

**TOWN OF WESTPORT**  
**REGULAR BOARD MEETING**  
Kennedy Administration Building  
Community Meeting Room  
5387 Mary Lake Road  
Town of Westport, Wisconsin

AGENDA - Monday, May16, 2022, 7:00 p.m.

1. Call to Order
2. Public Comment On Matters Not On the Agenda
3. Approve Minutes
4. Review/Approve Operator Licenses
5. Driveway/Access/Utility/Road Opening Permits
6. Water Utility/Fire Protection Utility  
Miscellaneous
7. Sewer Utility  
Miscellaneous
8. Engineer Report  
Miscellaneous Ongoing Projects
9. Land Division and Rezone (PDD to R-1 and County A-1, Create 2 Single Family Residential Lots), Nonn/Lucke, Wegenke Property Near Briggs Road, CTH Q (Middleton ETZ), Discussion/Recommendation/Action
10. 2022 Town Road Construction Contract/Bid Award (Mary Lake and Borchers Beach Roads), Discussion/Action
11. Committee Reports/Items for Action

Personnel Committee	Public Works Committee	Westport/Middleton JZC
Audit Committee	Town Plan Commission	Westport/Waunakee JPC
12. Administrative Matters
13. Miscellaneous Business/Forthcoming Events
14. Pay Current Bills
15. Adjourn to closed session pursuant to Section 19.85(1)(e), Wis. Stats., to deliberate or negotiate the purchase of public properties, the investing of public funds or conducting other specified public business, because competitive or bargaining reasons require a closed session, regarding the funding of construction costs for C.T.H. M improvements, and to section 19.85(1)(c), Wis. Stats., considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility and Section 19.85(1)(f), Wis. Stats., to consider financial, medical, social, or personal histories of specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, regarding Board/Commission/Committee Appointments.
16. Return to Open Session
17. C.T.H. M Improvements Discussion /Action
18. Town Board/Commission/Committee Appointments Discussion/Action
19. Adjourn

If you need reasonable accommodations to access this meeting, please contact the clerk's office at 849-4372 at least three business days in advance so arrangements can be made to accommodate the request.

**TOWN OF WESTPORT**  
**AUDIT COMMITTEE MEETING**  
Kennedy Administration Building  
Community Meeting Room  
5387 Mary Lake Road  
Town of Westport, Wisconsin

**AGENDA** - Monday, May 16, 2022, 6:30 p.m.

This meeting is being noticed as a possible gathering of a quorum of the Westport Town Board due to the possible attendance of Supervisors not appointed to the Committee. Supervisors may discuss items on this agenda, or gather information on these items, but no action will be taken on these items as the Town Board.

1. Call to order
2. Approve minutes
3. Review/approve bills for payment
4. Adjourn

If you need reasonable accommodations to access this meeting, please contact the clerk's office at 849-4372 at least three business days in advance so arrangements can be made to accommodate the request.

## **TOWN OF WESTPORT**

TOWN BOARD - Monday, May 2, 2022

The regular semi-monthly meeting of the Town Board was called to order at 7:05 PM by Chair Sipsma in the Community Meeting Room of the Bernard J. Kennedy Administration Building/Town Hall. Members Present: Cuccia, Manering, Sipsma, and Trotter. Members Absent: Pichette. Also Present: Rick Schmidt, Tim Wohlers and Dean Grosskopf.

There was no Public Comment On Matters Not On the Agenda,

The minutes of the April 18, 2022, regular meeting were approved as presented on a motion by Manering, second Cuccia.

For the Engineer Report Grosskopf reported that the apparent low bid for the 2022 Road Improvements was approximately \$1,157,000. It is currently being reviewed by the Town Engineer, and a full report with discussion and action to approve the bid will appear on the 5/16/22 Board agenda.

The Land Division and Rezone (PDD to R-1 and County A-1, Create 2 Single Family Residential Lots), Nonn/Lucke, Wegenke Property Near Briggs Road, CTH Q (Middleton ETZ) was postponed until 5/16/22 on a motion by Cuccia, second Trotter.

Grosskopf reported on items before the plan commission/committees. The Audit Committee recommended payment of bills as presented by Grosskopf after questions were answered.

For Administrative Matters, Grosskopf presented Proclamations for Tom Wilson and Terry Enge for approval and signature by the Board Members. Grosskopf reported that long time Public Works employee Tom Flaig chose to retire effective 4/28/22, and that Staff is beginning a search for his replacement. Finally, the date for the Board of Review was set to be June 22, 2022, at 9:30 AM.

No Miscellaneous Business or Forthcoming Events were raised.

Current bills were paid as presented by Grosskopf and recommended by the Audit Committee after questions were answered on a motion by Cuccia, second Manering.

Motion to adjourn by Manering, second Cuccia. The meeting adjourned at 7:36 PM.

Dean A. Grosskopf  
Administrator/Clerk-Treasurer

AGENDA ITEM #9:

Land Division and Rezone (PDD to R-1 and County A-1,  
Create 2 Single Family Residential Lots), Nonn/Lucke,  
Wegenke Property Near Briggs Road, CTH Q (Middleton  
ETZ), Discussion/Recommendation/Action



# MIDDLETON-WESTPORT JOINT ZONING COMMITTEE

Wednesday, April 27, 2022 5:30 p.m.

## MEETING MINUTES

*Meeting materials are available on the City's website at <http://meetings.cityofmiddleton.us/>  
A recording of the meeting is available at: <https://www.youtube.com/watch?v=Iryou0TpGtY>*

---

### **Call to Order & Roll Call**

Chair Sipsma called the meeting to order at 6:00 p.m. The meeting was conducted online only via the Zoom platform.

**MEMBERS PRESENT:** Randy Bruce, Cynthia Kennedy, Kurt Paulsen, John Schaffer, Ken Sipsma

**MEMBERS ABSENT:** One vacancy (Town of Westport member)

**STAFF PRESENT:** Kevin Even, Mark Opitz, Wes Webendorfer (Town attorney)

### **Minutes of April 6, 2022, Meeting**

**Motion** by Paulsen, seconded by Kennedy, to approve the draft minutes as prepared. **Motion passed** 5-0.

### **Agenda Items**

#### **Item #1: Consideration of Request to Rezone from PDD-S to R-1 and County A-1 District, and Approval of Certified Survey Map -- Nonn / Tenfold Capital (formerly Wegenke) Property -- Near Briggs Road, CTH Q**

Representatives of the applicant spoke about changes to the plan following the 4/6/22 public hearing, including their reaction to the feedback they received. Vern Jesse, attorney, stated that they are ok with all the conditions proposed in Kevin Even's 4/26/22 memo except one—the side yard setback pertaining to the western lot. He said his client would like to see a side setback of 22.5 feet on each side instead of 30 feet, resulting in approximately 53 ft. of equidistant spacing between the Pichette house and the future house to the east. Referring to this as a matter of fairness and consistency, Jesse noted that there would still be an ample vegetation buffer to the west whereas fewer trees exist to provide a buffer between the two new homes. Rachel Holloway (Vierbicher) displayed an air photo showing the proposed lot boundaries and setbacks. She said that their proposed setback standards are consistent with the ER-1 setback standard and that they seek to maintain rural character and consistency with the rest of the neighborhood. Jesse referred to statements provided by neighbors in support of the plan (

Opitz noted that the updated packet includes new statements from Nalwa, Isnor, Manning (in addition to one from Teske-Osborne). Jesse said he is also aware of statements of support provided by Woodward, Kosnick, and Sharp. Jesse expressed a concern about a potential conflict of interest—at least an appearance of one—involving the property owner to the west. He closed by noting that the existing zoning allows four condo units to be constructed on the property, within the need for any significant approvals (rezoning or CSM), but this is an approach no one seems to favor.

Next, Holloway detailed how they've adapted the plan to respond to previous feedback (including a meeting with staff on 4/13/22) regarding lot configuration, setbacks, steep slopes, trees, driveway design, vegetation buffer, and location of septic fields. She stated that the Town's comprehensive plan shows rural residential land use, so they believe the zoning with proposed setbacks are more consistent than the approved plan because of the reduction in residences. She added that the property is surrounded by more intensive development.

Adam Nonn stated that if the western of the two planned houses were placed farther east, then they wouldn't be able to preserve existing trees for privacy. He said they would like to be given an equal and fair opportunity to develop the property.

Kevin Even reviewed his updated memo and shared a drawing showing the proposed residences overlaying the previously approved plan. He concluded that the development entails less density but has reduced setbacks from the west and north lot lines. He said that the committee could consider more restrictive setback requirements and identify building envelopes on the CSM, although he is not recommending the latter. Even stated that he hadn't heard any objections to the technical recommendations in his memo. Webendorfer said he has not reviewed the access easement language, which Sipsma stated are a private matter between the two property owners. Holloway stated that all the staff recommended contingencies of approval are resolvable but she reiterated the request for a modified side setback. Even said that the setback issue is a self-created hardship, noting that there could be another configuration of the lots that would provide greater separation between the two new homes.

Committee members asked questions and discussed the revised materials. Sipsma said he is sympathetic to the Pichette concerns about a reduction in privacy due to the reduced setback and asked about other screening options. Paulsen sought clarification regarding setbacks and asked for confirmation that the PDD zoning (approved in 2002) has not lapsed. Opitz responded that the City has repeatedly authorized an extension of PDD zoning consistent with state requirements, noting that the PDD was last "renewed" in 2018 for a five-year period. He said that if the PDD zoning lapsed, the zoning would revert to County A-3. Holloway said that they anticipated that the CSM would indicate building restrictions beyond those imposed by the zoning. Responding to inquiries from Bruce, she elaborated on the existing and expanded driveway access easements, noting that the driveway design is influenced by feedback from Fire and EMS, and she spoke about vegetation buffers. Bruce said the only issue he sees is the minimum required setback for western lot. Kennedy inquired about septic field placement, setbacks, zoning to R1 instead of ER1, and whether the applicant would be amenable to having a "private drive" sign instead of a gate near the driveway entrance as requested by Bishops Bay Country Club. Nonn stated that there is a gate on Briggs Road. Opitz said he doesn't see how the lots could be reconfigured and still comply with all ER-1 zoning regulations and he opined that changing the zoning designation would require a new hearing notice. Kennedy said that the Town Plan Commission wouldn't want to see three residences. She concluded that the 22.5 ft. setback is a reasonable solution. Sipsma said this is a better proposal than four condos and he supports Even's recommendations, including a 30 ft. west side setback. Nonn said that they would stick with the condo project if they were required to have a greater setback because the value of the property is to place the two houses as proposed. Even stated that he and Tom Wilson suggested a 30 ft. setback as a compromise because of consistency with the Briggs Road neighborhood and noting that the condo project entailed a 40 ft. setback, although he said he thinks that a 22.5 ft. setback could work with suitable buffering.

**Moved** by Kennedy, seconded by Paulsen, to approve the land division and rezones to City R1 and County A-1 Agriculture District (Exclusive) subject to the following conditions and restrictions:

1. Standard Town conditions and restrictions regarding further land division and building sites, erosion and stormwater control, utility access/payment, etc., on all lots, as well as the following restrictions:
  - a) no structures be allowed on Outlots 1 and 2
  - b) no lot or outlot can be further subdivided
  - c) no structures or hard surfaces (including patios) in the western side setback of Lot 1.
2. Minimum setbacks as follows:
  - a. Lot 1: Side setback of 22.5 feet on both sides; rear setback of 80 ft.
  - b. Lot 2: 30 feet on west side, 15 feet on east side; 55 ft rear yard setback
  - c. Lots 1 and 2: Front setback of 30 ft.
3. Driveway access to be as shown on the entry outlots but then shall be more toward the middle of/between the residential lots, and be a shared access as far as possible, and to be approved prior to construction by the Town Engineer and Town Designee, along with an access/shared driveway agreement.
4. A tree survey which shows the mature pines (mainly on the northern areas), maples, cherry and oaks (mainly on the southern areas) located on the entire property and a plan to maintain them to be approved by the Town Engineer and Designee.
5. The main driveway construction and grades entering from CTH Q shall be approved by the Town Engineer prior to further grading and shall be built to match the width of Briggs Road as much as possible, with stormwater structures as needed to prevent any runoff to neighboring parcels, to be approved by Middleton Fire and Waunakee EMS, and to interfere as little as possible with existing vegetation which acts as a screen and buffer for the abutting properties.
6. The construction of the entrance to CTH Q should be approved by Dane County highway and the Town and City Engineers.
7. Satisfy the Town's Parkland Dedication requirement by paying the fee for one additional unit.
8. Provide archeological survey prior to be approved by Town Engineer and Town Designee.
9. All the comments addressed to the satisfaction of the Town Designee.

Roll Call vote:

Kennedy: Y

Bruce: Y

Paulsen: Y

Schaffer: Y

Sipsma: N

**Motion passed 4-1.**

**Item #2: Concept Review - Amendment to Community of Bishops Bay General Implementation Plan -- Phases 7 & 8***(1:43:45 of recording)*

Jake Bunz, developer representative, stated the following:

- Phase 5 has 82 lots, mostly hamlet style, ¼ to 1/3 acre; construction completed in July 2018; they have only sold 60% of lots.
- Phase 6 has 44 larger lots; currently under construction; have pre-sold almost 70% of lots. This indicates that there is more demand for luxury style lots.
- Amendment being proposed would replace hamlet-style lots with traditionally sized lots, thereby reducing the number of Westport lots from 394 to 285, a net reduction of 109 lots.
- Phase 7 (Prairie Estates) proposed to have 24 lots ranging from 0.25 to 2.5 acres; most are 1.5 acres or larger; 14 lots have golf course frontage.
- Phase 8 (along Prairie Berry Dr.) proposed to have 24 lots, each about 0.5 acre in area, with four lots per private driveway.
- Streets will be public, not private.

Committee comments and questions included:

- Westport generally favors lower density (Sipsma, Kennedy).
- Need more info from town staff (Kennedy).
- The Westport phases are evolving with a reliance on cul-de-sacs (Bruce), although there are fewer with this plan (Paulsen).
- Not averse to increase in lot sizes due to market factors (Bruce).
- Concern regarding number of driveways (Kennedy).
- Will surplus lots in Westport be transferrable to the City? (Paulsen). Lots lost in Westport wouldn't be automatically movable to the City (Sipsma), although this shouldn't be ruled out (Bruce). Staff was asked to review the CARPC approval of the overall development.

Opitz noted that shifting lots to the City's portion could affect impervious surface calculations and therefore the stormwater management plan.

No action was taken.

**Adjournment**

**Moved** by Paulsen, seconded by Schaffer, to adjourn. **Motion passed** 5-0, and the meeting adjourned at 8:11 p.m.

*Minutes prepared by City Planner & Zoning Administrator Mark Opitz based on his notes of the meeting. These minutes should not be considered finalized until they are formally approved at a subsequent meeting of the Committee.*

**Date:** May 4, 2022 at 4:12:22 PM EDT

**To:** [kevin@engineersolutions.org](mailto:kevin@engineersolutions.org)

**Subject:** FW: Hoping for Additional Language in Condition of Approval for Tenfold Capital Property Rezoning

Kevin -- please message below.

Thanks,  
Howard L. Isnor

---

**From:** Isnor, Howard <[Howard.Isnor@strand.com](mailto:Howard.Isnor@strand.com)>

**Sent:** Wednesday, May 4, 2022 3:03 PM

**To:** [mopitz@cityofmiddleton.us](mailto:mopitz@cityofmiddleton.us); [keven@townofwestport.org](mailto:keven@townofwestport.org)

**Subject:** Hoping for Additional Language in Condition of Approval for Tenfold Capital Property Rezoning

Mark and Kevin,

Please consider adding the following information to the approved resolution for rezoning of the Tenfold Capital property that will be going the Common Council and Town Board soon. This is an excerpt from the information we provided for the last Joint Zoning Committee meeting regarding this property and explains our reasoning for strongly considering a tree preservation/buffer zone along the two out lots to CTH Q.

Sincerely,  
Howard L. Isnor

1. Any resolution going forward requires a “buffer zone” or Tree Preservation District between the southernmost edge of the combined shared drive and drainage easements and the northern properties lines of the Shorecrest properties contiguous to these lots. We believe that such a requirement is consistent and in accordance with the language and spirit of the Waunakee/Westport Land Use Plan – as per the following Policies and Programs relative to wildlife and habitat in the community – and would keep these lots in character with the neighboring houses to the north along Briggs Road, as well.

***1.6.** Preserve in permanent conservancy any environmental corridors and other environmentally sensitive lands within Rural Residential areas as designated in this plan or the Extraterritorial Zoning Ordinance . . .*

***Goal 2** – Wildlife and habitat areas, including threatened and endangered species, will be protected and enhanced.*

***2.2.** Continue to protect wildlife habitat and endangered and threatened species sites through a combination of land acquisition, development regulations, and clustering. <sup>(1)</sup>*

***2.4.** Protect woodlots and other areas with natural vegetation and wildlife. Strategies may include . . . land or conservation easement purchase, conservation subdivision design that places the woodlands in out lots or conservation easements, or site design standards and neighborhood covenants to minimize tree cutting.*

**2.6.** Discourage development that would remove or reduce the extent of quality woodlands in the village.

**Objective 3.2** – It will be high priority to link conserved lands into contiguous greenways and environmental corridors through the village and town, and connecting to other jurisdictions, for the benefit of wildlife movement and recreational trail development.

**Objective 3.5** – The quality and quantity of trees in the village will be enhanced. <sup>(2)</sup>

**3.1.** Delineate environment corridors and preserve them through the land development review and approval process.

**3.5.** Encourage the formation of land trusts and other non-profit organizations that protect and preserve natural areas and open spaces.

**3.3.** Develop a coordinated open space preservation program that combines . . . natural habitat protection . . . <sup>(3)</sup>

**7.2.** Encourage in proposed developments the preservation of environmental corridors and creation of greenway linkages or connections between environmental areas. Where feasible, connecting greenways should be 100 feet wide to allow sufficient area for stormwater conveyance . . . and wildlife habitat.

**7.3.** Prohibit or restrict development that threatens waterway health, wildlife habitat, or groundwater quality. <sup>(4)</sup>

Furthermore, precedence exists for such a buffer zone, and in the general vicinity of these lots. In May of 2015, such an agreement was entered into with the Back Nine Residences, LLC for a “buffer zone” between the Back Nine development and lots served by Briggs Road backing onto that development. Lots 3 and 4 are currently home to a herd of deer and turkeys and a host of more common wildlife. The appeal of such a designation as opposed to what property owners are suggesting in their most recent plan is that it more strongly limits removal of any natural habitat within the area in question. As the example covenant indicates, no disturbance of said zone is permitted beyond that needed “. . .to avoided liability due to conditions and trees and vegetation therein.” <sup>(5)</sup> We believe such a covenant would be much more likely to preserve this area as a wildlife corridor and, thereby, the presence and active of the wildlife that currently frequent it.

Such modifications to the Resolution for rezoning to said lots would be greatly appreciated and supported by residents of the Shorecrest development.



**Howard Isnor**

Strand Associates, Inc.®

608.251.4843 ext. 1032

[howard.isnor@strand.com](mailto:howard.isnor@strand.com) | [www.strand.com](http://www.strand.com)

# Middleton Westport Joint Zoning Committee Agenda

Wednesday, April 27, 2022 - 6:00 PM

Virtual Meeting via [www.zoom.us](https://www.zoom.us)

**Zoom Meeting ID: 853 0819 0203 Passcode: 867 5309 Phone: 312-626-6799\***

(If needed, a toll-free number is available by calling 608-821-8394 prior to 4:30 the day of the meeting)

Posted on the City's web site at [meetings.cityofmiddleton.us](https://meetings.cityofmiddleton.us) 04/22/22 5:00 pm

## Call to Order & Roll Call

## Approval of Minutes

### 1) Minutes of April 6, 2022 Meeting

## Agenda Items

### 1) Consideration of Request to Rezone from PDD-S to R-1 and County A-1 District, and Approval of Certified Survey Map -- Nonn / Tenfold Capital (formerly Wegenke) Property -- Near Briggs Road, CTH Q

This matter was postponed following the hearing on 4/6/22 (the Common Council subsequently held its own required hearing). This request by owner Adam Nonn (Tenfold Capital) is to rezone approximately 8 acres PDD-S (which allows four detached condos on the property) to R-1 for the purpose of allowing two single family residential lots served by a shared driveway via an outlot connecting to Highway Q. CCBB LLC, the owner of the land to the east, has an access easement across the southern portion of the property. Key issues raised to date include building setbacks (particularly spacing between residences), preserving vegetation, steep slopes, stormwater management, site access, and overall compatibility with surroundings. In response, the applicant has provided an updated statement of intent, site photos, and map showing proposed building envelope, setbacks/buffers, and driveway placements. The memo from Kevin Even is based on the previous concept (note that the City's R-1 zoning only requires a minimum side setback of 8 feet). Before his retirement, Tom Wilson drafted two resolutions for the JZC's consideration--one supporting the rezone request and the other rejecting it. Staff welcome the revisions made in the applicant's revised submittal.

### 2) Concept Review - Amendment to Community of Bishops Bay General Implementation Plan -- Phases 7 & 8

The developer is requesting feedback on their proposal to eliminate small, hamlet lots with larger, luxury lots in response to market conditions. This would result in a reduction in the total number of lots from the currently approved GIP.

## Adjournment

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at this meeting to gather information; however, no action will be taken by any governmental body at this meeting other than the governmental body specifically referenced in this notice.

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the City Administrator's office at (608)821-8350, 7426 Hubbard Ave., Middleton, WI 53562.

### Staff contacts for this meeting:

Mark Opitz, City Planner & Zoning Administrator

Phone: (608) 821-8394 Fax: (608) 827-1080

E-mail: [mopitz@cityofmiddleton.us](mailto:mopitz@cityofmiddleton.us)

Dean Grosskopf, Town Administrator

Phone: (608) 849-4372

Email: [dgrosskopf@townofwestport.org](mailto:dgrosskopf@townofwestport.org)

# MIDDLETON-WESTPORT JOINT ZONING COMMITTEE

## Wednesday, April 6, 2022 5:30 p.m.

### MEETING MINUTES

*Meeting materials are available on the City's website at <http://meetings.cityofmiddleton.us/>  
A recording of the meeting is available at: <https://www.youtube.com/watch?v=iwTiFekBXdo>*

---

#### **Roll Call**

Chair Sipsma called the meeting to order at 5:32 p.m. The meeting was conducted online only via the Zoom platform.

**MEMBERS PRESENT:** Randy Bruce, Cynthia Kennedy, Kurt Paulsen, Ken Sipsma

**MEMBERS ABSENT:** John Schaffer, One vacancy (Town of Westport member)

**OTHERS PRESENT:** Mark Opitz, Tom Wilson, Kevin Even

Dean Grosskopf has resigned from the committee because he will soon replace Wilson as town administrator.

#### **Minutes of February 23, 2022, Meeting**

**Motion** by Kennedy, seconded by Paulsen, to approve the draft minutes as prepared. **Motion passed 4-0.**

#### **Agenda Items**

#### **Item #1: Public Hearing and Potential Action -- Rezoning from PDD-S to R-1 and County A-1 District -- Nonn / Tenfold Capital (formerly Wegenke) Property -- Near Briggs Road, CTH Q**

Sipsma stated that he would like to see the matter deferred tonight, in part based on staff input and to allow the collection of additional information. Opitz noted that the Common Council will hold its own hearing on April 19. Wilson stated that postponement would give time for the consultant time to address any issues that come up at the hearing, and he noted that the applicant has agreed to extend the time period for review to the end of May.

Sipsma opened the public hearing at 5:39 p.m.

Rachel Holloway (Vierbicher) reviewed the application, stating the following:

- The owners want to subdivide 8 acres and build two single-family homes.
- Current PDD zoning allows 4 detached condominiums; this is essentially a down-zoning
- The project is consistent with the Town's Comprehensive Plan, which rural residential use (LISTEN 5:43)
- They originally anticipated rezoning to ER-1 (Estate Residential), but they changed their request to City R-1 because the existing lot is not quite 250 ft. wide, therefore the subdivided lots couldn't both meet the ER-1 minimum lot width standard of 125 ft.
- Property to be served by private, shared, paved driveway meeting fire district design standards and connecting through two outlots to Highway Q.
- They've done a tree survey and intend to keep as many trees on the site as possible to preserve privacy.
- The building setbacks will be greater than required by R-1 zoning; they are offering to place 15 ft. minimum side setbacks on the CSM.
- Stormwater design is very preliminary but they will be able to comply with Westport's regulations.



Adam Nonn said they would be willing to construct the driveway closer to the future shared lot line so that it isn't as close to the west lot line as the existing path.

Opitz reported the receipt of statements from the following people:

- Karen Teske-Osborne
- Denise Isnor
- Sam Garlock
- Jonathan and Angie Lenius
- Valerie Wiciak
- Peggy Holley
- Jeff Murray
- Richard Schmidt, on behalf of BBCC LLC
- Katy Winner
- Denise O'Rourke

Joe Pichette, who lives directly to the west, stated the following:

- The plat has always shown a lot width of 248.9 feet.
- Maintain the 37 to 38 ft. separation between their residence and the closest condo as approved in the original plan, to retain rural character.
- Preserve 30 ft. dense tree buffer
- New buildings should be only 71 feet wide to be consistent with approved plan.
- Preserve 80 ft. rear setback to maintain trees on hillside.
- Shift driveway away from lot line, as they now propose.
- Install plantings along the lot line to provide screening.
- Provide information about number of trees that would be preserved.
- Consider dividing lot divided east-west instead of north-south, to provide proper spacing so that they are more consistent with Briggs Road.
- More children with this development could affect the quietness of the neighborhood.

Sarah Pichette invited board members to visit their property. She stated that their living space, including three patios and lots of windows, face to the east, and she finds the new development concept upsetting.

Richard Schmidt, attorney representing BBCC LLC, which owns the golf course property, summarized their objection as follows:

- Locating the homes on the ridge could lead to runoff onto the golf course.
- The easement near the southern lot line serves golf course property, and BBCC is not willing to make changes to the easement, which he said state that "no changes can be made without its written consent."

Randy Manning, on behalf of BBCC LLC, stated the following:

- There's no way that the houses can be designed that won't lead to drainage onto golf course.
- The golf course has a maintenance shed on Lot B of the easement.
- He's bothered that the easement wasn't mentioned in the application.
- He requests outright denial of the rezoning until their concerns are addressed.

Howard Isnor, a resident of the Shorecrest neighborhood, noted that the CSM only establishes lot lines, not details such as location of the future road. He asked if there can be restrictions imposed so that future owners can't do anything other than the plan they are proposing. He also asked for more information about the stormwater management plan.

Jon Lenius said that they like that no structures are proposed for the land directly adjacent to Shorecrest that the driveway will not become a road, and that the proposal entails only two single-family residents.

Denise Isnor stated that she didn't receive a notification about the hearing and asked about the process.

Responding to comments made during the hearing, Holloway spoke about why they applied for R-1 instead of ER-1 zoning. She stated the following:

- The owners are willing to preserve/enhance a tree buffer along the west lot line and to have a deed restriction limiting development to two homes.
- The homes have not yet been designed, but building heights will be less than 35 ft.
- Stormwater management plan has not yet been developed.
- The building plan does not affect the driveway access easement, which dates to the 1950s and is a private matter between adjoining property owners.

Nonn stated that the homes are placed on the ridge on the north end of the lot to take advantage of views while staying away from the golf course shed and access easement.

Opitz confirmed that the City mailed the hearing notice to Ms. Isnor and others who had spoken.

Schmidt stated that the easement should be shown on any CSM and it cannot be altered or modified without BBCC's consent.

There being no one else present wishing to speak, Sipsma closed the hearing at 6:25 p.m.

Sipsma stated that the Town's approval could include a deed restriction limited further land division, and he noted that the easement is a private matter. Wilson noted that the easement remains in place until such time as all involved parties agree to modifying or removing it.

**Moved** by Paulsen, seconded by Kennedy, to postpone consideration of this matter. **Motion passed** 4-0.

The next meeting is tentatively scheduled for April 27.

### **Adjournment**

**Moved** by Paulsen, seconded by Kennedy, to adjourn. **Motion passed** 4-0, and the meeting adjourned at 6:36 p.m.

*Minutes prepared by City Planner & Zoning Administrator Mark Opitz based on his notes of the meeting. These minutes should not be considered finalized until they are formally approved at a subsequent meeting of the Committee.*



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

CITY OF MIDDLETON  
7426 HUBBARD AVENUE  
MIDDLETON, WI 53562-3118

PH 608.821-8343 FAX 608.827.1080  
E-MAIL: [mopitz@cityofmiddleton.us](mailto:mopitz@cityofmiddleton.us)  
WEB: [www.CityofMiddleton.us](http://www.CityofMiddleton.us)

To: Middleton/Westport Joint Zoning Committee  
Date: April 22, 2022  
From: Mark Opitz, City Planner & Zoning Administrator  
Subject: **Nonn / Tenfold Capital Rezoning Request; CSM**

---

Following the hearing held before the JZC on 4/6/22, Vierbicher (Rachel Holliway) provided a revised cover letter and supporting materials. I included these items in the meeting packet along with context information (air photos, etc.) provided at the previous meeting. See links below to access materials provided at your previous meeting:

Statements from the public and other materials provided during the 4/6/22 JZC meeting:  
<http://meetings.cityofmiddleton.us/Meetings/ViewMeeting?id=3969&doctype=1>

Minutes from the 4/6/22 MWJZC meeting:  
<http://meetings.cityofmiddleton.us/Meetings/ViewMeeting?id=3969&doctype=2>

Excerpt from 4/19/22 Common Council minutes:

**Public Hearings**

- 1.) **7:30 pm Public Hearing - Rezoning from PDD-S to R-1 and County A-1 Exclusive District, Nonn/Tenfold Capital (formerly Wegenke) Property, Near Briggs Road, CTH Q**

Mayor Brar opened the public hearing at 8:33 p.m. There were no comments from citizens present. Mayor Brar closed the public hearing. City Staff received an email on April 19, 2022, from Richard Schmidt, representing BBCC, LLC, in opposition to the zoning request.



April 20, 2022

Kevin A. Even, P.E.  
Consulting Engineer  
Town of Westport  
5387 Mary Lake Road  
Waunakee, WI 53597

Mark Opitz  
City Planner and Zoning Administrator  
City of Middleton  
7426 Hubbard Avenue  
Middleton, WI 53562

Re: Tenfold Capital Proposed Certified Survey Map (CSM) and Rezone

Dear Mr. Even and Mr. Opitz:

On behalf of Adam Nonn of Tenfold Capital, LLC, we submit the enclosed CSM and Rezoning applications for approximately eight acres of land located on County Trunk Highway Q (CTH Q) in the Town of Westport. The subject property comprises three unplatted parcels that are within the Joint Planning Area between the Town and the City of Middleton and are subject to the City's extraterritorial jurisdiction for zoning and land divisions.

### Summary

The property is currently zoned to allow the construction of four (4) detached condominium homes, as part of a Planned Development project that was previously approved by the Town and City. This proposal, if approved, would do away with the prior zoning approval and reduce the number of homes that could be built on site. The proposed CSM and Rezoning petition request the following:

- Two rural, two-acre single family home lots, created by dividing the existing four-acre parcel (tax parcel 0809-314-9690-5).
- Two outlots (parcels 0709-061-8570-0 and 0709-061-8500-4), to be used for a shared driveway, stormwater management facilities to meet Westport requirements, and landscape buffers.
- A shared private driveway access onto CTH Q, located in roughly the same location as the existing unpaved driveway.
- Separate water wells and on-site sanitary septic systems to serve each home.
- R-1 Residential zoning for Lots 1 and 2 of the CSM – with larger minimum building setbacks to match the ER-1 zoning district (see below) requirements and fit with the Town's Comprehensive Plan designation for this property.
- A-1 Agricultural zoning for the Outlots, which are designated unbuildable on the proposed CSM.

The Waunakee-Westport Comprehensive Plan designates this area for "Rural Residential" land use, which the plan states is for "land suitable for residential use in a rural setting, typically on larger lots where public sewer or water service may not be available." We believe the proposal is consistent with the Comprehensive Plan. It is important to note that the property is surrounded by existing rural and urban residential subdivisions and a commercial golf course development. This proposal is to construct two single-family homes on 8 acres of land.

### **Amendments to the Original Submittal**

The proposal for two 2-acre lots on a shared driveway has not changed from the initial submittal. The CSM was initially submitted on March 4, 2022 with a request to rezone the residential lots and one outlot from the PDD to the ER-1 Estate Residential District, following initial guidance from Town staff. However, after consulting with Town and City staff the petition was modified slightly to request R-1 Residential zoning for the two residential lots, and A-1 Agricultural zoning for both of the outlots. This change was primarily based on the proposed lot widths which are 124.45', technically short of the 125' required by ER-1 zoning.

Since March, two public hearings have been held, the owners have met with neighboring landowners, and the project has been discussed with Town and City staff, primarily the matter of the side yard setback from the adjacent neighbor to the west. We now propose larger rear-yard setbacks in the north, 80' on Lot 1 and 55' on Lot 2. Town staff has recommended a 30' side yard setback on the west side of Lot 1 based on the configuration of the existing lots west of this property on Briggs Road. City staff has been amenable to maintaining a 15' minimum setback at this location. We are proposing to comply with the side yard setbacks and use restrictions of the ER-1 district, and provide a 22.5' side setback on Lot 1.

- A minimum 22.5' setback on the west side of Lot 1 would provide approximately 53.5' of space between any new home and the existing home to the west, as well as 52.5' of space between the new homes on Lot 1 and Lot 2, which is also important for consistency with surrounding development in the Town.
- The Briggs Road properties were developed between the 1950s and 1980s, subject to different zoning requirements and restrictive covenants than the subject property within this CSM.
- There is already a natural landscape buffer along the west side of proposed CSM Lot 1, and there would be adequate space to install additional plantings or screening if needed.
- As proposed, the smallest side yard setback is nearly double the R-1 district requirement of 7'.
- Future home designs will need to account for site terrain, mature trees and buffers, driveway designs that meet Fire District requirements, and provide space for septic systems which soil testing shows to be most suitable in the central part of the site.
- We believe the proposed CSM and rezoning would enable a more compatible use of the property than the current PDD/condominium zoning.

### **Driveway Access and Easements**

Both residential lots would access CTH Q using a shared driveway, located in the same location as the existing driveway on site. The property is subject to an existing 30' private access easement that provides access to the golf course property to the east of proposed Lot 2. The CSM would also create a new easement to serve Lots 1 and 2.

The driveway design as shown on the site plan has been prepared in coordination with the Middleton Fire District, and we are in the process of coordinating with Waunakee EMS. The shared portion of the driveway up to the turnaround bulb has been designed to meet Middleton Fire District requirements,

including gate code requirements, lane width, passing lane, and turnaround bulb. The site plan shows potential extensions of the driveway into Lots 1 and 2, which would require additional turnaround space closer to the homes. The design of the extended driveways would be subject to further review by the Fire District and Waunakee EMS.

#### **Resource Protection – Stormwater Management and Trees**

Preliminary grading work has been done to confirm the locations and land suitability for the proposed stormwater management measures shown on the site plan. A full design report for these measures will be provided for Town approval after the CSM has been approved to establish the site boundaries.

The site is wooded, with a mix of deciduous species and conifers. Most of these trees are volunteer trees that have grown from seed since the time agricultural use of the property ceased in the 1980s. The existing trees have been inventoried and the quality trees are shown on the site plan. While there are limited quality species present like maples, oaks, cherry, and white pine, many of the trees are other less desirable varieties, brush and invasives. The land has not been actively managed for woodland purposes.

#### **Code Compliance and Requested Action**

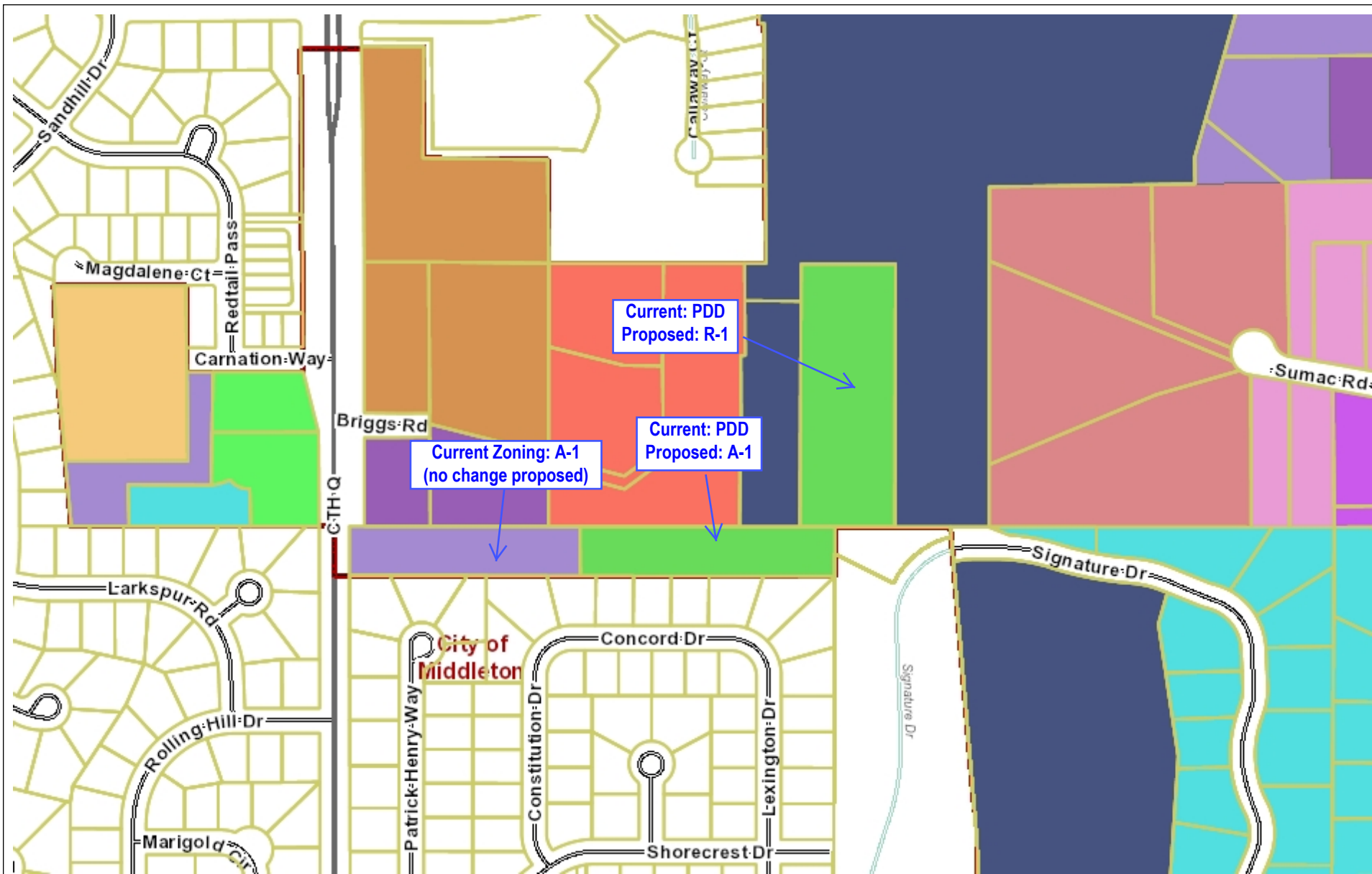
The lots have been designed to meet the standards of the Town of Westport's Land Division and Subdivision Code and to meet the minimum standards of the ER-1 zoning district, despite the proposal for R-1 zoning on Lots 1 and 2. Due to the configuration of the property and surrounding development, the lot configuration is deeper than the Town's desired proportion of 2:1 depth to width. A waiver is requested to this, based on the shape of the current property and the intent to match the existing development pattern in this area.

With this letter, we request placement on the next possible agendas of the Town Plan Commission, Joint Zoning Committee, Town Board, and City Council for action on the CSM and Rezoning. We appreciate your consideration.

Sincerely,

Rachel Holloway, AICP  
Vierbicher

M:\Nonn, Adam\210156\_Wegenke Property\Planning and Zoning\Applications\Cover Letter - Tenfold Capital CSM 2022-04-20.docx



Town of Westport GIS  
Zoning

DISCLAIMER: The Town of Westport does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



SCALE: 1 = 500'  
9

Town of Westport  
5387 Mary Lake Road  
Waukegan, WI 53597  
(608) 849-4372





**1976** - Dane County DCi Map



**2020** - Dane County DCi Map



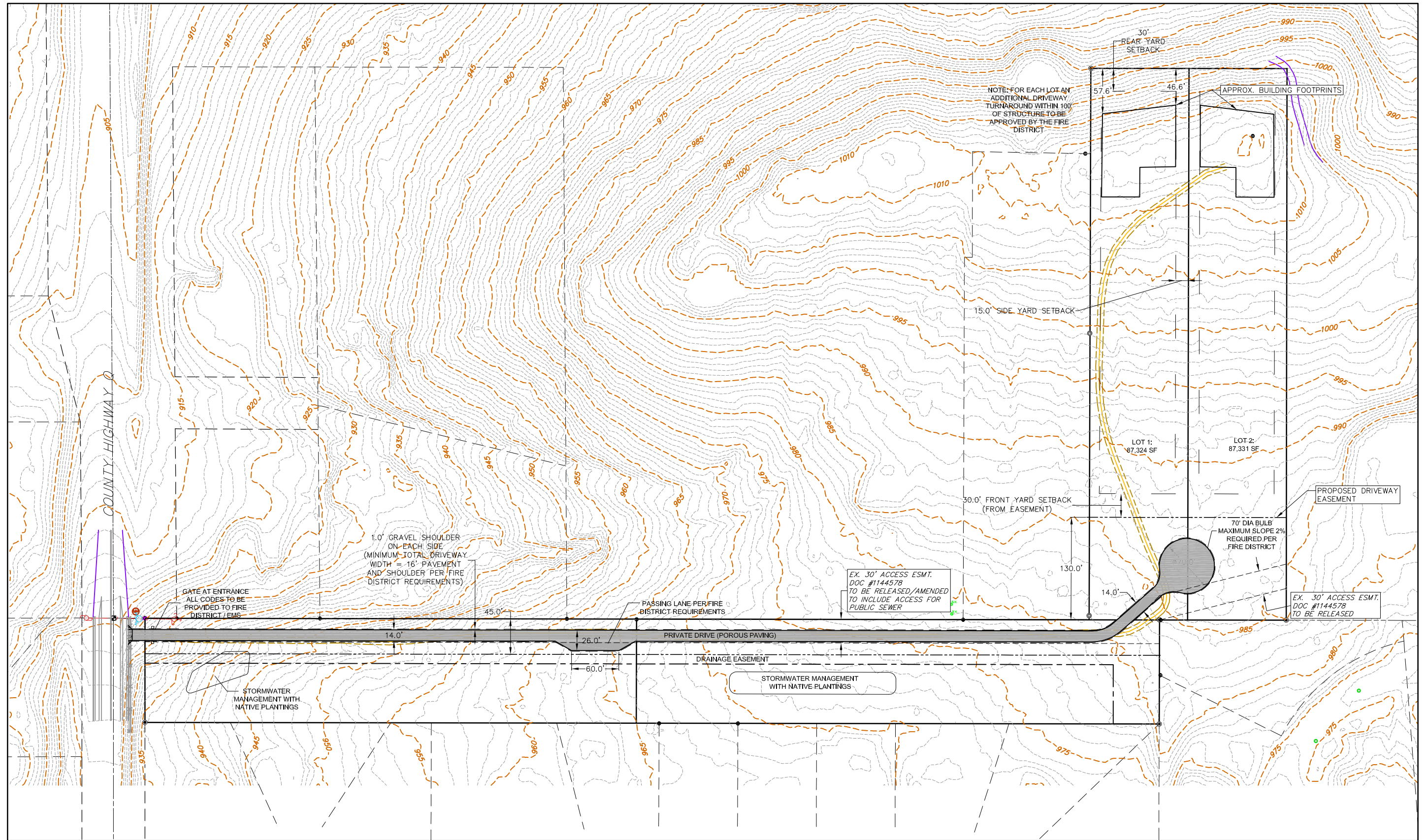


GRAPHIC SCALE FEET  
0 30 60 120

**NOT FOR CONSTRUCTION**

[illegible]





GRAPHIC SCALE FEET  
0 30 60 120

REGISTRATION		REGISTRATION	
NO.	DATE	REMARKS	

DATE	03/04/2022
RAFTER	
AKAN	
CHECKED	
TSCHE	
PROJECT NO.	210300
SHEET	



## Memo

To: Ken Sipsma, Town Board Chair, Town of Westport

From: Kevin A. Even, P.E., Consulting Engineer

Date: April 26, 2022

Re: Proposed Nonn/Lucke Land Division and Rezone Request

---

1. Town staff has researched and confirmed that a proposal for the rezoning of this parcel was approved and an eventual SIP was approved to allow four condominium units on site. The thought was that these four condos would take up less space than traditional single family homes, would be similar in use to the Bishops Bay condominiums, and would be consistent as ½ REU's to two single family homes with lot sizes about the same as currently on Briggs Road. A goal of the 2017 Waunakee/Westport Joint Comprehensive Plan is to “work with developers proposing infill residential development, and adjacent residents, to ensure compatibility with the existing neighborhood.” (See Chapter 4, p. 42) . Adam Nonn would like to revise the existing SIP to allow for 2 single family residential lots with access over 2 outlots. The JZC considered and rejected 4 larger homes on the main parcel. The JZC felt 4 homes would take up more space than the approved condos meaning more grading and tree/vegetation loss. Other issues raised by the JZC were that the 4 homes would affect the Briggs Road neighbors due to the proposed roadway location, as well as the loss of buffer vegetation not only for the homes but from the golf course property which abuts the Wegenke parcel, and certainly lighting, noise and views will be effected upon those Briggs Road neighbors if that revision had proceeded, much more than was proposed with the previous approved condo SIP. At the meetings, some JZC members mentioned that a two lot land division might be acceptable because it would lower the density and make lots similar in size to the Briggs Road lots. That is what the applicants are proposing here. They are also trying to use as much as possible the current access to the back parcel so as to limit additional vegetation removal. The main point of this section is to put the officials and neighbors on notice that there are zoning and land division approvals in place for a property owner to move forward with permitting for a 4 unit condo building. However, the approved SIP identifies a setback of 80ft on the north, and 40ft on the west.
2. The proposed land division area is identified in the Comp Plan as Community Residential, and zoned specifically to allow 4 condominium units in the specified location. The Waunakee/Westport Joint Comprehensive Plan recommends any changes or land divisions to be similar to existing neighborhoods, without impacting them. Note: In general the existing neighborhood has large estate type lots. All of the existing homes in the Briggs Road neighborhood have a minimum of 80ft of separation between them, which is typical of large estate lots. The proposed change in zoning to R-1 would allow for 15ft side yard setbacks for the two residential lots. This is substantially less than the existing buffer between the existing houses have. A reasonable argument is that the proposed 15ft side yard setbacks will be

very different and will not be similar to the Briggs Road existing neighborhood as referenced in the Joint Comprehensive Plan. The proposed change in zoning to R-1 would allow for a 15ft side yard setbacks, however it should be noted that if the lots were rezoned to ER-1 consistent with the Joint Comprehensive Plan, the side yard setback would require a minimum of 15ft on each side and no less than 45ft combined side yard setback. Meaning that R-1 Zoning would allow a total no less than 30ft of side yard and ER-1 would allow a total no less than 45ft.

3. If approved, the JZC should consider a more restrictive orientation and location of the houses to maintain the integrity of the existing neighborhood. There may be other orientations of the lots and specific setback and location of dwelling units that could minimize the impact to the integrity of the existing neighborhood. There would be a number of additional proposed restrictions related to additional tree and slope protections, exact driveway and building locations, perhaps alternative access for safety providers, and some other specifics. I would also suggest that perhaps these two homes could exist on septic and wells as the Briggs Road homes do now, with a sewer/utility easement to be provided across the property in case of future utility access (like we usually do).
4. The logical rezoning classification would be to ER-1, not R-1, which is the closest similar zoning classification for the existing Briggs Road neighborhood. The proposed land division would not meet the lot width dimensions for ER-1. Rejecting the zoning change request to R-1 could be justified as reasonable because it is not similar to the existing Briggs Road neighborhood.
5. If approved, the Town would need to work out details on tree and slope protections, exact driveway and building locations, stormwater concerns, and some other specifics. These two homes could exist on septic and wells as the Briggs Road homes do now, with a sewer/utility connection restriction to be provided for the property in case of future utility access (like we usually do). Normally in this situation the Town would leave the recommendation up to the JZC.
6. Zoning Issues: The best zoning classification for the residential lots (ER-1) does not work because it is a little narrow. ER-1 requires 125 feet of lot frontage, but evenly split these lots are 124.5. If the JZC is inclined to approve the proposal, staff recommended using the City's R-1 classification, but restricted to just single-family homes as a use and using the ER-1 setbacks. You may also consider moving the actual final driveways for the homes more toward the middle of the lots and not where it is located in the proposal, which provides for buffer landscaping between the west lot and the home to the west, providing for the 30 foot side yard set back on that side as well, and any other conditions/or restrictions you consider to assist in keeping the integrity of the neighborhood intact.
7. One of the driveway lots was zoned PDD with the previous proposal, so it needs to be rezoned. Staff suggested it be rezoned County A-1 to match the other lot closest to CTH Q, and to assist the Town with its Farmland Preservation Credit program.
8. This neighborhood consists of major elevation differences between lots and homes and this was likely one of the considerations for the estate type lot configuration. Managing stormwater will be important and keeping stormwater patterns in place should be a

requirement. I would recommend that the applicant be required to maintain all drainage patterns and not increase any water currently directed at the golf course and existing homes.

9. Native structures are prevalent in this neighborhood. Wisconsin has the highest concentration of prehistoric mounds in the country and is the epicenter for effigy mounds. An archaeological study should be required to map and identify any native structures. The applicant should be required to provide protection plan for any existing native structures.

Potential Action:

RECOMMENDATION: Move to approve the land division and rezones as requested and recommended, subject to the following conditions and restrictions:

1. Standard Town conditions and restrictions regarding further land division and building sites, erosion and stormwater control, utility access/payment, etc., on all lots, and that no structures be allowed on the lots that are for the driveway nor can they be further divided.
2. Restrict the residential lots to utilizing the ER-1 setbacks with additional restrictions:
  - a. 30ft side yard setback on the west side of the westerly lot
  - b. 80 ft north yard setback on the westerly lot and 55ft on the easterly lot
3. Driveway access to be as shown on the entry outlots but then shall be more toward the middle of/between the residential lots, and be a shared access as far as possible, and to be approved prior to construction by the Town Engineer and Town Administrator, along with an access/shared driveway agreement. All structures including paved surfaces should not be allowed in the setback areas.
4. A tree survey which shows the mature pines (mainly on the northern areas), maples, cherry and oaks (mainly on the southern areas) located on the entire property and a plan to maintain them to be approved by the Town Engineer and Administrator.
5. The main driveway construction and grades entering from CTH Q shall be approved by the Town Engineer prior to further grading and shall be built to match the width of Briggs Road as much as possible, with stormwater structures as needed to prevent any runoff to neighboring parcels, to be approved by Middleton Fire and Waunakee EMS, and to interfere as little as possible with existing vegetation which acts as a screen and buffer for the abutting properties.
6. The construction of the entrance to CTH Q should be approved by Dane County highway and the Town and City Engineers.
7. Satisfy the Town's Parkland Dedication requirement by paying the fee for one additional unit.
8. All the comments addressed to the satisfaction of the Town Administrator.





## Municipal Engineering Solutions

Kevin A. Even, P.E. Principal Engineer

### Memo

To: Thomas G. Wilson, Attorney/Administrator/Clerk-Treasurer Town of Westport

From: Kevin A. Even, P.E., Consulting Engineer

Date: March 31, 2022

Re: Proposed Nonn/Lucke Land Division and Rezone Request

---

1. The comments below are being provided prior to the public hearing and should not be considered final until after they are reviewed and possibly revised based on the public input process. These comments could change based on proper consideration of the public comments after the public hearing. I would recommend that the JZC defer action on this item until the Town Attorney, Town engineer and City and Town planners have had time to meet and discuss any public comments and have further discussions with the petitioner on how the public comments can be addressed. I would further recommend that the JZC encourage the petitioner to meet with the Briggs Road neighborhood directly to discuss any neighborhood concerns that are raised during the public input process. Lastly, I would recommend that the Town PC, if it even takes up this item, defer any consideration until after the comments are revised based on the public input process. It would be reasonable to have a minimum of 14 days post public hearing for me to revise these comments. Therefore, I would recommend that this item be deferred until the next JZC meeting. This may require the applicant to extend the review timeline period until May 31, 2022
2. Town staff has researched and confirmed that a proposal for the rezoning of this parcel was approved and an eventual SIP was approved to allow four condominium units on site. The thought was that these condos would take up less space than traditional single family homes, would be similar in use to the Bishops Bay condominiums, and allowing four would be consistent as ½ REU's to two single family homes, with lot sizes about the same as currently on Briggs Road. The first goal in the original Middleton/Westport ETZ Comp Plan was to protect the integrity of existing neighborhoods. That SIP is effective I believe until 2023. Adam Nonn would like to revise the existing SIP to allow for 2 single family residential lots with access over 2 outlots. The JZC considered and rejected 4 larger homes on the main parcel. The JZC felt 4 homes would take up more space than the approved condos meaning more grading and tree/vegetation loss, it would effect the Briggs Road neighbors as proposed with the roadway proposed and its location, as well as the loss of buffer vegetation not only for the homes but from the golf course property which abuts the Wegenke parcel, and certainly lighting, noise and views will be effected upon those Briggs Road neighbors if that revision had proceeded, much more than was proposed with the previous approved condo SIP. At the meetings some JZC members mentioned that a two lot land division, because it would lower the density and make lots similar in size to the Briggs Road lots, might be acceptable. That is what the applicants are proposing here. They are also trying to use as much as possible the current access to the back parcel so as to limit additional vegetation

removal. The main point of the this section is to put the officials and neighbors on notice that there are zoning and land divisions approvals in place for a property owner to move forward with permitting for a 4 unit condo building. However, the approved SIP identifies a setback of 80ft on the north, and 40ft on the west.

3. The proposed land division area is identified in the Comp Plan as Community Residential, and zoned specifically to allow 4 condominium units in the specified location. The Comp Plan references any changes or land divisions to be similar to existing neighborhoods, without impacting them. Note: In general the existing neighborhood has large estate type lots. All of the existing homes in the Briggs Road neighborhood have a minimum of 80ft of separation between them, which is typical of large estate lots. The proposed change in zoning to R-1 would allow for 15ft side yard setbacks for the two residential lots. This is substantially less than the existing buffer between the existing houses have. A reasonable argument is that the proposed 15ft side yard setbacks will be very different and will not be similar to the Briggs Road existing neighborhood as referenced in the Comp Plan. The proposed change in zoning to R-1 would allow for a 15ft side yard setbacks, however it should be noted that if the lots were rezoned to ER-1 consistent with the Comp Plan, the side yard setback would require a minimum of 15ft on each side and no less than 45ft combined side yard setback. Meaning that R-1 Zoning would allow a total no less than 30ft of side yard and ER-1 would allow a total no less than 45ft.
4. If approved, the JZC should consider a more restrictive orientation and location of the houses to maintain the integrity of the existing neighborhood. There may be other orientations of the lots and specific setback and location of dwelling units that could minimize the integrity of the existing neighborhood. There would be a number of additional proposed restrictions related to additional tree and slope protections, exact driveway and building locations, perhaps alternative access for safety providers, and some other specifics. I would also suggest that perhaps these two homes could exist on septic and wells as the Briggs Road homes do now, with a sewer/utility easement to be provided across the property in case of future utility access (like we usually do).
5. In my opinion the JZC could reject the proposal as it would impact the existing neighborhood and is not similar to the existing neighborhood. The logical rezoning classification would be to ER-1, not R-1, the closest similar zoning classification for the existing Briggs Road neighborhood. The proposed land division would not meet the lot width dimensions for ER-1. Rejecting the zoning change request to R-1 would be reasonable for this reason as R-1 zoning is not similar to the existing Briggs Road neighborhood.
6. If approved, the Town would need to work out details on tree and slope protections, exact driveway and building locations, stormwater concerns, and some other specifics. These two homes could exist on septic and wells as the Briggs Road homes do now, with a sewer/utility connection restriction to be provided for the property in case of future utility access (like we usually do). Normally in this situation the Town would leave the recommendation up to the JZC.
7. Zoning Issues: The best zoning classification for the residential lots does not work because they are a little narrow. ER-1 requires 125 feet of lot frontage, but evenly split these are 124.5 essentially. If the JZC is inclined to approve the proposal, staff recommended using the City's R-1 classification, but restricted to just single family homes as a use and using the ER-1 setbacks. You should also consider the idea of moving the actual final driveways for

the homes more toward the middle of the lots and not where it is somewhat located now, providing for buffer landscaping between the west lot and the home to the west, providing for the 30 foot side yard set back on that side as well, and any other conditions/or restrictions you consider to assist in keeping the integrity of the neighborhoods intact.

8. One of the driveway lots was zoned PDD with the previous proposal, so it needs to be rezoned. Staff suggested it be rezoned County A-1 to match the other lot closest to CTH Q, and to assist the Town with its Farmland Preservation Credit program.
9. This neighborhood consists of major elevation differences between lots and homes and this was likely one of the considerations for the estate type lot configuration. Managing stormwater will be important and keeping stormwater patterns in place should be a requirement. I would recommend that the applicant be required to maintain all drainage patterns and not increase any water currently directed at the golf course and existing homes.
10. Native structures are prevalent in this neighborhood. Wisconsin has the highest concentration of prehistoric mounds in the country and is the epicenter for effigy mounds. An archaeological study should be required to map and identify any native structures. The applicant should be required to provide protection plan for any existing native structures.

Potential Action:

RECOMMENDATION: Move to approve the land division and rezones as requested and recommended, subject to the following conditions and restrictions:

1. Standard Town conditions and restrictions regarding further land division and building sites, erosion and stormwater control, utility access/payment, etc., on all lots, and that no structures be allowed on the lots that are for the driveway nor can they be further divided.
2. Restrict the residential lots to utilizing the ER-1 setbacks, no construction to be allowed on the hillsides as approved by the Town Engineer and Administrator, utilizing the required 30 foot setback on the west side of the western lot, and having the home locations approved by the Town Administrator before a building permit is issued. You could also consider matching the current SIP setbacks of 80ft on the north and 40ft of the west.
3. Driveway access to be as shown on the entry outlots but then shall be more toward the middle of/between the residential lots, and be a shared access as far as possible, and to be approved prior to construction by the Town Engineer and Town Administrator, along with an access/shared driveway agreement.
4. A tree survey which shows the mature pines (mainly on the northern areas), maples, cherry and oaks (mainly on the southern areas) located on the entire property and a plan to maintain them to be approved by the Town Engineer and Administrator.
5. The main driveway construction and grades entering from CTH Q shall be approved by the Town Engineer prior to further grading and shall be built to match the width of Briggs Road as much as possible, with stormwater structures as needed to prevent any runoff to neighboring



parcels, to be approved by Middleton Fire and Waunakee EMS, and to interfere as little as possible with existing vegetation which acts as a screen and buffer for the abutting properties.

6. The construction of the entrance to CTH Q should be approved by Dane County highway and the Town and City Engineers.

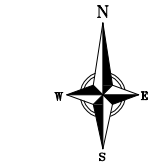
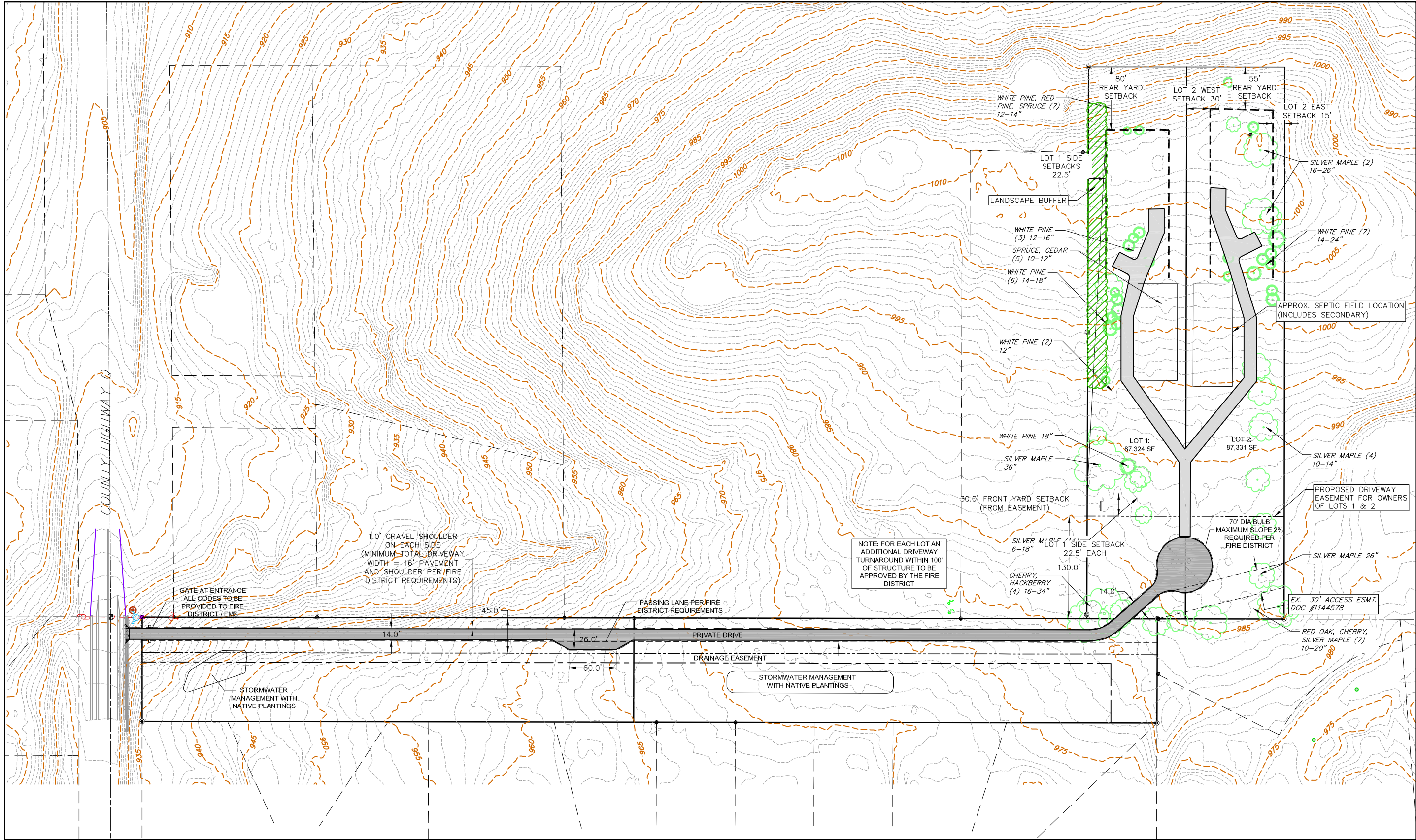
7. Satisfy the Town's Parkland Dedication requirement by paying the fee for one additional unit.

8. All the comments addressed to the satisfaction of the Town Administrator.

Potential Action:

RECOMMENDATION: Move to reject the land division and rezones as requested for the following reasons:

1. Zoning. The proposed zoning is inconsistent with the Comp Plan and the City of Middleton zoning code. The appropriate type of zoning is ER-1, however the lot sizes do not meet the Town requirements. Note that the approved SIP had an 80ft setback for the north, a 40 ft setback to the west, and it also maintained the existing slopes.
2. The proposed CSM and lot configuration is inconsistent with the Comp Plan due to the size and house locations, setbacks, and lot orientation being drastically different that the existing neighborhood.



REVISIONS	NO.	DATE	REMARKS
DATE			
04/20/2022			
DRAFTER			
SVIN			
CHECKED			
TSCH			
PROJECT NO.			
210300			
SHEET			
1 OF 2			















CERTIFIED SURVEY MAP No.

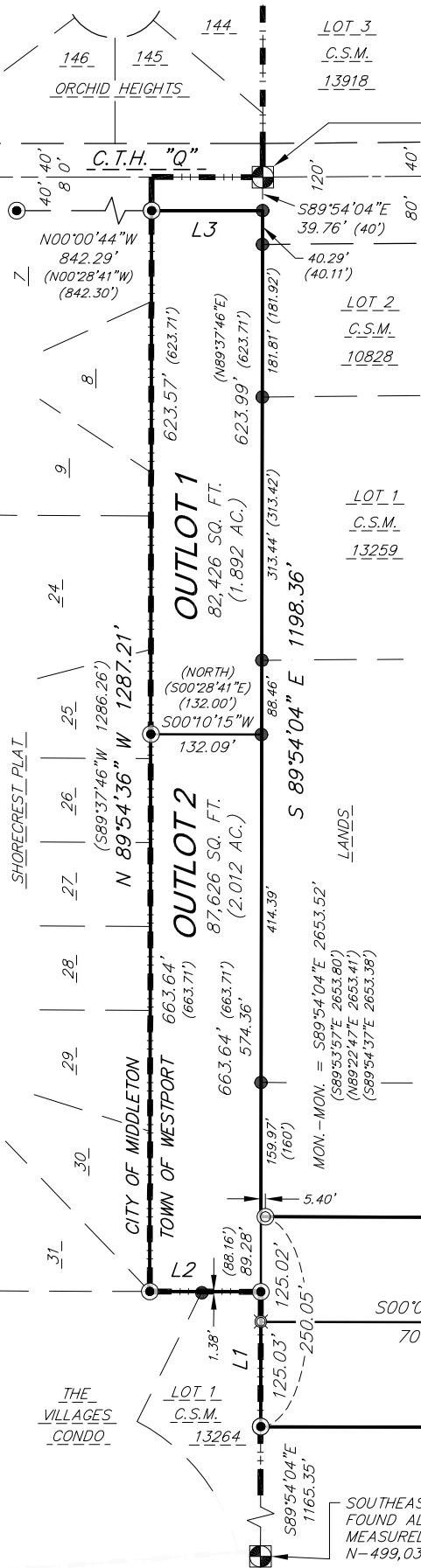
PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 08 NORTH, RANGE 09 EAST AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 06, TOWNSHIP 07 NORTH, RANGE 09 EAST, ALL IN THE TOWN OF WESTPORT, DANE COUNTY, WISCONSIN

0 100 200 400



SCALE: 1" = 200'

NOTE:  
SEE SHEET 2 FOR  
EASEMENTS.



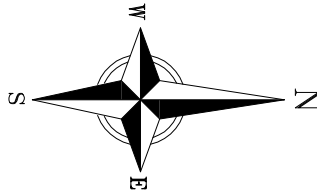
SOUTH QUARTER CORNER OF SECTION 31-08-09, FOUND 1-1/4" REBAR OF RECORD, MEASURED WCCS COORDS. ARE:  
N-499,035.30  
E-797,808.95

C.S.M. NOTES:

- COUNTY TRUNK HIGHWAY "Q" IS A CONTROLLED ACCESS HIGHWAY PURSUANT TO CHAPTER 79, DANE COUNTY CODE OF ORDINANCES.
- PORTIONS OF OUTLOT 1 AND OUTLOT 2 TO BE USED FOR STORMWATER MANAGEMENT.
- OUTLOT 1 AND OUTLOT 2 ARE NON-BUILDABLE LOTS.
- NO FURTHER LAND DIVISIONS OF THIS C.S.M. WILL BE PERMITTED.
- THE U.S. PUBLIC LAND SURVEY MONUMENTS SHOWN ON THIS C.S.M. HAVE BEEN FOUND AND VERIFIED ALONG WITH THEIR CORRESPONDING WITNESS TIES. THE MONUMENTS AND WITNESS TIES CHECK WITH CHRIS ADAMS MONUMENT RECORDS, DATED 07/13/2018, FOR THE S 1/4 CORNER AND THE SE CORNER. THE DATE OF FIELD RECOVERY FOR EACH CORNER WAS MARCH 08, 2022.

SURVEY LEGEND

- FOUND 3/4" Ø IRON ROD
  - FOUND 1-1/4" Ø IRON ROD
  - FOUND P.K. NAIL
  - FOUND 1" Ø IRON PIPE
  - SET 3/4" x 18" SOLID IRON RE-ROD, MIN. WT. 1.50 lbs./ft.
  - ( ) INDICATES RECORDED AS
- DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, DANE COUNTY, WISCONSIN, THE SOUTH LINE OF THE SE 1/4 OF SECTION 31 MEASURED AS BEARING N89°54'09"W

LINE TABLE

NUMBER	DIRECTION	LENGTH
L1	N89°54'04"W (N89°53'57"W) (N89°22'43"E)	160.77' (160.744')
L2	S00°10'15"W (S00°14'45"E) (NORTH)	131.99' (132.00')
L3	N00°00'44"W (N00°28'41"W)	132.19' (132.00')

SHORECREST PLAT

CITY OF MIDDLETON  
TOWN OF WESTPORT

THE VILLAGES CONDO

LANDS

(SOUTH 700')  
N 00°10'46" E 700.05'

LOT 1  
87,324 SQ. FT.  
(2.005 AC.)

LOT 2  
87,331 SQ. FT.  
(2.005 AC.)

S 00°05'06" W 700.15'  
(NORTH 700')

SOUTHEAST CORNER OF SECTION 31-08-09, FOUND ALUMINUM MONUMENT OF RECORD, MEASURED WCCS COORDS. ARE:  
N-499,030.72 E-800,462.47

vierbicher  
planners | engineers | advisors

Phone: (800) 261-3898



FN: 210156  
DATE: 04/11/2022  
REV:  
Drafted By: MZIE  
Checked By: MMAR

SURVEYED FOR:  
Adam Nonn  
4937 Augusta Drive  
Middleton, WI 53597

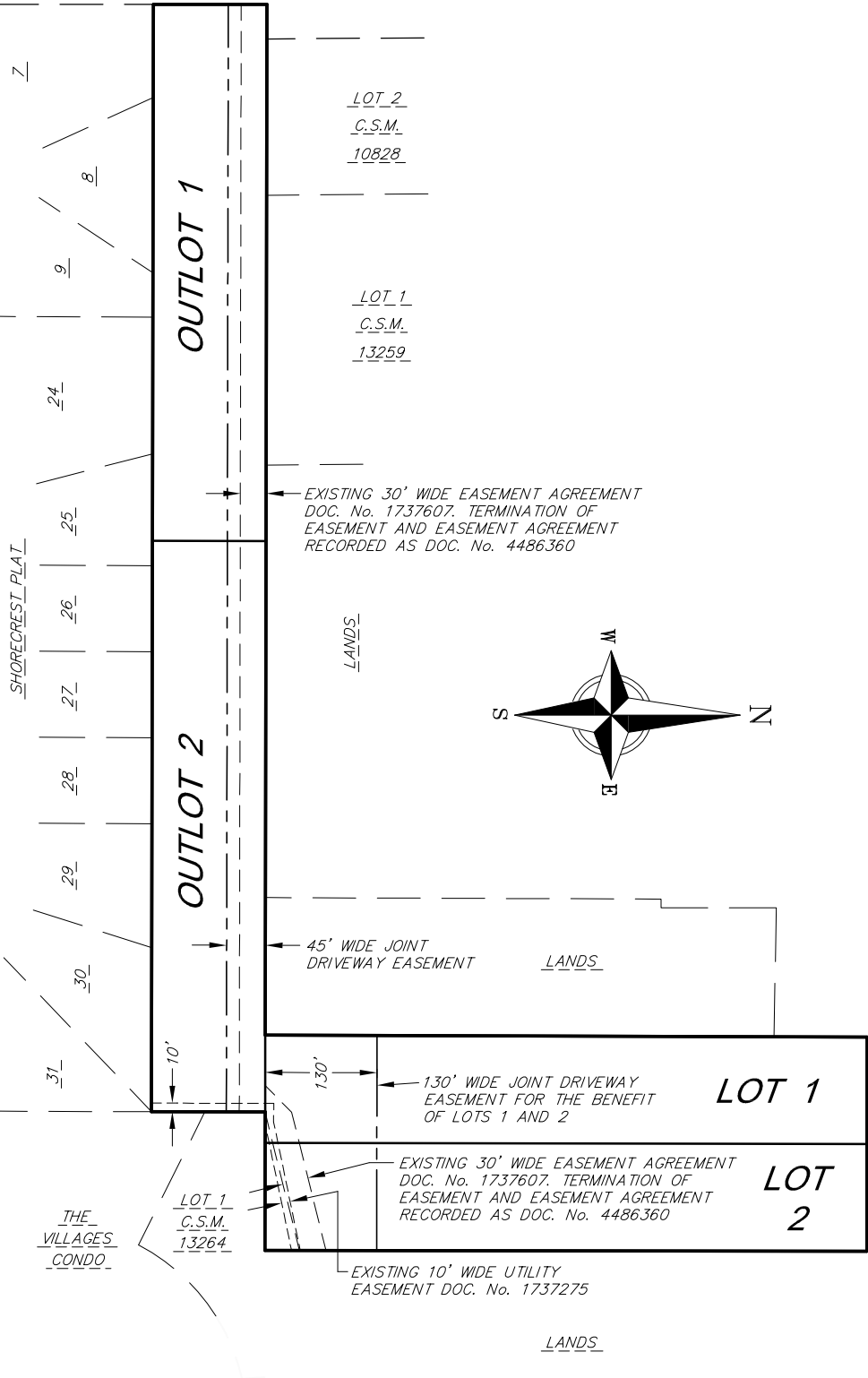
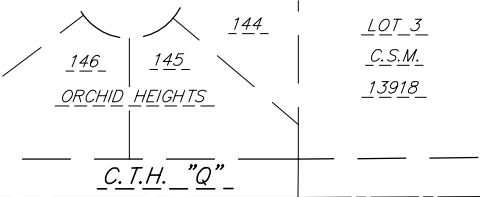
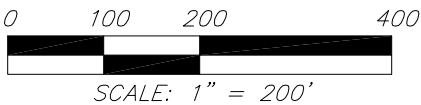
C.S.M. No.  
Doc. No.  
Vol. Page

SHEET  
1 OF 4

Page 20 of 61

CERTIFIED SURVEY MAP No. \_\_\_\_\_

PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 08 NORTH, RANGE 09 EAST AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 06, TOWNSHIP 07 NORTH, RANGE 09 EAST, ALL IN THE TOWN OF WESTPORT, DANE COUNTY, WISCONSIN



**vierbicher**  
planners | engineers | advisors

Phone: (800) 261-3898



FN: 210156  
DATE: 04/11/2022  
REV:  
Drafted By: MZIE  
Checked By: MMAR

SURVEYED FOR:  
Adam Nonn  
4937 Augusta Drive  
Middleton, WI 53597

C.S.M. No. \_\_\_\_\_  
Doc. No. \_\_\_\_\_  
Vol. \_\_\_\_\_ Page \_\_\_\_\_

**SHEET  
2 OF 4**

Page 21 of 61

*CERTIFIED SURVEY MAP No.*

PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 08 NORTH, RANGE 09 EAST AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 06, TOWNSHIP 07 NORTH, RANGE 09 EAST, ALL IN THE TOWN OF WESTPORT, DANE COUNTY, WISCONSIN

OWNER'S CERTIFICATE

Tenfold Capital, LLC, a Wisconsin limited liability company, as owner(s), we hereby certify that we caused the land described on this Certified Survey Map to be surveyed, divided and mapped as represented on the map hereon. We further certify that this Certified Survey map is required by S236.34 to be submitted to the Town of Westport and the City of Middleton for approval. Witness the hand and seal of said owner this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

*Tenfold Capital, LLC*

By: \_\_\_\_\_

State of Wisconsin )  
 )ss.  
County of Dane )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2022, the above named \_\_\_\_\_, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Wisconsin

TOWN OF WESTPORT APPROVAL

*"Resolved that this Certified Survey Map, being a part of the SW 1/4 and the SE 1/4 of the SE 1/4 of Section 31, Township 08 North, Range 09 East and the part of the NW 1/4 of the NE 1/4 of Section 06, Township 07 North, Range 09 East, all in the Town of Westport, Dane County, Wisconsin, having been approved by the Town Board, be and the same is hereby approved by the Town of Westport."*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signed: \_\_\_\_\_  
Town Clerk, Town of Westport

CITY OF MIDDLETON APPROVAL

Resolved that this Certified Survey Map in the Town of Westport is hereby acknowledged and approved for recording by the City of Middleton on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

---

*Mark Opitz, City Planner*



FN: 210156
DATE: 04/11/2022
REV:
Drafted By: MZIE
Checked By: MMAR

SURVEYED FOR:  
Adam Nonn  
4937 Augusta Drive  
Middleton, WI 53597

C.S.M. No. \_\_\_\_\_  
 Doc. No. \_\_\_\_\_  
 Vol. \_\_\_\_\_ Page **Page 22**

*SHEET*  
*3 OF 4*



CERTIFIED SURVEY MAP No. \_\_\_\_\_

PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 08 NORTH, RANGE 09 EAST AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 06, TOWNSHIP 07 NORTH, RANGE 09 EAST, ALL IN THE TOWN OF WESTPORT, DANE COUNTY, WISCONSIN

LEGAL DESCRIPTION

Part of the Southwest Quarter and the Southeast Quarter of the Southeast Quarter of Section 31, Township 08 North, Range 09 East and part of the Northwest Quarter of the Northeast Quarter of Section 06, Township 07 North, Range 09 East, all in the Town of Westport, Dane County Wisconsin, more fully described as follows:

Commencing at the south quarter corner of said Section 31; thence South 89°54'04" East, along the south line of the southeast quarter of said Section 31, a distance of 39.76 feet to the easterly right-of-way line of County Trunk Highway (C.T.H.) "Q" and the point of beginning; thence continuing South 89°54'04" East, along said south line, 1198.36 feet; thence North 00°10'46" East, 700.05 feet; thence South 89°55'28" East, 248.90 feet; thence South 00°05'06" West, 700.15 feet to the aforementioned south line of the southeast quarter of Section 31; thence North 89°54'04" West, along said south line, 160.77 feet to the northwest corner of Certified Survey Map (C.S.M.) Number 13264, recorded as Document Number 4862330, Dane County Registry; thence South 00°10'15" West, along the west line of said C.S.M. Number 13264, a distance of 131.99 feet to the northeast corner of Shorecrest Plat, recorded as Document Number 1461424, Dane County Registry; thence North 89°54'36" West, along the north line of said Shorecrest Plat, 1287.21 feet to the northwest corner of said Shorecrest Plat and the aforementioned easterly right-of-way line of C.T.H. "Q"; thence North 00°00'44" West, along said easterly right-of-way line, 132.19 feet to the aforementioned south line of the southeast quarter of Section 31 and the point of beginning.

Said description contains 344,706 square feet or 7.913 acres, more or less.

SURVEYOR'S CERTIFICATE

I, Michael J. Ziehr, Professional Land Surveyor, S-2401, do hereby certify to the best of my knowledge and belief, that I have surveyed, divided and mapped the lands described herein and that the map on sheet one (1) is a correct representation of the exterior boundaries of the land surveyed and the division of that land in accordance with the information provided. I further certify that this Certified Survey Map is in full compliance with Section 236.34 of the Wisconsin State Statutes, Chapter A-E7 of the Wisconsin Administrative Code and the Subdivision Ordinance of the Town of Westport and the City of Middleton in surveying, dividing and mapping the same.

Vierbicher Associates, Inc.  
By: Michael J. Ziehr

Date: \_\_\_\_\_

Signed: \_\_\_\_\_  
Michael J. Ziehr, P.L.S. S-2401

REGISTER OF DEEDS CERTIFICATE

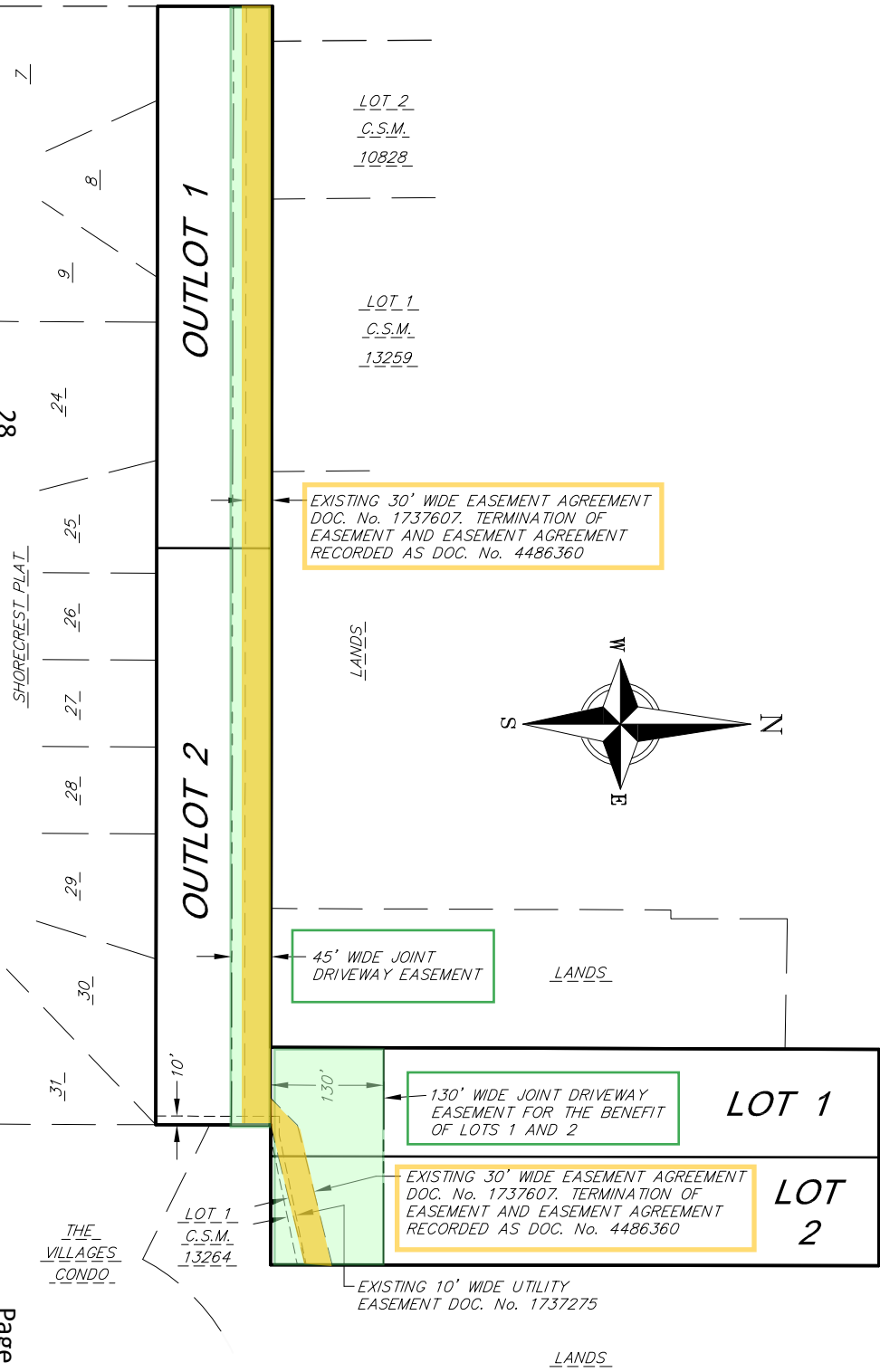
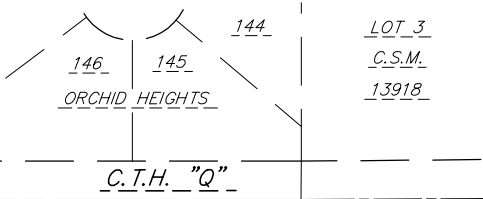
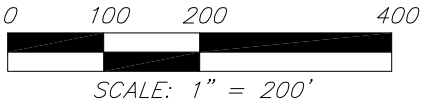
Received for recording this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_m. and recorded in Volume \_\_\_\_\_ of Certified Survey Maps on pages \_\_\_\_\_, as Doc. No. \_\_\_\_\_.

\_\_\_\_\_  
Kristi Chlebowski,  
Dane County Register of Deeds



CERTIFIED SURVEY MAP No. \_\_\_\_\_

PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 08 NORTH, RANGE 09 EAST AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 06, TOWNSHIP 07 NORTH, RANGE 09 EAST, ALL IN THE TOWN OF WESTPORT, DANE COUNTY, WISCONSIN



Termination of  
Easement and  
Easement Agreement

Document Number

Document Title



\* 4 4 8 6 3 6 0 8 \*

DANE COUNTY

REGISTER OF DEEDS

DOCUMENT #

4486360

12/11/2008 04:04PM

Exempt #:

Rec. Fee: 25.00

Pages: 8

Recording Area

Name and Return Address

John Wegenke  
2161 Middleton Beach Road  
Middleton, WI 53562

Parcel Identification Number (PIN)

Parcel B

0809-314-8006-5

Parcel C

0709-061-8570-0

Parcel A

0809-314-9690-5

Parcel D

0709-061-8500-4

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clause, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.43(2m). WRDA HB Rev. 1/8/2004

TERMINATION OF EASEMENT

AND

1737607

EASEMENT AGREEMENT

AGREEMENT made this 9<sup>th</sup> day of March, 1982,  
by and between CHARLES C. COMPTON and SHIRLEY R. COMPTON,  
husband and wife as joint tenants (hereinafter collectively  
referred to as "Comptons"), Madison, Wisconsin, and JOHN D.  
WEGENKE and JANE WEGENKE (hereinafter collectively referred  
to as "Wegenkes").

WHEREAS, Comptons own two parcels of property situated  
in Dane County, Wisconsin (hereinafter "Parcel B" and "Parcel  
C") more particularly described as follows:

Parcel B

Part of the SE 1/4 of the SE 1/4 of Section 31,  
T8N, R9E, Dane County, Wisconsin, more parti-  
cularly described as follows: Beginning at an  
iron stake on the S line of said Section 31,  
160.744 feet E of the SW corner of said SE  
1/4 of the SE 1/4; thence E along the said S  
line 248.904 feet to an iron stake; thence N  
parallel to the W line of said 1/4 1/4 section,  
700 feet to an iron stake; thence W parallel to  
the S line of said section 248.904 feet to an  
iron stake; thence S parallel to the W line of  
said 1/4 1/4 section, 700 feet to the point of  
beginning. Parcel No. 33-31-628.

Parcel C

Part of the NW 1/4 of the NE 1/4 of Section 6,  
T7N, R9E, Dane County, Wisconsin, more parti-  
cularly described as follows: Beginning at an  
iron stake on the N line of said section, 663.71  
feet W of the NE corner of said NW 1/4 of the  
NE 1/4; thence continuing W on said N section  
line 663.71 feet to the center line of County  
Trunk 'Q'; thence S along said center line 132  
feet; thence E parallel to the N line of said  
section, 663.71 feet to an iron stake; thence N  
132 feet to the point of beginning. Parcel No.  
33-06-101.4.

WHEREAS, Wegenkes own two adjacent parcels of real  
property situated in Dane County, Wisconsin (hereinafter  
"Parcel A" and "Parcel D") more particularly described as  
follows:

*Pl 8<sup>th</sup> ch*

Parcel A

Part of the S 1/2 of the SE 1/4 of Section 31, T8N, R9E Dane County, Wisconsin, more particularly described as follows: Beginning at an iron stake on the S line of said Section 31, said stake being at the SW corner of the SE 1/4 of the SE 1/4; thence E along the S line of said section, 160.744 feet to an iron stake; thence N parallel to the W line of said SE 1/4 of the SE 1/4, 700 feet to an iron stake; thence W parallel to the S line of said section, 248.904 feet to an iron stake; thence S parallel with the W line of said SE 1/4 of the SE 1/4, 700 feet to an iron stake on the S line of said Section 31; thence E along the said S section line 88.16 feet to the point of beginning.

Parcel D

Part of the NW 1/4 of the NE 1/4 of Section 6, T7N, R9E, Dane County, Wisconsin, more fully described as follows: Commencing at an iron stake at the NE corner of said NW 1/4 of the NE 1/4; thence W along the N line of said Section 6, 663.71 feet to an iron stake; thence S at right angles 132 feet to an iron stake; thence E parallel to the N line of said Section 6, 663.71 feet to an iron stake; thence N 132 feet to the point of beginning.

WHEREAS, a surveyor's plat has been attached hereto showing the location of Parcels A, B, C, and D for reference purposes; and,

WHEREAS, a certain driveway agreement was executed on October 20, 1955, and recorded in the office of the Dane County Register of Deeds on October 12, 1965 in Volume 434 of Miscellaneous, p. 1, as document #1144578 (hereinafter "existing easement agreement"), by which the then record owners of Parcels A, B, C, and D granted an easement (hereinafter "the existing easement"), to one another over Parcels A, C, and D; and,

WHEREAS, Wegenkes have granted an easement to Madison Gas and Electric Company over part of Parcels A and D (hereinafter "the utility easement") which easement is more particularly described in that certain Right of Way Grant dated November 2, 1981; and,

WHEREAS, Comptons and Wegenkes desire to relocate the existing easement and to reaffirm in a new agreement the covenants, terms and conditions of the existing easement agreement;

NOW, THEREFORE, in consideration of the covenants and agreements herein and for other good and valuable consideration, Comptons and Wegenkes hereby agree as follows:

1) Termination of Existing Easement. Upon the execution of this agreement, the existing easement and existing easement agreement shall terminate, all rights granted and duties imposed thereunder shall cease, and Comptons and Wegenkes convey to one another all right, title, and interest they possess in one another's property by virtue of the existing easement agreement.

2) Grant of Easement. Comptons and Wegenkes, for themselves, their heirs, successors and assigns, hereby give, grant, convey, transfer and assign to one another an easement for private driveway purposes over, across and through the following parcel (hereinafter "the driveway easement"):

Beginning at the northwest corner of Parcel C, thence easterly along the northern boundary of Parcel C to the northeast corner of Parcel C; thence continuing easterly along the northern boundary of Parcel D to the point on said line which is thirty (30) feet west of the northeast corner of Parcel D; thence northeasterly along a line to a point thirty (30) feet north of the northeast corner of Parcel D; thence northeasterly along a line to a point on the western boundary of Parcel B which point is seventy (70) feet north of the southwest corner of Parcel B; thence southerly along the western boundary of Parcel B a distance of thirty (30) feet; thence southwesterly along a line to the northeast corner of Parcel D; thence southerly along the eastern boundary of Parcel D a distance of thirty (30) feet; thence westerly along a line parallel to the northerly boundary of Parcel D to the western boundary of Parcel D; thence continuing westerly along a line parallel to the northern boundary of Parcel C to the western boundary of Parcel C; thence northerly along the western boundary of Parcel C to the point of beginning.

3) Purpose and Restriction on Use. Comptons and Wegenkes, their heirs, successors and assigns, and their tenants, invitees, licensees, employees, and agents shall have the full, free, and unobstructed use of the driveway easement for private driveway purposes, for ingress from and egress to County Trunk Highway Q. No vehicles or other

obstructions may be parked or placed in or on the driveway easement which will interfere with the unobstructed use thereof. It is understood that the rights of the parties under the driveway easement shall be and are subject to the rights of Madison Gas and Electric Company under the utility easement.

4) Construction and Maintenance. Comptons and Wegenkes hereby agree to pay one-half of the cost of building a good, safe, and usable gravel driveway wide enough for two automobiles to pass. If one of the parties hereto is not ready to occupy his parcels when such driveway is about to be built then the party desiring to build such driveway shall give written notice of his intention to do so to the other party and keep an accurate account of the expenditures incurred in building such driveway and furnish a copy of the same to the other who shall pay one-half of such expense as soon as he desires to use said driveway for the purpose of reaching his parcel of land. When Comptons and Wegenkes shall be using said driveway, each shall pay one-half of the expenses of maintenance to keep said driveway in a reasonably safe and usable condition and to remove snow which may be interfering with the use of said driveway. Neither Comptons nor Wegenkes shall incur any expense for such maintenance or snow removal without first giving the other written notice of their intent to do so. Such notice shall be given in accordance with paragraph 5 below and shall state the proposed dollar amount and manner of payment of the expense to be incurred and shall name the person or company to be engaged to perform the maintenance or snow removal. If the party receiving such notice has any objection to the proposed maintenance or snow removal expense, he shall give written notice of his objection to the party proposing that the expense be incurred in accordance with paragraph 5. If no such written notice of objection is given within 7 days of the giving of the notice by the party proposing that the

expense be incurred, such party may incur the expense and the other party shall be deemed to be in agreement therewith.

5) Notices. If at any time it shall be necessary or desirable for a party hereto to give or serve any notice, demand or communication upon any other party hereto, such notice, demand or communication shall be in writing and shall be served personally, or shall be served or given by certified mail, return receipt requested, addressed to the respective parties at the following addresses:

Charles C. Compton  
Shirley R. Compton  
6013 Hempstead Road  
Madison, Wisconsin 53711

John D. Wegenke  
Jane Wegenke  
6613 Inner Drive  
Madison, Wisconsin 53705

If mailed as aforesaid, such notice, demand or communication shall be deemed to have been served or given when received.

If a party changes his address, he shall give written notice of such change to the other parties hereto which shall state the address to which he desires notices hereunder be sent.

Upon receipt of such notice, this agreement shall be deemed amended in that respect without any further written agreement of the parties.

6) Binding Effect. This agreement and the driveway easement created herein, its benefits and burdens, shall run with the land and be binding upon the parties hereto, their respective heirs, successors and assigns.

7) Amendment. This agreement may be amended by written agreement of the owners of Parcels A, B, C, and D and no consent of other permitted users of the driveway easement created herein shall be required.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals.



John D. Wegenke (SEAL)

Jane Wegenke (SEAL)  
Jane Wegenke

Signatures authenticated this 24th day of MARCH  
1982, of JOHN D. WEGENKE AND JANE WEGENKE

Timothy Muldowney  
TITLE: MEMBER STATE BAR OF WI.

 (SEAL)  
Charles C. Compton

Shirley R. Compton (SEAL)  
Shirley R. Compton

Signatures authenticated this \_\_\_\_ day of \_\_\_\_\_  
1982, of \_\_\_\_\_

TITLE: MEMBER STATE BAR OF WI.

STATE OF WISCONSIN) ss.  
DANE COUNTY )

Personally came before me this 9th day of march 1982, the above-named Charles C. Compton and Shirley R. Compton to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public  
State of Wisconsin  
My Commission: expires 9/25/88

This Instrument Drafted By:  
Attorney Timothy J. Muldowney

Return to: Timothy J. Mosakowicz  
Suite 300  
222 W. WASHINGTON AVE - 6 -  
MADISON, WI 53703

# SURVEY PLAT

VOL 3527 page 12 ALEX W. ELY  
 DANE COUNTY SURVEYOR  
 DANE COUNTY COURT HOUSE  
 MADISON, WISCONSIN  
 DIAL 5-9411 EXT. 56

Map No. 1727

Name BERNICE FITZGIBBONS BLOCK  
 Address 720—5TH AVE NEW YORK N.Y.  
 Description PT. OF 1/2 SE 1/4 SEC 31-8-9 & PT. OF NW 1/4 NE 1/4 SEC 6-7-9

COUNTY TRUNK Q

132  
 33  
 TOWNSHIP LINE

543.0 + 33 = 576.0  
 630.71 + 33.0 = 663.71  
 663.71  
 2.01 ACRES  
 87.71

TWP. OF WESTPORT

SEC. 31

Office of Register of Deeds  
 Dane County Wisconsin  
 Recorded April 20 1982  
 At 12:20 o'clock P.M.  
 Carol R. Mahnke, Register

TWP. OF MADISON

SEC. 6

132  
 482.25  
 663.71  
 93.3  
 88.16  
 248.904  
 160.744  
 497.808  
 W 248.904  
 132

700

A

S 700

B

4 ACRES

N 700

TOWNSHIP LINE

SCALE OF MAP—1 INCH = 200 FEET

State of Wisconsin } ss.  
 County of Dane }

• IRON STAKES FOUND

◦ IRON STAKES DRIVEN

I, Alex W. Ely, a registered engineer of the State of Wisconsin, do hereby certify that on SEP 7, 1955, I surveyed the above described and mapped property according to the official records and that the accompanying map is a correctly dimensioned representation to scale of the boundaries, that all buildings and improvements lie wholly within the boundary lines, and that no encroachments by adjoining owners appear from said survey.

Detailed by OB

Traced by OB

Field Book 130 Page 19

Order No. 1934

Alex W. Ely

## Mark Opitz

---

**From:** Sarvi Nalwa <snalwa@me.com>  
**Sent:** Monday, April 25, 2022 3:50 PM  
**To:** dgrosskopf@townofwestport.org; Mark Opitz; kevin@engineersolutions.org  
**Subject:** 5th Hole BBCC Development

Sarvi & Rachel Nalwa  
5017 Augusta Drive  
Middleton, WI 53597

To: Town of Westport & City of Middleton Joint Zoning Committee

Re: 5th Hole BBCC Development

My wife and I have lived in the Community of Bishops Bay for 7 years, and our home is on the 5th hole of Bishops Bay Country Club. We are also very active golf members, and use the golf course and country club frequently. We are writing you regarding the proposed redevelopment on the 5th hole from Tenfold Capital.

Overall, we are in support of this proposal. We like the fact it is reducing the current approved plan of four condominiums to two single family homes. We feel this will help limit the disruption of that area, and will serve the neighborhood well.

Living directly north of this proposal, we support maintaining an equal amount of distance between the two new houses that are proposed, and the one existing structure that is already at the top of the 5th hole. We believe that having the houses equal distances apart will be the most visually pleasing for the entire Bishops Bay residential community.

Sincerely,

Sarvi & Rachel Nalwa  
(608) 335-4559

**Karen Teske-Osborne**  
6158 Briggs Road  
Waunakee, WI 53597

TO: Tom Wilson

I am writing again to share concerns with the potential development of the Wegenke property. I believe that any and all decisions should be **made to protect the integrity of the current Briggs Road neighborhood** since the Wegenke property is contiguous with such.

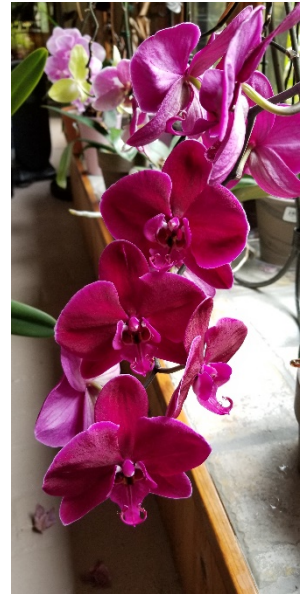
I have lived on Briggs Road for over three decades. The purchase was for the woods, wildlife, privacy and security. The neighbors I have spoken with have that same purpose for living on Briggs Road.

My concerns are that the current Wegenke plans are totally inconsistent with that of Briggs Road. They not only will impact the woods and privacy, but will negatively impact wildlife and the environment, as well as property values and resale.

1. The mature wooded border between the Wegenke property and the Briggs Road residents must be maintained.
2. The Wegenke property needs to be maintained as ER 1 to avoid the potential of numerous homes being erected on the property.
3. Any construction must not interfere with the hillside or erosion could occur, impacting not only Briggs Road residents but also the Bishops Bay Golf Course.
4. Construction needs to be at least 80 feet from existing Briggs Road homes.
5. Any homes on the Wegenke property also must be at least 80 feet apart. This would also not only be consistent with Briggs but also have a more positive impact on aesthetics and resale. Plans to build two large homes close to each other will be unsightly. If one of those potential homeowners has to sell, finding a buyer wanting a neighbor house that close will be extremely difficult. Although the current plans are with "friends", research notes that the vast majority of friendships only last 10 years. It would be very shortsighted to build for the current situation without any consideration for the future.
6. Steps will have to be taken to safeguard the Bishops Bay golf cart path so it does not become a playground for children. This is for safety for the golfers and the children. The measure must be more than "we will tell them not to play on the path".

I am very frustrated that I have to write again with my concerns. I do not believe that the new property owners conducted enough research on their plans prior to purchase of the Wegenke property. It is not the responsibility of any Planning Committees or Commissions to correct the errors and omissions of the Wegenke property owners at the expense of the current Briggs Road residents.

Please do your duty and take the necessary steps to preserve the Briggs Road neighborhood.



April 26, 2022

Middleton Westport Joint Zoning Committee Agenda  
7426 Hubbard Avenue  
Middleton, WI 53562

RE: Tenfold Capital Zoning Request

As residents of the Shorecrest development immediately to the south of the lots in question, we request careful consideration of the following items regarding 'lots 3 and 4' (the two lots containing the gravel driveway that provides access to CTH Q and lots 1 and 2 to the north).

1. These lots contain several topographic features that hint of possible historic/archeological significance. Photos of two such sites are attached. In both cases, these features are well over 15 feet in the long axis. We request further investigation of said lots for such features and if they are found to be from Original Nations, that development within these lots be adjusted to provide appropriate protection thereof and that any resolution going forward require conformance with such actions, pursuant to State Historical Society Chapter HS 2.
2. Any resolution going forward requires a "buffer zone" or Tree Preservation District between the southernmost edge of the combined shared drive and drainage easements and the northern properties lines of the Shorecrest properties contiguous to these lots. We believe that such a requirement is consistent and in accordance with the language and spirit of the Waunakee/Westport Land Use Plan – as per the following Policies and Programs relative to wildlife and habitat in the community – and would keep these lots in character with the neighboring houses to the north along Briggs Road, as well.

*1.6. Preserve in permanent conservancy any environmental corridors and other environmentally sensitive lands within Rural Residential areas as designated in this plan or the Extraterritorial Zoning Ordinance . . .*

**Goal 2** – *Wildlife and habitat areas, including threatened and endangered species, will be protected and enhanced.*

**2.2.** *Continue to protect wildlife habitat and endangered and threatened species sites through a combination of land acquisition, development regulations, and clustering.* <sup>(1)</sup>

**2.4.** *Protect woodlots and other areas with natural vegetation and wildlife. Strategies may include . . . land or conservation easement purchase, conservation subdivision design that places the woodlands in outlots or conservation easements, or site design standards and neighborhood covenants to minimize tree cutting.*

**2.6.** *Discourage development that would remove or reduce the extent of quality woodlands in the village.*

**Objective 3.2** – *It will be high priority to link conserved lands into contiguous greenways and environmental corridors through the village and town, and connecting to other jurisdictions, for the benefit of wildlife movement and recreational trail development.*

**Objective 3.5** – *The quality and quantity of trees in the village will be enhanced.* <sup>(2)</sup>

**3.1.** *Delineate environment corridors and preserve them through the land development review and approval process.*

**3.5.** *Encourage the formation of land trusts and other non-profit organizations that protect and preserve natural areas and open spaces.*

**3.3.** *Develop a coordinated open space preservation program that combines . . . natural habitat protection . . .* <sup>(3)</sup>

**7.2.** *Encourage in proposed developments the preservation of environmental corridors and creation of greenway linkages or connections between environmental areas. Where feasible, connecting greenways should be 100 feet wide to allow sufficient area for stormwater conveyance . . . and wildlife habitat.*

**7.3.** *Prohibit or restrict development that threatens waterway health, wildlife habitat, or groundwater quality.* <sup>(4)</sup>

Furthermore, precedence exists for such a buffer zone, and in the general vicinity of these lots. In May of 2015, such an agreement was entered into with the Back Nine Residences, LLC for a “buffer zone” between the Back Nine development and lots served by Briggs Road backing onto that development. Lots 3 and 4 are currently home to a herd of deer and turkeys and a host of more common wildlife. The appeal of such a designation as opposed to what property owners are suggesting in their most recent plan is that it more strongly limits removal of any natural habitat within the area in question. As the example covenant indicates, no disturbance of said zone is permitted beyond that needed “. . .to avoided liability due to conditions and trees and vegetation therein.” <sup>(5)</sup> We believe such a covenant would be much more likely to preserve this area as a wildlife corridor and, thereby, the presence and active of the wildlife that currently frequent it.

3. Additionally, we are concerned about the driveway easement on the property by Bishop’s Bay and any future development the golf course may be planning that could potentially increase traffic along this corridor. We believe this easement should be removed and/or researched by the zoning commission before any approval to ensure no increased traffic and that there will be no additional future additional disturbances to this corridor from their members, staff, potential construction, etc.

Such modifications to the Resolution for rezoning said lots would be greatly appreciated and supported by residents of the Shorecrest development.



## References:

- (1) Waunakee/Westport Comprehensive Plan -- "Agricultural, Natural, Cultural and Historic Resources", Shared Policies & Programs, pg. 47.
- (2) Ibid, pg. 48
- (3) Ibid, pg. 49
- (4) Ibid, pg. 52
- (5) "An Ordinance Amending Chapter 10 of the Middleton General Ordinance Relating to the Rezoning of Lands in the Middleton/Westport Joint Planning Area", Declaration of Restrictive Covenant, May 2015, by Back Nine Residences, LLC, pg.



## Mark Opitz

---

**From:** Randy Manning <randymanning60@frontier.com>  
**Sent:** Wednesday, April 27, 2022 3:49 PM  
**To:** Mark Opitz; dgrosskopf@townodwestport.org; kevin@engineersolutions.org  
**Cc:** Rick Schmidt; Jeff Murray  
**Subject:** EXTERNAL - Tenfold Capital LLC proposed Rezoning and CSM

**Importance:** High

**Caution:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kevin A. Even, P.E  
Consulting Engineer  
Town of Westport  
5387 Mary Lake Road  
Waunakee, WI 53597

Mark Opitz  
City Planner and Zoning Administrator City of Middleton  
7426 Hubbard Avenue  
Middleton, WI 53562

Dean A. Grosskopf  
Administrator/Clerk-Treasurer  
Town of Westport  
5387 Mary Lake Road  
Waunakee WI 53597

Re: Tenfold Capital Proposed Certified Survey Map (CSM) and Rezone

Dear Mr. Evan, Mr. Opitz and Mr. Grosskopf

I'm writing as a representative of BBCC LLC (BBCC). BBCC owns property that adjoins on the north, south and east the subject property owned by Tenfold Capital LLC (Tenfold Capital). BBCC objects to the proposed rezoning and CSM approval for the Tenfold Capital property.

BBCC previously provided a recorded easement in favor of BBCC that benefits BBCC's property located directly east of the Tenfold Capital property. The easement connects BBCC's golf course property to County HWY Q. The easement is specific in rights and requirements of the parties involved. The easement agreement can only be amended by parties, which includes BBCC. Item 6 of the easement is specific on the binding effect of easement including its benefits and burdens.

BBCC should be part of any conditions or discussions related to driveway access to County HWY Q. Tenfold Capital with its planner Rachel Holloway from Vierbicher are trying by way of rezoning and CSM with conditions to work around recorded legal agreement and its burdens. It is my belief any restrictions placed on driveway development and approval of CSM based on those restrictions is contradicting a recorded easement currently in place. For example, the easement with BBCC LLC specifically prohibits obstructions, such as the proposed gated access shown in plan. Similarly, BBCC objects to any of the 30-foot-wide easement area being used to satisfy stormwater management requirements and erosion control for the Tenfold Capital property.

Finally, BBCC has a well on its property located approximately 37 feet from the eastern property line of the Tenfold Capital property. Tenfold is showing a proposed septic drain field near BBCC's well. BBCC has concerns this field may affect water quality drawn by well used for restrooms, snack facility and maintenance shed.

For these reasons, if the Commission considers approval with conditions we believe BBCC LLC should be listed on those agreements with the ability to approve or deny accordingly.

Sincerely,

Randy J. Manning



LOT 1

# SOIL EVALUATION REPORT

PROPOSED LOT 1

In accordance with SPS 385, Wis. Adm. Code

Attach complete site plan on paper not less than 8 1/2 x 11 inches in size. Plan must include, but not limited to: vertical and horizontal reference point (BM), direction and percent slope, scale or dimensions, north arrow, and location and distance to nearest road.

Please print all information.

Personal information you provide may be used for secondary purposes (Privacy Law, s. 15.04(1)(m)).

Property Owner John Wegenke-owner. Purchaser = Adam Nonn/ Lucke 608-609-0196				Property Location Govt. Lot SE 1/4 SE 1/4 S 31 T 8 N R 9 E (or) W			
Property Owner's Mailing Address 2161 Middleton Beach Road				Lot # 1	Block #	Subd. Name or CSM# Prelim CSM-PROPOSED LOT 1	
City Middleton	State WI	Zip Code 53562	Phone Number ( )	<input type="checkbox"/> City	<input type="checkbox"/> Village	<input checked="" type="checkbox"/> Town WESTPORT	Nearest Road CTH "Q"

☒ New Construction Use: ☒ Residential / Number of bedrooms 6 Code derived design flow rate 900 GPD  
☐ Replacement ☐ Public or commercial - Describe: \_\_\_\_\_  
 Parent material Loess over glacial till Flood Plan elevation if applicable N/A ft.  
 General comments and recommendations: Install conventional seepage cells as shown on site plan. Soil Loading Rate = 0.4.

1 Boring # ☐ Boring ☒ Pit Ground surface elev. 93.1 ft. Depth to limiting factor 94+ in.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/Ft <sup>2</sup>	
									*Eff#1	*Eff#2
1	0-12	10YR 3/3	none	sil	2msbk	mfr	cs	3m	0.6	0.8
2	12-22	10YR 4/3	none	scl	2msbk	mfr	cs	2m	0.4	0.6
3	22-40	7.5YR 4/4	none	scl	2msbk	mfr	cw	2m	0.4	0.6
4	40-94	10YR 6/4	none	sl	1mpl	mfr		12"1f	0.4	0.6

2 Boring # ☐ Boring ☒ Pit Ground surface elev. 91.3 ft. Depth to limiting factor 94+ in.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/Ft <sup>2</sup>	
									*Eff#1	*Eff#2
1	0-8	10YR 3/3	none	sil	2msbk	mfr	cs	3m	0.6	0.8
2	8-21	10YR 4/3	none	scl	2msbk	mfr	cs	2m	0.4	0.6
3	21-37	7.5YR 4/4	none	scl	2msbk	mfr	cw	2m	0.4	0.6
4	37-94	10YR 6/4	none	sl	1mpl	mfr		12"1f	0.4	0.6

\* Effluent #1 = BOD, > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L

\* Effluent #2 = BOD, > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L

CST Name (Please Print) Rick Herro Soil Testing, LLC. / Richard C. Herro	Signature <i>Richard C. Herro</i>	CST Number 71536
Address 603 N. Dewey Avenue, Jefferson, WI. 53549	Date Evaluation Conducted 12-21-2021	Telephone Number 920-650-6788. EMAIL: rherro54@gmail.com

SBD-8330 (R04/15)

4

Boring #

☐ Boring☒ PitGround surface elev. 96.3 ft. Depth to limiting factor 94+ in.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/Ft <sup>2</sup>	
									*Eff#1	*Eff#2
1	0-8	10YR 3/3	none	sil	2msbk	mfr	cs	3m	0.6	0.8
2	8-18	10YR 4/3	none	scl	2msbk	mfr	cs	2m	0.4	0.6
3	18-38	7.5YR 4/4	none	scl	2msbk	mfr	cw	2m	0.4	0.6
4	38-94	10YR 6/4	none	sl	1mpl	mfr		12"1f	0.4	0.6

Boring #

☐ Boring☐ Pit

Ground surface elev. \_\_\_\_ ft.

Depth to limiting factor \_\_\_\_ in.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/Ft <sup>2</sup>	
									*Eff#1	*Eff#2

Boring #

☐ Boring☐ Pit

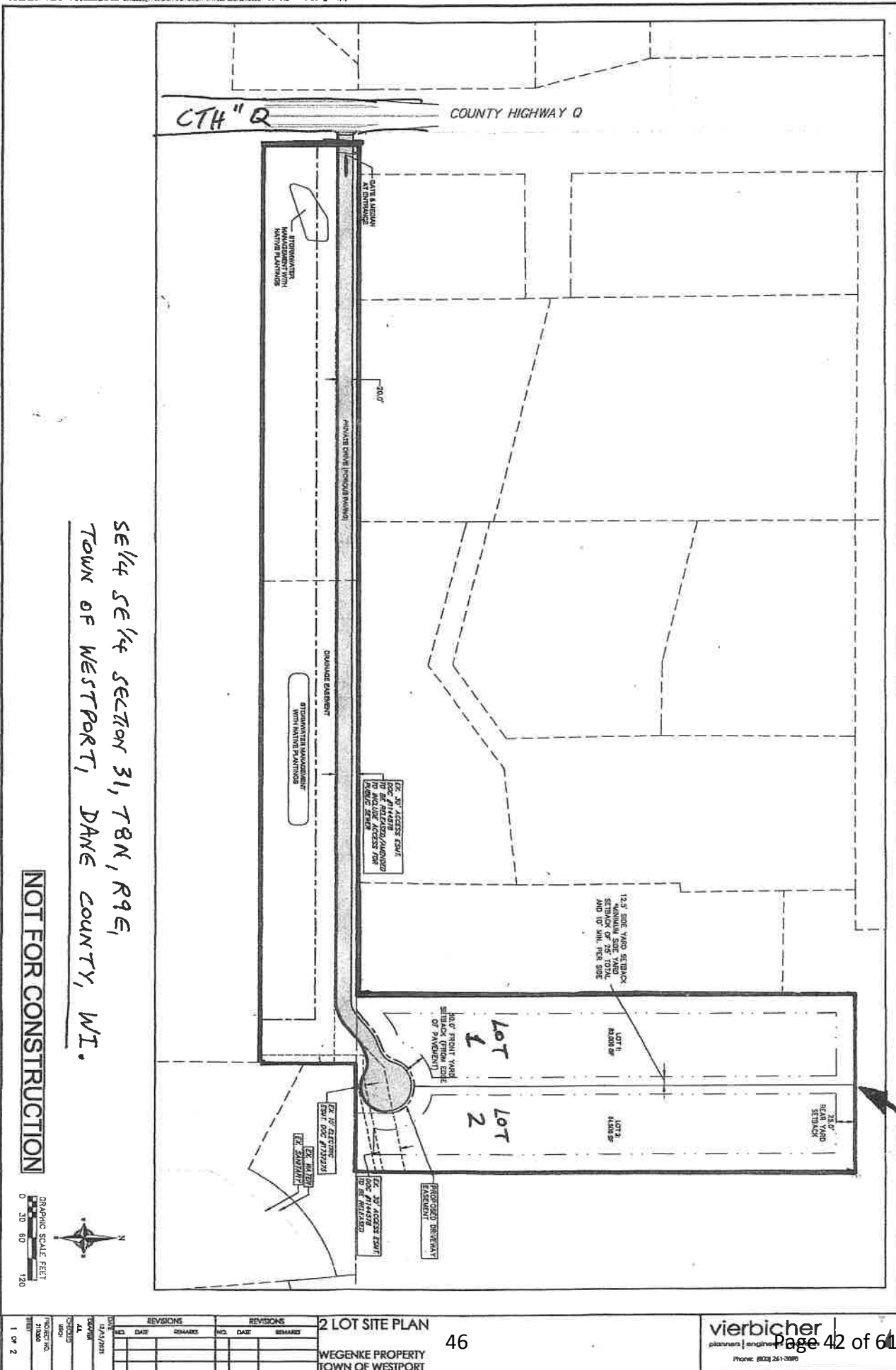
Ground surface elev. \_\_\_\_ ft.

Depth to limiting factor \_\_\_\_ in.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/Ft <sup>2</sup>	
									*Eff#1	*Eff#2

\* Effluent #1 = BOD, &gt; 30 ≤ 220 mg/L and TSS &gt; 30 ≤ 150 mg/L

\* Effluent #2 = BOD, &gt; 30 ≤ 220 mg/L and TSS &gt; 30 ≤ 150 mg/L





080931496905



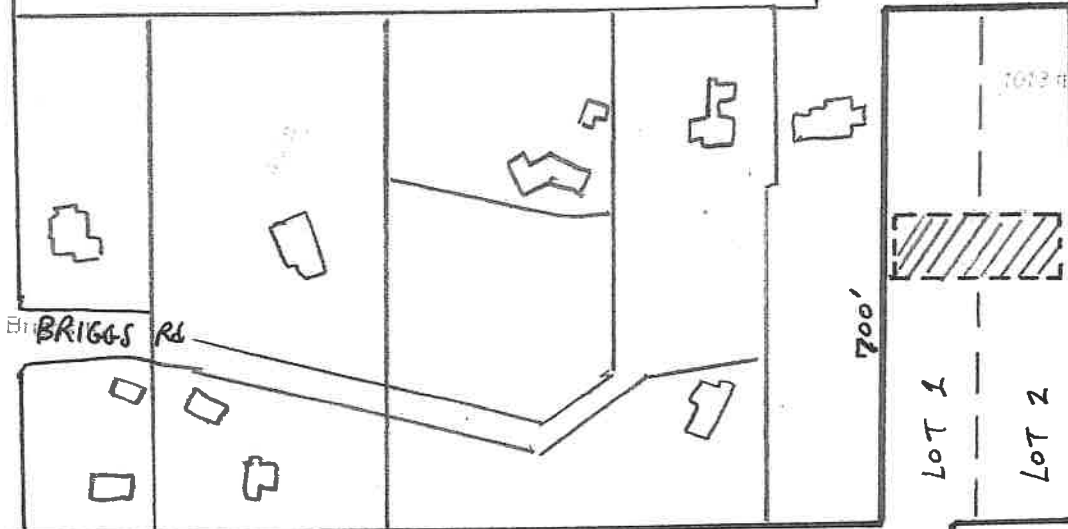
Show search results for 080931496905

NORTH

PARCEL 0809-314-9690-5

248.9'

SUITABLE SOIL TEST AREA  
FOR CONVENTIONAL SYSTEM



SE 1/4 SE 1/4 SECTION 31, T8N, R9E,  
TOWN OF WESTPORT, DANE COUNTY, WI.

COUNTY HIGHWAY "Q"

Concord Dr

Rolling Hill Dr

Patrick Henry Way

Constitution Dr

Bunker Hill

Leaning Dr

Shorecrest Dr

Station Cir

300ft

# SOIL EVALUATION SITE MAP

PROJECT NAME:

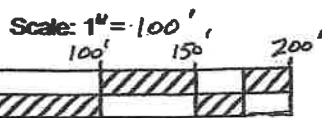
WEGENKE / NONN / LUCKE

PROJECT ADDRESS: COUNTY HWY "Q"

BM Symbol:  BM Elevation: 100.0 FT

BM Description: TOP OF ELECTRICAL BOX

Slope Gradient (%) of Tested Area: 8%



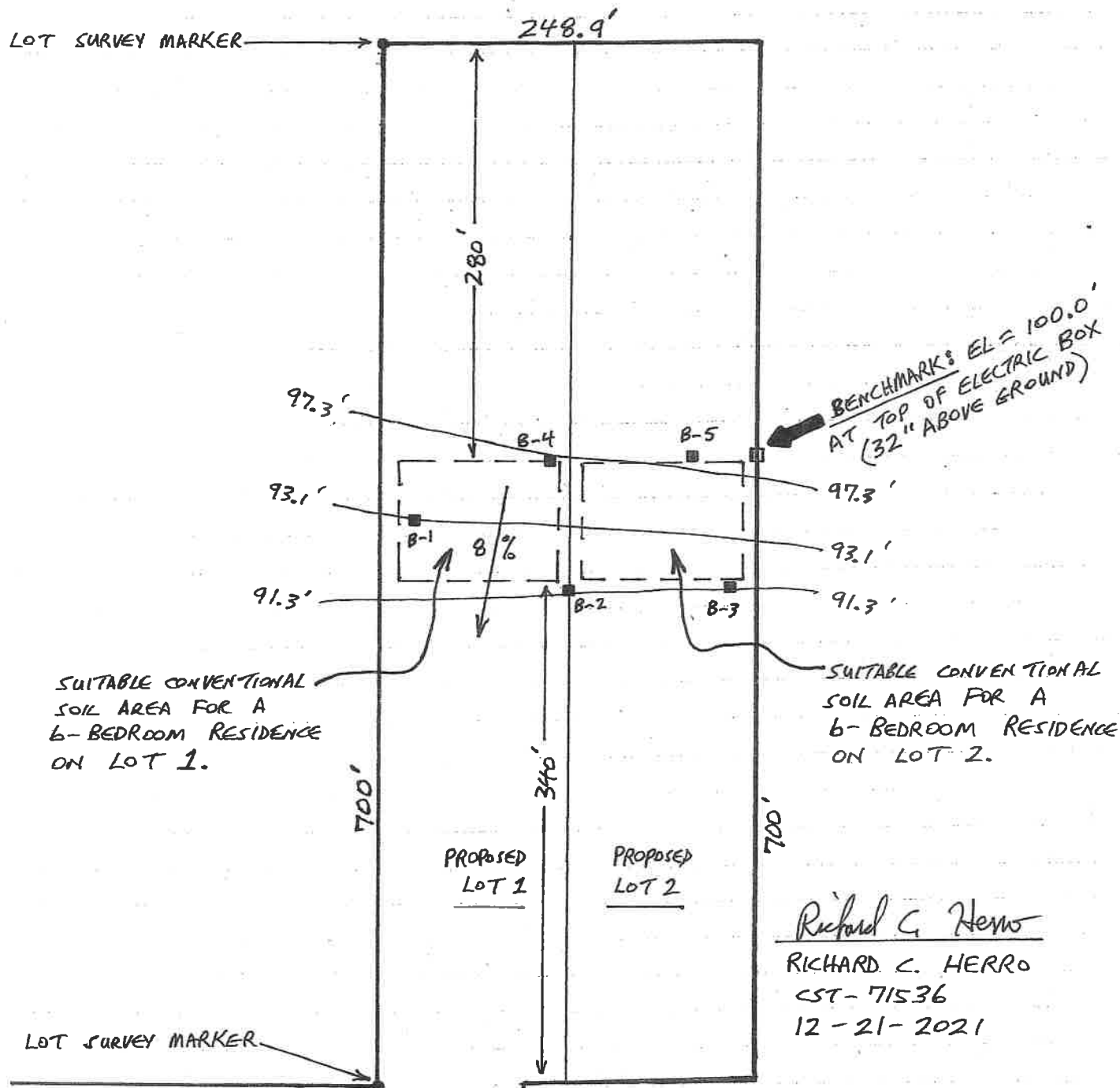
PAGE 5 of 6.



PARCEL D809-314-9690-5

PROPOSED LOTS 1 & 2

SE 1/4 SE 1/4 SECTION 31, T8N, R9E,  
TOWN OF WESTPORT  
DANE COUNTY, WI.



*Richard C. Herro*

RICHARD C. HERRO

CST-71536

12-21-2021

CHECK BOX AS APPLICABLE.

# SOIL EVALUATION SITE MAP

PROJECT NAME:

WEGENKE / NONN / LUCKE

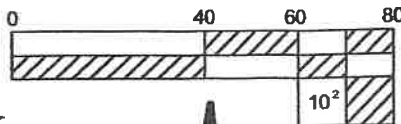
PROJECT ADDRESS: COUNTY HWY "Q"

BM Symbol:  BM Elevation: 100.0 FT

BM Description: TOP OF ELECTRICAL BOX

Slope Gradient (%) of Tested Area: 8% Well Symbol (if applicable): 

Scale: 1" = 40'



Indicate north by drawing an arrow on the appropriate line.

CHECK BOX AS APPLICABLE.

# SYSTEM PLOT PLAN

PAGE 6 OF 6

DESIGN FLOW: 900 GPD

Attach design flow calculations for commercial plans.

Pipe Material / ASTM Standard (Tables 384.30-3 &amp; 384.30-5)

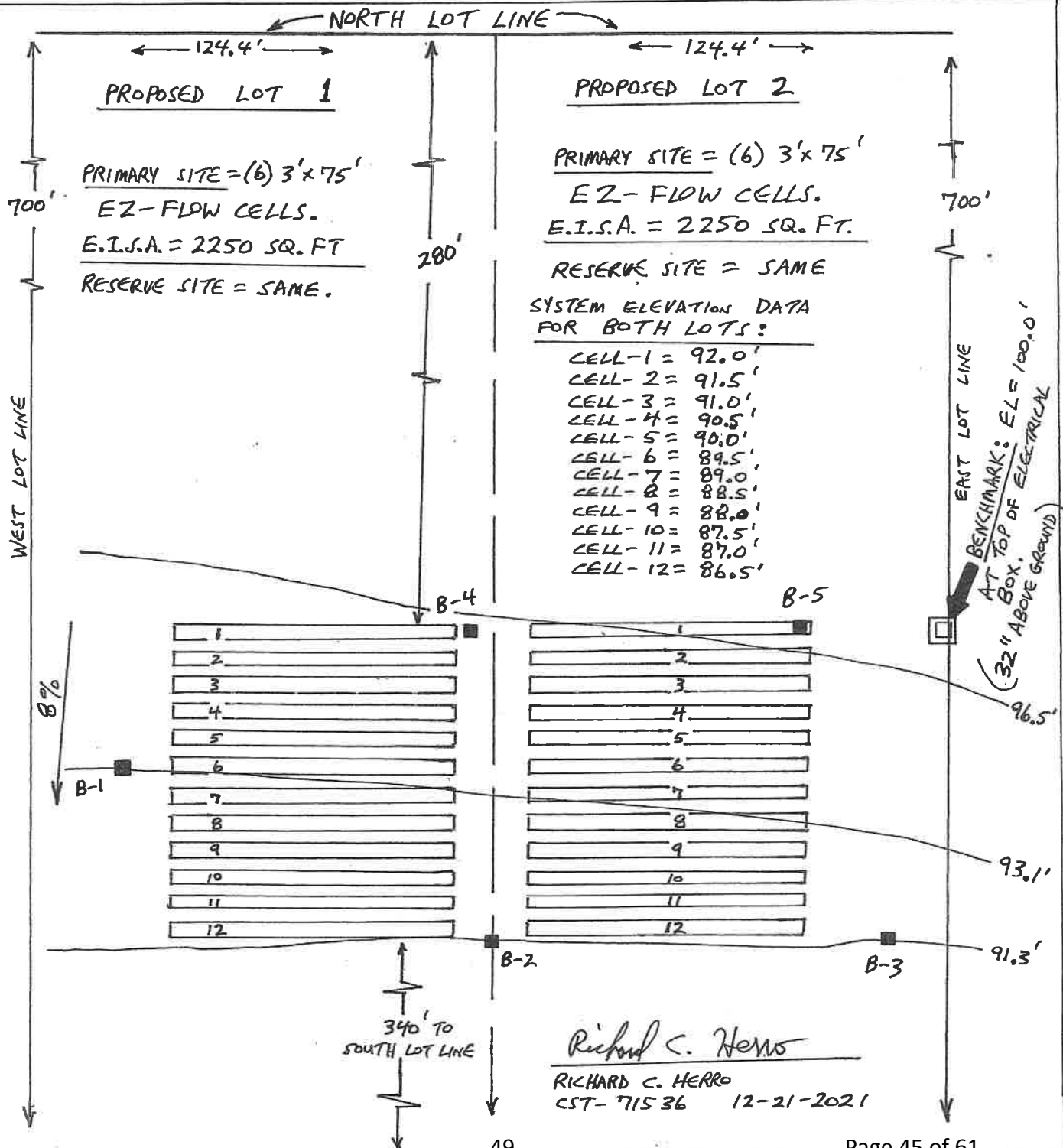
Sanitary Sewer: 1

Force Main: 1

SOIL LOADING RATE = 0.4

IMPORTANT:

Show ground elevation contours at suitable intervals.



LOT 2

# SOIL EVALUATION REPORT

PROPOSED LOT 2

In accordance with SPS 385, Wis. Adm. Code

Attach complete site plan on paper not less than 8 1/2 x 11 inches in size. Plan must include, but not limited to: vertical and horizontal reference point (BM), direction and percent slope, scale or dimensions, north arrow, and location and distance to nearest road.

Please print all information.

Personal information you provide may be used for secondary purposes (Privacy Law, s. 15.04(1)(m)).

County DANE	
Parcel I.D. 0809-314-9690-5	
Reviewed by	Date

Property Owner John Wegenke-owner. Purchaser = Adam Nonn/ Lucke 608-609-0196				Property Location Govt. Lot SE 1/4 SE 1/4 S 31 T 8 N R 9 E (or) W			
Property Owner's Mailing Address 2161 Middleton Beach Road				Lot # 2	Block #	Subd. Name or CSM# Prelim CSM-PROPOSED LOT 2	
City Middleton	State WI	Zip Code 53562	Phone Number ( )	<input type="checkbox"/> City	<input type="checkbox"/> Village	<input checked="" type="checkbox"/> Town WESTPORT	Nearest Road CTH "Q"

☒ New Construction Use: ☒ Residential / Number of bedrooms 6 Code derived design flow rate 900 GPD  
☐ Replacement ☐ Public or commercial - Describe: \_\_\_\_\_  
 Parent material Loess over glacial till Flood Plan elevation if applicable N/A ft.  
 General comments and recommendations: Install conventional seepage cells as shown on site plan. Soil Loading Rate = 0.4.

2 Boring #

☐ Boring  
☒ Pit

Ground surface elev. 91.3 ft. Depth to limiting factor 94+ in.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/Ft <sup>2</sup>	
									*Eff#1	*Eff#2
1	0-8	10YR 3/3	none	sil	2msbk	mfr	cs	3m	0.6	0.8
2	8-21	10YR 4/3	none	scl	2msbk	mfr	cs	2m	0.4	0.6
3	21-37	7.5YR 4/4	none	scl	2msbk	mfr	cw	2m	0.4	0.6
4	37-94	10YR 6/4	none	sl	1mpl	mfr		12"1f	0.4	0.6

3 Boring #

☐ Boring  
☒ Pit

Ground surface elev. 91.3 ft. Depth to limiting factor 94+ in.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/Ft <sup>2</sup>	
									*Eff#1	*Eff#2
1	0-8	10YR 3/3	none	sil	2msbk	mfr	cs	3m	0.6	0.8
2	8-17	10YR 4/3	none	scl	2msbk	mfr	cs	2m	0.4	0.6
3	17-43	7.5YR 4/4	none	scl	2msbk	mfr	cw	2m	0.4	0.6
4	43-94	10YR 6/4	none	sl	1mpl	mfr		12"1f	0.4	0.6

\* Effluent #1 = BOD, > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L

\* Effluent #2 = BOD, > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L

CST Name (Please Print) Rick Herro Soil Testing, LLC. / Richard C. Herro	Signature <i>Richard C. Herro</i>	CST Number 71536
Address 603 N. Dewey Avenue, Jefferson, WI. 53549	Date Evaluation Conducted 12-21-2021	Telephone Number 920-650-6788. EMAIL: rherro54@gmail.com

SBD-8330 (R04/15)

4

Boring #

☐ Boring  
☒ Pit

Ground surface elev. 96.3 ft. Depth to limiting factor 94+ in.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/Ft <sup>2</sup>	
									*Eff#1	*Eff#2
1	0-8	10YR 3/3	none	sil	2msbk	mfr	cs	3m	0.6	0.8
2	8-18	10YR 4/3	none	scl	2msbk	mfr	cs	2m	0.4	0.6
3	18-38	7.5YR 4/4	none	scl	2msbk	mfr	cw	2m	0.4	0.6
4	38-94	10YR 6/4	none	sl	1mpl	mfr		12"1f	0.4	0.6

5

Boring #

☐ Boring  
☒ Pit

Ground surface elev. 97.4 ft. Depth to limiting factor 94+ in.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/Ft <sup>2</sup>	
									*Eff#1	*Eff#2
1	0-9	10YR 3/3	none	sil	2msbk	mfr	cs	3m	0.6	0.8
2	9-28	10YR 4/3	none	scl	2msbk	mfr	cs	2m	0.4	0.6
3	28-40	7.5YR 4/4	none	scl	2msbk	mfr	cw	2m	0.4	0.6
4	40-94	10YR 6/4	none	sl	1mpl	mfr		12"1f	0.4	0.6

Boring #

☐ Boring  
☐ Pit

Ground surface elev. \_\_\_\_ ft.

Depth to limiting factor \_\_\_\_ in.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/Ft <sup>2</sup>	
									*Eff#1	*Eff#2

\* Effluent #1 = BOD, > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L

\* Effluent #2 = BOD, > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L





080931496905



Show search results for 080931496905

NORTH

PARCEL 0809-314-9690-5

248.9'

SUITABLE SOIL TEST AREA  
FOR CONVENTIONAL SYSTEM

700'

LOT 1

LOT 2

SE 1/4 SE 1/4 SECTION 31, T 8 N, R 9 E,  
TOWN OF WESTPORT, DANE COUNTY, WI.

COUNTY HIGHWAY "Q"

Concord Dr

Rolling Hill Dr

Park Henry Way

Constitution Dr

Bunker Hill

Leighton Dr

Storck Dr

Storck Dr

300ft

# SOIL EVALUATION SITE MAP

PROJECT NAME:

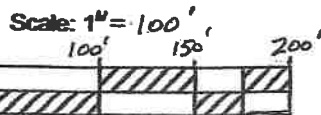
WEGENKE / NONN / LUCKE

PROJECT ADDRESS: COUNTY HWY "Q"

BM Symbol:  BM Elevation: 100.0 FT

BM Description: TOP OF ELECTRICAL BOX

Slope Gradient (%) of Tested Area: 8%



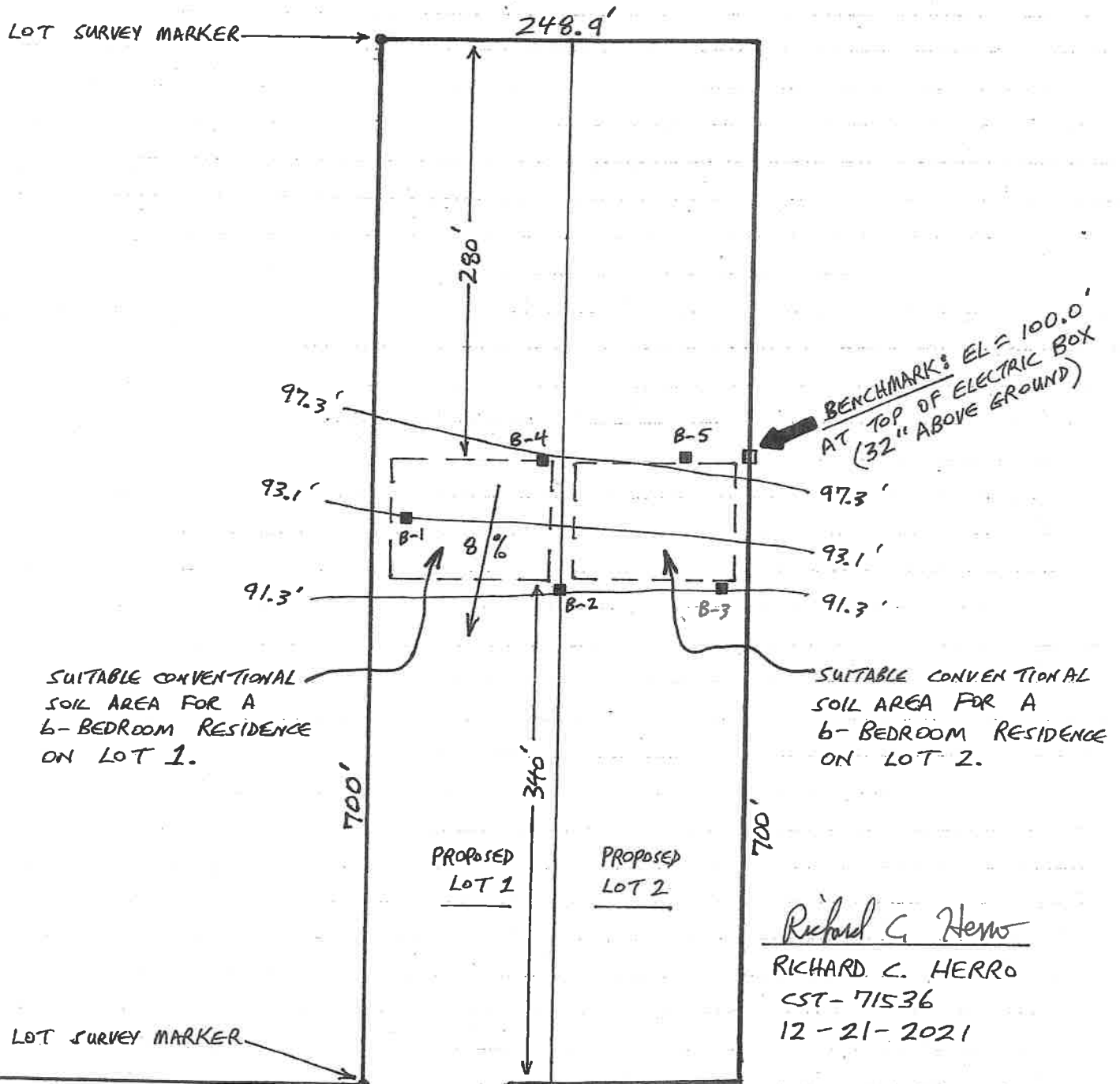
PAGE 5 OF 6.



PARCEL 0809-314-9690-5

PROPOSED LOTS 1 & 2

SE 1/4 SE 1/4 SECTION 31, T8N, R9E,  
TOWN OF WESTPORT  
DANE COUNTY, WI.



Richard C. Herro

RICHARD C. HERRO

CST-71536

12-21-2021

CHECK BOX AS APPLICABLE

**SOIL EVALUATION  
SITE MAP**

PROJECT NAME:

WEGENKE / NONN / LUCKE

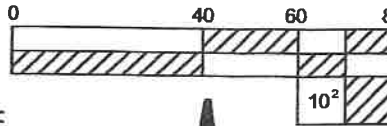
PROJECT ADDRESS: COUNTY HWY "Q"

BM Symbol:  BM Elevation: 100.0 FT

BM Description: TOP OF ELECTRICAL BOX

Slope Gradient (%) 8% Well Symbol (if applicable): 

Scale: 1" = 40'

Indicate north by  
drawing an arrow  
on the appropriate line.

CHECK BOX AS APPLICABLE

**SYSTEM  
PLOT PLAN**

PAGE 6 OF 6

DESIGN FLOW: 900 GPD

Attach design flow calculations for commercial plans.

Pipe Material / ASTM Standard (Tables 384.30-3 &amp; 384.30-5)

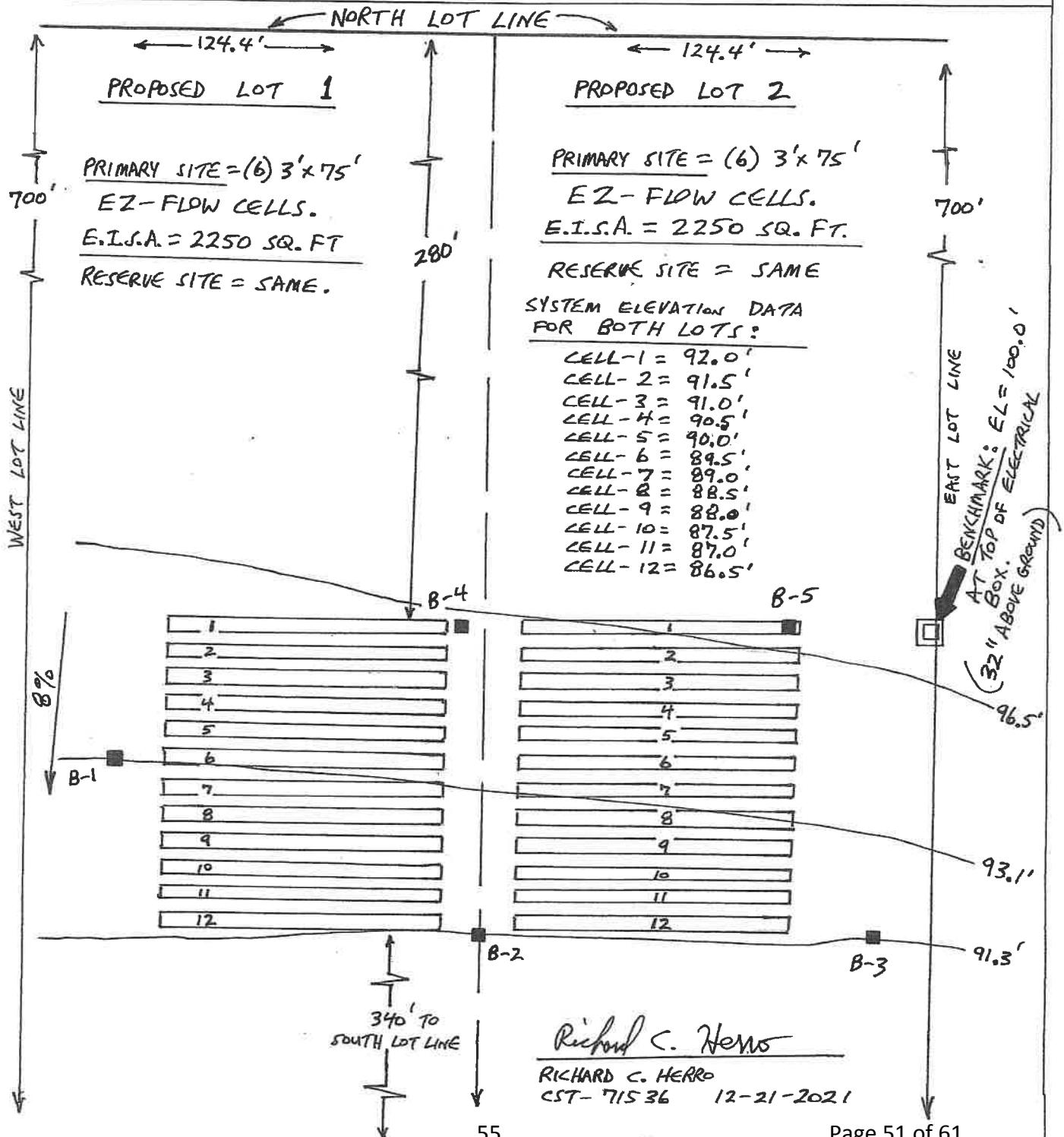
Sanitary Sewer: /

Force Main: /

SOIL LOADING RATE = 0.4

**IMPORTANT:**

Show ground elevation contours at suitable intervals.



**TOWN OF WESTPORT  
RESOLUTION NO. 22- \_\_\_\_\_**

**RESOLUTION BY THE TOWN OF WESTPORT BOARD OF SUPERVISORS REJECTING  
THE LAND DIVISION AND REZONE FOR THE NONN/LUCKE PROPERTY, CTH Q  
NEAR BRIGGS ROAD, WITHIN THE TOWN OF WESTPORT,  
DANE COUNTY, WISCONSIN (MIDDLETON ETZ)**

WHEREAS, application for approval of a Land Division and Rezone (all attached as Exhibit A) identifying an area of land located in the Town of Westport (the "Town") and known as the Nonn/Lucke Property was submitted by Tenfold Capital, LLC ("Petitioner") to the Town for review and action;

WHEREAS, the CSM was referred to the Middleton/Westport Joint Zoning Committee (the "JZC") for its review and its recommendation to the Town Board of Supervisors ("Town Board");

WHEREAS, the JZC and the Town Board have reviewed the CSM and met with the Petitioner with respect to the proposed land division and rezone;

WHEREAS, the JZC recommended approval with conditions of the land division and rezone for the reasons provided at its April 27, 2022 meeting, and contained in the minutes of that meeting (attached as Exhibit B); and

WHEREAS, the Town Board disagrees with the JZC and rejects the land division and rezone for the reasons stated at the May 16, 2020 Town Board meeting and that are reflected in the minutes of that meeting (attached as Exhibit C).

NOW, THEREFORE, the Town Board of Supervisors of the Town of Westport, based upon the above determinations, hereby rejects the Land Division and recommends rejection of the Rezone for the Nonn/Lucke (Tenfold Capital, LLC) CSM, CTH Q near Briggs Road (Middleton ETZ).

The above resolution was duly adopted by the Town Board of Supervisors of the Town of Westport, Dane County, Wisconsin at a regular meeting held on \_\_\_\_\_, 2022, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays, with \_\_\_\_\_ members not voting (absent).

TOWN OF WESTPORT

APPROVED: \_\_\_\_\_

POSTED: \_\_\_\_\_

BY: \_\_\_\_\_

Kenneth R. Sipsma, Town Board Chair

ATTEST: \_\_\_\_\_

Robert C. Anderson  
Deputy Clerk-Treasurer

## **TOWN OF WESTPORT**

### **RESOLUTION 22-\_\_\_\_\_**

#### **A RESOLUTION BY THE TOWN OF WESTPORT BOARD OF SUPERVISORS CONDITIONALLY APPROVING THE CERTIFIED SURVEY MAP AND REZONING FOR THE NONN/LUCKE LAND DIVISION WITHIN THE TOWN OF WESTPORT, DANE COUNTY, WISCONSIN (CTH Q)**

WHEREAS, application for approval of a Certified Survey Map (“CSM” – attached as Exhibit A) identifying an area of land located in the Town of Westport (the “Town”) and known as the Nonn/Lucke CSM, and associated rezoning, was submitted by Tenfold Capital, LLC (“Petitioner”) to the Town for review, and action was taken on May 16, 2022; and,

WHEREAS, the CSM was referred to the Town/City Joint Zoning Committee (the “JZC”) for its review and its recommendation to the Town Board and City Council;

WHEREAS, the JZC has reviewed the CSM and met with City planning staff and Town legal counsel and the Petitioner with respect to the proposed land division and rezoning;

WHEREAS, the JZC held a virtual public hearing on the proposed rezoning of the property on April 27, 2022, for which notice was provided as required by law;

WHEREAS, it appears that no agency with the authority to object under section 236.12, Wis. Stats., has done so and therefore all such objections have been satisfied;

WHEREAS, the JZC has determined that the CSM and requested rezoning will only be consistent with the Town of Westport Code of Ordinances, the City of Middleton Code of Ordinances, Ch. 236, Wis. Stats., and the City of Middleton/Town of Westport Joint Planning Area Comprehensive Plan, if all the conditions set forth below are met; and

WHEREAS, the Town Board has determined that the CSM and requested rezoning will only be consistent with the Town of Westport Ordinances, Ch. 236, Wis. Stats., and the City of Middleton/Town of Westport Joint Planning Area Comprehensive Plan, if all the conditions set forth below are met.

NOW, THEREFORE, the Town of Westport Board of Supervisors, based upon the above determinations, hereby approves the CSM attached as Exhibit A and requested rezoning to City R-1 and County A-1 Agriculture District (Exclusive), subject to the following conditions:

1. Finalization of any necessary zoning changes as noticed (rezoning of the property to City R-1 and County A-1 from PDD/SIP);
2. Gas, electric power and telephone facilities;
3. Maintenance of all current easements (access easements shall be shown on the CSM) and restrictions;

4. All improvements, erosion control measures, stormwater drainage control measures and construction erosion and drainage control measures shall comply with all applicable Town, City, County, State or Federal rules, regulations, and permit requirements;

5. A stormwater drainage plan approved by the Town Engineer and the Dane County Land Conservation Department which complies with the Dane County Stormwater Drainage Ordinance and Town regulations;

6. An erosion control plan specifying erosion control measures to be made in accordance with the Town's Erosion Control Ordinance and approved by the Town Engineer and the Dane County Land Conservation Department;

7. Review by Town maintenance departments as to the provision of Town services to be provided to the property and a written report regarding the same shall be provided to the Town Board, and which shall become conditions of approval as if set forth herein;

8. Based on the following for the CSM: a) that there is no land reasonably available or suitable for parks within the CSM property due to its size and location; b) that dedication of land for park purposes would not be compatible with the Comprehensive Plan or any park plan since no park is planned for this property; and, c) that a cash contribution would better serve the public interest, the Town shall accept parkland dedication fees in satisfaction of the Town's parkland dedication fee requirements in accordance with Section 10-2-84, Town Code for creating 1 additional residential lot (\$1,694.74);

9. Dedications, notations or other information which should be added to the face of the CSM;

10. A deed restriction on the CSM prohibiting further land division of any lot or outlot identified on the CSM as approved by the Town Engineer;

11. Necessary approvals or permits from all applicable authorities for water and septic facilities;

12. No livestock or farm animals shall be allowed on any of the CSM property which restriction shall be shown on the face of the CSM;

13. An archeological survey for approval by the Town Engineer and Town Designee;

14. Should public water and/or public sewerage facilities be extended to any property adjacent to the CSM property in the Town, the owners of the lots created or adjusted hereby at the time shall then be required to connect to such facilities, and pay for such connections, within six months of the extension to the adjacent property, without dispute and by waiver of assessment, which restriction shall be contained in a restrictive covenant or deed restriction for each lot, or shown on the face of the CSM;

15. Driveway location approvals shall be obtained from the Town Engineer and Town Designee, shall be in a location generally shown on the outlots on the CSM and as acceptable to the Town Maintenance Foreman; driveway access for the two new CSM lots for residential use shall be located generally between the residential lots and by one shared driveway for as far as practicable; the Town Engineer and Town Designee shall approve the form of the shared driveway agreement prior to Town signatures on the CSM;

16. The driveway construction and grades entering from CTH Q shall be approved by the Town Engineer, City Engineer, and Dane County Highway prior to further grading and shall be built to match the width of Briggs Road as much as possible, with stormwater structures as needed to prevent any runoff to neighboring parcels, to interfere as little as possible with existing vegetation which acts as a screen and buffer for the abutting properties, and with this access to also be approved by Middleton Fire, and Waunakee EMS;

17. The construction of the entrance to CTH Q shall be approved by Dane County Highway and the Town and City Engineers;

18. All special assessments and fees shall be paid;

19. The Petitioner shall pay all costs and fees incurred by the Town and City for any and all reviews, approval requests and document preparation by the City or Town Engineers and Town or City Attorneys relating to the property, and shall enter into an agreement approved by the Town Engineer to pay these costs and fees;

20. The western side setback of CSM Lot 1 shall not allow hard structures or hard surfaces (including patios);

21. The lots created and rezoned to City R-1 shall be restricted to one single-family home allowed on each lot;

22. No structures shall be allowed on CSM outlots zoned as County A-1 Agriculture District (Exclusive);

23. Lot 1 shall utilize the following minimum setbacks: side setback of 22.5 feet on both sides; rear setback of 80 feet; front setback of 30 feet;

24. Lot 2 shall utilize the following minimum setbacks: 30 feet on the west side, 15 feet on the east side; 55 feet rear yard setback; front setback of 30 feet;

25. The home locations for CSM Lots 1 and 2 shall be approved by the Town Engineer before a building permit is issued;

26. A tree survey which shows the mature pines (mainly on the northern areas), maples, cherry and oaks (mainly on the southern areas) located on the entire property and a plan to maintain them to be approved by the Town Engineer and Town Designee, along with approval of a planting plan for screening current homes prior to construction commencing;



27. The Town Attorney shall approve the form of the restriction agreement; and,
28. The Petitioner shall provide to the Town a recorded copy of the CSM.

This resolution was duly adopted at a regular meeting of the Town of Westport Board of Supervisors on \_\_\_\_\_, 2022, by a vote of \_\_\_\_ ayes, \_\_\_\_ nays, with \_\_\_\_ members not voting (absent).

TOWN OF WESTPORT

By: \_\_\_\_\_  
Kenneth R. Sipsma, Town Board Chair

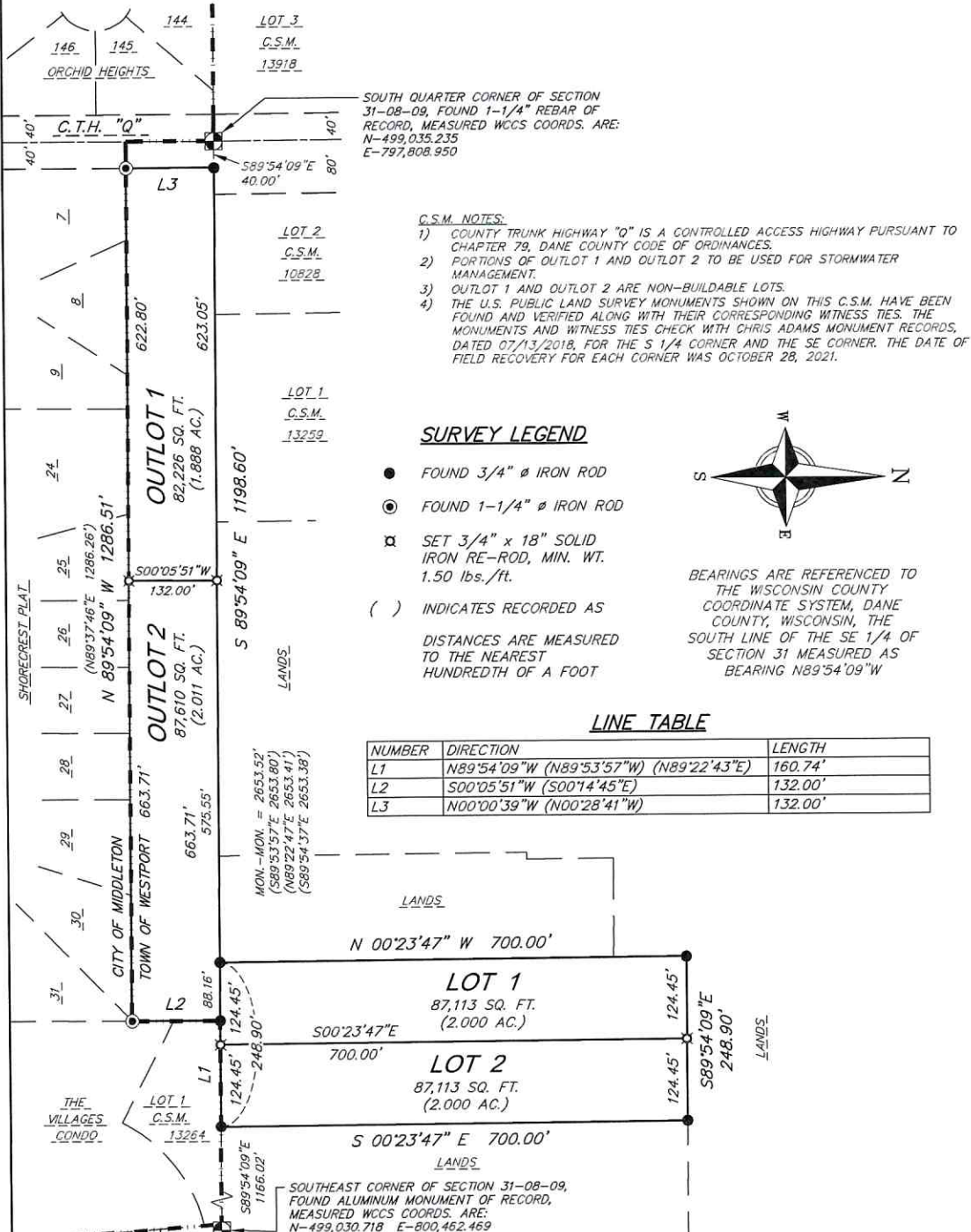
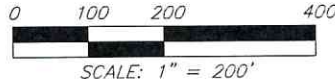
Attest: \_\_\_\_\_  
Robert C. Anderson  
Deputy Clerk-Treasurer

APPROVED: \_\_\_\_\_

POSTED: \_\_\_\_\_

# CERTIFIED SURVEY MAP No.

PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 08 NORTH, RANGE 09 EAST AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 06, TOWNSHIP 07 NORTH, RANGE 09 EAST, ALL IN THE TOWN OF WESTPORT, DANE COUNTY, WISCONSIN



**vierbicher**  
planners | engineers | advisors  
Phone: (800) 261-3898



FN: 210156  
DATE: 03/03/2022  
REV:  
Drafted By: MZIE61  
Checked By: MMAR

SURVEYED FOR:  
Adam Nann  
4937 Augusta Drive  
Middleton, WI 53597

C.S.M. No. \_\_\_\_\_  
Doc. No. \_\_\_\_\_  
Vol. \_\_\_\_\_ Page \_\_\_\_\_

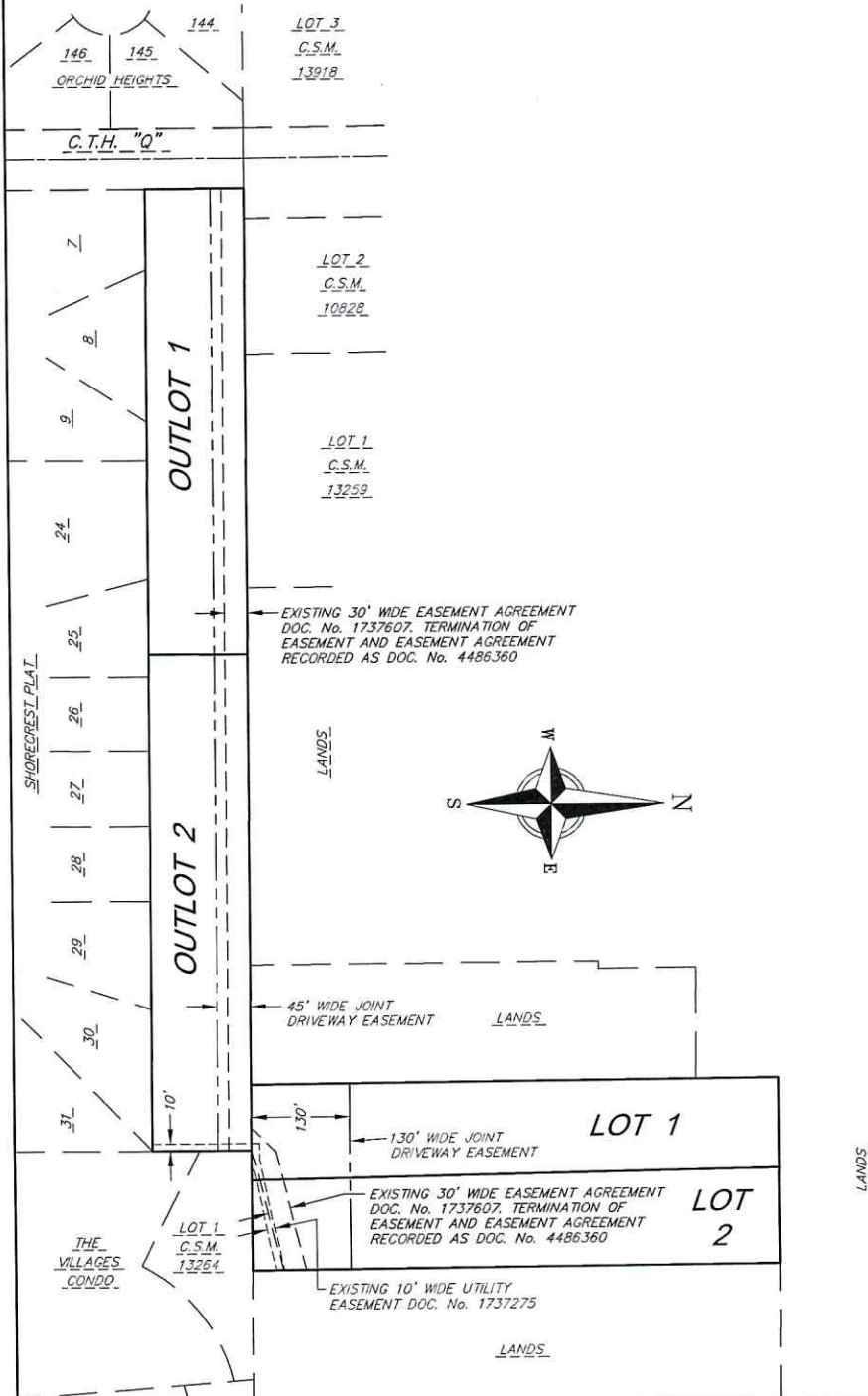
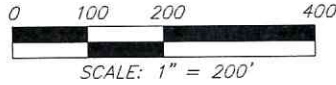
**SHEET**  
1 OF 5  
Page 57 of 61

03 Mar 2022 - 3:00p M:\Norm, Adam\210156\_Wegenke Property\CADD\210156\_CSM.dwg by:maie

Exhibit A

# CERTIFIED SURVEY MAP No.

PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 08 NORTH, RANGE 09 EAST AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 06, TOWNSHIP 07 NORTH, RANGE 09 EAST, ALL IN THE TOWN OF WESTPORT, DANE COUNTY, WISCONSIN



**vierbicher**  
planners | engineers | advisors  
Phone: (800) 261-3898



FN: 210156  
DATE: 03/03/2022  
REV:  
Drafted By: MZIE62  
Checked By: MMAR

SURVEYED FOR:  
Adam Nann  
4937 Augusta Drive  
Middleton, WI 53597

C.S.M. No. \_\_\_\_\_  
Doc. No. \_\_\_\_\_  
Vol. \_\_\_\_\_ Page \_\_\_\_\_

**SHEET**  
**2 OF 5**  
Page 58 of 61

03 Mar 2022 - 11:27a M:\Nann, Adam\210156\_Wegenke Property\CADD\210156 - CSM.dwg by: mda

*CERTIFIED SURVEY MAP No.*

PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 08 NORTH, RANGE 09 EAST AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 06, TOWNSHIP 07 NORTH, RANGE 09 EAST, ALL IN THE TOWN OF WESTPORT, DANE COUNTY, WISCONSIN

OWNER'S CERTIFICATE

\_\_\_\_\_, as owner(s), we hereby certify that we caused the land described on this Certified Survey Map to be surveyed, divided and mapped as represented on the map hereon. We further certify that this Certified Survey map is required by S236.34 to be submitted to the Town of Westport and the City of Middleton for approval. Witness the hand and seal of said owner this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

By: \_\_\_\_\_

State of Wisconsin )  
County of Dane )ss.

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2022, the above named \_\_\_\_\_, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Wisconsin

CONSENT OF MORTGAGEE

\_\_\_\_\_, a banking association duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing and mapping of the land described on this Certified Survey Map and does hereby consent to the Owner's Certificate.

IN WITNESS WHEREOF, the said \_\_\_\_\_, has caused these presents to be signed by \_\_\_\_\_ its \_\_\_\_\_, at \_\_\_\_\_, Wisconsin, on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

By: \_\_\_\_\_

State of Wisconsin )  
County of Dane )ss.

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2022,  
\_\_\_\_\_, of the above named banking association, to me known to be the  
persons who executed the foregoing instrument, and to me known to be such  
\_\_\_\_\_ of said banking association, and acknowledged that they executed the  
foregoing instrument as such officer as the deed of said banking association, by its authority.

\_\_\_\_\_  
Notary Public, State of Wisconsin

My Commission expires: \_\_\_\_\_

03 Mar 2022 - 11:28a M:\Nonn, Adam\210156\_Wegenke Property\CADD\210156 - CSM.dwg by: mzie



FN: 210156	<u>SURVEYED FOR:</u>
DATE: 03/03/2022	Adam Nonn
REV:	4937 Augusta Drive
	Middleton, WI 53597
Drafted By: MZIE	
Checked By: MMAR	

C.S.M. No. \_\_\_\_\_  
Doc. No. \_\_\_\_\_  
Vol. \_\_\_\_\_ Page \_\_\_\_\_

## **CERTIFIED SURVEY MAP No.**

PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 08 NORTH, RANGE 09 EAST AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 06, TOWNSHIP 07 NORTH, RANGE 09 EAST, ALL IN THE TOWN OF WESTPORT, DANE COUNTY, WISCONSIN

### **TOWN OF WESTPORT APPROVAL**

"Resolved that this Certified Survey Map, being a part of the SW 1/4 and the SE 1/4 of the SE 1/4 of Section 31, Township 08 North, Range 09 East and the part of the NW 1/4 of the NE 1/4 of Section 06, Township 07 North, Range 09 East, all in the Town of Westport, Dane County, Wisconsin, having been approved by the Town Board, be and the same is hereby approved by the Town of Westport."

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signed: \_\_\_\_\_  
Town Clerk, Town of Westport

### **CITY OF MIDDLETON APPROVAL**

Resolved that this Certified Survey Map in the Town of Westport is hereby acknowledged and approved for recording by the City of Middleton on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mark Opitz, City Planner

03 Mar 2022 - 11:28a K:\Nomm, Adam\210156\_Wegenke Property\CADD\210156 - CSW.dwg by: mla





## CERTIFIED SURVEY MAP No.

PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 08 NORTH, RANGE 09 EAST AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 06, TOWNSHIP 07 NORTH, RANGE 09 EAST, ALL IN THE TOWN OF WESTPORT, DANE COUNTY, WISCONSIN

### LEGAL DESCRIPTION

Part of the Southwest Quarter and the Southeast Quarter of the Southeast Quarter of Section 31, Township 08 North, Range 09 East and part of the Northwest Quarter of the Northeast Quarter of Section 06, Township 07 North, Range 09 East, all in the Town of Westport, Dane County Wisconsin, more fully described as follows:

Commencing at the south quarter corner of said Section 31; thence South 89°54'09" East, along the south line of the southeast quarter of said Section 31, a distance of 40.00 feet to the point of beginning; thence continuing South 89°54'09" East, along said south line, 1198.60 feet; thence North 00°23'47" West, 700.00 feet; thence South 89°54'09" East, 248.90 feet; thence South 00°23'47" East, 700.00 feet to the aforementioned south line of the southeast quarter of Section 31; thence North 89°54'09" West, along said south line, 160.74 feet to the northwest corner of Certified Survey Map (C.S.M.) Number 13264, recorded as Document Number 4862330, Dane County Registry; thence South 00°05'51" West, along the west line of said C.S.M. Number 13264, a distance of 132.00 feet to the northeast corner of Shorecrest Plat, recorded as Document Number 1461424, Dane County Registry; thence North 89°54'09" West, along the north line of said Shorecrest Plat, 1286.51 feet to the easterly right-of-way line of County Trunk Highway "Q"; thence North 00°00'39" West, along said easterly right-of-way line, 132.00 feet to the aforementioned south line of the southeast quarter of Section 31 and the point of beginning.

Said description contains 344,062 square feet or 7.898 acres, more or less.

### SURVEYOR'S CERTIFICATE

I, Michael J. Ziehr, Professional Land Surveyor, S-2401, do hereby certify to the best of my knowledge and belief, that I have surveyed, divided and mapped the lands described herein and that the map on sheet one (1) is a correct representation of the exterior boundaries of the land surveyed and the division of that land in accordance with the information provided. I further certify that this Certified Survey Map is in full compliance with Section 236.34 of the Wisconsin State Statutes, Chapter A-E7 of the Wisconsin Administrative Code and the Subdivision Ordinance of the Town of Westport and the City of Middleton in surveying, dividing and mapping the same.

Vierbicher Associates, Inc.  
By: Michael J. Ziehr

Date: \_\_\_\_\_

Signed: \_\_\_\_\_  
Michael J. Ziehr, P.L.S. S-2401

### REGISTER OF DEEDS CERTIFICATE

Received for recording this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ m. and recorded in Volume \_\_\_\_\_ of Certified  
Survey Maps on pages \_\_\_\_\_, as Doc. No. \_\_\_\_\_

Kristi Chlebowski,  
Dane County Register of Deeds

**vierbicher**  
planners | engineers | advisors  
Phone: (800) 261-3898



FN: 210156  
DATE: 03/03/2022  
REV:  
Drafted By: MZIE  
Checked By: MMAR

SURVEYED FOR:  
Adam Nonn  
4937 Augusta Drive  
Middleton, WI 53597

C.S.M. No. \_\_\_\_\_  
Doc. No. \_\_\_\_\_  
Vol. \_\_\_\_\_ Page \_\_\_\_\_

SHEET  
5 OF 5  
Page 61

03 Mar 2022 - 11:28a IM:\Nonn, Adam\210156\_Wegeinke Property\CADD\210156 - CS.M.dwg by: mjb

AGENDA ITEM #10:

2022 Town Road Construction Contract/Bid Award (Mary Lake and  
Borchers Beach Roads), Discussion/Action





## Memo

To: **Dean Grosskopf, Town Administrator**  
From: Kevin A. Even, P.E., Consulting Engineer  
Date: May 11, 2022  
Re: **2022 Town Road Bids**

The Town of Westport received two bids for the Town Road projects that included Mary Lake and Borchers Beach Road neighborhood.

Tri-County Paving                \$1,147,246.50

Payne and Dolan                \$1,317,090.00

Both companies are reputable and have done satisfactory work in the Town. I would recommend that the Town Board conditionally award the contract to Tri-County with the following condition.

1. The Contractor agrees to a change in scope that includes removing Mary Lake Rd north / south and adding Trantin ct with final approval by the Town administrator.

Recommend Motion Award the contract to Tri-County with the final roads approved by the Town Administrator based on advice by the Town Engineer

<u>Roadway</u>	<u>Bid</u>	<u>Proposed change in scope</u>
<b>Borchards Beach</b>	\$ 369,651.50	\$ 369,651.50
<b>Simon Trail</b>	\$ 95,925.00	\$ 95,925.00
<b>Wakanda</b>	\$ 96,210.00	\$ 96,210.00
<b>Mary Lake (East - West)</b>	\$ 276,690.00	\$ 276,690.00
<b>Mary Lake (North - South)</b>	\$ 215,645.00	\$ -
<b>Erosion and Mobilization</b>	\$ 93,125.00	\$ 93,125.00
<b>*Trantin Ct</b>	\$ -	\$ 125,000.00*
	\$ 1,147,246.50	\$ 1,056,601.50

\*Estimated, quantities need to be confirmed and agreeable to contractor

# 2022 Town of Westport Road Projects

