

**In the Matter of the Nicolet High School District
Special Use Permit to Authorize the Use of
Property at 535 and 617 West Green Tree Road
as Athletic Facilities Owned and Used by a Public
School District.**

**RESOLUTION NO. 2022 - 08
EXTENDING TIME TO COMMENCE
CONSTRUCTION IN SPECIAL USE
PERMIT GRANTED BY
RESOLUTION NO. 2014 - 16**

The Village of River Hills ("River Hills") adopted Resolution No. 2014-16, on November 21, 2014, that granted a Special Use Permit (hereinafter "2014 Permit") to the Nicolet High School District (hereinafter "Nicolet") that authorized athletic facilities at 535 and 617 West Green Tree Road, River Hills, Wisconsin (the "Property") for athletic facility uses that are customarily incidental to the principal school uses of the public school district's contiguous land subject to certain conditions, all as set forth in the 2014 Permit.

The 2014 Permit provides at paragraph number 6 that construction of the athletic facilities would commence by November 21, 2016. At the request of Nicolet, for various reasons, as set forth in Resolutions adopted by the Village Board, extensions of time to commence construction of the athletic facilities extensions were approved in 2016, 2017, 2018 and again in 2020. The last Resolution 2020-05 granted an extension until November 30, 2021.

Nicolet in a letter dated May 24, 2022, has requested that the River Hills Village Board grant an extension of time to allow it to commence construction of the athletic facilities by November 30, 2023 ("2022 Request"). The 2022 Request is attached and incorporated into this Resolution by this reference.

In the application for the 2014 Permit, Nicolet had represented that the construction of the athletic facilities would be accomplished without the use of taxpayer funds. The 2014 Permit at Paragraph No. 5 provided that if the funding for the proposed athletic facilities comes in any material way from taxpayer funds (whether from current operating funds or by indebtedness) for the capital costs involved in preparation of the Property or for the construction or installation of the athletic facilities thereon, then this Special Use Permit shall be subject to termination upon 30 days' notice to Nicolet in the sole discretion of the River Hills Village Board and no further uses permitted under this Special Use Permit shall be allowed.

The 2022 Request represents that Nicolet received voter approval at the April 5, 2022, referendum to use taxpayer funds for the new tennis court improvements (the athletic facilities referenced in the 2014 Permit) and that along with the land sale proceeds and donated funds the referendum approved funding will now also be a source of the funding for the proposed athletic facilities. Nicolet in its 2022 Request is requesting that the Village Board acknowledge the additional source of funding and grant the extension of the 2014 Permit.


THEREFORE, BE IT RESOLVED by the Village Board of the Village of River Hills, having been advised by the Village Attorney that it may extend the time for Nicolet to commence construction of the proposed athletic facilities and having reviewed the request and representations of Nicolet, hereby approves the 2022 Request as follows:

1. Paragraph No. 5 of the 2014 Permit is modified to acknowledge Nicolet has now represented that taxpayer funds have been approved by a voter approved referendum and that in accord with that approval the Village Board by adoption of this Resolution determines not to exercise its right to terminate the 2014 Permit.

2. Paragraph No. 6 of the 2014 Permit is further modified to allow commencement of construction of the athletic facilities on the Property to begin by November 30, 2023.

BE IT FURTHER RESOLVED that this Resolution is not intended to modify any of the other terms or conditions of the 2014 Permit or the prior Resolutions or any other Special Use Permits issued to Nicolet except as specifically set forth above.

PASSED AND ADOPTED by the Village Board of the Village of River Hills, this 20th day of July 2022.


J. Stephen Anderson, Village President

Countersigned:


Tammy LaBorde, Village Clerk