

Special Meeting Approves Final Cottages at High Cliff Development Agreement

By: Tom Collins, Times Villager, May 19, 2021

Several participants could file a claim for overtime in Sherwood this week including various attorneys, those involved in the Drive Fore Success development partnership, village administrative personnel and members of the Sherwood Village Board.

After months of work, the final additions were made and the Cottages at High Cliff development agreement was approved at a special May 12 meeting of the village board held on a sunny late afternoon.

The special meeting was formally requested and approved Monday, May 10, when Drive Fore Success leader Dan Rippl asked for some additional time to have attorneys finalize a storm water maintenance agreement, have the final development agreement considered and still try to meet a Friday, May 14 excavation start.

The attorneys worked hard over a 48-hour period to finalize the storm water language while also formally adding language to the development, which would be for those ages 55 and older and would have an emergency gated entrance. Also written in was a correction regarding a 10-in. water meter instead of three inches.

During their consideration at the late afternoon special session on May 12, Tom Herrmann suggested one more addition regarding any future changes.

He asked that language be crafted to approach the village board with changes rather than just sending out notification. That was intended to keep them involved in the process.

Formal language regarding the proposed development's homeowners' association also was added to the agreement should it need to be reviewed at some future point.

Board member Paul Grube said he didn't like the idea of construction vehicles entering or exiting on residential streets via what will soon become the gated emergency entrance.

Rippl explained those vehicles are directed to come into Sherwood on Pigeon and State Park roads, then enter the Cottages at High Cliff development area from the golf course parking lot. But for a period of time, especially as the east-side dwellings are under construction, Rippl said some construction vehicles need to exit via what will be the emergency area.

Rippl suggested it would be too difficult for them to back out the entire development roadway to the west.

The village board decided to add something of a sunset into the development language to be certain that entrance eventually is locked and gated. After discussion, that time frame was set for 2023 or the completion of 36 of the residential units, whichever comes first.

Rippl said he hoped it would be much sooner than that. He suggested residential units will likely be built east to west. And he said signs and a chain may be used to discourage use of the residential side entrance during the interim. He said installing the emergency gate now would likely mean it would be premature and it likely would be damaged by the construction vehicles.

Friday read the changes and showed them on the meeting room big screen for emphasis. He also became a recording secretary on the fly at times during the meeting, composing and adding some of the last minute wording insertions.

Friday underlined the Cottages at High Cliff being the village's first private unit development or PUD.

Rippl once again emphasized the development team's desire to live in the village and be involved in the community. He called the development a win for Sherwood, for the developers and for the longer term future of High Cliff Golf Course.

The scramble was expected to continue in the hours remaining prior to the contracting crews firing up excavation equipment early on May 14.

The formality of signing the development agreement was expected the morning of May 13, with Rippl saying he would ferry the freshly-minted documents for official recording with the Calumet County Register of Deeds office in Chilton later that morning.

After the vote, Herrmann expressed one more concern based on his research. He said he was not trying to cast any doubts about the Cottages at High Cliff project, but was thinking about future developments as well. He wondered what might happen if Sherwood fell into the same situation as a western Wisconsin municipality.

In that case, Herrmann said a court ordered the municipality to take over management of a bankrupt private PUD because of the municipality's investment in the development infrastructure. The court ruling said the community had to take over the troubled development.

Friday once again noted that is one reason the village insisted on its standards for the Cottages infrastructure and would do so on any potential private PUD infrastructure. In the case of the Cottages development, the only exception was the private road's width. The road, sanitary and storm and water line facilities all meet village standards for such infrastructure.

The board asked Friday to get a formal opinion on possible liability from attorney Rich Carlson.

The next regular village board meeting is Monday, May 24.