



Common Council Agenda Item

Meeting Date:	October 8, 2024
Agenda Item:	Jake's Way and Moraine View Parkway Developer's Agreement
Staff Contact (name, email, phone):	Taylor Zeinert tzeinert@whitewater-wi.gov 262-473-0148

BACKGROUND

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

At October 8, 2024 the Finance Committee reviewed this memo and those attached. The Finance Committee unanimously recommended this approval to Common Council.

The Developer that is working in the development on Jake's way and Moraine View Parkway has proposed minor modifications to the agreement, which are summarized as follows:

1. **Timeline**

Originally, the agreement required construction commence prior to October 1, 2024, and for construction of four of eight buildings to be completed by November 1, 2025. The amendment agreement requires construction to begin by May 15, 2025 and for completion of the first four buildings by June 15, 2026.

2. **Assignment of Liability:**

The original agreement required the Developer to remain responsible for all liabilities and obligations even if the property is sold. The proposed amendment modifies this to transfer responsibility to the new owner in the event of a sale, releasing the current owner. This is a standard provision in development agreements.

3. **Legal Entity Change:**

The amendment changes the Developer's legal entity from "Slate Real Estate, Inc." to "Whitewater Moraine View, LLC." This is purely administrative and does not impact the Developer's responsibilities or obligations under the agreement.

4. **Removal of Guarantor Provision:**

The amendment deletes a reference to a "Guarantor" from the original agreement. The term was undefined, and no Guarantor was ever established. Removing this provision avoids potential confusion in the future and does not change the Developer's obligation to guarantee an assessed value of at least \$24.6 million.

In summary, the proposed amendments are minor, administrative in nature, and do not modify the substantive terms of the original agreement. These changes align with standard development agreement practices. Attached to this memo is a memo from Attorney Manthe outlining the same changes I have noted in my memo. Additionally, the amendment that would be added to the developer's agreement.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

N/A

FINANCIAL IMPACT

(If none, state N/A)

N/A

STAFF RECOMMENDATION

To approve the amendment to the Developer's Agreement and recommend it to Common Council.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

-Developer's Agreement

-Amendment to the Developer's Agreement

-Manthe's Memo