

Regular Plan Commission Meeting

Meeting Notice and Agenda

Village of Cross Plains
2417 Brewery Road, PO Box 97
Cross Plains, WI 53528
(608) 798-3241

Monday, May 2, 2016
7:00 pm

- I. Call to Order, Pledge of Allegiance, and Roll Call

- II. Public Comment – This is an opportunity for anyone to address the Plan Commission on any issue NOT on the current agenda. *Please observe the time limit of 3 minutes.* While the Plan Commission encourages input from residents, it may not discuss or act on any issue that is not duly noticed on the agenda.

- III. General Business
 1. Discussion and action regarding minutes of regular meeting held March 7, 2016.

 2. Discussion regarding a Development Proposal from Sundance Development, LLC in order to annex and develop the property of and adjoining to 4923 Brewery Road (Weber Farm) as a residential subdivision.

 3. Discussion and action to make a recommendation to the Village Board regarding a proposed easement at 1107 Bourbon Road with T & M Business & Storage LLC allowing for the expansion of the Zander Park Trail.

 4. Discussion and action to make a recommendation to the Village Board regarding a proposed easement at 1501 Bourbon Road with the Cross Plains-Berry Fire District allowing for the expansion of the Zander Park Trail.

- IV. Adjournment

This meeting notice constitutes an official meeting of the above referenced group and was posted in accordance with all applicable laws related Open Meetings Law. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals. For additional information or to request this service, contact the Village Hall at (608) 798-3241 or matt@cross-plains.wi.us.

Regular Plan Commission Meeting

Regular Meeting Minutes

Village of Cross Plains

2417 Brewery Road, PO Box 97

Cross Plains, WI 53528

(608) 798-3241

Monday, April 4, 2016

6:00 pm

I. Call to Order, Pledge of Allegiance, and Roll Call

President Andreoni called the meeting was called to order at 6:01 pm.

Present: Commissioners Randy Case, Todd DuQuette, Ron Hilmanowski, Mitch Hogan, Cliff Zander, and President Pat Andreoni.

Not-Present: Commissioner Judy Ketelboeter.

Also Present: Dan Day, Brian Munson, Jeff Rosenberg, and Jackie Mich.

II. Public Comment – None.

III. General Business

1. Discussion and action regarding minutes of regular meeting held March 7, 2016 – A motion was made by Commissioner DuQuette, seconded by Commissioner Case, and unanimously carried by the Plan Commission to approve the minutes of the regular meeting held on March 7, 2016.

2. Discussion and action to make a recommendation to the Village Board regarding the Final Plat for Glacier Ridge Subdivision – Following discussion, a motion was made by Commissioner Case, seconded by Commissioner Hilmanowski, and unanimously carried by the Plan Commission to recommend conditional approval of the Final Plat for Glacier Ridge Subdivision conditioned upon the following variances and waivers:

- Waiver of the requirement to display the house number assigned to each lot on the face of the plat listed in Section 83.46(g) stating the house numbers will be assigned through a separate Addressing Plan to be approved by the Village.
- Variance from the minimum lot area size and building line width as listed in Sub-Section 83.83(c) stating that land use regulations will be controlled by Chapter 84 (Zoning Code) of the Village Code of Ordinances.
- Additional dedication language will be added for Outlots 2 and 4 regarding more acceptable uses to be considered as part of the review conducted by the Village Board.

3. Preliminary presentation from MSA Professional Services to begin Glaciers Edge Square Shopping Center Redevelopment Master Plan funded through the Dane County BUILD Grant Program – A presentation was provided by Stephen Tremlett of MSA Professional Services as a preliminary introduction to the Glaciers Edge Square Shopping Center Redevelopment Master Plan process. A public information meeting on the project will be scheduled for May 4th at 6:00 with the Streetscape Workgroup.

4. Consideration of Ord. #05-2016 amending Section 85.05(b)(1)-(4) in order to update the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) panel numbers with a new effective date as of June 16, 2016:

a. Public Hearing – A motion was made by Commissioner Hilmanowski, seconded by Commissioner DuQuette, and unanimously carried by the Plan Commission to open the Public Hearing at 7:00 pm.

- No public comments were made.

A motion was made by Commissioner DuQuette, seconded by Commissioner Hogan, and unanimously carried by the Plan Commission to close the Public Hearing at 7:01 pm.

b. Discussion and action to make a recommendation to the Village Board – Following discussion, a motion was made by Commissioner DuQuette, seconded by Commissioner Hilmanowski, and unanimously carried by the Plan Commission to recommend the Village Board approve Ordinance #05-2016 as presented updating Chapter 85 (Floodplain Zoning) with the new maps, studies, and related language changes.

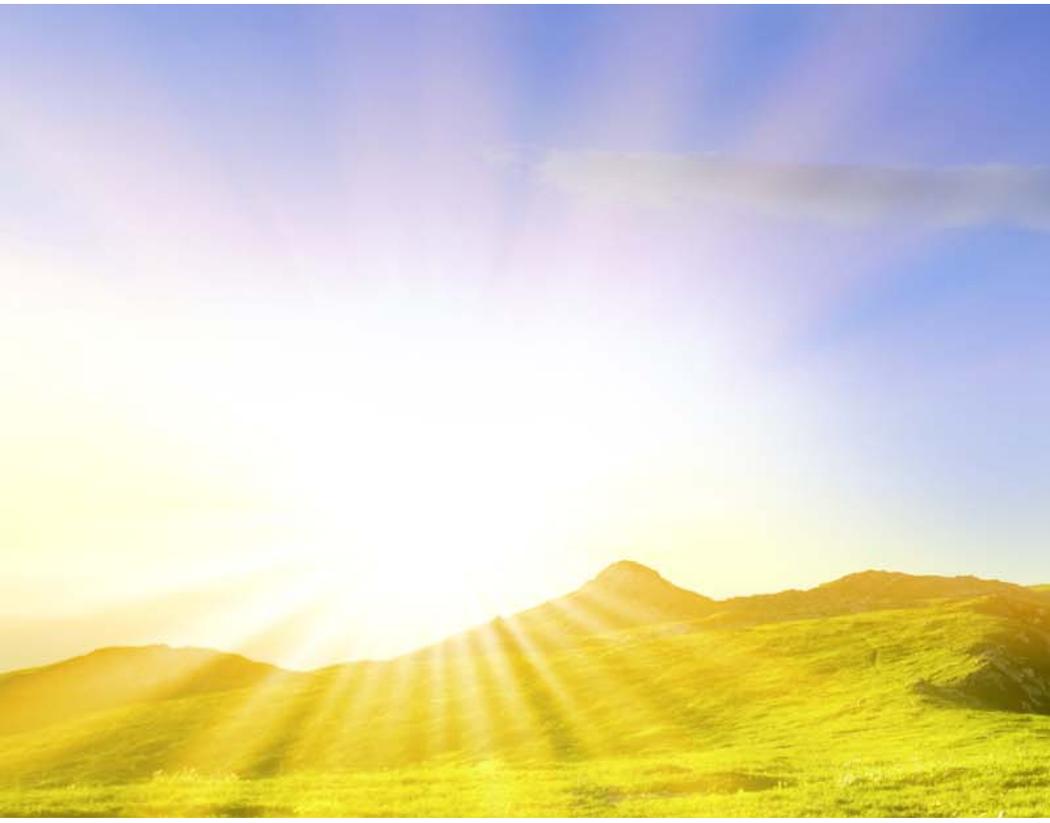
IV. Adjournment

A motion was made by Commissioner DuQuette, seconded by Commissioner Hogan, and unanimously carried by the Plan Commission to adjourn the meeting at 7:06 pm.

Pursuant to law, written notice of this meeting was given to the public and posted on the public bulletin boards in accordance with Open Meetings Law.

Respectfully submitted,

Matthew G. Schuenke
Village Administrator/Clerk-Treasurer



Sundance Neighborhood

A Residential Subdivision in the Village of Cross Plains

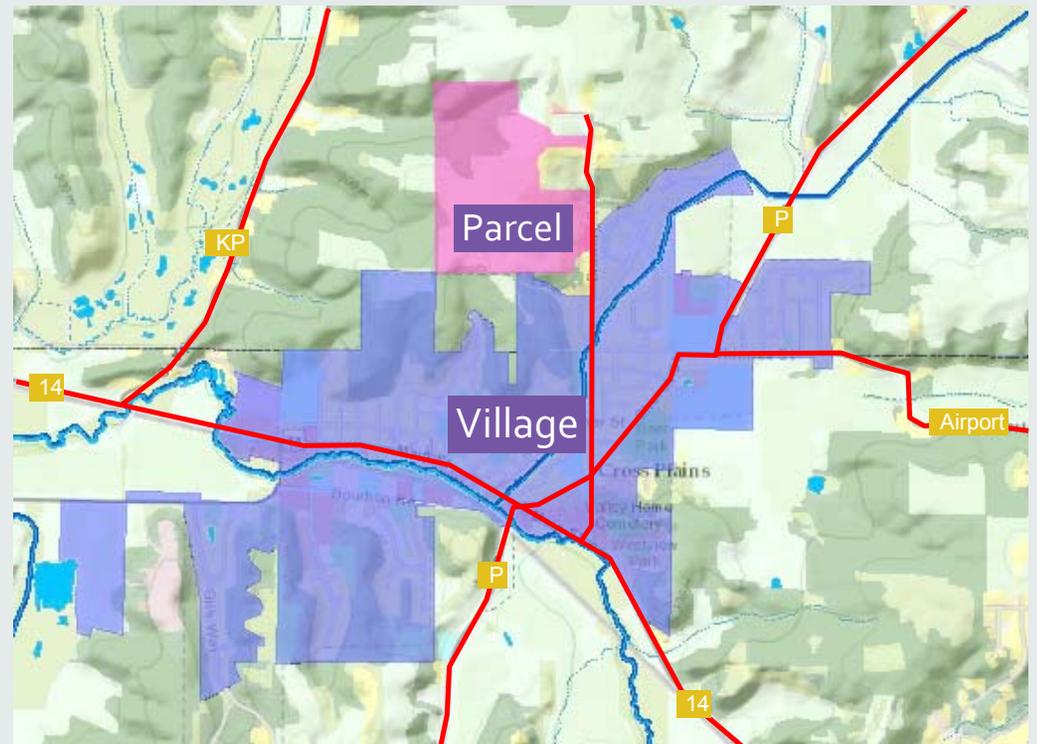
Overview of Proposals – Ron Klaas, Lead Engineer

Sundance Project History

- **2008:** Proposal #1: Urban
- **(2008-2011:** project on hold due to recession)
- **2012:** Proposal #2: Rural
- **2015:** Proposal #3: Hybrid

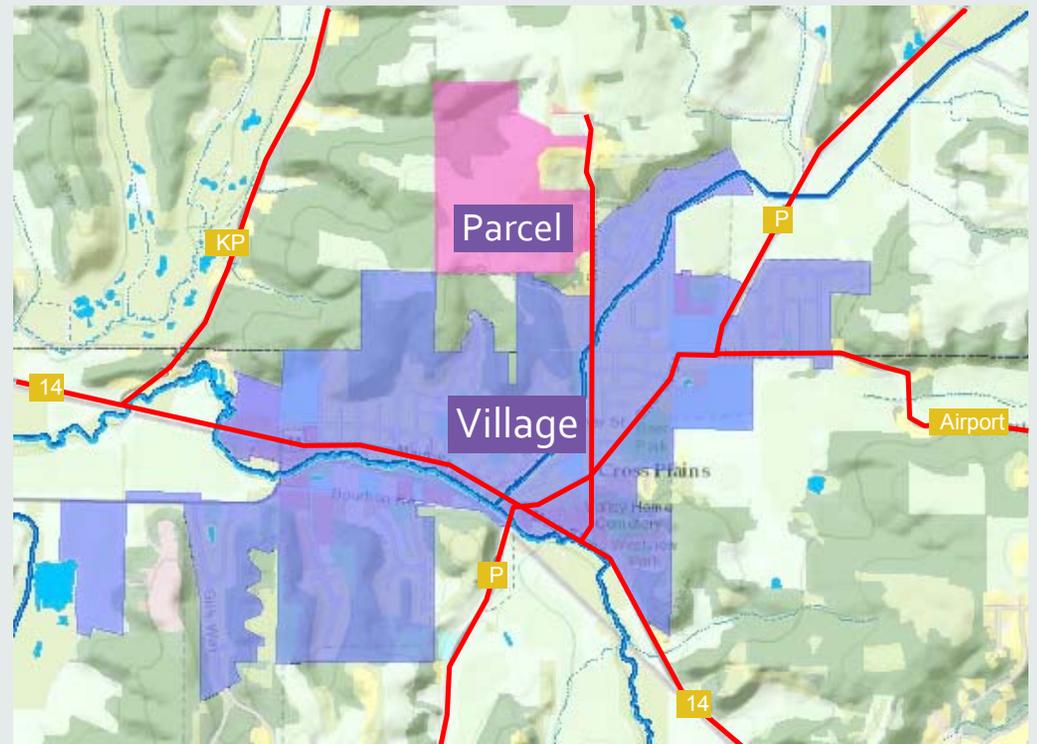
Location

- Parcel within Village Comprehensive Plan as 'Planned Neighborhood'
- 142 acres
 - Approximately 90 developable acres (dwellings and roads).
- Geographically constrained: plateau surrounded by slopes
- Typical of Village growth areas
 - highlands sufficiently far from Black Earth & Brewery Creeks to allow deployment



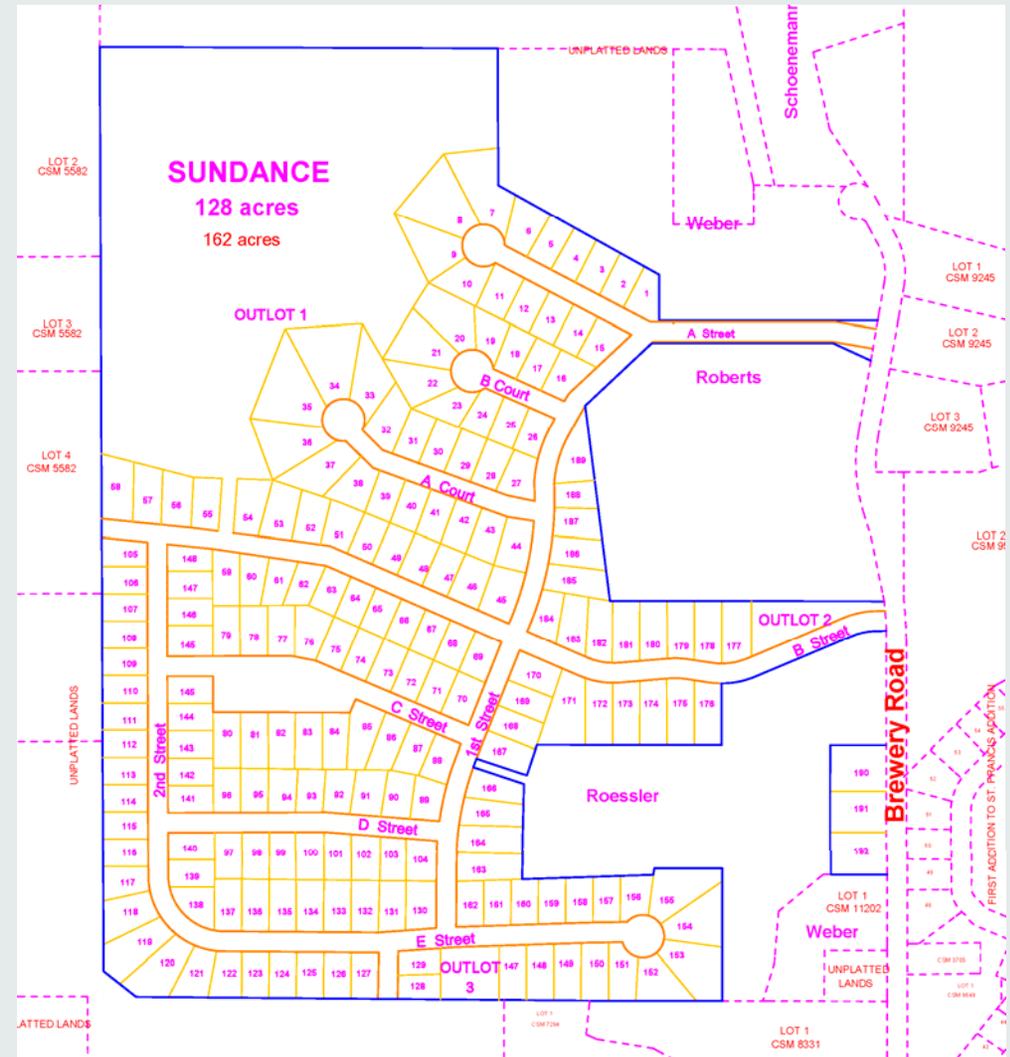
Existing Village

- Density: 3.8 dwelling units/acre
- CARPC target density for new development: 5.0
- Typical Home Value: \$235,000



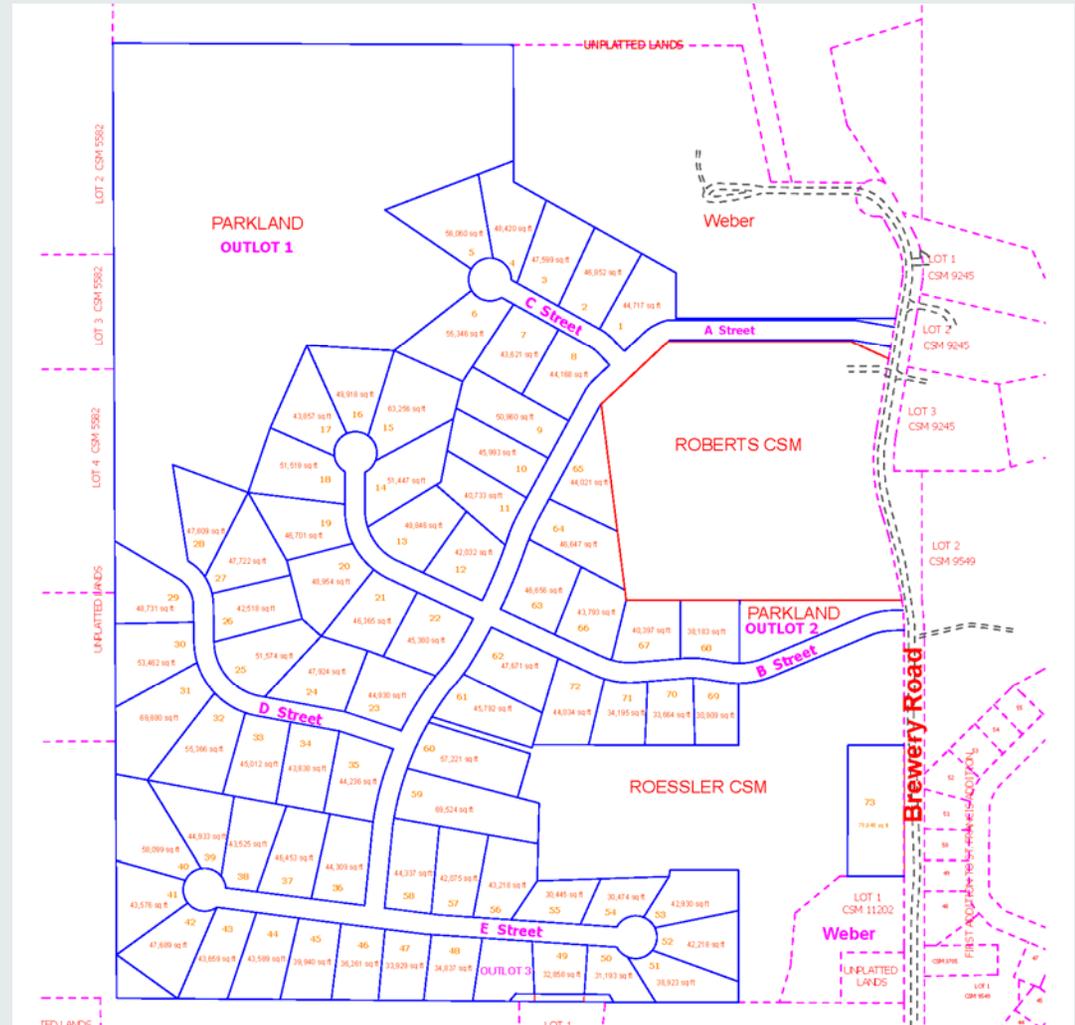
Proposal 1: Urban

- Lots: 250 units on 192 lots
 - Single-family, duplex, triplex, PUD
 - ¼+ acre lots average
- Density: 2.5+
- Typical Lot Price: \$75,000
- Typical Home/Unit Value: \$300,000
- Public sewer & water
 - Expensive water infrastructure
- Village approved conceptually in steps
 - Developer paid studies: traffic, water, etc.



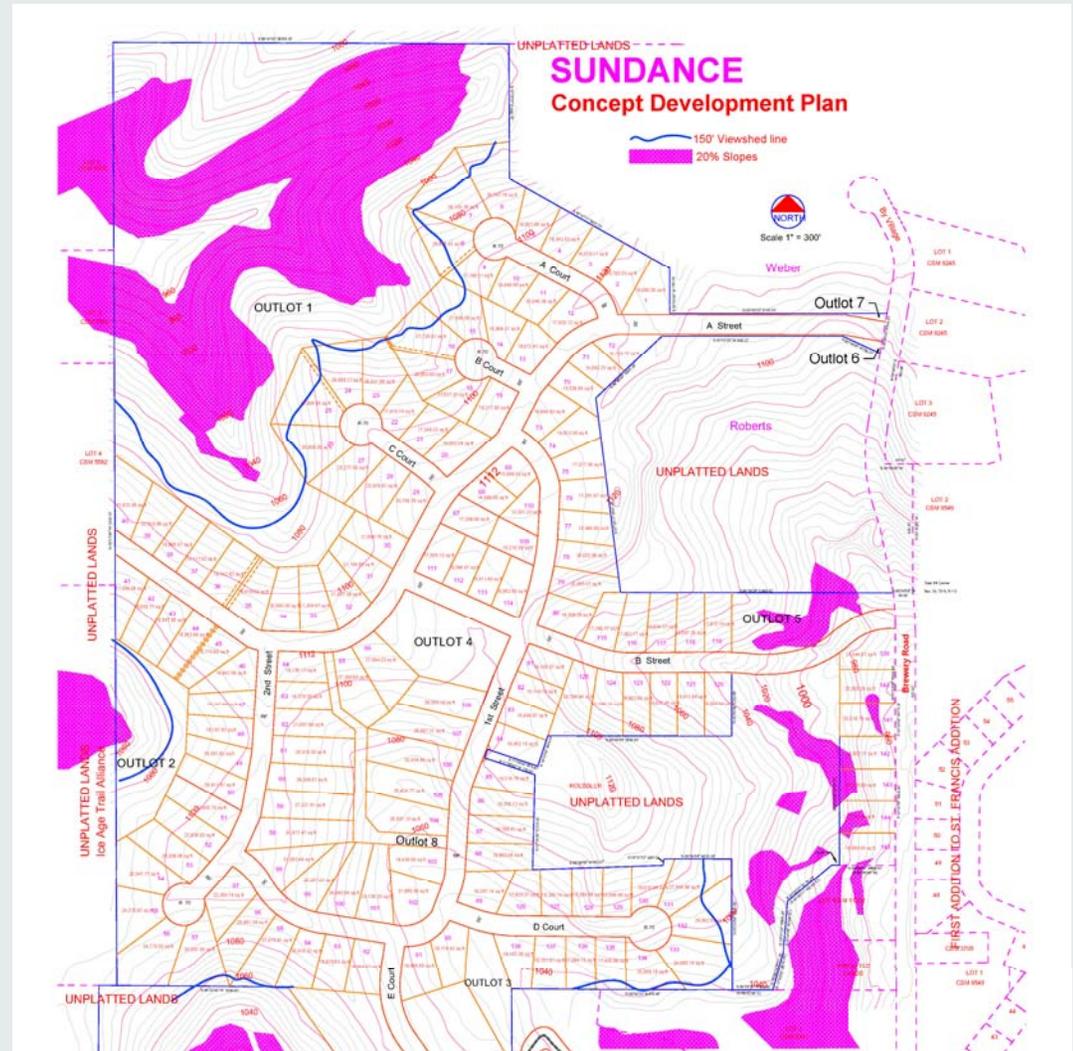
Proposal 2: Rural

- Lots: 74 lots
 - Single-family
 - 1+ acre lots average
- Density: 0.8
- Typical Lot Price: \$125,000
- Typical Home Value: \$500,000+
- Private sewer & water
 - Lots sized for septic (& well)
 - No CARPC USA expansion
- Village rejected in favor of a public sewer proposal instead



Proposal 3: Hybrid Semi-Urban

- (Public sewer proposal)
- Lots: 145 lots
 - Single-family
 - 1/2+ acre lots average
- Density: 1.6
- Typical Lot Price: \$100,000
- Typical Home Value: \$400,000
- Public sewer, Private water
 - Well & public sewer



Discussion

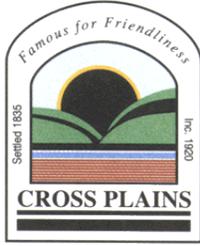
Lead Engineer

Ron Klaas

D'Onofrio Kottke & Associates

Developer

Sundance Development, LLC



Village of Cross Plains
PO Box 97, 2417 Brewery Road
Cross Plains, WI 53528
Phone: (608) 798-3241
Fax: (608) 798-3817

Memorandum

To: Plan Commission
From: Matthew G. Schuenke, Village Administrator/Clerk-Treasurer
Date: April 27, 2016
Re: **Development Proposal Review(s) for Sundance Subdivision**

Executive Summary

The Village has been considering the possible development of the “Weber Farm” located around 4923 Brewery Road known as the Sundance Subdivision off and on since 2008. During this time, three different development proposals have been reviewed to varying degree yielding mixed reviews thus far. The first proposal will be referred to as the Urban Development last considered by the Village in 2008 followed by the Rural Development in 2013 and finally the most recent proposal considered is the Hybrid Development in 2016. Each proposal for development has variety of benefits and perceived negatives when deciding whether or not to annex the property from the Town of Berry to the Village. The Plan Commission last considered the Hybrid Development on March 7th of this year and the purpose of the meeting for May 2nd is to have a higher level discussion regarding the potential uses of this property if it were to be annexed into the Village. This memorandum will summarize the potential for development as presented in these options.

Urban Development – 2008

The “Urban” refers to a type of development looking to maximize density through the use of municipal water and sewer. The Village offers these services through its utilities whereas townships typically do not have this capability. This is the original concept for the use of this property as it is more consistent with existing Village land uses. Most of the single family housing with the Village falls within the SR-4 to SR-5 category. This concept was abandoned due to the recession and high cost for water utility installation as a result of its elevation significantly above existing service levels. The Development would provide approximately 230 dwelling units through three different types of land uses as was previously proposed. Please note the following regarding this concept:

- *Municipal Water* – Adding municipal water service to this development requires a totally separate and independent water system that would include, at a minimum, the construction of a new well and elevated water storage tank. Future development of lands to the north of the proposed Sundance development that are at the same elevation could connect to this new system. Two sources of water are desirable for any water system, and the second source for this area could be created by the use of a booster pump connected to the existing Village water distribution system. The effects of the revenue created by 230 new customers is unknown at this time due to the creation of the separate system and what sorts of isolated maintenance issues might be encountered in the future. The Village would likely need to finance a portion of these costs to make development of this nature feasible.

- *Municipal Sewer* – This concept would also expand coverage for the sewer system to 230 new customers helping to pay for past plant investments through connections fees. This system can be added through this concept as well as the Hybrid Development proposal. Future development can latch onto this system providing for greater flexibility in future proposals. The new customers will not eliminate the need for future rate increases but lessen their severity. Water quality can be enhanced through this system with all of the wastewater flowing through the treatment plant versus individualized septic tanks utilized in the Rural Development. This option does require a sewage pumping station, only one of which currently exists in the Village. The new station will have ongoing maintenance needs to ensure service.
- *Future Development Potential* – The annexation of the property to develop could bring in with it the Faust, Roessler, and Statz properties putting them into RH-35 and making them ready for subdivision in the future. Extending service for the utilities and road networks will also improve the likelihood that properties such as Maier, Schoenemann, and Weber would also annex/development in the future with the ground work laid through this work. The Village’s Zoning Code will protect the view shed for properties on the bluff through its overlay districts to regulate the hillside and hilltop properties. A diverse housing stock is proposed utilizing a combination of SR-4, SR-5, DR-6, and MR-8 which is recommended in the Comprehensive Plan for this property as a “Planned Residential Development”. The larger density increases the tax base and dedication requirements. While the 2008 Traffic Study provided by the Developer does support the development as planned, an emergency access lane would be provided to Hillside Trail but would not include a secondary access to Stone Valley Road in the Township. The Village would need to separate in this discussion the traffic issues discussed to date versus requirements for emergency access. Assessments would have to be utilized to recoup Developer costs served to benefit future developments and/or annexations as appropriate, which would have to be completed within a 20 year time period in order to remain collectible. This project would create a Town island which is not insurmountable.
- *Capital Area Regional Plan Commission (CARPC)* – This is a rather large amendment for a community of our size looking to bring in over 100 acres into the Village to serve over 200 dwelling units. However, not inconsistent with CARPC policy that looks to maximize density within urbanized municipalities through their formula based on the Village’s historical growth curve. It would be beneficial for the Village to work with CARPC on a Neighborhood Plan for this property including those properties to be included in the annexation as well as those that could potentially benefit from this project. This in turn could help the Village bring forward projects in a more efficient manner within CARPC standards for USA Amendments.

Rural Development – 2013

The “Rural” refers to a type of development looking to minimize density through the use of private wells and individual septic systems. These types of developments are more predominant within townships where the objective is for the housing to sprawl out over the land. This concept was presented by the Developer to the Plan Commission at its June 3, 2013 meeting as a possible alternative to the Urban Development put forth five years earlier. This project would utilize mainly SR-1 and some SR-3 which are two of the least used land uses within the Village at 1 and 3 dwelling units per acre respectively. The installation of the water system solely at the Developer’s expense was problematic which generated this concept for discussion. This proposal added a little more than 70 single family homes and CANNOT support the utility infrastructure costs at that level both for the Developer and Village needs. The feedback provided at the time as a compromise was for the project to be annexed and developed using the Hybrid Development concept brought forth in 2016. This is the type of development that encourages urban sprawl by minimizing land use with the lowest amount of density possible. Many examples of this can be seen off of Airport Road in the Town of Middleton where this type of development is more predominant. The difference remains that the Village has utilities it offers in order to create urban projects versus rural developments inability to accommodate higher density projects. Please note the following regarding this concept:

- *Private Well and Septic* – Each homeowner would be required to install their own well and septic system to service their home. Water quality would be harder to protect in these circumstances as it places the burden for treatment across the subdivision instead of managed at one source by the Village. Allowing well/septic in a Village is unprecedented in a urbanized setting and would be a drastic shift from Village policy, meaning that the Community has invested a lot in its public utilities of which these people will not help by staying out of. This will not be the only development which will have elevation issues to deal with for the Village looking into its indefinite future. More properties will want to come into the Village to utilize this type of arrangement when they encounter similar challenges further expanding the problem.
- *Future Development Potential* – Additional properties may still development as is suggested in the Urban Development concept, both those included in the annexation or presently excluded. Their density will be set; however, by this project as it will not allow them to hook into the utilities. Urbanized development brings the possibility of density to future development and if they do not get installed, the dominos will continue to fall towards rural development for the additional properties considered as future opportunities which would limit their future use and potential. The concept would not meet the Comprehensive Plan based on the sprawl created and wasted space better served for development. Larger lots will also create less affordability in the houses that they could support and thus take longer to sell within a smaller market. The Village would still be able to protect the view shed with the hillside and hilltop overlay district in the Zoning Code, and make something out of nothing. However, the cost to “make something” may come at a steep price in the form of diminished opportunity in the future.

- *Capital Area Regional Plan Commission (CARPC)* – This type of development would not require CARPC approval of a USA amendment. Regardless, it would not meet their density requirements even if it did and would generally be frowned upon as it does not live up to the Village’s demand for housing as suggested in their formula.

Appendix B – Rural Development Map

Hybrid Development – 2016

This type of Development utilizes the municipal sewer system allowing gravity to direct wastewater flow to the treatment plant and provides for private wells at each home included in the concept site plan. This concept was struck as a compromise with the Pre-Annexation Agreement in 2013 and lead to its presentation to the Plan Commission as a request for annexation at the February and March meetings this year. The Development would utilize SR-3 zoning throughout offering only single family homes within the Village’s medium density category. At around 140 dwelling units it falls nearly in the middle of both the Urban and Rural concepts as the compromise intended. Village Staff has been working with the Developer on this concept since June of 2015 in great detail and remains the recommended land use for the future development of this property. Please note the following:

- *Private Wells* – Each homeowner would be required to install their own well to provide water to their home. Shared well agreements have been mentioned but worst case scenario would create 140 new individual wells to serve this properties. Allowing wells in a Village to this magnitude is unique in an urbanized setting. This would avoid the significant cost of the water utility while providing some density through the use of municipal sewer that is measurable, definable in order to regulate the future availability of this practice going forward.
- *Municipal Sewer* – This concept would expand coverage for the sewer system to 140 new customers helping to pay for past plant investments through connections fees. This system can be added through this concept as well as the Urban Development proposal. Future development can latch onto this system providing for greater flexibility in future proposals. The new customers will not eliminate the need for future rate increases but lessen their severity. Water quality can be enhanced through this system with all of the wastewater flowing through the treatment plant versus individualized septic tanks utilized in the Rural Development. This option does require a sewage pumping station, only one of which currently exists in the Village. The new station will have ongoing maintenance needs to ensure service.

- *Future Development Potential* – The annexation of the property to develop could bring in with it the Faust, Roessler, and Statz properties putting them into RH-35 and making them ready for subdivision in the future. Extending service for the sewer and road networks will also improve the likelihood that properties such as Maier, Schoenemann, and Weber would also annex/development in the future with the ground work laid through this work. The Village’s Zoning Code will protect the view shed for properties on the bluff through its overlay districts to regulate the hillside and hilltop properties. The housing offered is not as diverse and less dense as what is proposed with the Urban Development with the Hybrid utilizing only SR-3 throughout. The increase to the tax base will remain substantial and will also bring with it dedication of new public property. While the Traffic Study does support the Hybrid approach, an emergency access lane would be provided to Hillside Trail but would not include a secondary access to Stone Valley Road in the Township. The Village would need to separate in this discussion the traffic issues discussed to date versus requirements for emergency access. Assessments would have to be utilized to recoup Developer costs served to benefit future developments and/or annexations as appropriate, which would have to be completed within a 20 year time period in order to remain collectible. This project would create a Town island which is not insurmountable.
- *Capital Area Regional Plan Commission (CARPC)* – This is a rather large amendment for a community of our size looking to bring in over 100 acres into the Village to serve approximately 140 dwelling units. This may be inconsistent with CARPC policy that looks to maximize density within urbanized municipalities through their formula based on the Village’s historical growth curve. It would be beneficial for the Village to work with CARPC on a Neighborhood Plan for this property including those properties to be included in the annexation as well as those that could potentially benefit from this project. This in turn could help the Village bring forward projects in a more efficient manner within CARPC standards for USA Amendments.

Appendix C – Hybrid Development Map

Town Development – Unknown

If we do nothing but reject all three proposed concepts for Development, at some point in the future the property will develop in the Town according to rural standards saddling the Village with many of the negative points we have been trying to avoid. May not be through this Developer but would be through someone as Town development options continue to evolve through recent State law changes. This would give us all of the traffic, stormwater run-off, water quality issues, etc. with none of the benefit putting the Village in a less than ideal situation.

Recommendation

The Plan Commission needs to consider the history behind this property and the concepts in their entirety as they have been brought forward. All of the pieces within one concept cannot be evenly exchanged for use in another concept (i.e. – using Hybrid method with Rural density). Every project has been considered thus far with the positives and negatives associated with it, and the project that best suits all of our needs has to be brought to the surface for consideration. Staff recommends the following direction be provided by the Plan Commission:

1. First Priority – Hybrid Development: Consideration and focus returns to the Hybrid Development within the parameters that have been established within the Development Proposal presented for discussion in February and March. If there are specific concerns, they need to be brought forward in order for them to be addressed specifically. We believe we have brought forward a project in good faith between the Village and Developer that best serves all our needs as was intended with the Pre-Annexation Agreement. This will remain our sole focus and priority.

2. Secondary Priority – Urban Development: If the Hybrid Development is no longer attainable, the Plan Commission shall provide direction to shift priority to the Urban Development. This is more common within the Village and discussion with the Developer can begin immediately to update the Development Proposal to bring this project forward as part of the annexation. This will not be without its challenges and require some time to put together as well as additional consultation with CARPC, Village Board, etc.

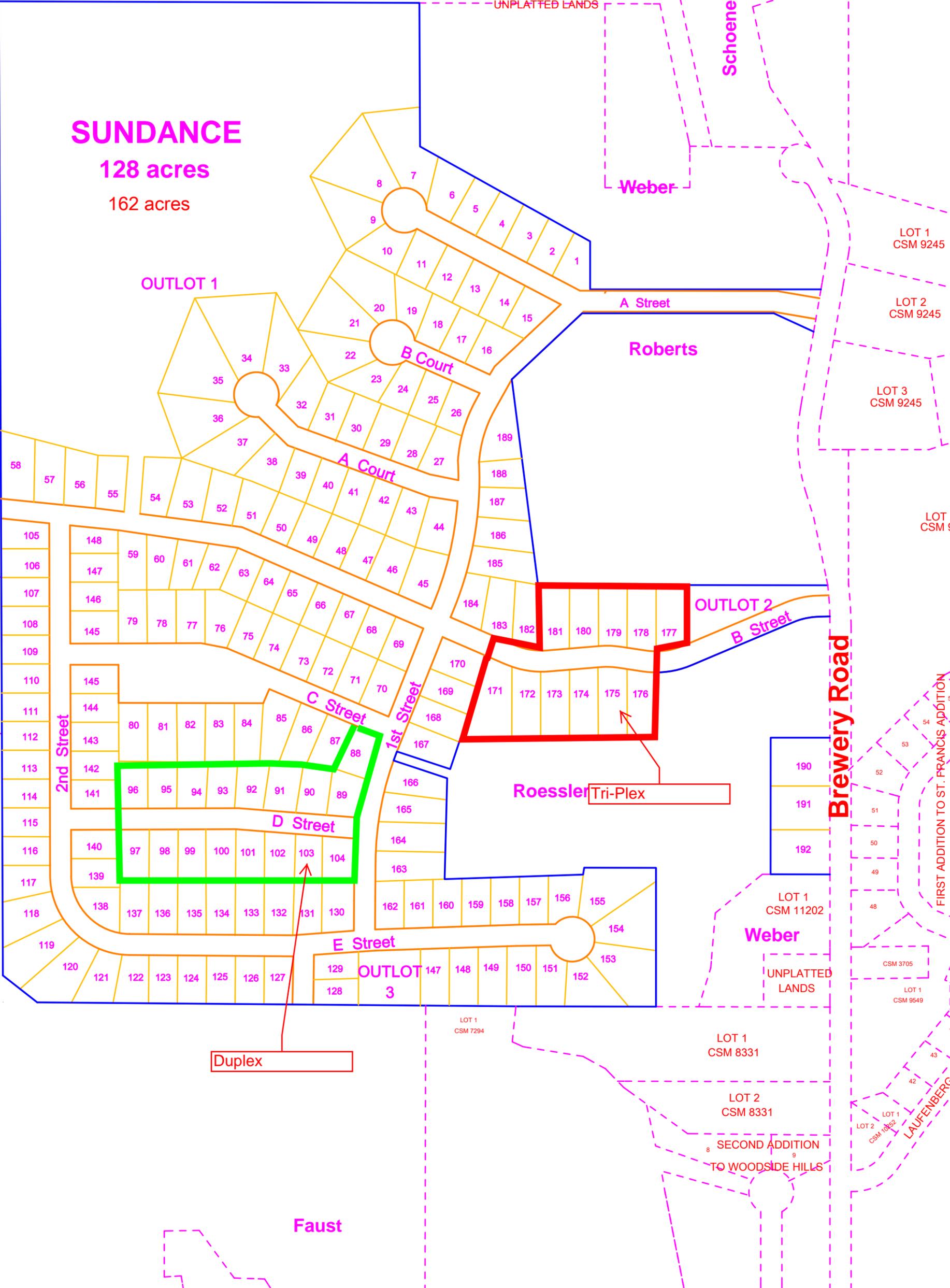
3. No Priority – Rural Development: Rural Development in a municipal setting is not desirable and will not be pursued. Village will work with the Developer to bring forth an Urban Development and/or a Hybrid approach as has been discussed. This will require the Plan Commission to increase its current vision for density with respect to this project.

192 Total Lots
 11 Tri-plex = 33 du's
 17 Duplex = 34 du's
 164 Single Family = 164 du's
 231 Total Dwelling Units (du's)

SUNDANCE

128 acres

162 acres



LOT 2
CSM 5582

LOT 3
CSM 5582

LOT 4
CSM 5582

LOT 1
CSM 9245

LOT 2
CSM 9245

LOT 3
CSM 9245

LOT 2
CSM 9245

LOT 1
CSM 11202

LOT 1
CSM 8331

LOT 2
CSM 8331

SECOND ADDITION
TO WOODSIDE HILLS

LOT 1
CSM 10082

LOT 2
CSM 10082

LOT 3
CSM 10082

LOT 4
CSM 10082

LOT 5
CSM 10082

LOT 6
CSM 10082

LOT 7
CSM 10082

LOT 8
CSM 10082

LOT 9
CSM 10082

FIRST ADDITION TO ST. FRANCIS ADDITION

LAUFENBERG P

UNPLATTED LANDS

UNPLATTED LANDS

UNPLATTED LANDS

UNPLATTED LANDS

SUNDANCE



Appendix B

UNPLATTED LANDS

LOT 2 CSM 5582

LOT 3 CSM 5582

LOT 4 CSM 5582

UNPLATTED LANDS

Ice Age Trail lands

UNPLATTED LANDS

PARKLAND
OUTLOT 1

Weber

LOT 1
CSM 9245

LOT 2
CSM 9245

LOT 3
CSM 9245

LOT 2
CSM 9549

ROBERTS CSM

PARKLAND
OUTLOT 2

Brewery Road

Storm
Detention

ROESSLER CSM

73
78,946 sq ft

LOT 1
CSM 11202

Weber

UNPLATTED
LANDS

FIRST ADDITION TO ST. FRANCIS ADDITION

LOT 1
CSM 9549

LOT 1
CSM 9549

LOT 2
CSM 9549

LOT 1
CSM 9549

LAUFENBERG BOULEVARD

LOT 1
CSM 8331

LOT 2
CSM 8331

SECOND ADDITION
TO WOODSIDE HILLS

150' Setback

Intermittent Stream

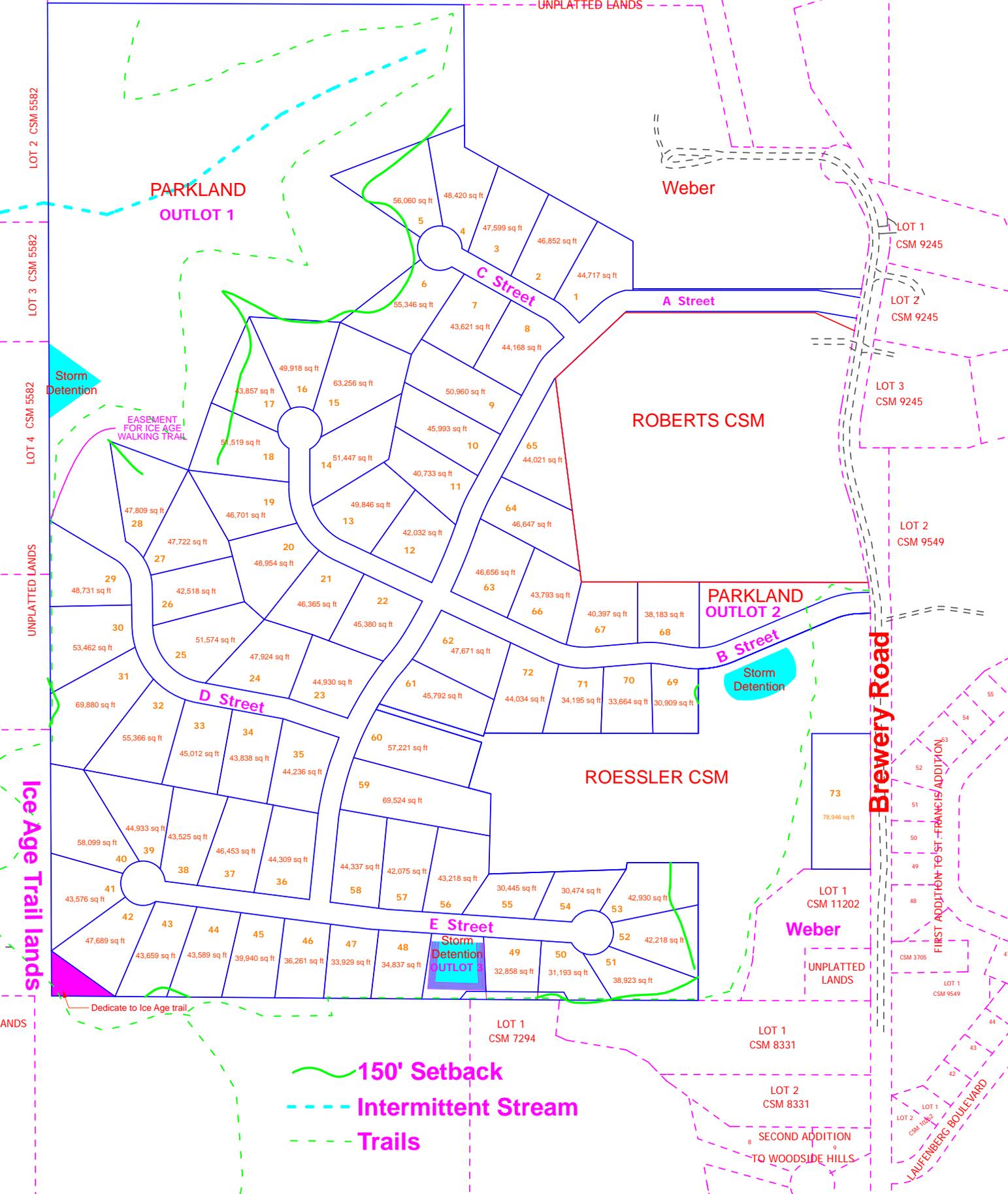
Trails

Dedicate to Ice Age trail

Storm
Detention

EASEMENT
FOR ICE AGE
WALKING TRAIL

Storm
Detention
OUTLOT



UNPLATTED LANDS

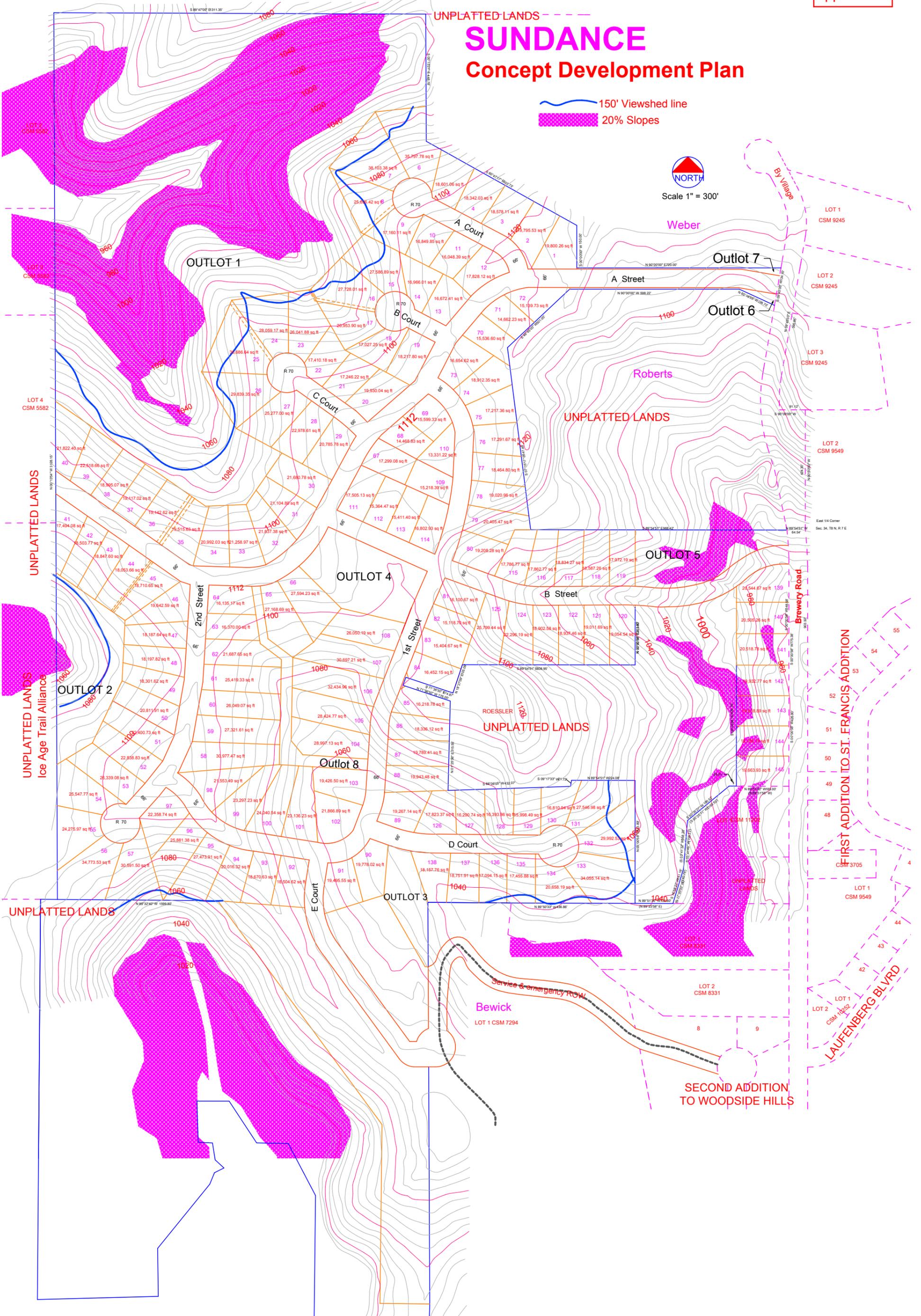
SUNDANCE

Concept Development Plan

-  150' Viewshed line
-  20% Slopes



Scale 1" = 300'



DECLARATION OF EASEMENT

RE: Lot 1 Certified Survey Map No. 3417, document No. 1656968, Village of Cross Plains, also described as: Lot 1, Certified Survey Map No. 3417, recorded in Volume 13 of Certified Surveys, pages 242 and 243, as Document No. 1656968. (Being a part of the southwest ¼ of the northwest ¼ of Section 3, Township 7 North, Range 7 East, in the Village of Cross Plains, Dane County, Wisconsin) (hereinafter "the Property").

Declaration made this ____ day of _____, 2016, by T&M Business & Storage, LLC, a Wisconsin Limited Liability Company as owner of the Property referenced above (hereinafter "Owner").

Name and Return Address:

Paul A. Johnson
Boardman & Clark LLP
PO Box 256
Lodi, WI 53555

0707-032-9210-2

Parcel Identification Number

WHEREAS, the Village of Cross Plains ("Cross Plains") has requested from Owner a Permanent Limited Easement in order to construct and maintain a multi-use trail within the Village limits of the Village of Cross Plains.

NOW, THEREFORE, it is hereby declared by Owner as follows:

1. Owner hereby grants and conveys to Cross Plains a Permanent Limited Easement for the construction and maintenance of a multi-use trail over the land which is described on the attached Exhibit A ("the Easement Area").
2. The purpose of this Easement is to allow Cross Plains the use of the Easement Area in order to construct and maintain a multi-use trail. Cross Plains is allowed to remove vegetation, mow grass, install landscaping and otherwise maintain the Easement Area consistent with this purpose. All costs of maintaining the Easement Area shall be borne by Cross Plains. The terms and conditions of this Declaration of Easement shall not apply to Owner's Property that is not within the Easement Area.

3. Owner also grants Cross Plains a Permanent Easement for ingress and egress over the Easement Area except as provided herein.
4. Except as provided herein, Owner reserves and retains the full right to use the Easement Area; provided any such use shall not unreasonably interfere with or impede the rights of Cross Plains over the Easement Area for the purposes set forth in this Declaration.
5. Owner shall not obstruct Cross Plains' free and unobstructed use of the Easement Area in accordance with this Declaration. Any obstructions or impediments within the Easement Area may be removed without notice by Cross Plains and the cost of removal shall be borne by the person causing or responsible for such obstruction
6. All claims, disputes, and other matters or questions arising out of or related to this Declaration or breach thereof shall be decided in a court of competent jurisdiction located in Dane County, Wisconsin. In the event it is already determined that the terms or conditions of this Declaration governing the Easement Area have been violated or breached, in addition to any other rights or remedies to which the non-defaulting party in litigation may be entitled, the defaulting party in litigation shall be obligated to pay all of the non-defaulting party's costs and expenses associated with enforcement of this Declaration whether incurred prior to or after the commencement of any lawsuit, including reasonable attorney fees.
7. The benefits and burdens of these Easements created herein shall run with the land and be binding upon Owner and Cross Plains, and inure to the benefit of the parties hereto and their respective heirs, successors and assigns. At no time shall Cross Plains allow the Easement Area to be dedicated to the public.
8. The provisions of this Declaration may not be cancelled, terminated, released, amended or waived unless approved in a written agreement of the parties hereto and recorded in the Dane County Register of Deeds office.
9. This agreement shall be governed by and interpreted in accordance with the laws of the State of Wisconsin.

ACCEPTANCE OF EASEMENT

The Village of Cross Plains, a Wisconsin Municipal Corporation, does hereby accept the terms and conditions set forth in this Declaration of Easement and agrees to be bound by the terms and conditions set forth herein.

Dated: _____

Dated: _____

J. Patrick Andreoni, Village President

Matthew G. Schuenke, Village Clerk

AUTHENTICATION

Signatures of J. Patrick Andreoni and Matthew G. Schuenke, in their capacities indicated, authenticated on this ____ day of _____, 2016.

Paul A. Johnson, SBN: 1021492
TITLE: MEMBER, STATE BAR OF WISCONSIN

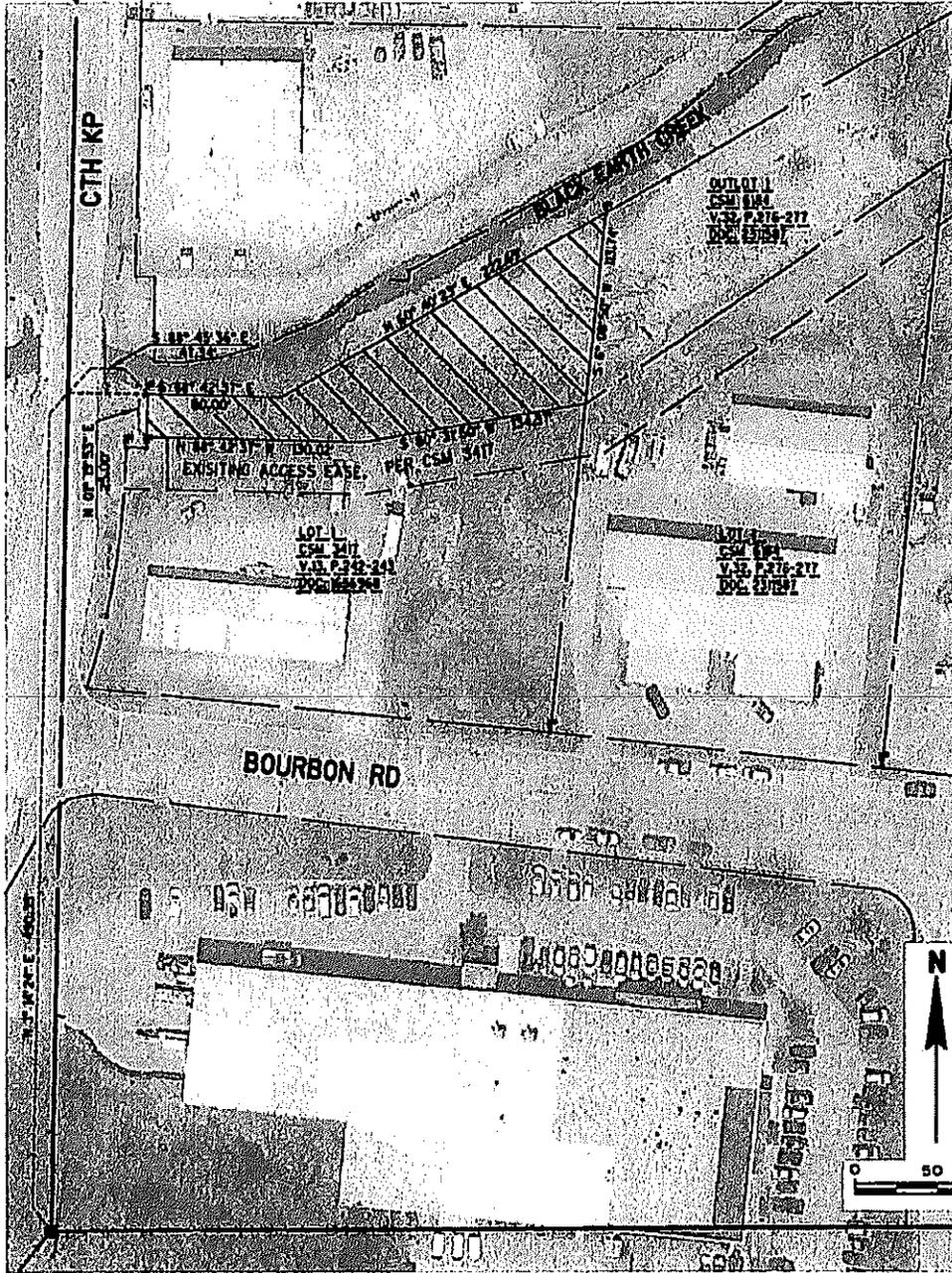
This instrument drafted by:
Attorney Paul A. Johnson
Boardman & Clark LLP
113 S. Main Street, Suite 301
Post Office Box 256
Lodi, WI 53555
608-592-3877 (p)
608-592-5844 (f)
pjohnson@boardmanclark.com
F:\DOCS\WD\53698\107\A2379785.DOCX

5:00:37 PM

2/2/2016

user: hcauthers

S:\MAD\1660-1676\1676.DWG\Micro\PLAN\Government_graphics.dgn



PROPOSED ACCESS EASEMENT
VILLAGE OF CROSS PLAINS
DANE COUNTY, WISCONSIN



FIGURE NO. 1
JOB # 1676.003

EXHIBIT
A

LEGAL DESCRIPTION

Part of Lot 1 of Certified Survey Map number 3417 located in the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 3, Town 7 North, Range 7 East, in the Village of Cross Plains, Dane County, Wisconsin more fully described as follows: Commencing at the West $\frac{1}{4}$ corner of said Section 3; Thence North $1^{\circ}14'24''$ East, 490.35 feet along the West line of said Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$; Thence South $88^{\circ}45'36''$ East, 47.34 feet to the Northwest corner of said Lot 1 and the point of beginning; Thence South $88^{\circ}42'37''$ East, 80.00 feet along the North line of said Lot 1; Thence North $60^{\circ}40'23''$ East, 222.69 feet along the North line of said Lot 1 to the Northeast corner thereof; Thence South $6^{\circ}08'50''$ West, 113.74 feet along the East line of said Lot 1 to the northerly line of the existing access easement as described in CSM 3417; Thence South $80^{\circ}31'50''$ West, 134.37 feet along said Northerly easement line; Thence North $88^{\circ}42'37''$ West, 130.02 feet along said Northerly easement line to the Westerly line of said Lot 1; Thence North $1^{\circ}19'53''$ East, 25.00 feet along said Westerly line of Lot 1 to the point of beginning.

DECLARATION OF EASEMENT

RE: Lot 2 Certified Survey Map No. 10045, recorded in the Dane County, Wisconsin, Register of Deeds Office in Volume 58 of Certified Survey Maps, page 301, as document number 3321512, in the Village of Cross Plains, Wisconsin (hereinafter "the Property").

Declaration made this ____ day of _____, 2016, by Cross Plains-Berry Fire District, as owner of the Property referenced above (hereinafter "Owner").

WHEREAS, the Village of Cross Plains ("Cross Plains") has requested from

Owner a Permanent Limited Easement in order to construct and maintain a multi-use trail within the Village limits of the Village of Cross Plains.

NOW, THEREFORE, it is hereby declared by Owner as follows:

1. Owner hereby grants and conveys to Cross Plains a Permanent Limited Easement for the construction and maintenance of a multi-use trail over the land which is described on the attached Exhibit A ("the Easement Area").
2. The purpose of this Easement is to allow Cross Plains the use of the Easement Area in order to construct and maintain a multi-use trail. Cross Plains is allowed to remove vegetation, mow grass, install landscaping and otherwise maintain the Easement Area consistent with this purpose. All costs of maintaining the Easement Area shall be borne by Cross Plains. The terms and conditions of this Declaration of Easement shall not apply to Owner's Property that is not within the Easement Area.
3. Owner also grants Cross Plains a Permanent Easement for ingress and egress over the Easement Area except as provided herein.

Name and Return Address:

Paul A. Johnson
Boardman & Clark LLP
PO Box 256
Lodi, WI 53555

0707-032-9725-1

Parcel Identification Number

4. Except as provided herein, Owner reserves and retains the full right to use the Easement Area; provided any such use shall not unreasonably interfere with or impede the rights of Cross Plains over the Easement Area for the purposes set forth in this Declaration.
5. Owner shall not obstruct Cross Plains' free and unobstructed use of the Easement Area in accordance with this Declaration. Any obstructions or impediments within the Easement Area may be removed without notice by Cross Plains and the cost of removal shall be borne by the person causing or responsible for such obstruction.
6. In the event the multi-use trail is constructed and later abandoned from use by Cross Plains, Cross Plains shall be responsible for removing the trail and restoring the Easement Area to its previously undisturbed condition. Cross Plains shall complete the restoration of the Easement Area within 12 months following abandonment.
7. Cross Plains shall release, hold harmless, indemnify and defend the Owner or any lessee of the Property for any loss, damage or injury to persons or property arising from the use of the Easement Area, unless such loss, damage or injury is caused by the negligence of Owner or its lessee.
8. All claims, disputes, and other matters or questions arising out of or related to this Declaration or breach thereof shall be decided in a court of competent jurisdiction located in Dane County, Wisconsin. In the event it is already determined that the terms or conditions of this Declaration governing the Easement Area have been violated or breached, in addition to any other rights or remedies to which the non-defaulting party in litigation may be entitled, the defaulting party in litigation shall be obligated to pay all of the non-defaulting party's costs and expenses associated with enforcement of this Declaration whether incurred prior to or after the commencement of any lawsuit, including reasonable attorney fees.
9. The benefits and burdens of these Easements created herein shall run with the land and be binding upon Owner and Cross Plains, and inure to the benefit of the parties hereto and their respective heirs, successors and assigns. At no time shall Cross Plains allow the Easement Area to be dedicated to the public.
10. The provisions of this Declaration may not be cancelled, terminated, released, amended or waived unless approved in a written agreement of the parties hereto and recorded in the Dane County Register of Deeds office.
11. This agreement shall be governed by and interpreted in accordance with the laws of the State of Wisconsin.

ACCEPTANCE OF EASEMENT

The Village of Cross Plains, a Wisconsin Municipal Corporation, does hereby accept the terms and conditions set forth in this Declaration of Easement and agrees to be bound by the terms and conditions set forth herein.

Dated: _____

Dated: _____

J. Patrick Andreoni, Village President

Matthew G. Schuenke, Village Clerk

AUTHENTICATION

Signatures of J. Patrick Andreoni and Matthew G. Schuenke, in their capacities indicated, authenticated on this ____ day of _____, 2016.

Paul A. Johnson, SBN: 1021492
TITLE: MEMBER, STATE BAR OF WISCONSIN

This instrument drafted by:
Attorney Paul A. Johnson
Boardman & Clark LLP
113 S. Main Street, Suite 301
Post Office Box 256
Lodi, WI 53555
608-592-3877 (p)
608-592-5844 (f)
pjohnson@boardmanclark.com
F:\DOCS\WD\53698\107\A2379829.DOCX

LEGAL DESCRIPTION

Part of Lot 2 of Certified Survey Map number 10045 located in the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 3, Town 7 North, Range 7 East, in the Village of Cross Plains, Dane County, Wisconsin more fully described as follows: Commencing at the West $\frac{1}{4}$ corner of said Section 3; Thence North $89^{\circ}48'32''$ East, 1,711.67 feet along the South line of the Northwest $\frac{1}{4}$ of said Section 3; Thence North $0^{\circ}11'28''$ West, 129.99 feet to the Southeast corner of Lot 2 of Certified Survey Map number 10045 and the point of beginning; Thence North $83^{\circ}16'34''$ West, 23.47 feet along the Southerly line of said Lot 2; Thence North $6^{\circ}41'16''$ East, 183.32 feet; Thence North $2^{\circ}28'59''$ East, 83.85 feet; Thence North $20^{\circ}29'16''$ West, 32.74 feet to the Southerly line of the Public Drainage and walkway easement as shown on said CSM 10045; Thence South $76^{\circ}55'22''$ East, 32.10 feet along said Southerly easement line to the Easterly line of said Lot 2; Thence South $4^{\circ}12'25''$ West, 292.79 feet along said Easterly line to the point of beginning.