

**TOWN OF WINDSOR
TOWN BOARD RESOLUTION 2015-39**

**APPROVAL OF A CERTIFIED SURVEY MAP
AND REZONE IN ORDER TO ADJUST LOT LINES BETWEEN PROPERTY
OWNERS AT 6679 HIGHLAND DRIVE, TOWN OF WINDSOR, DANE COUNTY**

[Richard & Lynette Clack, as Owner/Petitioner]

WHEREAS, Richard & Lynette Clack, as Owner/Petitioner (the "Petitioner") prepared and submitted a Certified Survey Map (the "CSM") for property at 6679 Highland Drive, Town of Windsor; and

WHEREAS, the Petitioner further requests rezoning from RE-1 Recreation District to R-1 Residence District; and

WHEREAS, the Town Planner has reviewed the request and prepared a Staff Report dated June 8, 2015 ("Staff Report") recommending approval, subject to certain conditions specified in the Staff Report; and

WHEREAS, following review of the Petitioner's application materials, the Staff Report, and the resolution adopted at the Plan Commission meeting, the Town Board wishes to recommend approval of same, subject to those conditions specified herein.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Windsor as follows:

A. The Town of Windsor Board **Approves** the Certified Survey Map and Rezone from RE-1 to R-1, as requested by Richard & Lynette Clack and Windsor Golf Ventures located at 6679 Highland Drive, Windsor WI, 53532 subject to the following conditions:

1. The petitioners shall obtain approval of the Certified Survey Map from the Village of DeForest.
2. The petitioners shall obtain approval of the Certified Survey Map and Rezone from Dane County.
3. The petitioners shall satisfy all conditions of approval by the Town of Windsor, Village of DeForest, and Dane County, and shall promptly record the Certified Survey Map with the Dane County Register of Deeds.
4. The Town of Windsor Board confirms that the petitioner shall not be required to make any payment towards Fees in Lieu of Parkland Dedication and Fees for Initial Improvement of Parkland.
5. The petitioners shall reimburse the Town of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the CSM and Rezone, including, but not limited to, the cost of professional services incurred by the

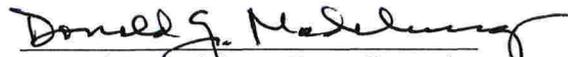
Town of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.

B. The Town Board's approval expires one hundred-eighty (180) days from the date of adoption of this Resolution. Satisfaction of the conditions set forth above is the responsibility of the Petitioner. Time is of the essence.

The above and foregoing Resolution was duly adopted at the regular meeting of the Town Board of the Town of Windsor on the 18th day of June, 2015, by a vote of 5 in favor and 0 opposed.

TOWN OF WINDSOR

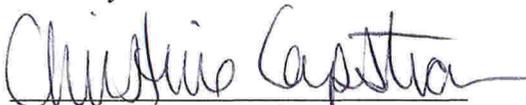

Robert E. Wipperfurth, Town Chair


Donald G. Madelung, Town Supervisor


Bruce Stravinski, Town Supervisor


Alan Buchner, Town Supervisor


Monica M. Smith, Town Supervisor

Attested by:

Christine Capstran, Town Clerk

Incorporated by Reference:
June 8, 2015 Staff Report



Staff Review

TO: Town of Windsor Board

CC: Robert Wipperfurth, Chairman
Tina Butteris, Office Manager
Amy Anderson Schweppe, Planning & Development Coordinator
Kevin Richardson, Engineer
Constance Anderson, Attorney

FROM: Jamie Rybarczyk, Planning Consultant

RPT DATE: June 08, 2015

MTG DATE: June 18, 2015

APRVL DATE: July 21, 2015

FOTH FILE: 15W027-01/06

RE: Richard & Lynette Clack – CSM and Rezone

BACKGROUND:

1. Petitioner/Agent: Lynette S. Clack/Paulson & Associates, LLC
2. Property Owner: Richard & Lynette Clack / Tim Gotzion (Windsor Golf Ventures)
3. Location/Address: 6679 Highland Drive, Windsor, WI 53532
4. Taxkey Number: 0910-034-8750-1 & 0910-303-3044-7
5. Area: 1.11 acres
6. Existing Zoning: R-1 Residence District and RE-1 Recreational District (Dane County)
7. Proposed Zoning: R-1 Residence District
8. Future Land Use: Traditional Single Family Residential

OVERVIEW:

The applicant (homeowner) is requesting an adjustment of the rear lot line of the property through Certified Survey Map (CSM) to include the fence that is currently constructed on the adjacent property to the southeast owned by Windsor Golf Ventures. The fence was constructed beyond the extent of the residential lot in error, and the adjusted lot line is intended to match the location of the fence. In addition to the CSM, a rezone from RE-1 to R-1 will be needed for the 2,220 SF that will become part of the residential lot.

PLANNER COMMENTS:

Staff has the following comments regarding the proposed CSM and Rezone:

1. Normally, a minimum fence setback of at least 1 foot from the lot line is recommended, unless the adjacent landowners are in agreement that the fence can be located on the lot line. In this case, both parties are in agreement per the Certified Survey Map, so setback is not required.
2. The Village of DeForest provided a letter dated May 4, 2015 approving the Certified Survey Map subject to conditions.



Staff Review

SURVEYOR COMMENTS:

Staff has the following technical comments regarding the proposed CSM:

1. Within the Surveyor's Certificate the tie distance along the east line of the SE ¼ should be changed to 1,427.07 feet to match the map information.
2. "CERTIFIED SURVEY MAP" shall be printed on the map in prominent letters on each sheet with the location of the land by government lot, recorded private claim, quarter-quarter section, section, township, range and county noted.
3. The width of Highland Drive should be noted.

STAFF RECOMMENDATION:

Depending on confirmation by the Town of Windsor Board of the above described comments, the Town of Windsor Board may take the following action:

The Town of Windsor Board **Approves** the Certified Survey Map and Rezone request for Richard & Lynette Clack and Windsor Golf Ventures located at 6679 Highland Drive, Windsor WI, 53532 subject to the following conditions:

1. The petitioners shall obtain approval of the Certified Survey Map from the Village of DeForest.
2. The petitioners shall obtain approval of the Certified Survey Map and Rezone from Dane County.
3. The petitioners shall satisfy all conditions of approval by the Town of Windsor, Village of DeForest, and Dane County, and shall promptly record the Certified Survey Map with the Dane County Register of Deeds.
4. The Town of Windsor Board confirms that the petitioner shall not be required to make any payment towards Fees in Lieu of Parkland Dedication and Fees for Initial Improvement of Parkland.
5. The petitioners have reimbursed the Town of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the CSM and Rezone, including, but not limited to, the cost of professional services incurred by the Town of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.

COMPREHENSIVE PLAN CONSISTENCY:

The CSM request is consistent with the Town of Windsor Comprehensive Plan: 2025.

ZONING ORDINANCE CONSISTENCY:

The CSM request is consistent with Chapter 10 (Zoning) of the Dane County Code of Ordinances.

SUBDIVISION ORDINANCE CONSISTENCY:

The CSM request is consistent with Chapter 38, Article IV (Land Divisions) of the Town of Windsor Code of Ordinances, excluding any inconsistencies noted in comments above.

EXHIBITS:

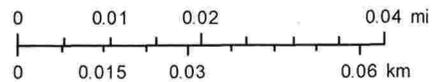
- A. DCiMap Aerial
- B. Certified Survey Map
- C. Zoning Change Map
- D. Village of DeForest Approval Letter

Clack CSM and Rezone



May 11, 2015

1:1,254



Parcel Number

House Number

CSM Text

Plat Labels

 Tax Parcels

Planning
Geophysical
Water Resources
Recreation
ParcelText

Contact Information

Applicant:

Name: SUE CLACK
 Address: 6679 Highland Drive
 City, State, Zip: WINDSOR, WI 53598
 Phone Number(s): 608-846-4892
 Cell Phone(s): _____
 Email Address(es): SUSAN.CLACK@GMAIL.COM

Surveyor:

Name: DAN PAULSON
 Address: 136 West Holom St
 City, State, Zip: DeForest, WI 53532
 Phone Number(s): 608-846-2523
 Cell Phone(s): _____
 Email Address(es): dan@paulsonllc.net

Attorney:

Name: _____
 Address: _____
 City, State, Zip: _____
 Phone Number(s): _____
 Cell Phone(s): _____
 Email Address(es): _____

Owner:	Name:	<u>SUE CLACK</u>	<u>WINDSOR Golf Ventures - Tim Gotziew</u>
	Address:		<u>6592 LAKE ROAD</u>
	City, State, Zip:		<u>WINDSOR, WI 53598</u>
	Phone Number(s):		<u>846-4711</u>
	Cell Phone(s):		<u>846-47</u>
	Email Address(es):		<u>tim@lakewindsor.com</u>

Engineer:

Name: _____
 Address: _____
 City, State, Zip: _____
 Phone Number(s): _____
 Cell Phone(s): _____
 Email Address(es): _____

Town of Windsor

Certified Survey Map Review

Certified Survey Map Application Form

The Town of Windsor Plan Commission typically meets on the third Tuesday of every month at 6:00 p.m., and the Town Board typically reviews planning issues on the third Thursday of every month at 5:00 p.m. (or as otherwise scheduled) at the Town Hall, 4084 Mueller Road. Applicants must submit an application for a Certified Survey Map no less than 30 days prior to the next regularly scheduled Plan Commission meeting.

The application shall: 1) be on forms made available from the Town and accompanied by the required fee and review escrow, 2) include 15 copies of the certified survey map drawn per the requirements of the Town Subdivision Ordinance, **Chapter 38 - Article IV - Division 6**; and 3) include a digital pdf copy of all submitted drawings and supplementary data.

The applicant is responsible for adhering to all requirements of Town ordinances, regulations, plans, and policies. This form shall not be deemed a substitute for the applicant's thorough reading and understanding of applicable Town ordinances, regulations, plans, and policies.

Process for Review and Approval

- 1) Consultation meeting with Town Staff (Optional)
- 2) Submittal (at least 30 days prior to next plan commission meeting) of application form, application fee, review escrow, and CSM with supplementary materials as described above
- 3) Staff review of application materials for compliance with requirements
- 4) Plan Commission review, public hearing, and recommendation
- 5) Town Board review, public hearing, and action
- 6) Subdivider shall record the CSM with the Dane County Register of Deeds within 30 days of approval by Town Board and any other approving agencies, and provide a copy of executed documents to Town Clerk

Technical Requirements of CSM

The CSM shall show correctly on its face all the information required by Wis. Statute 236.34, and shall meet all the surveying and monumenting requirements of Wis. Statute 236.15. In addition, the applicant shall submit the following documents which shall be considered to be incorporated with and made part of the CSM:

<i>Item</i>	Applicant
1 Deed Restrictions	N/A
2 Joint Maintenance Agreements	N/A

3	All certificates required by Wis. Stat. 236.34	✓
4	Final Street Plan	X/N/A
5	Final Stormwater Management Plan	N/A
6	Final Erosion and Sedimentation Control Plan	N/A
7	Soil and Subsurface Investigation Report	N/A
5	Traffic Control Plan	N/A
8	Water and Sewer Plans	N/A
9	Opinion of Probable Cost	N/A
10	Additional Plans or Information	N/A
11	Owner's and Mortgagee's certificates for Street Dedication	N/A

Checklist Legend:	
✓	submitted completely
N/S	not submitted
N/A	not applicable to project
W	waived for reasons to be described in staff report
P	submittal pending, material must be submitted prior to meeting as requested by staff
A	submittal pending, material required as condition for approval

Date Complete Application Submitted: April 24, 2015 Amy

DANE COUNTY CERTIFIED SURVEY MAP NO. _____

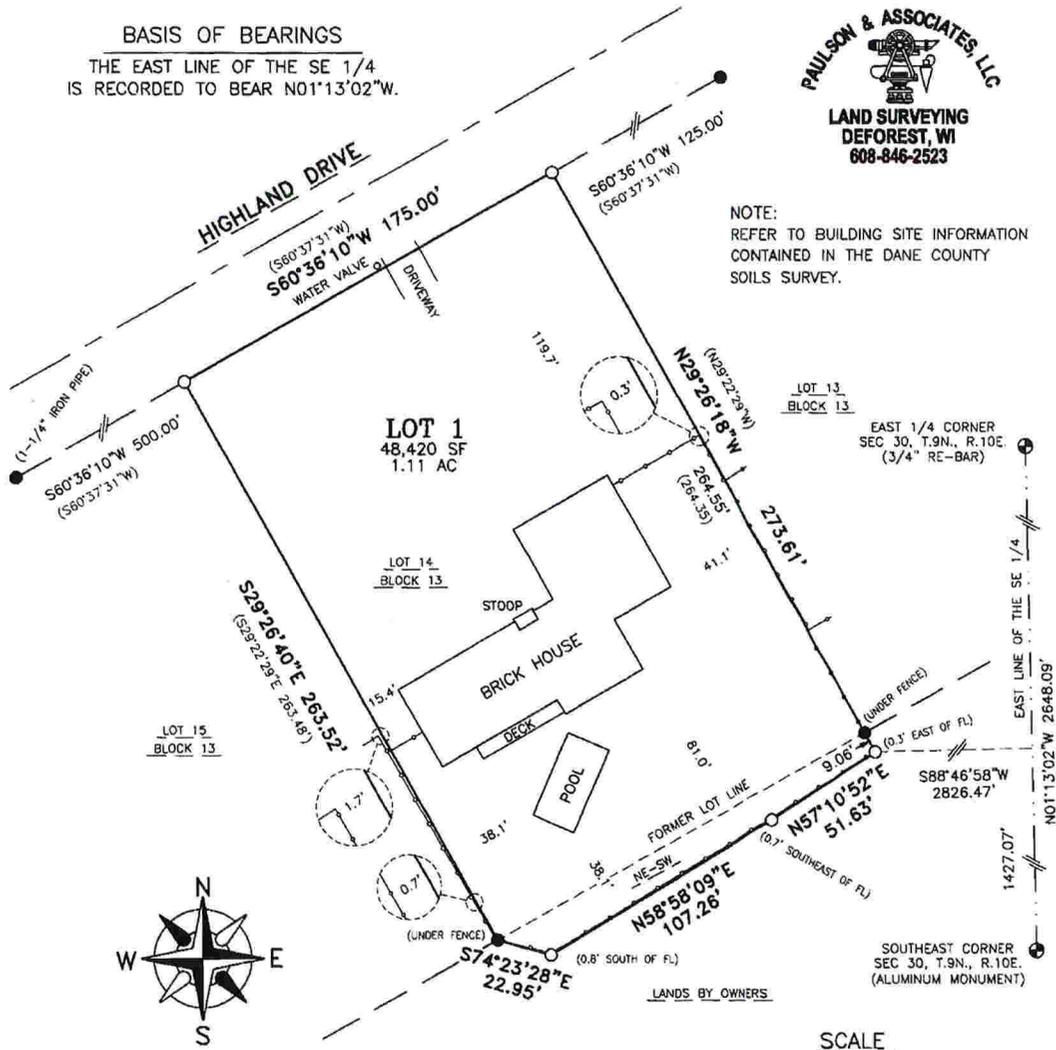
BEING LOT 14, BLOCK 13, FIFTH ADDITION TO LAKE WINDSOR AND LANDS;
 LOCATED IN THE NE 1/4 OF THE SW 1/4, SECTION 30,
 T9N, R10E, TOWN OF WINDSOR, DANE COUNTY, WISCONSIN

DOCUMENT NUMBER _____

BASIS OF BEARINGS
 THE EAST LINE OF THE SE 1/4
 IS RECORDED TO BEAR N01°13'02"W.

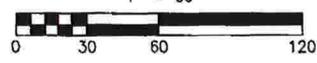


NOTE:
 REFER TO BUILDING SITE INFORMATION
 CONTAINED IN THE DANE COUNTY
 SOILS SURVEY.



LANDS BY OWNERS

SCALE
 1" = 60'



OWNER (LANDS)
 WINDSOR GOLF VENTURES, INC.
 Timothy W. Gotzion
 6592 Lake Road, Suite D
 Windsor, WI 53598

OWNER/CLIENT (LOT 14)
 Richard E. & Lynette S. Clack
 6679 Highland Drive
 Windsor, WI 53598

SURVEYOR
 PAULSON & ASSOCIATES, LLC
 Daniel A. Paulson
 136 W. Holm Street
 DeForest, WI 53532

LEGEND

- ⊙ DANE COUNTY SECTION CORNER (FOUND) (AS NOTED)
- 1-1/2" IRON PIPE (FOUND) (UNLESS NOTED)
- 3/4" x 24" ROUND IRON RE-BAR WEIGHING 1.50 LBS/LF (SET)
- () "RECORDED AS" INFORMATION
- FENCE LINE (FL)

SURVEYOR'S CERTIFICATE

I, Daniel A Paulson, Professional Land Surveyor **DO HEREBY CERTIFY** that by the direction of Lynette S. Clack, I have surveyed, divided, monumented, and mapped Lot 14, Block 13, Fifth Addition to Lake Windsor and lands; located in the NE ¼ of the SW ¼ of Section 30, Town 9 North, Range 10 East, Town of Windsor, Dane County, Wisconsin, described as follows:

COMMENCING at the Southeast Corner of Section 30;
thence N01°13'02"W, 2648.09 feet along the east line of the SE ¼ of Section 30;
thence S88°46'58"W, 2826.47 feet to the **POINT OF BEGINNING**;
thence N29°26'18"W (recorded as N29°22'29"W), 273.61 feet along the northeast line of Lot 14, Block 13, Fifth Addition to Lake Windsor to the north corner of said Lot 14;
thence S60°36'10"W (recorded as S60°37'31"W), 175.00 feet along the northwest line of Lot 14, Block 13, Fifth Addition to Lake Windsor to the west corner of said Lot 14;
thence S29°26'40"E, 263.52 feet (recorded as S29°22'29"E, 263.48 feet) along the southwest line of Lot 14, Block 13, Fifth Addition to Lake Windsor to the south corner of said Lot 14;
thence S74°23'28"E, 22.95 feet;
thence N58°58'09"E, 107.26 feet;
thence N57°10'52"E, 51.63 feet to the **POINT OF BEGINNING**.

Containing 48,420 square feet, 1.11 acres.
Subject to all recorded and unrecorded easements.

I do hereby certify that to the best of my knowledge and belief this survey is a correct representation of the boundaries of land surveyed and the division of that land and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes, Chapter 75.17 of Dane County Subdivision Ordinance, the Town of Windsor Code of Ordinances and the Village of DeForest Subdivision Regulations in surveying and mapping the same.

Daniel A. Paulson PLS-1699

Date:

TOWN OF WINDSOR APPROVAL CERTIFICATE

Approved for recording by the Windsor Town Board this _____ day of _____, 2015.

Authorized Representative
Windsor Town Board

DANE COUNTY APPROVAL CERTIFICATE

Approved for recording by the Dane County Zoning and Land Regulation Committee.

Date:

Authorized Representative

CERTIFICATE OF THE DANE COUNTY REGISTER OF DEEDS

Received for recording this _____ day of _____, 2015, at _____ o'clock __. M.
and recorded in Volume _____ of Certified Survey Maps of Dane County, Pages
_____.

DOCUMENT NO. _____
Dane County Register of Deeds

OWNERS CERTIFICATE

We, Timothy W. Gotzian, as president of Windsor Golf Ventures and Richard E. & Lynette S. Clack, as owners hereby certify that we caused the land described to be surveyed, divided, and mapped as represented on the map. We 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.

Timothy W. Gotzian Date _____

Richard E. Clack Date _____

Lynette S. Clack Date _____

STATE OF WISCONSIN)
_____ **COUNTY)**)SS

Personally came before me this _____ day of _____, 2015, the above Timothy W. Gotzian to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public _____, Wisconsin
My commission expires: _____

STATE OF WISCONSIN)
_____ **COUNTY)**)SS

Personally came before me this _____ day of _____, 2015, the above Richard E. & Lynette S. Clack to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public _____, Wisconsin
My commission expires: _____

VILLAGE OF DEFOREST APPROVAL CERTIFICATE

Approved for recording by the Village of DeForest this _____ day of _____, 2015.

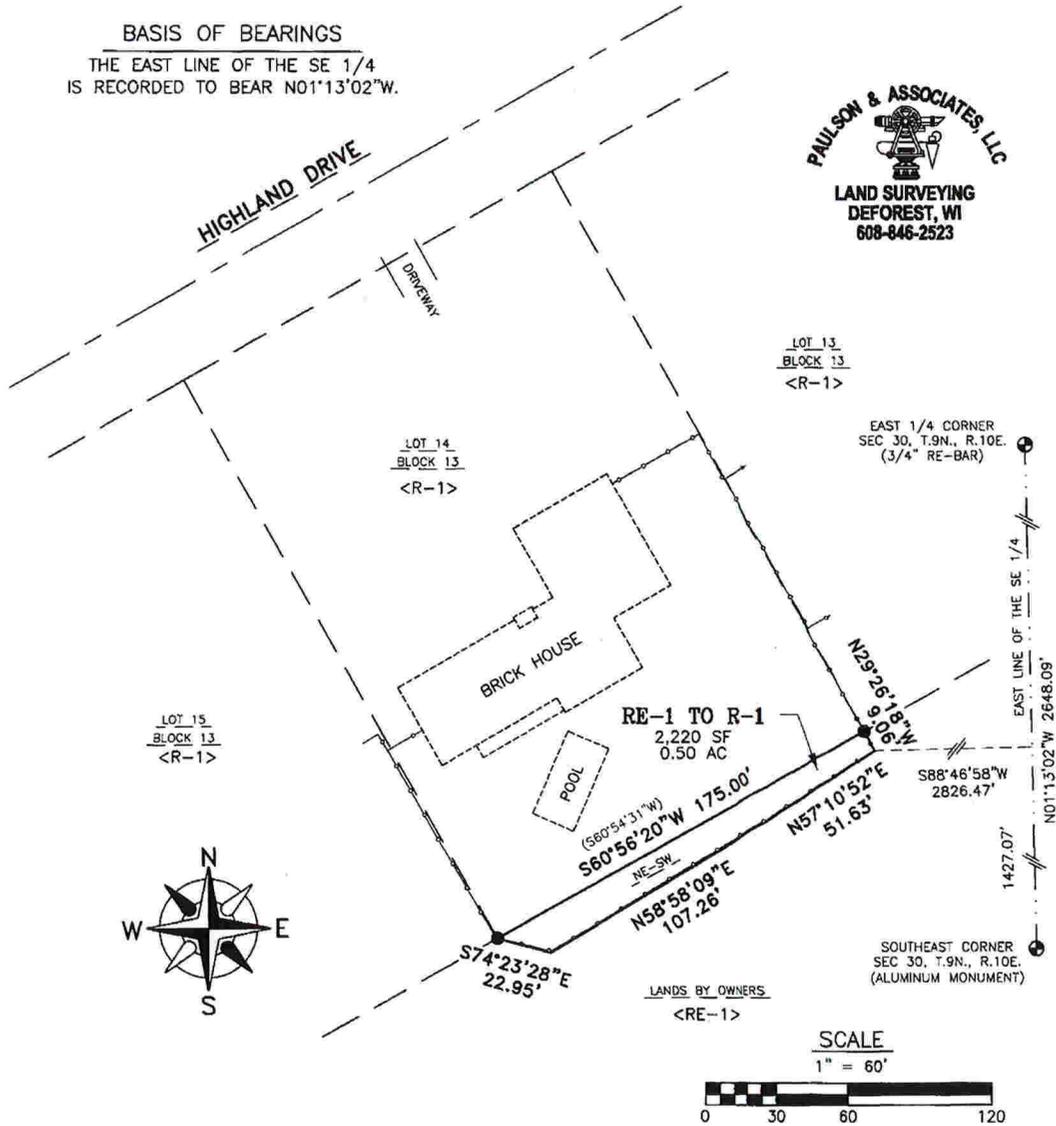
LuAnn Leggett, Deputy Administrator / Village Clerk

ZONING CHANGE MAP

BEING LOT 14, BLOCK 13, FIFTH ADDITION TO LAKE WINDSOR AND LANDS;
 LOCATED IN THE NE 1/4 OF THE SW 1/4, SECTION 30,
 T9N, R10E, TOWN OF WINDSOR, DANE COUNTY, WISCONSIN

DOCUMENT NUMBER _____

BASIS OF BEARINGS
 THE EAST LINE OF THE SE 1/4
 IS RECORDED TO BEAR N01°13'02"W.



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 PAULSON & ASSOCIATES, LLC
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 136 W. Holm Street
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LANDS BY OWNERS
 <RE-1>

SCALE
 1" = 60'



LEGEND

- ⊕ DANE COUNTY SECTION CORNER (FOUND) (AS NOTED)
- 1-1/2" IRON PIPE (FOUND) (UNLESS NOTED)
- () "RECORDED AS" INFORMATION
- FENCE LINE (FL)

**ZONING CHANGE LEGAL DESCRIPTION
FOR
Clack & Windsor Golf Ventures**

Located in the NE ¼ of the SW ¼ of Section 30, Town 9 North, Range 10 East, Town of Windsor, Dane County, Wisconsin, described as follows:

RE-1 to R-1

COMMENCING at the Southeast Corner of Section 30;
thence N01°13'02"W, 2648.09 feet along the east line of the SE ¼ of Section 30;
thence S88°46'58"W, 2826.47 feet to the **POINT OF BEGINNING**;
thence N29°26'18"W, 9.06 feet to the east corner of Lot 14, Block 13, Fifth Addition to Lake Windsor;
thence S60°56'20"W (recorded as S60°54'31"W) 175.00 feet along the southeast line of Lot 14, Block 13, Fifth Addition to Lake Windsor to the south corner of said Lot 14;
thence S74°23'28"E, 22.95 feet;
thence N58°58'09"E, 107.26 feet;
thence N57°10'52"E, 51.63 feet to the **POINT OF BEGINNING**.

Containing 2,220 square feet, 0.05 acres.
Subject to all recorded and unrecorded easements.



Daniel A. Paulson

PLS-1699

4-23-15

Date:

SEE "ZONING CHANGE MAP"



Village of DeForest

306 DeForest Street
DeForest, WI 53532
Phone (608) 846-6751
www.vi.deforest.wi.us

May 4, 2015

Dan Paulson
Paulson & Associates
136 West Holum Street
DeForest, WI 53532
Sent via email to dan@paulsonllc.net

RE: Approval of a 1-lot Certified Survey Map for Richard and Lynette Clack, Highland Drive (Fifth Addition to Lake Windsor and Lands), Town of Windsor

Dear Dan:

I am pleased to inform you that, on behalf of the Village of DeForest, I have approved the aforementioned CSM, application dated 4/22/2015, subject to the following conditions:

1. Prior to the addition of Village signature, verify and adjust as necessary the portion of the legal description on Sheet 2 before the description reaches the first "POINT OF BEGINNING." Should the distance of the N01°13'02"W bearing be 1407.27'?
2. The CSM shall be recorded, and a recorded copy filed with the Village, within 180 days of this approval, or such CSM approval shall be null and void.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Roffers".

Mark Roffers
Planning & Zoning Consultant

CC: Village Administrator
Village Clerk
Village Director of Public Works
Village Planning and Zoning Commission
Town of Windsor Planning and Development