



Council Agenda Item

Meeting Date: October 20, 2026

Agenda Item: Resolution to amend Offer to Purchase for Lot 5B, Parcel #292-0515-3424-002

Staff Contact (name, email, phone): Mason Becker, mbecker@whitewater-wi.gov

BACKGROUND

(Enter the who, what when, where, why)

Several months ago, the City accepted an Offer to Purchase Lot 5B in the Whitewater Business Park, Parcel #292-0515-3424-002, from Jason Burke (Summerset Marine Shoreline Restoration). After acceptance of the offer, staff were made aware that a previous wetland delineation had been conducted by Southeast Wisconsin Regional Plan Commission (SEWRPC) on the property, but that information had not been entered into the City's GIS system.

Following that, staff worked closely with Strand, the City's engineering firm, to gain a partial wetland exemption for the property. This was done by obtaining a declaration of non-federal jurisdictional status from the U.S. Army Corps of Engineers and subsequently a partial wetland exemption from the Wisconsin DNR. This was a lengthy process that took some time to complete. The end result is that less than 10,000 sq ft of wetlands are exempted and now considered buildable, which will allow the proposed concept site plan to move forward.

The buyer has confirmed they want to move forward with purchasing the property and wish to close on it in the near future. However, they are seeking a closing credit for the non-exempt wetlands on the property, which are around 1.2 acres in size. Amount of the credit would be \$34,740.50. This acreage is not currently buildable, though the owner will be able to pursue an additional exemption from the Wisconsin DNR in the future if they choose to do so, though there will be expenses required in doing so.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

- The original resolution accepting the Offer to Purchase was approved on February 17, 2026.

FINANCIAL IMPACT

(If none, state N/A)

Though this represents a reduction in the final sale price of the property, it is a reasonable concession to make in selling this property to enable future business development on the site.

STAFF RECOMMENDATION

Staff recommend that the Common Council approve the resolution to amend the Offer to Purchase.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

- Resolution approving amendment
- US Army Corps of Engineers Approved Jurisdictional Determination letter
- Wisconsin DNR Nonfederal Wetland Exemption Determination letter