highway Right of Way, and Temporary Connection to Highway are received to connect Tenny Avenue to the Bypass. The WDOT ultimate connection permit is issued after the intersection is complete and approved. Without the Work in Highway Right of Way and Temp Connection permits being obtained now, the City doesn't have any assurance that any type of permit will be obtained to connect Tenny Avenue which we need. Dave

From: Craig Derouin <craig@dftomasini.com>
Sent: Thursday, July 22, 2021 9:36 AM
To: Alan Peters <apeters@truevinedevelopment.com>; David Buechl <dbuechl@waukesha-wi.gov>
Cc: John Wahlen <jw@cornerstonedevelopment.com>
Subject: RE: Standing Stone Sanitary Sewer Start Date Inspection Needed

NOTICE: External Email

This email message originated from outside the City of Waukesha. Do not click on links or open attachments unless you have verified the sender. If there is concern, please report this email.

Good morning Dave,
It appears you have just about everything you requested. Can we plan on starting Monday? If yes can you send me your inspectors contact information for our foreman please.

Thanks, Craig

Craig S Derouin
Project Manager
DF Tomasini Contractors, Inc.
N70W25176 Indian Grass Lane
Sussex, WI 53089
Office: 262-820-8300
Cell: 414-581-9934
Fax: 262-820-8400
Email: craig@dftomasini.com
Web: www.dftomasini.com

From: Alan Peters <apeters@truevinedevelopment.com>
Sent: Wednesday, July 21, 2021 6:07 PM
To: David Buechl <dbuechl@waukesha-wi.gov>
Cc: John Wahlen <jw@cornerstonedevelopment.com>; Craig Derouin <craig@dftomasini.com>
Subject: RE: Standing Stone Sanitary Sewer Start Date Inspection Needed

Good Afternoon David,

EXHIBIT B

Memorandum of Understanding

between

THE CITY OF WAUKESHA

and

THE WISCONSIN DEPARTMENT OF TRANSPORTATION

This memorandum summarizes the future improvements agreement between the City of Waukesha (City) and the Wisconsin Department of Transportation (State) for the WIS 59/164 and Sunset Drive intersection as a result of the Meijer development on Sunset Drive.

GENERAL

- The median opening on Sunset Drive east of the WIS 59/164 intersection for the benefit of Milky Way Road will be allowed to remain open to full movements subject to the following conditions:
 - The presence of the median opening does not create a safety issue at the Sunset Drive intersections with WIS 59/164 and/or Milky Way Road.
 - The presence of the median opening does not create an operational issue at the subject intersections.
 - If a safety or operational issue does occur, the parties will meet to discuss the best solution to solve the issue. If the parties cannot agree on a resolution to the issue, the median opening will be closed by the State at the State's cost.

CITY RESPONSIBILITIES:

WIS 59/164 and Tenny Avenue Intersection Improvements

- The City will require the Developer (Smart Trust) to construct all the required improvements on WIS 59/164 that are related to the new intersection with Tenny Avenue, as outlined in the State review letter dated September 2, 2014 (copy attached), prior to the intersection opening to traffic.

WIS 59/164 and Sunset Drive Intersection Improvements

- Construct the improvements to the west approach of the WIS 59/164 and Sunset Drive intersection in accordance with the State letter dated September 2, 2014 by December 1, 2016.

Other Items

- Acquire any and all necessary right-of-way to install the required improvements that are the responsibility of the City/Developer. At the WIS 59/164 and Sunset intersection this would apply to the west leg of the intersection only. The City anticipates that no right-of-way will be needed.
- The City will let a construction contract that will include the construction of improvements to the east and north approaches of the WIS 59/164 and Sunset Drive intersection in conjunction with the improvements on the west approach and in accordance with the State letter dated September 2, 2014. The City shall

*Already APPROVED
Conceptually*

WIS 59 & WIS 164/East Avenue

- 1) No additional improvements are required at this intersection.

WIS 59 & New Tenny Ave Extension

- 1) A fully actuated traffic signal shall be installed upon meeting warrants, acceptable to WisDOT, and after WisDOT authorizes its installation. The traffic signal will not be installed until warrants have been met, as shown by a traffic study, and WisDOT authorizes its installation. Prior to installing the traffic signal, the north leg movements shall remain stop sign controlled. The future traffic signal study and the traffic signal installation shall be at the City's/Developer's cost. The City/Developer should contact the Department prior to initiating the study.
- 2) The north approach shall have two southbound lanes (one exclusive left turn-lane and one exclusive right-turn lane). The southbound left-turn lane shall have a minimum storage length of 200 feet and a proper taper length. The southbound right-turn lane shall be continuous from upstream traffic.
- 3) The east approach shall have three westbound lanes (two exclusive through lanes and one exclusive right-turn lane). The westbound right-turn lane shall have a minimum storage length of 350 feet and a proper taper length.
- 4) The west approach shall have three eastbound lanes (one exclusive left-turn lane and two exclusive through lanes). The eastbound left-turn lane shall have a minimum storage length of 400 feet and a proper taper length.

EXHIBIT C

John Wahlen

From: Alan Peters <apeters@truevinedevelopment.com>
Sent: Wednesday, September 7, 2022 1:00 PM
To: Koehnke, Kevin F - DOT
Cc: Josh Pudelko; Nick Duerr; Baumann, Art - DOT; David Buechl; Elkin, Robert - DOT; John Wahlen; Greg Howell; Dan Scherer
Subject: RE: 140446 Tenny Ave Access Permit

Kevin,

I'm reading through the details of Permit #67-03m-22 and it needs to be extended until later this fall so we can complete the Tenny Avenue intersection improvements. The Waukesha Water Utility has encumbered the STH 59/164 bypass for the duration of this construction season; thus, we have been unable to complete the work within the original timeframe. However, Stark Paving is gearing up to start this work very soon.

Please issue a revised permit that extends the timeframe till late fall (10/31/22).

Thank you,

Alan Peters | Partner
Phone: 262.490.2572

True Vine Development
PO Box 1984 | Brookfield | WI 53008
www.truevinedevelopment.com

Real Estate Consulting | Development | Facility Management

From: Alan Peters
Sent: Friday, June 17, 2022 11:38 AM
To: Koehnke, Kevin F - DOT <Kevin.Koehnke@dot.wi.gov>
Cc: Josh Pudelko <jpudelko@trioeng.com>; Nick Duerr <nduerr@trioeng.com>; Baumann, Art - DOT <Art.Baumann@dot.wi.gov>; David Buechl <dbuechl@waukesha-wi.gov>; Elkin, Robert - DOT <Robert.Elkin@dot.wi.gov>; John Wahlen <jw@cornerstonedevelopment.com>; Greg Howell <greg@starkcorp.us>; Dan Scherer <dscherer@trioeng.com>
Subject: 140446 Tenny Ave Access Permit

Good Morning Kevin,

Do you know how long the current traffic control configuration for the Waukesha Water Utility project will be in place along the CTH 59/164 bypass by Tenny Avenue?

I'm looking at the project schedule for our improvements and it appears that we can't start our work until the Waukesha Water Utility project is complete because of conflicts with material, equipment, and the pipe crossing by Tenny Avenue.

Thanks,

Alan Peters | Partner
Phone: 262.490.2572

EXHIBIT D

NOTICE: External Email

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Good Afternoon Alex, Jennifer, and Capt. Baumann,

I'm digging into the construction details as we connect Tenny Avenue to the STH59/164 bypass and noticed that the sidewalk along Tenny Avenue continues towards the STH 59/164 bypass but then abruptly stops at the DOT right of way because there is no trail or path along the bypass at this location.

With this being a bypass with higher speeds and no sidewalk or pathway along it, we have concerns that directing pedestrian traffic towards the bypass is safety hazard. I think it made sense in the past when the option for a controlled intersection was considered, but now that the DOT has ruled out a signalized intersection, we are afraid someone might get hurt.

Instead, we propose stopping the sidewalk a little short along Tenny Avenue and directing pedestrian traffic towards the single-family lots rather than encouraging them towards the bypass. I have enclosed a markup of this modification.

Please let me know if you agree with this adjustment. We don't want to create an unsafe situation for the walking or traveling public.

Thank you,

Alan Peters | Partner

Phone: 262.490.2572

True Vine Development

PO Box 1984 | Brookfield | WI 53008

www.truevinedevelopment.com

Real Estate Consulting | Development | Facility Management

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EXHIBIT D (CONTINUED)

John Wahlen

From: David Buechl <dbuechl@waukesha-wi.gov>
Sent: Thursday, June 22, 2023 3:12 PM
To: Alan Peters
Cc: Alex Damien; John Wahlen; Andy Vechart; Jennifer Andrews; Dan Baumann; Derrin J. Wolford; Brandon Schwenn
Subject: RE: Tenny Avenue - Sidewalk Adjustment

Alan: We received your email about eliminating sidewalk along Tenny Avenue from Standing Stone Dr. to the Bypass. That section must be installed as it will aide in the extension of other sections moving forward. The City has a Sidewalk plan and this area is included as an area to install sidewalk when development occurs. The City is continually working to get additional sidewalk connections completed to complete loops as funding becomes available. We understand that continued future planning, cooperation, and designing of safe pedestrian ways will be needed with the work of multiple organizations including the City of Waukesha, Village of Waukesha, Catholic Memorial, and the Wisconsin Department of Transportation.



David Buechl, P.E., P.L.S.

Engineer II
City of Waukesha
Engineering Department

P: 1-262-524-3582

E: dbuechl@waukesha-wi.gov
waukesha-wi.gov

201 Delafield St., Waukesha, WI 53188



From: Alex Damien <ADamien@waukesha-wi.gov>
Sent: Tuesday, June 13, 2023 4:24 PM
To: David Buechl <dbuechl@waukesha-wi.gov>; Brandon Schwenn <bschwenn@waukesha-wi.gov>; Derrin J. Wolford <DWolford@waukesha-wi.gov>
Subject: FW: Tenny Avenue - Sidewalk Adjustment

From: Alan Peters <apeters@truevinedevelopment.com>
Sent: Tuesday, June 13, 2023 1:58 PM
To: Alex Damien <ADamien@waukesha-wi.gov>; Jennifer Andrews <JAndrews@waukesha-wi.gov>; Dan Baumann <DBaumann@waukesha-wi.gov>
Cc: John Wahlen <jw@cornerstonedevelopment.com>; Andy Vechart <andy@cornerstonedevelopment.com>
Subject: Tenny Avenue - Sidewalk Adjustment