

September 17, 2021

Via Email

Attorney Robert Procter
Axley Brynerson, LLP

Re: Your letter regarding Verona Rural Preservation Alliance

Dear Robert:

I have been retained by the Verona Rural Preservation Alliance (“VRPA”) and have been asked to respond to your September 3, 2021 letter to certain members and supporters of VRPA. You demand that VRPA and its supporters cease from making alleged misleading statements regarding the proposed development of your client’s property. Having reviewed your letter and other documents, nothing you assert in your letter as misleading in any way misleading or inaccurate. Indeed, it is your letter that presents a mistaken view of the circumstances.

Your primary assertion appears to be on whether the land uses and applicable regulations covering current Town territory – including the proposed development - are relevant or applicable to future use of that property under the IGA or otherwise. The Town’s Comprehensive Plan was adopted after the IGA. It applies to Town lands and contemplates border and boundary considerations. The proposed development is currently in the Town. There is no guaranty that it will be annexed. It may not even qualify under the IGA or Wis. Stats. § 66.0301. And even if the territory is annexed into the City, it will still be located in such a way that any land use decisions made by the City would need to consider the Town’s Comprehensive Plan.

Further, and while not conceding that the proposed development is consistent with the City’s Northwest Plan, as currently proposed the project seems to be contrary to the intent of the IGA and the future use and development of Area B lands. Indeed, as you note, the IGA calls for development along the future City-Town border should be well-planned and compatible with development on both side. The current proposal is not “compatible” with development on both sides of the potential future border.

Your position seems to be that landowners can do the maximum urban development anywhere in Area B. That is not consistent with the intent of the IGA. And it certainly is not a sufficient basis to accuse existing Town property owners of misrepresenting anything. VRPA and its members will continue to participate in future land use and other decisions in an appropriate and responsible manner. They would welcome an approach that is more considerate of the actual uses near the project site but fear that the desire to maximize short term profit is the driving motive.

Please contact me directly with any further correspondence or communications.

Very truly yours

Joseph R. Cincotta
Attorney for VRPA