

PETITION TO ENFORCE DEVELOPMENT AGREEMENT

The City of Watertown (the City) and Martin Condominium Development, LLC (Martin) entered into a Development Agreement in 2006 in connection with the development of an approximately 7.7-acre parcel in the City (the Property) as a 32-unit condominium. The City and Martin entered into the Development Agreement to fulfill conditions of a Conditional Use Permit that allowed the parcel to be developed as a multi-family condominium project (with 2 units per building) and obligated Martin to install certain public improvements on the Property to serve the condominium. The Development Agreement was recorded with the Dodge County Register of Deeds on January 19, 2007 and is binding on the parties, all owners of the Property and their successors and assigns (see section 34 of the Development Agreement).

In the following years, Martin and Todd Bartolowits attempted to develop the Property, but based on a review of property records, it appears they failed. In 2014, another developer, Insight Properties LLC (Insight), acquired the parcel, built single family and multi-family residences on the Property, assumed the role of the declarant of the condominium and operated the condominium association until 2022. The development of the condominium is nearing completion, the unit owners want Insight to complete the obligations it assumed under the Development Agreement, including the completion of two private roads on the Property: Creekside Court and Laurie Ann Circle.

Sections 10-16 of the Development Agreement describe the developer's obligations to construct road improvements on the Property and require the developer to install all road improvements before the issuance of any building permit for construction of a condominium unit on the Property. The developer is required to pave the roads in two phases: (1) a minimum 2 ¼" binder course of asphalt during the initial phase of construction and (2) a minimum 1 ¾" surface course of asphalt in the second construction season to allow for settlement. The first phase of asphalt was completed years ago when the first constructed units on the parcel, but despite many complaints from unit owners, Insight refuses to complete the second phase and install a surface course of asphalt. We are many years past the second construction season, and it is unreasonable for the unit owners to live with partially completed roads for close to a decade with no end in sight.

Therefore, the undersigned unit owners of the Silver Creek Condominiums petition the City of Watertown to enforce the Development Agreement and specifically to compel Insight to complete its obligations, as the successor developer to Martin, under the Development Agreement, including completion of the roads on the Property in accordance with the terms of the Development Agreement. Further, we request that the City of Watertown inspect the binder course of the roads prior to the placement of the surface course (as required in section 16 of the Development Agreement) and inspect the final constructed roads prior to final approval by the City Engineer (as required in Section 27 of the Development Agreement).

In an effort to protect the existing and any future owners of units in the Silver Creek Condominiums and as provided in section 31 of the Development Agreement, we request a moratorium on any new building and occupancy permits for units under construction on open lots until Insight has fully completed its obligations under the Development Agreement and resolved the open issues described in this petition.

Signature =

Print Name =

Unit number = 1

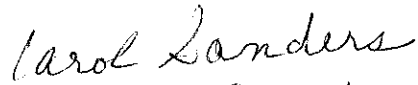

JOAN L. GRIER

Address = 301 Creekside Court

Signature =

Print Name =

Unit number = 2


Carol Sanders

Address = 303 Creekside Court

Signature =

Print Name =

Unit number = 3

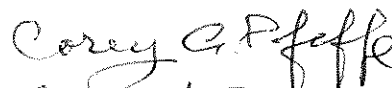

James Peter

Address = 305 Creekside Court

Signature =

Print Name =

Unit number = 4

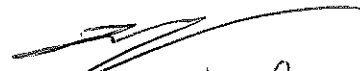

Corey A. Pfaffe

Address = 307 Creekside Court

Signature =

Print Name =

Unit number = 5


Seth Hayden

Address = 309 Creekside Court

Signature =

Print Name =

Unit number = 6



Ann Cannon-Lew Helt

Address = 311 Creekside Court

Signature =

Print Name =

Unit number = 7


DANIEL L. BAST

Address = 313 Creekside Court

Signature = *Rick P. Tortomasi*

Print Name = Rick P. Tortomasi

Unit number = 8

Address = 315 Creekside Court

Signature = *Jane Cerny*

Print Name = Jane Cerny

Unit number = 9/10

Address = 317 Creekside Court

Signature = *Gary Kaiser*

Print Name = Gary Kaiser

Unit number = 11

Address = 321 Creekside Court

Signature =

Print Name =

Unit number = 12

Address = 323 Creekside Court

Signature = *Barbara A Johnson*

Print Name = BARBARA A JOHNSON

Unit number = 13

Address = 322 Creekside Court

Signature = *Jonathan Lee*

Print Name = Jonathan Lee

Unit number = 14

Address = 320 Creekside Court

Signature =

Print Name =

Unit number = 15

Address = Open Lot, Proposed 318 Creekside Court

Signature =

Print Name =

Unit number = 16

Address = Open Lot, Proposed 316 Creekside Court

Signature = Dawn M. Berth

Print Name = Dawn M. Berth

Unit number = 17

Address = 314 Creekside Court

Signature = Mary R Warnecke

Print Name = Mary R. Warnecke

Unit number = 18

Address = 312 Creekside Court

Signature = Linda Sylva

Print Name = Linda Sylva

Unit number = 19

Address = 310 Creekside Court

239-446-5855

lindasylva909@gmail.com

Signature =

Print Name =

Unit number = 20

Address = 308 Creekside Court

Corinne Baker
CORINNE BAKER

Signature =

Print Name =

Unit number = 21

Address = 707 Laurie Ann Circle

Catania Perry
Catania Perry

Signature =

Print Name = John Thompson

Unit number = 22

Address = 709 Laurie Ann Circle

Signature = 
Print Name = Leslie A Will

Unit number = 23

Address = 711 Laurie Ann Circle

Signature =

Print Name =

Unit number = 24

Address = 713 Laurie Ann Circle

Signature =

Print Name =

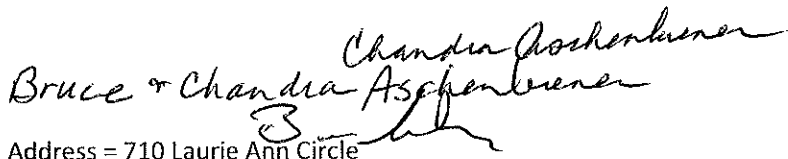
Unit number = 25/26

Address = 715 Laurie Ann Circle

Signature =

Print Name =

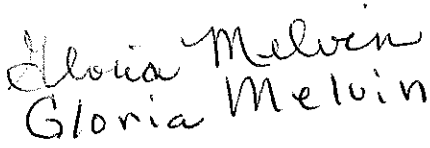
Unit number = 27


Bruce & Chandra Aschenbrenner
Address = 710 Laurie Ann Circle

Signature =

Print Name =

Unit number = 28


Gloria Melvin
Address = 708 Laurie Ann Circle

Signature =

Print Name =

Unit Number = 29

Address = 706 Laurie Ann Circle

Signature =

Print Name =

Unit number = 30

Address = 704 Laurie Ann Circle

Signature =

Print Name =

Unit number = 31

Address = Open Lot proposed 702 Laurie Ann Circle

Signature =

Print Name =

Unit number = 32

Address = Open Lot, Proposed 701 Laurie Ann Circle

Subject Signed homeowners petition document
To: [JAMES PATER <pater.james@yahoo.com>, John Thompson <jthompson473@yahoo.com>]
From John Thompson <jthompson473@yahoo.com>
Date Wed, Jan 25, 2023 at 2:36 PM

Signature =

Print Name =

Unit number = 14

Address = 320 Creekside Court

Signature =

Print Name =

Unit number = 17

Address = 314 Creekside Court

Signature =

Print Name =

Unit number = 18

Address = 312 Creekside Court

Signature =

Print Name =

Unit number = 19

Address = 310 Creekside Court

Signature =

Print Name =

Unit number = 20

Address = 308 Creekside Court

Signature =

Print Name =

Unit number = 21

Address = 707 Laurie Ann Circle

Signature =

Print Name = John Thompson

Unit number = 22

Address = 709 Laurie Ann Circle

Subject Picture
To: [pater.james@yahoo.com <pater.james@yahoo.com>]
From JAMES PATER <pater.james@yahoo.com>
Date Sat, Jan 28, 2023 at 10:03 PM

Signature =

Print Name =

Unit number = 23

Address = 711 Laurie Ann Circle

Signature =

Print Name =

Unit number = 24

Address = 713 Laurie Ann Circle

Signature =

Print Name =

Unit number = 25/26

Address = 715 Laurie Ann Circle

Signature =

Print Name =

Unit number = 27

Address = 710 Laurie Ann Circle

Signature =

Print Name =

Unit number = 28

Address = 708 Laurie Ann Circle

Signature =

Print Name =

Unit Number = 29

Address = 706 Laurie Ann Circle

Signature =

Print Name =

Unit number = 30

Address = 704 Laurie Ann Circle

Signature =

Print Name =

Unit number = 24

Address = 713 Laurie Ann Circle

Signature =

Print Name =

Unit number = 25/26

Address = 715 Laurie Ann Circle

Signature =

Print Name =

Unit number = 27

Address = 710 Laurie Ann Circle

Signature =

Print Name =

Unit number = 28

Address = 708 Laurie Ann Circle