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**VILLAGE OF WAUNAKEE / TOWN OF WESTPORT  
JOINT PLAN COMMISSION**

**Town of Westport Community Rm., 5387 Mary Lake Rd., Town of Westport  
July 10, 2018 6:00 PM**

Agendas may change prior to the commencement of the meeting.  
Please check the posting board at the Village Hall, 500 W. Main Street,  
Waunakee, Wisconsin for the current agenda.

**AGENDA**

**CALL TO ORDER**

**ROLL CALL: Ken Sipsma, Dean Grosskopf, Eileen Bruskewitz, Pat McGowan, Brian Malich, Tim Black**

**MINUTES**

**1 June 12, 2018**

**PUBLIC COMMENT**

**OLD BUSINESS**

**1 Discuss and Take Action on a Certified Survey Map and Rezone,  
Kalscheuer, 5511 Easy Street, Town of Westport**

**NEW BUSINESS**

**1 Initial Consultation, Request to Rezone from County R-1 to Village R-1 to  
Construct Shed, Wallner, 4996 Gilkeson Road, Town of Westport**

**2 Conceptual Discussion, Annexation of Moeller and School District  
Properties, Woodland Drive, Town of Westport**

**ADJOURN**

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format should contact the municipal clerk at (608) 850-8500, 500 West Main Street, Waunakee, Wisconsin, at least twenty-four hours prior to the commencement of the meeting so that any necessary arrangements can be made to accommodate each request.



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**VILLAGE OF WAUNAKEE BOARD AND PLAN COMMISSION MEETING  
TOWN OF WESTPORT BOARD AND PLAN COMMISSION MEETING**

Notice is hereby given that the Village or Town Board or Village or Town Plan Commission may attend this meeting. No action will be taken by the Village or Town Board or Village or Town Plan Commission at this meeting.

*Next scheduled meeting is 8/14/2018 6:00:00 PM.*

**VILLAGE OF WAUNAKEE/TOWN OF WESTPORT  
JOINT PLAN COMMISSION MEETING  
Town of Westport Community Room, 5387 Mary Lake Road  
June 12, 2018 6:00 PM**

**Meeting Minutes**

**CALL TO ORDER:** Acting Chair McGowan called the meeting to order at 6:04 p.m.

**ROLL CALL:**

**Present:**, Dean Grosskopf, Eileen Bruskewitz, Pat McGowan, Brain Malich, Tim Black

**Absent:** Ken Sipsma

**Also Present:** Tom Wilson, Kevin Even, Tracy Meinholz, Brandon & Tammy Andries, Marjorie Ziegler, Steve Hellenbrand, Melanie Hass, Bill Dunlop, Dennis Steinkraus, Jim & Shirley Buckmaster, Jim Welsh, Steven Kalscheuer, Jerry Tierney, Bill and Jean Gilding, Bob Carlson, Charles Baynk, Sherry Schrank, Joe & Maureen Williams, Ann Scott, Rachael Holloway, Roy Wolter, Jacalyn Schultz.

**MINUTES**

**1 May 15, 2018**

Motion Black, second Grosskopf, to approve the minutes from May 15, 2018. Motion carried.

**PUBLIC COMMENT**

None

**NEW BUSINESS**

**1 Public Hearing and Discussion/Action on a Certified Survey Map and Rezone, Kalscheuer, 5511 Easy Street, Town of Westport**

The public hearing was opened at 6:08 p.m. There were questions and answers by the members and applicant. No one from the audience wished to speak. The hearing was closed at 6:10 p.m.

Motion Bruskewitz, second by Grosskopf, to postpone action till revised CSM filed with staff as recommended by the Town Plan Commission. Motion carried.

*Brian Malich arrived at 6:12 p.m.*

**2 Public Hearing and Discussion/Action on a Certified Survey Map and Rezone, Barger, 5711 River Road, Town of Westport**

The public hearing was opened at 6:12 p.m. and closed at 6:14 p.m. with no comments from the public.

Motion Grosskopf, second by Bruskewitz, to recommend approval of the CSM and rezone from A-1Ex to Conservancy and ER-1 to the Village and Town Boards with the conditions and restrictions recommended by the Town Attorney including no further land division, no structures on the conservancy lot, and connection of the current home to Town utilities should they ever become available. Motion carried.

**3 Public Hearing and Discussion/Action on a Rezone Request by Purple Cow Organics/Wolter, 5935 County Highway K, Town of Westport**

The public hearing was opened at 6:18 p.m. Steve Hellenbrand asked questions about the future of the driveway to his property to the south. The hearing was closed at 6:22 p.m.

Motion Bruskewitz, second by Grosskopf to recommend approval of the rezone to Village C-1 to the Village and Town Boards with the conditions and restrictions recommended by the Town Attorney, which include no further land divisions, connection to utilities if they ever become available, restricted to the use proposed, using the current sign size and the size design presented, all lighting to comply with the Town Dark Skies code and preference indicated for sign lights being off from 10 p.m. to 5 a.m., confirmation that the parking meets Waunakee standards, allow a wire woven fence in the rear yard as shown by the applicant for a dog enclosure, and maintain design review over any further accessory building which may be constructed on site. Motion carried.

**4 Public Hearing and Discussion/Action on a Request by Forward Development Group, LLC, for Preliminary Plat, Final plat, and GDP/SIP Approval for a Mixed Commercial & Residential Development, Southeast Corner of Woodland Drive and CTH Q**

Public hearing opened at 6:28 p.m. Closed at 6:30 p.m. No comments from the audience.

Motion Malich, second by Black, to postpone action pending a recommendation from the Village Plan Commission. Motion carried.

**5 Public Hearing and Discussion/Action on Site Plan and Conditional Use Permit for Hy-Vee, 57,000 square foot Grocery Store with Drive-thru Pharmacy, Coffee Shop and Convenience Store/Gas Station on Lot 1 of Proposed Woodland Crest Plat**

Public hearing opened at 6:32 p.m. Closed at 6:34 p.m. No comments from the audience.



Motion Malich, second Black, to postpone action on this item pending a recommendation from the Village Plan Commission. Motion carried.

**6 Public Hearing and Discussion/Action on a Certified Survey Map, Rezone, Conditional Use Permit and Variance, Andries, Vacant Lot Adjacent to 5152 River Road, Town of Westport**

Mr. McGowan opened the public hearing at 6:44 p.m. Jim Buckmaster, Jean Gilding, Sherry Schrank, and Ann Scott were given the opportunity to speak. The public hearing was closed at 6:57 p.m.

Motion Grosskopf, second Bruskewitz, to postpone action on the CUP for the future shed. Motion carried. Motion Bruskewitz, second by Grosskopf, to recommend approval of the CSM, rezone to CR-5ac, and variance to allow a lot with no property abutting a public street (access easement as alternate), as recommended by the Town Plan Commission with the addition that the applicant work with staff on final location of building envelopes. Motion carried.

**ADJOURN**

Motion Grosskopf, second Bruskewitz, to adjourn the meeting at 7:04 p.m. Motion carried.

Respectfully Submitted,

Tracy Meinholz, Joint Plan Commission Secretary



## **WAUNAKEE/WESTPORT JOINT PLAN COMMISSION SUMMARY SHEET**

**MEETING DATE:** 07/10/2018

**ITEM:** OLD BUSINESS

**TITLE:** Discuss and Take Action on a Certified Survey Map and Rezone, Kalscheuer, 5511 Easy Street, Town of Westport

**ISSUE SUMMARY:** The public hearing for this item was held at the June 12 meeting. Action was postponed to allow applicant to make final changes to the CSM as suggested by staff.

The Kalscheuers wish to create one more lot out of what was an 80 acre parcel to split off the farmstead. A few years ago 2 lots were created on the northwestern edge of this property on soils that were rocky and not great for agriculture. Two homes are now located there. At the time the entire parcel was then restricted to no further development or splits. The location for this proposal is on the northeast portion of their property. As just a land division and rezone for the current farm building parcel from the agricultural lands, it is in compliance with the Comp Plan policies in this Rural Residential District, and is consistent with past practice.

**STAFF RECOMMENDATION:** Staff recommends approval.

**RECOMMENDED MOTION:** recommend approval of the CSM & Rezone to ER-1 to the Village and Town Boards conditioned upon restrictions for no further land division and other standard Town conditions.

**ATTACHMENT(S):** JPC and Town PC minutes, Revised CSM



**Kalscheuer CSM & Rezone**  
5543 Easy Street

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 = 399'

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

Print Date: 7/5/2018

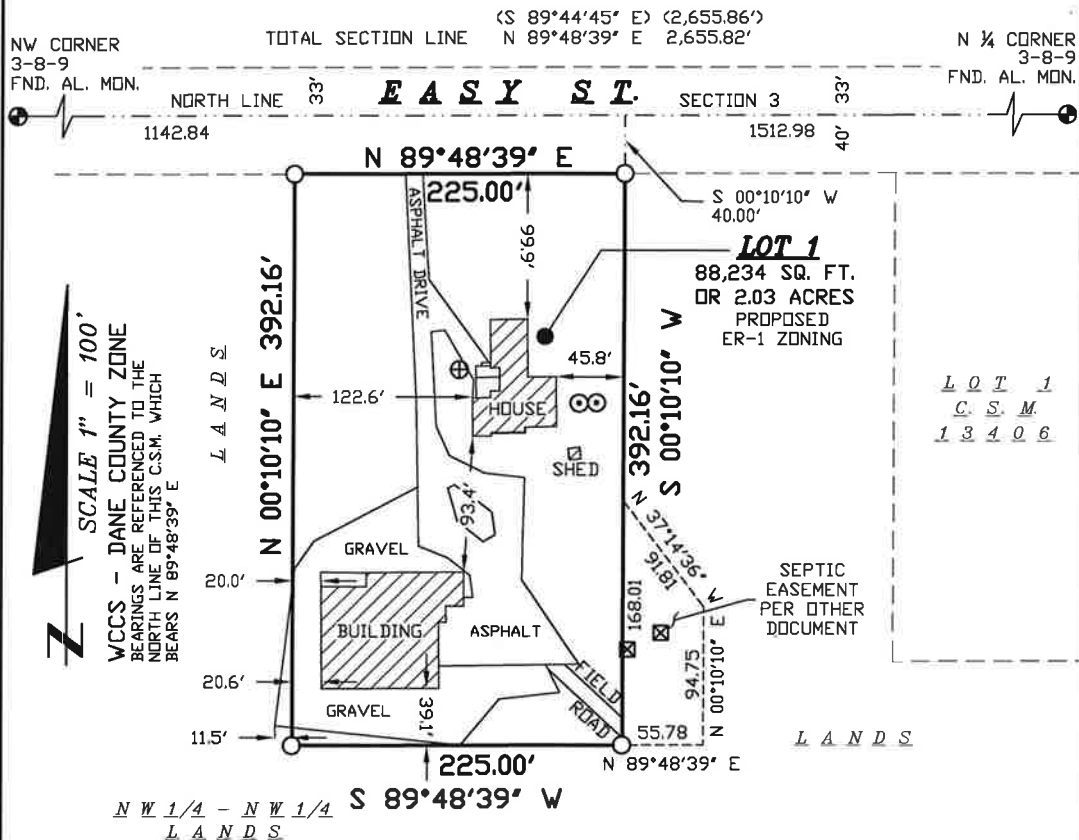


# CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NOA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS  
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the NW 1/4 of the NW 1/4 of Section 3, T8N,  
R9E, Town of Westport, Dane County, Wisconsin.



## LEGEND

- = SET 3/4"x24" REBAR  
WT 1.5 LB PER LIN FT
- ⊕ = FOUND SECTION CORNER  
(TYPE AND SIZE NOTED)
- (##) = RECORDED AS
- ⊕ = WELL
- ⊙ = SEPTIC TANK
- ⊗ = SEPTIC VENT

## PREPARED FOR:

STEVE KALSCHUEER  
5543 EASY ST.  
WAUNAKEE, WI 53597

SCALE 1" = 100'



## NOTES:

1.) THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A  
TITLE REPORT FOR THE SUBJECT TRACT OR ADJOINERS  
AND IS THEREFORE SUBJECT TO ANY EASEMENTS,  
AGREEMENTS, RESTRICTIONS AND STATEMENT OF FACTS  
REVEALED BY EXAMINATION OF SUCH DOCUMENTS.

2.) WETLANDS AND FLOOD PLAIN, IF PRESENT, HAVE NOT  
BEEN DELINEATED OR SHOWN.

SEE SHEET 3 FOR NOTES CONTINUED.....

DOCUMENT NO. \_\_\_\_\_

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Sheet 1 of 3

SURVEYORS SEAL

18W-09



# CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NOA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS  
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the NW 1/4 of the NW 1/4 of Section 3, T8N,  
R9E, Town of Westport, Dane County, Wisconsin.

## SURVEYOR'S CERTIFICATE

I, Chris W. Adams, Professional Land Surveyor hereby certify that this survey is correct to the best of the professional surveyor's knowledge and belief and is in full compliance with the provisions of Chapter A-E 7 and Chapter 236.34 Wisconsin Statutes, the subdivision regulations of Dane County, and by the direction of the owners listed below, I have surveyed, divided, and mapped a correct representation of the exterior boundaries of the land surveyed and the division of that land, being part of the NW 1/4 of the NW 1/4 of Section 3, T8N, R9E, Town of Westport, Dane County, Wisconsin, more particularly described as follows:

Commencing at the NW corner of said Section 3; thence N 89°48'39" E along the north line of said Section 3, 1142.84 feet; thence S 00°10'10" W, 40.00 feet to the south right of way line of Easy Street and also the point of beginning.

Thence continuing S 00°10'10" W, 392.16 feet; thence S 89°48'39" W, 225.00 feet; thence N 00°10'10" E, 392.16 feet to the south right of way line of Easy Street; thence N 89°48'39" E along said south right of way line, 225.00 feet to the point of beginning. This parcel contains 2.03 acres.

Williamson Surveying and Associates, LLC  
by Noa T. Prieve & Chris W. Adams

Date \_\_\_\_\_

Chris W. Adams S-2748  
Professional Land Surveyor

## OWNERS' CERTIFICATE

As owner, I hereby certify that I caused the land described on this certified survey map to be surveyed, divided and mapped as represented on the certified survey map. I also certify that this certified survey map is required by sec. 75.17(1)(a), Dane County Code of Ordinances.

WITNESS the hand seal of said owners this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

KALS-PROP, LLC

\_\_\_\_\_  
Steve Kalscheuer  
President

STATE OF WISCONSIN)  
DANE COUNTY)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ the above named Steve Kalscheuer, President of KALS-PROP, LLC, acting in said capacity and known by me to be the person who executed the foregoing instrument and acknowledge the same.

\_\_\_\_\_  
County, Wisconsin.

My commission expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print Name

Sheet 2 of 3

**SURVEYORS SEAL**

18W-09



# CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NOA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS  
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the NW 1/4 of the NW 1/4 of Section 3, T8N,  
R9E, Town of Westport, Dane County, Wisconsin.

## **NOTES:**

CONTINUED...

3.) ALL SECTION TIES WERE VERIFIED PER THE LATEST TIE SHEET ON RECORD FOR THE NW CORNER AND THE N 1/4 CORNER OF SECTION 3, T8N, R9E.

4.) ALL LOTS ON THE CSM SHALL CONNECT TO THE MUNICIPAL WATER UTILITY AND SANITARY SEWER SHOULD THE SERVICE EVER EXTENDED TO THE PROPERTY, AT THE THEN OWNERS' EXPENSE AND WITHOUT CHALLENGE.

5.) THROUGH SECTION 823.08 OF THE WISCONSIN STATUTES, THE WISCONSIN LEGISLATURE HAS ADOPTED A RIGHT TO FARM LAW. THIS STATUTE LIMITS THE REMEDIES OF OWNERS OF LATER ESTABLISHED RESIDENTIAL PROPERTY TO SEED CHANGES TO PRE-EXISTING AGRICULTURAL PRACTICES IN THE VICINITY OF THE RESIDENTIAL PROPERTY. ACTIVE AGRICULTURAL OPERATIONS ARE NOW TAKING PLACE AND MAY CONTINUE ON LANDS IN THE VICINITY OF THIS CERTIFIED SURVEY MAP. THESE ACTIVE AGRICULTURAL OPERATIONS MAY PRODUCE NOISES, ODORS, DUST, MACHINERY TRAFFIC, OR OTHER CONDITIONS DURING THE DAYTIME AND EVENING HOURS.

## **TOWN BOARD RESOLUTION**

Resolved that this certified survey map in the Town of Westport and the Village of Waunakee is hereby acknowledged and approved by the Town of Westport on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Thomas G. Wilson  
Town Clerk

## **VILLAGE OF WAUNAKEE APPROVAL**

Resolved that this certified survey map in the Town of Westport and Village of Waunakee is hereby acknowledged and approved by the Village of Waunakee on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Julee Helt  
Village Clerk

## **REGISTER OF DEEDS:**

Received for recording this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_ o'clock \_\_\_\_M.  
and recorded in Volume \_\_\_\_\_ of Dane County Certified Surveys on pages \_\_\_\_\_  
through \_\_\_\_\_.

\_\_\_\_\_  
Kristi Chlebowski  
Register of Deeds

DOCUMENT NO. \_\_\_\_\_

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Sheet 3 of 3

**SURVEYORS SEAL**

18W-09



Town Board

Dean A. Grosskopf, Chair  
Terry Enge  
Kenneth R. Sipsma  
Mark A. Trotter  
John Cuccia



Kennedy Administration Building  
5387 Mary Lake Road  
Waunakee, WI 53597  
Office: (608)849-4372 \* Fax: (608)849-9657  
[www.townofwestport.org](http://www.townofwestport.org)

Thomas G. Wilson  
Attorney/Administrator/Clerk-Treasurer

Robert C. Anderson  
Utility, Finance, & IS Manager, Deputy  
Clerk/Treasurer

Jessica J. Frey  
Executive Assistant

June 25, 2018

Steve Kalscheuer  
5511 Easy Street  
Waunakee, WI 53597

Re: CSM/Rezone

Dear Mr. Kalscheuer:

I am writing to confirm extension of your land division review period to the end of July, 2018. This will allow you to provide a revised Certified Survey Map (CSM) as discussed at the Plan Commission meeting, and stated in the attached minutes.

Thank you,



Thomas G. Wilson  
Town Attorney

TGW/bn

Enclosure

cc: Tracy Meinholz (by e-mail only)  
Kevin Even (by e-mail only)

## **TOWN OF WESTPORT**

**PLAN COMMISSION – June 11, 2018**

The regular monthly meeting of the Plan Commission was called to order at 7:02 pm. in the Community Meeting Room of the Bernard J. Kennedy Administration Building by Chair Grosskopf. Members present: Bruskewitz, Cuccia, Grosskopf, Kennedy, Manering, Ohm, and Pichette. Members absent: None. Also attending: Terry Enge, Victor Barger, Jim Welsh, Steven and Ron Kalscheuer, Roger Wolter, Bob Davis, Jeanne Whitish, Brandon and Tammy Andries, Shirley and Jim Buckmaster, Sherry Schrank, Chuck Bayuk, Jean Gilding, Bill Merlin, and Tom Wilson.

Nobody was present For Public Comment on Matters not on the Agenda. The minutes of the May 14, 2018 regular meeting were approved as presented on a motion by Cuccia, second Kennedy.

After an introduction by Wilson, a presentation by the applicant, questions of the Commission members answered by the applicant, and a lengthy discussion on the CSM and Rezone (Create 1 New Residential Lot, County R-1 to CR-5ac), CUP for Accessory Building Height, Variance for Road Access, Nelson/Andries, Vacant Lot Next to 5152 River Road, Waunakee ETZ, the rezone, CSM and variance for road frontage (allow access easement rather than very lengthy flag lot which should be avoided) were recommended for approval as presented with conditions and restrictions as recommended by the Town Attorney, including standard Town conditions/restrictions such as no further land division and future connection to water and sewer should it be readily available, including building envelopes to be shown on the CSM and approved by staff, paving the driveways prior to occupation of homes, a shared driveway agreement acceptable to the Town Attorney, the applicant shall show Town staff the alternative access points for the farmed properties to the West of the parcel so they are not landlocked by this action, maintaining a buffer as shown to the homes to the east of the site where no driveway or structures can be built and which would be primarily grass and a few trees and which shall be stated on the face of the CSM, one shared driveway for the parcels shall be built on the easement shown and outside of the buffer area, storm water drainage and erosion control plans to be reviewed and approved by the Town Engineer, contractors shall keep the debris off River Road and will need a tracking pad approved by the Town Engineer prior to any grading on the parcel, and any items that may be imposed by the JPC, on a motion by Bruskewitz, second Cuccia. As to the CUP requested for additional accessory building height, that item was postponed as agreeable to the applicant to allow the applicant an opportunity to provide building and location details on a motion by Kennedy, second Bruskewitz.

After a brief presentation by Wilson and discussion, the Design Review and SIP Modification for a Temporary (6 months) Sign, Davis/Inspire Day Care, 5821 Oncken Road, Middleton ETZ, was approved as presented subject to the conditions of the Middleton/Westport JZC, for a six month



period, and with no lighting allowed, on a motion by Pichette, second Bruskewitz.

After a presentation by Wilson, questions were answered, and discussion, the CSM and Rezone (Create 1 Conservancy Lot, County R-1 to Cons and ER-1), Barger/Groundswell, 5711 River Road, Waunakee ETZ, was recommended for approval with the conditions and restrictions recommended by the Town Attorney including no further land division, no structures on the conservancy lot, and connection of the current home to Town utilities should they ever become available, on a motion by Bruskewitz, second Ohm.

After an introduction by Wilson, a presentation by Jeanne Whitish for the applicant, questions of the applicant by Commission members were answered, and discussion, the Rezone (County B-1 Restricted to Village C-1, Offices and Storage), Wolter/Purple Cow Organics, 5935 CTH K, Waunakee ETZ, was recommended for approval with the conditions and restrictions recommended by the Town Attorney, which include no further land divisions, connection to utilities if they ever become available, restricted to the use proposed, using the current sign size and the size design presented, all lighting to comply with the Town Dark Skies code and preference indicated for sign lights being off from 10 p.m. to 5 a.m., confirmation that the parking meets Waunakee standards, allow a wire woven fence in the rear yard as shown by the applicant for a dog enclosure, and maintain design review over any further accessory building which may be constructed on site, on a motion by Manering, second Bruskewitz.

After a presentation on the matter by Wilson, questions of the applicants, and discussion, based on the previous restriction of no further land division in place on the property but also with the policy of allowing farm buildings to be split from farmed parcels, action on the CSM and Rezone (Create 2 Residential Lots, County A1-Ex to ER-1 and SR-4), Kalscheuer, 5543 Easy Street, Waunakee ETZ, was postponed to allow the applicants to come back with an appropriate boundary for a farmstead lot, an extension for the review being agreeable to the applicants as well, on a motion by Bruskewitz, second Kennedy.

Enge reported on the work of the Park Committee. Pichette reported on the work of the Historic Preservation Commission. Cuccia reported on work of the Design Guidelines Development Committee. Grosskopf and Wilson reported on items before the Waunakee/Westport Joint Planning Committee and the Middleton/Westport Joint Zoning Committee.

There were no Miscellaneous Matters and Forthcoming Events raised.

Motion to adjourn by Kennedy, second Cuccia. The meeting adjourned at 9:00 p.m.

Mary Manering, Secretary

**VILLAGE OF WAUNAKEE/TOWN OF WESTPORT  
JOINT PLAN COMMISSION MEETING  
Town of Westport Community Room, 5387 Mary Lake Road  
June 12, 2018 6:00 PM**

**Meeting Minutes**

**CALL TO ORDER:** Acting Chair McGowan called the meeting to order at 6:04 p.m.

**ROLL CALL:**

**Present:**, Dean Grosskopf, Eileen Bruskewitz, Pat McGowan, Brain Malich, Tim Black

**Absent:** Ken Sipsma

**Also Present:** Tom Wilson, Kevin Even, Tracy Meinholz, Brandon & Tammy Andries, Marjorie Ziegler, Steve Hellenbrand, Melanie Hass, Bill Dunlop, Dennis Steinkraus, Jim & Shirley Buckmaster, Jim Welsh, Steven Kalscheuer, Jerry Tierney, Bill and Jean Gilding, Bob Carlson, Charles Baynk, Sherry Schrank, Joe & Maureen Williams, Ann Scott, Rachael Holloway, Roy Wolter, Jacalyn Schultz.

**MINUTES**

**1 May 15, 2018**

Motion Black, second Grosskopf, to approve the minutes from May 15, 2018. Motion carried.

**PUBLIC COMMENT**

None

**NEW BUSINESS**

**1 Public Hearing and Discussion/Action on a Certified Survey Map and Rezone, Kalscheuer, 5511 Easy Street, Town of Westport**

The public hearing was opened at 6:08 p.m. There were questions and answers by the members and applicant. No one from the audience wished to speak. The hearing was closed at 6:10 p.m.

Motion Bruskewitz, second by Grosskopf, to postpone action till revised CSM filed with staff as recommended by the Town Plan Commission. Motion carried.

*Brian Malich arrived at 6:12 p.m.*

**2 Public Hearing and Discussion/Action on a Certified Survey Map and Rezone, Barger, 5711 River Road, Town of Westport**

The public hearing was opened at 6:12 p.m. and closed at 6:14 p.m. with no comments from the public.

Motion Grosskopf, second by Bruskewitz, to recommend approval of the CSM and rezone from A-1Ex to Conservancy and ER-1 to the Village and Town Boards with the conditions and restrictions recommended by the Town Attorney including no further land division, no structures on the conservancy lot, and connection of the current home to Town utilities should they ever become available. Motion carried.

**3      Public Hearing and Discussion/Action on a Rezone Request by Purple Cow Organics/Wolter, 5935 County Highway K, Town of Westport**

The public hearing was opened at 6:18 p.m. Steve Hellenbrand asked questions about the future of the driveway to his property to the south. The hearing was closed at 6:22 p.m.

Motion Bruskewitz, second by Grosskopf to recommend approval of the rezone to Village C-1 to the Village and Town Boards with the conditions and restrictions recommended by the Town Attorney, which include no further land divisions, connection to utilities if they ever become available, restricted to the use proposed, using the current sign size and the size design presented, all lighting to comply with the Town Dark Skies code and preference indicated for sign lights being off from 10 p.m. to 5 a.m., confirmation that the parking meets Waunakee standards, allow a wire woven fence in the rear yard as shown by the applicant for a dog enclosure, and maintain design review over any further accessory building which may be constructed on site. Motion carried.

**4      Public Hearing and Discussion/Action on a Request by Forward Development Group, LLC, for Preliminary Plat, Final plat, and GDP/SIP Approval for a Mixed Commercial & Residential Development, Southeast Corner of Woodland Drive and CTH Q**

Public hearing opened at 6:28 p.m. Closed at 6:30 p.m. No comments from the audience.

Motion Malich, second by Black, to postpone action pending a recommendation from the Village Plan Commission. Motion carried.

**5      Public Hearing and Discussion/Action on Site Plan and Conditional Use Permit for Hy-Vee, 57,000 square foot Grocery Store with Drive-thru Pharmacy, Coffee Shop and Convenience Store/Gas Station on Lot 1 of Proposed Woodland Crest Plat**

Public hearing opened at 6:32 p.m. Closed at 6:34 p.m. No comments from the audience.

Motion Malich, second Black, to postpone action on this item pending a recommendation from the Village Plan Commission. Motion carried.

**6 Public Hearing and Discussion/Action on a Certified Survey Map, Rezone, Conditional Use Permit and Variance, Andries, Vacant Lot Adjacent to 5152 River Road, Town of Westport**

Mr. McGowan opened the public hearing at 6:44 p.m. Jim Buckmaster, Jean Gilding, Sherry Schrank, and Ann Scott were given the opportunity to speak. The public hearing was closed at 6:57 p.m.

Motion Grosskopf, second Bruskewitz, to postpone action on the CUP for the future shed. Motion carried. Motion Bruskewitz, second by Grosskopf, to recommend approval of the CSM, rezone to CR-5ac, and variance to allow a lot with no property abutting a public street (access easement as alternate), as recommended by the Town Plan Commission with the addition that the applicant work with staff on final location of building envelopes. Motion carried.

**ADJOURN**

Motion Grosskopf, second Bruskewitz, to adjourn the meeting at 7:04 p.m. Motion carried.

Respectfully Submitted,

Tracy Meinholz, Joint Plan Commission Secretary

## TOWN OF WESTPORT

TOWN BOARD - Monday, June 18, 2018

The regular semi-monthly meeting of the Town Board was called to order in the Community Meeting Room of the Bernard J. Kennedy Administration Building at 7:02 p.m. by Chair Grosskopf. Members present: Cuccia, Enge, Grosskopf, Sipsma, and Trotter. Members absent: None. Also Present: Tammy and Brandon Andries, Peter Lindblad, and Tom Wilson.

Nobody was present for Public Comment On Matters Not On the Agenda. The minutes of the June 4, 2018 regular meeting were approved as presented on a motion by Trotter, second Enge.

Several Regular Operator Licenses as on file with the Clerk and presented were granted subject all state and local requirements on a motion by Sipsma, second Trotter.

For an Engineer Report, Wilson reported on the bids for the Reynolds Avenue project and on the work to be done to smooth Woodland Drive near Mill Road.

After an introduction by Wilson and discussion, Resolution 18-06 [Approve CSM and Rezone (Create 1 New Residential Lot, County R-1 to CR-5ac), CUP for Accessory Building Height, Variance for Road Access, Nelson/Andries, Vacant Lot Next to 5152 River Road, Waunakee ETZ, with conditions and restrictions] was adopted as generally presented to include conditions and restrictions as recommended by the Town Plan Commission and JPC, with Wilson to finalize for approval by the Chair, on a motion by Enge, second Trotter.

After a brief discussion, Resolution 18-07 [Approve CSM and Rezone (Create 1 Conservancy Lot, County R-1 to Cons and ER-1), Barger/Groundswell, 5711 River Road, Waunakee ETZ, with conditions and restrictions] was adopted as presented, with conditions and restrictions as recommended by the Town Plan Commission and JPC, on a motion by Enge, second Trotter.

After an introduction by Wilson and a brief discussion, the Rezone (County B-1 Restricted to Village C-1, Offices and Storage), Wolter/Purple Cow Organics, 5935 CTH K, Waunakee ETZ, was recommended for approval to the Waunakee Village Board with the conditions and restrictions as recommended by the Town Plan Commission and JPC on a motion by Cuccia, second Enge.

After a brief introduction by Wilson on plan commission action, action on the CSM and Rezone (Create 2 Residential Lots, County A1-Ex to ER-1 and SR-4), Kalscheuer, 5543 Easy Street, Waunakee ETZ, was postponed as recommended and agreed to by the owners on a motion by Sipsma, second Trotter.

Grosskopf and Wilson reported on items before the plan commission/committees, and concerns were raised regarding the location of the proposed grocery and convenience stores at Woodland and Century in Waunakee and their effect on Woodland Drive traffic. The Audit Committee recommended payment of bills as presented by the Administrator after questions were answered.

For Administrative Matters raised, Wilson reported on staffing issues that are being worked through, Wilson reported about the events for Executive Assistant Jessica Frey's son and closing the office for the same 10-2 on Thursday June 21, and Wilson provided a lake level report.

For Miscellaneous Business or Forthcoming Events raised, Trotter inquired about attendance at The Community of Bishops Bay opening event scheduled for this Friday June 22, and Cuccia asked about traffic counters on CTH M and was advised that those are for the engineering study currently being done by Dane County.

Current bills were paid as presented by the Administrator and recommended by the Audit Committee after questions were answered on a motion by Sipsma, second Enge.

Motion to adjourn by Sipsma, second Enge. The meeting adjourned at 7:52 p.m.

Thomas G. Wilson  
Town Attorney/Administrator/Clerk-Treasurer



## **WAUNAKEE/WESTPORT JOINT PLAN COMMISSION SUMMARY SHEET**

**MEETING DATE:** 07/10/2018

**ITEM:** NEW BUSINESS

**TITLE:** Initial Consultation, Request to Rezone from County R-1 to Village R-1 to Construct Shed, Wallner, 4996 Gilkeson Road, Town of Westport

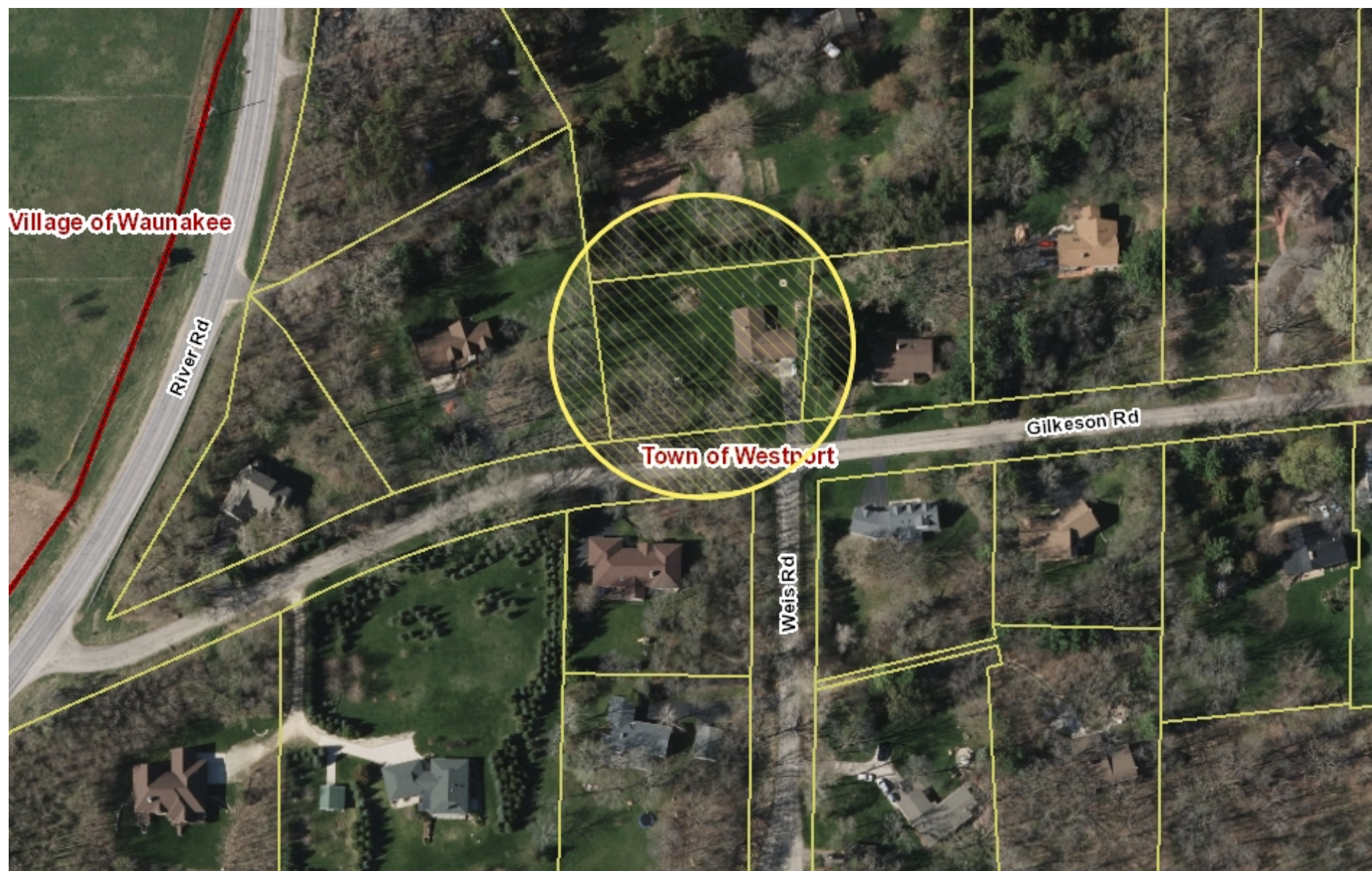
**ISSUE SUMMARY:** Applicant wishes to build a 30 x 40 x 12 shed two feet taller than allowed under the County R-1 zoning, so would like to rezone to the same Village classification which actually allows a little taller out building. We did ask the owner to discuss this with the neighbors to make sure it is ok. Since we are being asked to rezone from a temporary classification to a permanent one, it is certainly consistent with the Comp Plan for this area, and we do not have any concerns except that we should maintain the County R-1 setbacks for consistency in the area.

**STAFF RECOMMENDATION:** None

**RECOMMENDED MOTION:** No action necessary

**ATTACHMENT(S):** Initial proposal.





Wallner Rezone  
4996 Gilkeson Road



SCALE: 1" = 200'

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

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.

Print Date: 7/5/2018





## PLAN COMMISSION APPLICATION

PROJECT ADDRESS/NAME: - Wallner / New Garage  
- 4996 Gilkeson Rd, Waunakee WI 53597

APPLICANT:	<u>John Wallner</u>		
ADDRESS:	<u>4996 Gilkeson Rd Waunakee, WI 53597</u>		
PHONE:	<u>608-849-9161</u>	EMAIL:	<u>jwallner@tds.net</u>

OWNER:	<u>Same as above.</u>		
ADDRESS:			
PHONE:		EMAIL:	

PROJECT DESCRIPTION: Build 30 x 40 x 12 (wall height)  
Garage in NW corner.  
County R-1 to Village R-1

OWNER/APPLICANT SIGNATURE: John Wallner DATE: 5/28/2018

FEES: (CHECK ALL THAT APPLY)		ESCROW DEPOSIT:
• SITE PLAN	<input type="checkbox"/> \$320	An escrow deposit is required in accordance with the Development Application Agreement.
• REZONE	<input checked="" type="checkbox"/> \$345	
• CONDITIONAL USE PERMIT	<input type="checkbox"/> \$350	ESCROW FEE PAID: _____
• CERTIFIED SURVEY MAP	<input type="checkbox"/> \$100 + \$25 per lot	
• PRELIMINARY PLAT	<input type="checkbox"/> \$100 + \$50 per dwelling unit	DATE: _____
• FINAL PLAT	<input type="checkbox"/> \$100 + \$50 per dwelling unit	FEE WAIVED BY: _____
• GDP/SIP APPROVAL	<input type="checkbox"/> \$475	
TOTAL: <u>\$345.00</u>		

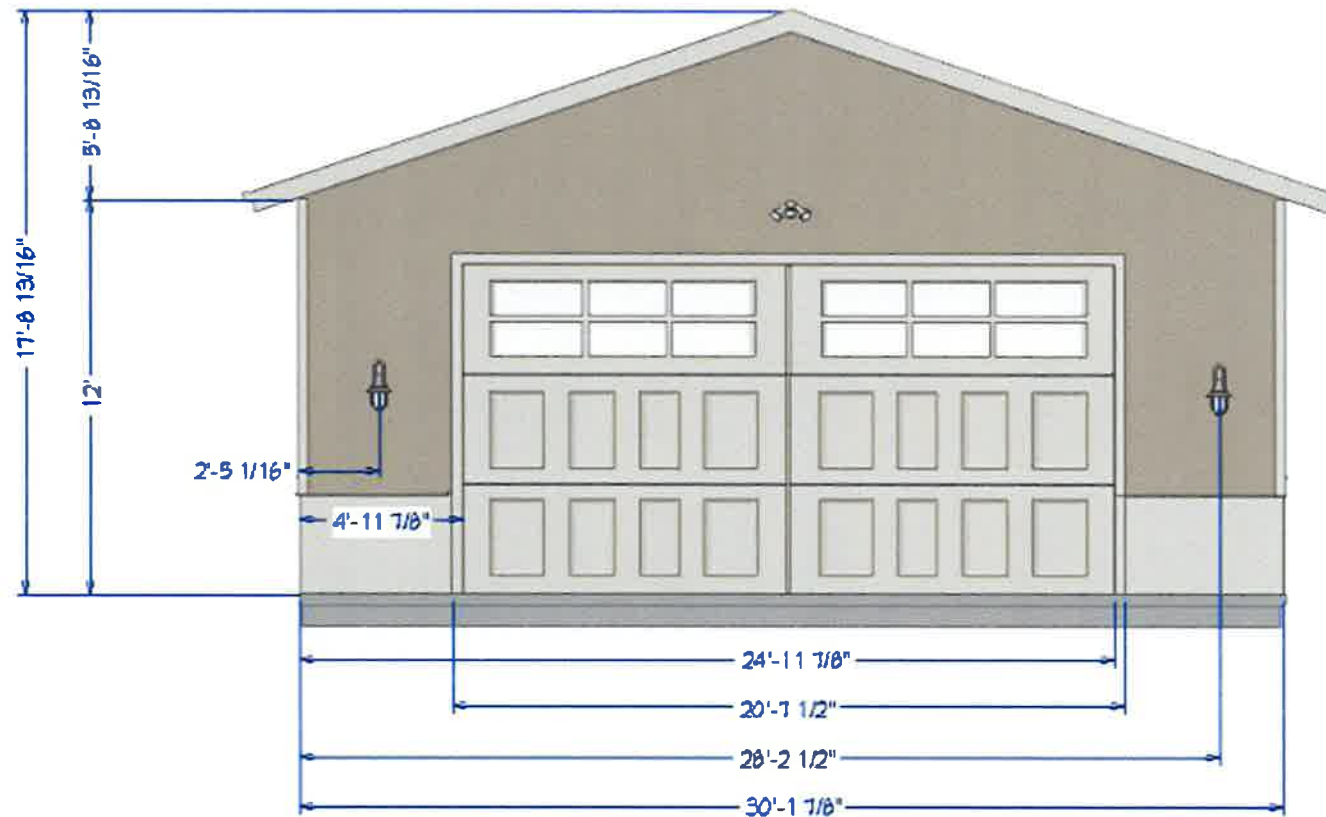
# Wallner Garage

5-30-2018

John & Kristen Wallner

Address: 4996 Gilkeson Rd

The purpose of this building is added storage and vehicle parking. This building will be built in the northwest corner of the lot and will be 30' x 40' and will have 12' ceiling heights. Access to the garage will be via a new gravel driveway that will be no less than 10' from the west lot line and will run parallel to the lot west line.



REVISION	DATE	BY	DESCRIPTION

Front Elevation

DRAWINGS PROVIDED BY:  
**John Wallner**

DATE:

5/29/2018

SCALE:

SHEET:

LAYOUT PAGE TABLE			
LABEL	TITLE	DESCRIPTION	COMMENTS
P-1	PROJECT OVERVIEW	RAISED	



REVISION TABLE	REVISION BY	DESCRIPTION
NUMBER	DATE	

RayTrace

Project Overview

John Wallner

DATE:

5/29/2018

SCALE:

SHEET:

P-1

↑  
N

LOT:  
1.01 Acre





## **WAUNAKEE/WESTPORT JOINT PLAN COMMISSION SUMMARY SHEET**

**MEETING DATE:** 07/10/2018

**ITEM:** NEW BUSINESS

**TITLE:** Conceptual Discussion, Annexation of Moeller and School District Properties, Woodland Drive, Town of Westport

**ISSUE SUMMARY:** For discussion purposes only. No action is required at this time.

**STAFF RECOMMENDATION:** None

**RECOMMENDED MOTION:** No action necessary.

**ATTACHMENT(S):** Moeller and Waunakee School District Restriction agreements.





Village of Waunakee GIS



SCALE: 1" = 897'

VILLAGE OF WAUNAKEE

500 W. Main St  
Waunakee, WI 53597  
(608) 850-8500

Print Date: 7/5/2018

DISCLAIMER: The Village of Waunakee 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.



**RESTRICTION AGREEMENT  
MOELLER PROPERTY**

WHEREAS, James E. Moeller (the "Owner") is the record title Owner of the property described in Exhibit A attached hereto (the "Property"), which Property is located on Woodland Drive, west of CTH Q in the Town of Westport, Dane County, Wisconsin; and,

WHEREAS, the Owner has petitioned the Town of Westport (the "Town") and the Village of Waunakee (the "Village") for a rezoning of the Property, with a conditional use permit ("CUP"), to allow a single-family residence with outbuilding to be placed on the Property; and,

WHEREAS, the Town and the Village have approved the rezone and the CUP, subject to the Owner executing this Restriction Agreement (the "Agreement"); and,

WHEREAS, the Town and the Village have agreed upon the jurisdiction of the Property based on recommendations from various appropriate committees and commissions, and the Owner agrees with this jurisdictional transition; and,

WHEREAS, the Owner desires to place these certain restrictions on the Property to bind the Owner and those who may acquire title hereafter.

NOW, THEREFORE, for good and valuable consideration as hereby mutually acknowledged, and in consideration of the mutual benefits passing to, from and among the Owner, those who may hereafter purchase said land, the Village and the Town, this Agreement is entered into between and among the Owner, the Village and the Town, and these parties agree as follows:

1. The Property shall remain in the Town until such time as a substantially sized abutting property south of Woodland Drive, similarly shaped as today (not being a small newly created lot or property remnant), and not already in the Village is annexed to the Village, at which time the Property, upon a recommendation for annexation by the Waunakee/Westport Joint Planning Committee, shall also be annexed to the Village. Land divisions of any size shall not be approved so as to "buffer" or "shield" the Property from annexation as stipulated in this Agreement. The Village and Town may also accomplish this by boundary agreement which the Owner shall not dispute.
2. The Owner agrees to negotiate with the Village in good faith regarding any easements that may be needed over the Property for utilities or other public purposes as parcels abutting the Property are developed.
3. The Property must connect to the Village's sewer and water system at the then Owner's cost and without challenge if:



8 9 0 6 8 9 2  
Tx:8698268

**KRISTI CHLEBOWSKI  
DANE COUNTY  
REGISTER OF DEEDS**

**DOCUMENT #**

**5185882**

**09/23/2015 12:36 PM**

**Trans. Fee:**

**Exempt #:**

**Rec. Fee: 30.00**

**Pages: 9**

THIS SPACE RESERVED FOR RECORDING DATA

RETURN TO:

Village Clerk  
Village of Waunakee  
500 W. Main Street  
Waunakee, WI 53597

P.I.N.

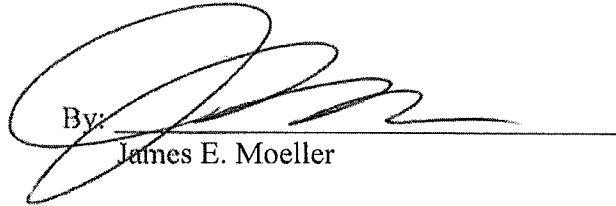
0809-181-8650-0



- a. Sewer and water services are extended to the lot lines of the Property from abutting properties that develop to the South or East of the Property and are readily available to serve the Property;
  - b. Development other than a single family home and allowed accessory uses is placed on the Property; or
  - c. The well and septic systems currently serving the residence on the Property require replacement.
4. The Owner may have a stable and raise horses on the Property. However, the Owner may not operate a business on the Property relating to the riding, housing, stabling, training, or caring of horses.
5. The terms and provisions hereof shall be binding upon the undersigned, their heirs, successors, and assigns, and shall be recorded in the office of the Register of Deeds for Dane County, Wisconsin to be construed as covenant running with the land.
6. This Agreement may be amended or terminated by the mutual agreement of the parties or their respective successors, assigns or heirs.
7. If this Agreement is terminated, then the Property shall be subject to the restrictions and requirements of the Zoning District by which the lands are designated at the time of termination and the additional restrictions and requirements provided by this Agreement shall be without any further effect.
8. The restrictions provided for herein shall be enforceable at law or equity against any party who has or acquires an interest in the Property subject to the restriction by the following parties who are named as grantees, promisees and beneficiaries with enforcement rights:
  - a. The Village Government of the Village of Waunakee, Dane County, Wisconsin, provided that the Property is under the jurisdiction of a zoning ordinance of said Village at the time the enforcement action is commenced.
  - b. The Town Government of the Town of Westport, Dane County, Wisconsin, provided that the Property is within the governmental jurisdiction of said Town and/or the Property is subject to a boundary agreement to which the Town is a party at the time the enforcement action is commenced.
  - c. The Owner of record of the Property which is located within the district subject to the regulations of the zoning ordinance.

IN WITNESS THEREOF, the party below has hereunder set his hand and seal this 3<sup>rd</sup> day of August, 2015.


OWNER


By:   
James E. Moeller

STATE OF WISCONSIN

COUNTY OF DANE

Personally came before me this 3<sup>rd</sup> day of August, 2015, James E. Moeller, to me known to be the person who executed the foregoing instrument and acknowledged that they executed the same.

  
Print Name: JEFFREY M. SERGEANT  
Notary Public, State of Wisconsin  
My commission expires: FEB. 26, 2017



**TOWN OF WESTPORT**

By: John A. Van Dinter  
John A. Van Dinter, Town Chair

Attest: Thomas G. Wilson  
Thomas G. Wilson, Attorney/  
Administrator/Clerk-Treasurer

STATE OF WISCONSIN

COUNTY OF DANE

Personally came before me this 10<sup>th</sup> day of August, 2015, the above-named John A. Van Dinter, Town Chair, and Thomas G. Wilson, Town Attorney/Administrator/Clerk/Treasurer, of the Town of Westport, known to me to be the persons and officers who executed the foregoing instrument and acknowledged that they executed the same as such officers by the Town's authority.

Michelle M. Kumar  
Print Name: Michelle M. Kumar  
Notary Public, State of Wisconsin  
My commission expires: 5/01/16

**VILLAGE OF WAUNAKEE**

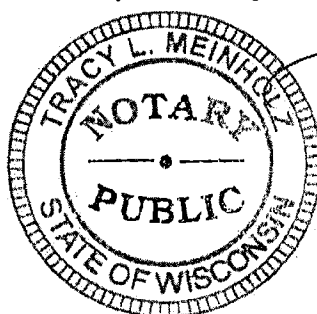
By: Chris Zellner  
Chris Zellner, Village President

Attest: Julee Helt  
Julee Helt, Village Clerk

STATE OF WISCONSIN

COUNTY OF DANE

Personally came before me this 31 day of August, 2015, the above-named Chris Zellner, Village of Waunakee Village President, and Julee Helt, Village of Waunakee Village Clerk, known to me to be the persons and officers who executed the foregoing instrument and acknowledged that they executed the same as such officers by the Village's authority.



Tracy L. Meinholz  
Print Name: Tracy L. Meinholz  
Notary Public, State of Wisconsin  
My commission expires: 05/01/16

This instrument drafted by:  
Thomas G. Wilson  
Town Attorney/Administrator  
Town of Westport  
5387 Mary Lake Road  
Waunakee, WI 53597

**EXHIBIT A**  
**Legal Description**

**LOT 1 CSM 11771 CS72/121&123-5/24/2006 F/K/A LOTS 1 & 2 CSM 11755 F/K/A**  
**LOT 1 CSM 11748 CS72/53&55-4/27/2006 F/K/A LOTS 1 & 2 CSM 11747**  
**CS72/48&52-4/27/2006 DESCR AS SEC 18-8-9 PRT NW1/4NE1/4 (11.97 ACRES)**

# CERTIFIED SURVEY MAP

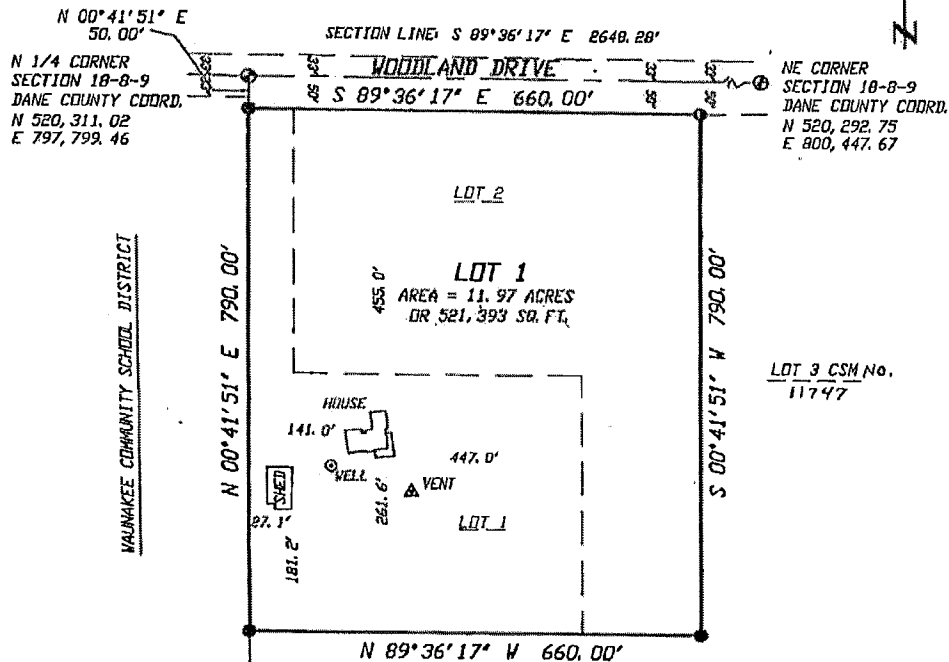
WILLIAMSON SURVEYING CO., INC.

104 A WEST MAIN STREET WAUNAKEE WISCONSIN 53597

NW 1/4, NE 1/4, SECTION 18, T 8 N, R 9 E,  
TOWN OF WESTPORT, DANE COUNTY, WISCONSIN.

PREPARED FOR:  
CONCORDIA LUTHERAN CHURCH  
1004 QUINN DR.  
WAUNAKEE WI 53597

BEARINGS ARE REFERENCED TO THE NORTH LINE OF  
THE NE 1/4 OF SECTION 18-8-9, AS PER VIS DOT PLANS,  
CONSTRUCTION PROJECT NO. 5886-01-06, DATED 8/22/03.



NOTE: This parcel is restricted to church related uses under the applicable zoning code.

## LEGEND:

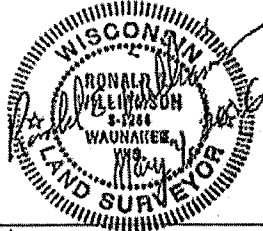
- = FOUND 3/4" REBAR
- ⊙ = FOUND ALUMINUM CAP MONUMENT IN CONCRETE

NOTE: Sewer and water service are required to the parcel upon any further development and the Village of Waunakee shall receive reimbursement for those extensions at that time.

DOCUMENT NO. 4195097

CERTIFIED SURVEY MAP NO. 11771

VOLUME 72 PAGES 121, 122 & 123



Sheet 1 of 3

06W-71-1

Viewers are advised to ignore the illegible text on this map. It is presented to show spatial relationships only.

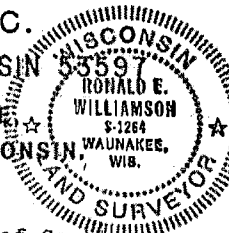
Authorized by: *Carla R. Holt Village Clerk*

# CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING CO., INC.

104 A WEST MAIN STREET WAUNAKEE WISCONSIN 53597

NW 1/4, NE 1/4, SECTION 18, T 8 N, R 9 E  
TOWN OF WESTPORT, DANE COUNTY, WISCONSIN



## DESCRIPTION:

A parcel of land located in the NW 1/4 of the NE 1/4 of Section 18, T8N, R9E, Town of Westport, Dane County, Wisconsin being more particularly described as follows:

All of Lots 1 and 2 of Certified Survey Map No. 11755, Document No. 4187950, recorded in Volume 72 of Dane County Certified Surveys on pages 77, 78 and 79.

## SURVEYOR'S CERTIFICATE

I, Ronald E. Williamson, Registered Land Surveyor, hereby certify that in full compliance with the provisions of Chapter 236.34 Wisconsin Statutes, the subdivision regulations of Dane County and by the direction of the owner listed below, I have surveyed divided and mapped the property described above and that this certified survey map is a correct representation thereof.

Williamson Surveying Co. Inc.  
by Ronald E. Williamson

Date May 4, 2006

Ronald E. Williamson  
Ronald E. Williamson S-1264  
President

## OWNER'S CERTIFICATE

As owner, The South Wisconsin District of The Lutheran Church-Missouri Synod hereby certify that they caused the land described on this certified survey map to be surveyed, divided and mapped as represented on the certified survey map. They also certify that this certified survey map is required by S.75.17(1)(a) Dane County Code of Ordinances to be submitted to the Dane County Zoning and Land Regulation Committee for approval.

WITNESS the hand and seal of said owner on this 16<sup>th</sup> day of May, 2006.

William M. Hoenig  
Representative  
The South Wisconsin District of  
The Lutheran Church-Missouri Synod

STATE OF WISCONSIN) SS  
DANE COUNTY)

Personally came before me this 16<sup>th</sup> day of May, 2006 the named William M. Hoenig to me known to be a representative of The South Wisconsin District of The Lutheran Church-Missouri Synod and acknowledged that he executed the foregoing instrument as such representative of said The South Wisconsin District of The Lutheran Church-Missouri Synod and by its authority.

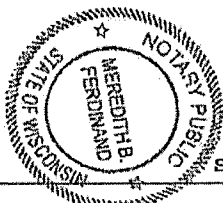
William A. B. [Signature]  
Notary Public

Dane County, Wisconsin

My commission expires 12/16/07

Sheet 2 of 3

06W-71-1



Seal

Viewers are advised to ignore the illegible text on this map. It is presented to show spatial relationships only.

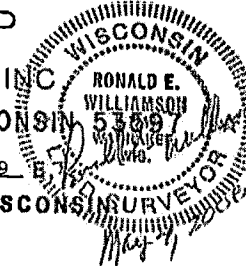
Authorized by: John R. West Village Clerk

# CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING CO., INC

104 A WEST MAIN STREET WAUNAKEE WISCONSIN 53091

NW 1/4, NE 1/4, SECTION 18, T 8 N, R 9 E  
TOWN OF WESTPORT, DANE COUNTY, WISCONSIN



Approved for recording per Village Board, Village of Wauankee on this 4th day of May, 2006.

Julie B. Helt  
Julie B. Helt, Village Clerk

## TOWN BOARD RESOLUTION:

Resolved that this certified survey map is hereby approved for recording this 4th day of May, 2006.

Resolution No. 06-02  
Thomas G. Wilson  
Thomas G. Wilson, Town Administrator

Refer to building site information contained in the Dane County Soil Survey.

Approved for recording per Dane County Zoning and Land Regulation Committee action of May 4, 2006.

Norbert Scribner  
Norbert Scribner, Representative

Received for recording this 24<sup>th</sup> day of May, 2006 at 12:41 o'clock P.M. and recorded in Volume 72 of Dane County Certified Surveys on pages 121, 122 and 123.

Jane Licht  
Jane Licht  
Register of Deeds

DOCUMENT NO. 4195097

CERTIFIED SURVEY MAP NO. 11771

Sheet 3 of 3

06W-71-1

Viewers are advised to ignore the illegible text on this map. It is presented to show spatial relationships only.

Authorized by:  
Julie B. Helt, Village Clerk



**RESTRICTION AGREEMENT**  
(Waunakee Community School District,  
Woodland Dr. West of CTH Q, JPA)

WHEREAS, the Waunakee Community School District (the "Owner"), is the record title Owner of the property described at Exhibit B attached, located on Woodland Dr. West of CTH Q in the Town of Westport, Dane County, Wisconsin (hereinafter called the "Property"); and,

WHEREAS, the Owner has petitioned the Town of Westport (the "Town") and Village of Waunakee (the "Village") for a rezoning to allow a school on the Property; and,

WHEREAS, the Town and the Village have approved of this rezone subject to the conditions and restrictions contained in the Resolution attached hereto as EXHIBIT A; and,

WHEREAS, the Town and the Village have agreed upon the jurisdiction of the Property based on recommendations from various appropriate committees and commissions, and the Owner agrees with this jurisdictional transition; and,

WHEREAS, the Owner desires to place these certain restrictions on the Property to bind the Owner and those who may acquire title hereafter.

NOW, THEREFORE, for good and valuable consideration as hereby mutually acknowledged, and in consideration of the mutual benefits passing to, from and among the Owner, those who may hereafter purchase said land, the Village and the Town, this Agreement is entered into between and among the Owner, the Village and the Town, and these parties agree as follows:

1. The Property shall remain in the Town until such time as a substantially sized abutting property south of Woodland Drive, similarly shaped as today (not being a small newly created lot or property remnant), and not already in the Village is annexed to the Village, at which time the Property, upon a recommendation for annexation by the Waunakee/Westport Joint Planning Committee, shall also be annexed to the Village. Land divisions of any size shall not be approved so as to "buffer" or "shield" the Property from annexation as stipulated in this agreement. The Village and Town may also accomplish this by boundary agreement which Owner shall not dispute.
2. The terms and provisions hereof shall be binding upon the undersigned, their heirs, successors, and assigns, and shall be recorded in the office of the Register of Deeds for Dane County, Wisconsin to be construed as covenant running with the land.
3. This Agreement may be amended or terminated by the mutual agreement of the parties or their respective successors, assigns or heirs.



**KRISTI CHLEBOWSKI**  
**DANE COUNTY**  
**REGISTER OF DEEDS**

**DOCUMENT #**  
**5183716**

09/14/2015 2:30 PM  
Trans. Fee:  
Exempt #:  
Rec. Fee: 30.00  
Pages: 33

Return to:  
Thomas G. Wilson  
Town Attorney/Administrator  
5387 Mary Lake Road  
Waunakee, WI 53597

Parcel Identification No's.

0809-182-8000-1

4. If this Agreement is terminated, then the Property shall be subject to the restrictions and requirements of the Zoning District by which the lands are designated at the time of termination and the additional restrictions and requirements provided by this Agreement shall be without any further effect.
5. The restrictions provided for herein shall be enforceable at law or equity against any party who has or acquires an interest in the land subject to the restriction by the following parties who are named as grantees, promisees and beneficiaries with enforcement rights:
  - a. The Village Government of the Village of Waunakee, Dane County, Wisconsin, provided that the lands are under the jurisdiction of a zoning ordinance if said Village at the time the enforcement action is commenced.
  - b. The Town Government of the Town of Westport, Dane County, Wisconsin, provided that the lands are within the governmental jurisdiction of said Town and/or the lands are subject to a boundary agreement to which the Town is a party at the time the enforcement action is commenced.
  - c. The Owner of record of any land which is located within the district subject to the regulations of the zoning ordinance.

29<sup>th</sup> IN WITNESS THEREOF, the parties below have hereunder set their hands and seals this day of July, 2015.

**Owner: WAUNAKEE COMMUNITY  
SCHOOL DISTRICT**

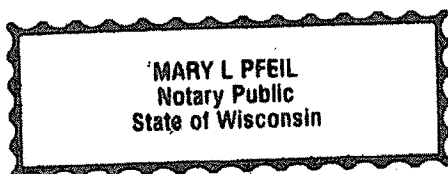
By: Peggy Hill-Breunig  
Peggy Hill-Breunig, Board of Education President

Attest: Randy Guttenberg  
Randy Guttenberg, Superintendent

STATE OF WISCONSIN

COUNTY OF DANE

Personally came before me this 10<sup>th</sup> day of August, 2015, Peggy Hill-Breunig, School Board President and Randy Guttenberg, School Superintendent to me known to be the person who executed the foregoing instrument and acknowledged that they executed the same as such officers may by school's authority



Mary L. Pfeil  
Notary Public, State of Wisconsin  
My commission expires: 1-17-2016

TOWN OF WESTPORT

By: J.A. Van Dinter  
John A. Van Dinter  
Town Chair

Attest: Thomas G. Wilson  
Thomas G. Wilson  
Attorney/Administrator/Clerk-Treasurer

STATE OF WISCONSIN

COUNTY OF DANE

Personally came before me this 4 day of August, 2015, the above-named John A. Van Dinter, Town Chair, and Thomas G. Wilson, Town Attorney/Administrator/Clerk-Treasurer, of the Town of Westport, known to me to be the persons and officers who executed the foregoing instrument and acknowledged that they executed the same as such officers by the Town's authority.

Michelle M. Kumar  
Notary Public, State of Wisconsin  
My commission expires: 5/1/16

VILLAGE OF WAUNAKEE

By: Chris Zellner  
Chris Zellner, Village President

Attest: Julee Helt  
Julee Helt, Village Clerk

STATE OF WISCONSIN

COUNTY OF DANE

Personally came before me this 29 day of July, 2015, the above-named Chris Zellner, Village President and Julee Helt, Village Clerk, Dane County, Wisconsin, known to me to be the persons and officers who executed the foregoing instrument and acknowledged that they executed the same as such officers by the Village's authority.

Tracy L. Meinholz  
Notary Public, State of Wisconsin  
My commission expires: 05/01/16

This instrument drafted by:  
Thomas G. Wilson  
Town Attorney/Administrator  
Town of Westport  
5387 Mary Lake Road  
Waunakee, WI 53597

