

**VILLAGE OF KIMBERLY
OUTAGAMIE COUNTY, WISCONSIN
RESOLUTION NUMBER 1, SERIES OF 2026**

**A PRELIMINARY ASSESSMENT RESOLUTION DECLARING INTENT TO EXERCISE
SPECIAL ASSESSMENT POWERS UNDER CHAPTER 66.0703 AND AS APPLICABLE
SECTIONS 61.34, 61.36, 66.0701, 66.0703(8), AND 66.0907 OF THE WISCONSIN STATUTES,
AS AMENDED FROM TIME TO TIME, AND BY CHAPTER 50,
VILLAGE OF KIMBERLY MUNICIPAL CODE.**

WHEREAS, the Village of Kimberly Board of Trustees, of the Village of Kimberly as located in Outagamie County, State of Wisconsin, declares its intent to exercise its special assessment and police powers under Wisconsin statutes, in particular, §§ 61.34, 61.36, and as applicable, §§ 66.0701, 66.0703, and 66.0907, Wis. Stats, as amended from time to time, and by Chapter 50, Village of Kimberly Municipal Code, to levy special assessments upon property within the following described area for improvements upon said property:

a) DESCRIPTION OF SPECIAL ASSESSMENT PROJECTS:

Street Reconstruction Scope

Complete reconstruction of pavement along Schindler Drive (from Sunset Drive to Fulcer Avenue), and Fulcer Avenue (from Roger Street to Sunset Park Road), approximately 5,450 SY of concrete street pavement. The project also includes base course, concrete curb and gutter, storm sewer, mini-storm sewer, concrete driveway aprons, turf restoration, new sidewalk and street lighting.

Sanitary Sewer, Storm Sewer and Water Main Reconstruction Scope

Complete reconstruction of utilities along Schindler Drive (from Sunset Drive to Fulcer Avenue), and Fulcer Avenue (from Roger Street to Sunset Park Road). Utilities include sanitary sewer and associated laterals to the home, water main and services, storm sewer and associated laterals.

Complete reconstruction of utilities along the public alley located in between Pine and Walnut Street (from Kimberly Avenue to Third Street) and utilities along Third Street (Walnut Street to Pine Street). Utilities include sanitary sewer and associated laterals to the home, and storm sewer and associated laterals.

Alley Reconstruction Scope

Complete reconstruction of pavement along the public alley located in between Pine and Walnut Street (from Kimberly Avenue to Third Street) and along Third Street (from Walnut Street to Pine Street), approximately 2,400 SY of asphalt pavement. The project also includes base course, concrete gutter, concrete driveway aprons, turf restoration.

b) AREA OF SPECIAL ASSESSMENT IMPROVEMENTS:

Schindler Drive: Sunset Drive to Fulcer Avenue

Fulcer Avenue: Roger Street to Sunset Park Road

Public Alley Pine Street/Walnut Street: Kimberly Avenue to Third Street

Third Street: Walnut Street to Pine Street

WHEREAS, the special assessments as may be hereinafter determined shall be levied upon all real estate fronting roadways within the above-described areas; and/or individual properties within an area thereby defined.

WHEREAS, said improvements shall include the required cost of construction and installation, including total construction costs, engineering fees, attorney's fees, publication expenses, and Village Administrative costs and fees.

WHEREAS, the Village Board hereby determines that all municipal improvements shall be made under Chapter(s) 66.0703, and as applicable §§ 61.34, 61.36, 66.0701, 66.0703(8), and 66.0907, of the Wisconsin Statutes, as amended from time to time, and by Chapter 50, Village of Kimberly Municipal Code, and that the amount assessed against each specially benefited parcel is based upon a reasonable basis, being total construction and material costs, including engineering fees, attorney's fees, publication expenses, and Village Administrative costs and fees, and other appropriate special assessment proceeding costs. The Village Board of Trustees further determines that all said improvements specially benefit the property described in Paragraph 1 above.

WHEREAS, the assessments against abutting property owners (or property owners within the area of special assessment) shall be paid in cash or in the number of installments to be determined following the Public Hearing on the proposed assessments and then according to the Final Assessment Resolution of the Village Board of Trustees as may be hereinafter adopted.

WHEREAS, the Village Engineers and/or Village Director of Public Works are directed to prepare an Engineer's Report and/or Director of Public Works' Report consisting of:

- a) Preliminary and final plans and specifications for said improvements.
- b) An estimate of the entire, final, total costs of the proposed construction and installation, including costs of construction, material, engineering fees, attorney's fees, publication expenses, Village Administrative fees and costs, and other appropriate costs of special assessment proceedings.
- c) A schedule of proposed assessments against abutting property prepared under the terms and conditions of Chapter 66.0703 of the Wisconsin Statutes as amended from time to time.
- d) The Engineer's Report and/or Director of Public Works' Report shall determine and state that all such assessments are based upon a reasonable basis, being total construction and material costs, and additional direct or indirect costs as specified above, and that all special assessments specially benefit the property(s) being assessed.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of Trustees, Village of Kimberly, as follows:

1. Upon completing said Engineer's Report/Director of Public Works' Report, the Village Clerk is directed to prepare and publish a Class One Notice of a Public Hearing of said report.
2. Upon the Preliminary Special Assessment Resolution, as specified in Chapter 66.0703(4) of the Wisconsin Statutes, as amended from time to time, which Notice of


Public Hearing shall state the place and time at which the Report may be inspected and the place and time at which all persons interested or their agents or attorneys, may appear before the Village Board of Trustees and be heard concerning the matters contained in said Special Assessment Preliminary Resolution.

3. The Village Engineer's Report or Village Director of Public Works' Report, which shall be a Public Hearing thereon. A copy of the Notice of Public Hearing, together with a scale map (if applicable) showing the general boundary areas of the proposed assessment district/area, shall be mailed at least ten (10) days before the hearing date to all interested persons whose post office addresses are known.
4. The Public Hearing shall commence not less than ten (10) nor more than forty (40) days after publication. The Hearing shall be held at the Village Hall, Village of Kimberly, located at 515 W. Kimberly Avenue, Kimberly, Wisconsin, 54136, Outagamie County, State of Wisconsin, on the 16th day of March 2026 at 5:00 p.m.

Date introduced, approved and adopted: February 2, 2026

VILLAGE OF KIMBERLY




Charles A. Kuen, Village President


Jennifer Wevenberg, Village Clerk