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**DEPARTMENT OF PUBLIC WORKS**  
**Engineering Division**  
**100 North Appleton Street**  
**Appleton, WI 54911**  
**TEL (920) 832-6474**

**To:** Utilities Committee  
**From:** Danielle Block, Director of Public Works  
**Date:** July 19, 2023  
**Re:** Adopt the Proposed Revised Reid Golf Course and Appleton Memorial Park Stormwater Utility Agreements for Stormwater Ponds

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The Stormwater Utility provides "annual rent" payment for stormwater ponds located at Reid Golf Course and Appleton Memorial Park. The Utility is responsible for the operations that oversee the collection, distribution and dissipation of stormwater that accumulates within the City of Appleton.

There are currently two ponds within Appleton Memorial Park and one pond at Reid Golf Course. The Appleton Memorial Park agreement was developed in 2010 with an annual payment of \$40,000 and the Reid Golf Course agreement was developed in 2014 with an annual payment of \$15,210.

Land market values and rates of return have been reviewed by city staff and are recommending the following increases to the stormwater pond agreements.

Appleton Memorial Park	\$41,769
Reid Golf Course	\$21,060

Approval of the revised stormwater utility agreements is contingent upon approval by both the Parks and Recreation Committee and the Utilities Committee.

The Department of Public Works request approval of the revised Reid Golf Course and Appleton Memorial Park stormwater utility agreements.

# AGREEMENT FOR STORMWATER PONDS AT MEMORIAL PARK

## I. PARTIES

- 1.1 **City of Appleton’s Parks, Recreation, and Facilities Management Department**, with its principal place of business at 100 N. Appleton Street, Appleton WI 54911 (hereinafter “City”).
- 1.2 The **Stormwater Utility**, with its principal place of business at 100 N. Appleton Street, Appleton WI 54911 (hereinafter the “the Utility”).
- 1.3 Together, the City and the Utility may be referred to as “the parties”.

## II. RECITALS

**WHEREAS,**

- 2.1 The Utility is responsible for the operations that oversee the collection, distribution, treatment, and dissipation of stormwater that accumulates within the City of Appleton; and
- 2.2 The Utility has previously erected two stormwater ponds at Memorial Park; and
- 2.3 The Parties desire to continue to work together to allow the operation of stormwater ponds within Memorial Park; and
- 2.4 The Parties desire to have the Common Council’s approval of an arrangement whereby the Utility reimburses PRFM for continued use of said stormwater ponds.

## III. THE AGREEMENT

NOW, THEREFORE, in consideration of the fulfillment of the obligations of the parties hereinafter set forth and for other good and valuable consideration, the receipt of which is hereby acknowledged, IT IS MUTUALLY AGREED AND PROMISED, by and between the City and the Utility, as follows:

- 3.1 The Utility will provide payment to the City for the annual use of the Appleton Memorial Park North Pond in the amount of \$21,294.
- 3.2 The Utility will provide payment to the City for the annual use of the Appleton Memorial Park South Pond in the amount of \$20,475.

- 3.3 The Parties agree that market values and rates of return will be reviewed prior to June 1<sup>st</sup> to determine the applicable rent. This value (herein “annual rent”) shall be documented via an addendum to this Agreement and approved by Common Council.
- 3.4 The annual rent shall be paid by the Stormwater Utility by October 1<sup>st</sup> of each year.
- 3.5 This Agreement shall remain in effect until Common Council modifies the Agreement. Any amendments or addendums shall be memorialized in writing.
- 3.6 This Agreement became effective on \_\_\_\_\_, the date of approval by the Common Council, as set forth within the attached meeting minutes.

CityLaw A22-0821aka

# REID GOLF COURSE AND STORMWATER UTILITY AGREEMENT FOR STORMWATER POND

## I. PARTIES

- 1.1 **Reid Golf Course**, a City of Appleton municipal golf course with its principal place of business at 1100 E Fremont Street, Appleton, WI 54915 (hereinafter “Reid”).
- 1.2 The **Stormwater Utility**, a Wisconsin municipal utility with its principal place of business at 100 N. Appleton Street, Appleton WI 54911 (hereinafter the “the Utility”).
- 1.3 Together, Reid and the Utility may be referred to as “the parties”.

## II. RECITALS

### WHEREAS,

- 2.1 The Utility is responsible for the operations that oversee the collection, distribution, treatment, and dissipation of stormwater that accumulates within the City of Appleton; and
- 2.2 The Utility has previously erected a stormwater pond at Reid; and
- 2.3 The Parties desire to continue to work together to allow the operation of a stormwater pond within Reid; and
- 2.4 The Parties desire to have the Common Council’s approval of an arrangement whereby the Utility annually reimburses Reid Golf Course for continued use of the stormwater pond.

## III. THE AGREEMENT

NOW, THEREFORE, in consideration of the fulfillment of the obligations of the parties hereinafter set forth and for other good and valuable consideration, the receipt of which is hereby acknowledged, IT IS MUTUALLY AGREED AND PROMISED, by and between Reid and the Utility, as follows:

- 3.1 The Utility will provide payment to Reid for the annual use of the stormwater pond in the amount of \$21,060.

- 3.2 The Parties agree that market values and rates of return will be reviewed prior to June 1<sup>st</sup> to determine the applicable rent. This value (herein “annual rent”) shall be documented via an addendum to this Agreement and approved by Common Council.
- 3.3 The annual rent shall be paid by the Stormwater Utility by October 1<sup>st</sup> of each year.
- 3.4 This Agreement shall remain in effect until Common Council modifies the Agreement. Any amendments or addendums shall be memorialized in writing.
- 3.5 This Agreement became effective on \_\_\_\_\_, the date of approval by the Common Council, as set forth within the attached meeting minutes.

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