

**TOWN OF WINDSOR  
TOWN BOARD  
RESOLUTION 2014-23**

RESOLUTION APPROVING POTTHAST CERTIFIED SURVEY MAP FOR THE PURPOSE  
OF A LOT LINE ADJUSTMENT FOR TWO PARCELS FURTHER DESCRIBED AS  
(BLOCK 7, LOTS 15 & 16) AND (BLOCK 7, LOT 17) IN THE VILLAGE OF WINDSOR  
GENERALLY LOCATED AT THE INTERSECTION OF  
3<sup>RD</sup> STREET AND DEPOT STREET, WINDSOR, WI.

**WHEREAS**, Richard J. Potthast, Jr., by Birrenkott Surveying, Inc., as surveyor, requests approval of a Certified Survey Map ("CSM") for the purpose of a lot line adjustment for two parcels further described as (Block 7, lots 15 & 16) and (Block 7, lot 17) in the village of Windsor generally located at the intersection of 3<sup>rd</sup> Street and Depot Street, Windsor, WI 53598; and

**WHEREAS**, the Town Planner has reviewed the request and prepared a Staff Report dated April 8, 2014 for the Plan Commission and an updated report for the May 15, 2014 Town Board meeting (collectively, "Staff Report") recommending approval, subject to certain conditions specified in the Staff Report; and

**WHEREAS**, following review of the CSM and Staff Report, and the Plan Commission Resolution 2014-08 from the Plan Commission, the Town Board wishes to approve the CSM, subject to the conditions specified herein.

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

- A. The Town of Windsor Town Board Approves the Certified Survey Map for Richard Potthast, Jr. ("Potthast" or the "petitioner") located in the SW ¼ of the NW ¼, Section 29, T9N, R10E, Town of Windsor, Dane County, Wisconsin subject to the following conditions:
1. The petitioner shall obtain approval of the CSM by the Village of DeForest.
  2. The petitioner shall obtain approval of the CSM by Dane County.
  3. The petitioner shall satisfy all conditions of approval by the Town of Windsor, Village of DeForest, and Dane County, and shall thereafter promptly record the CSM with the Dane County Register of Deeds, and provide a copy of the recorded CSM to the Town.
  4. The petitioner shall reimburse the Town of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the CSM, 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 confirms that the petitioner shall not be required to make any payment toward parkland dedication fees because of the above approval.
- C. The Town Board's approval expires six (6) months from the date of adoption of this Resolution. Time is of the essence. If the petitioner has not met all of the conditions set forth above prior to expiration, then this matter shall be re-referred to the Plan Commission prior to further action by the Town Board.

The above and foregoing Resolution was duly adopted at a regular meeting of the Town Board of the Town of Windsor on the 15<sup>th</sup> day of May, 2014.

**TOWN OF WINDSOR**

Robert E. Wipperfurth  
Robert E. Wipperfurth, Town Chairperson

Bruce Stravinski  
Bruce Stravinski, Town Supervisor

Monica M. Smith  
Monica M. Smith, Town Supervisor

Donald G. Madelung  
Donald G. Madelung, Town Supervisor

Alan Buchner  
Alan Buchner, Town Supervisor

Attest: Christine Capstran  
Christine Capstran  
Clerk

Attachment: CSM (incorporated by reference)

**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:** May 05, 2014

**MTG DATE:** May 13, 2014

**FOTH FILE:** 12W027.01/20

**RE:** Richard Potthast, Jr. - Certified Survey Map

**BACKGROUND:**

1. Property Owner/Petitioner: Richard Potthast, Jr.
2. Agent: Birrenkott Surveying, Inc.
3. Location/Address: Lots 15, 16 and 17, Block 7, Village of Windsor, Located in the SW ¼ of the NW ¼, Section 29, T9N, R10E, Town of Windsor, Dane County, Wisconsin
4. Taxkey Number: 0910-292-5056-0 and 0910-292-5078-0
5. Area: Lot 1 – 0.25ac and Lot 2 – 0.24ac
6. Existing Zoning: C-2 Heavy Commercial
7. Proposed Zoning: N/A
8. Future Land Use: Neighborhood Mixed Use

**OVERVIEW:**

The petitioner proposes to combine three existing lots (Village of Windsor Plat Lots 15, 16 and 17) into two new lots (Lots 1 and 2). The petitioner intends to sell Lots 1 and 2 to the current tenants who own/operate the commercial uses.

**SURVEYING COMMENTS:**

Staff has no technical comments regarding the Certified Survey Map per Wis. Stats. 236.34 and the Town of Windsor Code of Ordinances.

**PLANNING COMMENTS:**

The Village of Windsor Plat was recorded in 1873 predating the adoption of the Dane County Code of Ordinances. As such, the required setbacks for the principal structures are: front yard – twenty (20) feet, rear yard – ten (10) feet, and side yard – ten (10) feet. The required setback for the accessory structure is: rear and side yard – four (4) feet. The principal structures are conforming but the accessory structure is nonconforming. The petitioner may continue the use of the accessory structure; however, any future additions or structural alterations shall conform to the applicable provisions of the Dane County Code of Ordinances.

## 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** of the Certified Survey Map for Richard Potthast, Jr. located in the SW ¼ of the NW ¼, Section 29, T9N, R10E, Town of Windsor, Dane County, Wisconsin subject to the following conditions:

1. The petitioner shall obtain approval of the CSM by the Village of DeForest.
2. The petitioner shall obtain approval of the CSM by Dane County.
3. The petitioner shall satisfy all conditions of approval by the Town of Windsor, Village of DeForest, and Dane County, and shall thereafter promptly record the CSM with the Dane County Register of Deeds.
4. The petitioner has reimbursed the Town of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the CSM, 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 property and use are in compliance with the Town of Windsor Comprehensive Plan: 2025.

## ZONING ORDINANCE CONSISTENCY:

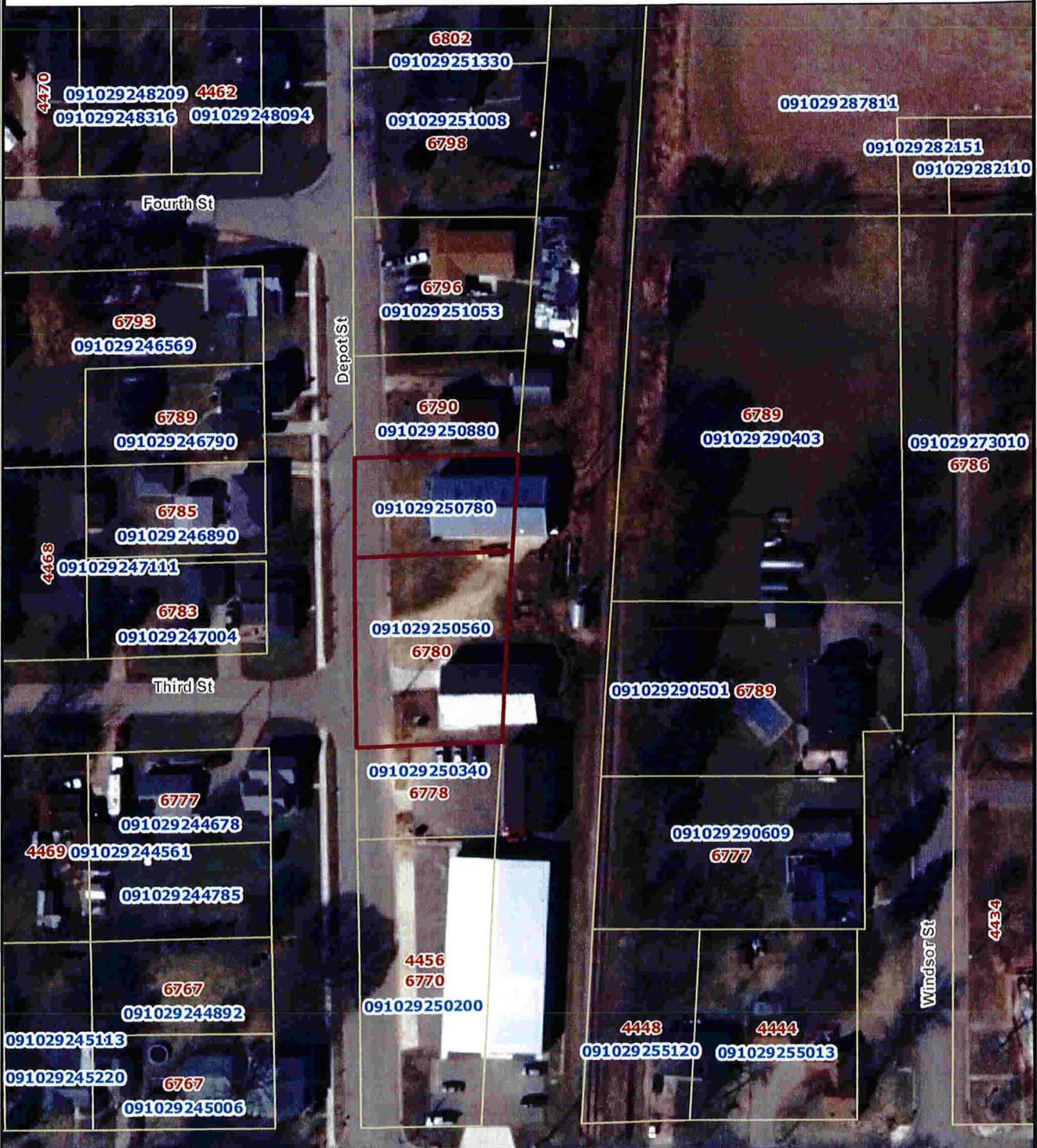
The property and use are in compliance with the Dane County Zoning Ordinance.

## EXHIBITS:

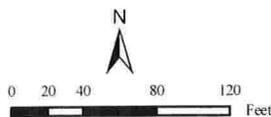
- A. Aerial Photograph of Property
- B. Certified Survey Map
- C. Village of Windsor Plat

# Richard Potthast, Jr.

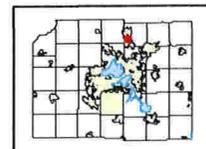
Depot Street CSM



This map was prepared by the Dane County Land Information Office from records and data located in various public offices. Map information is believed to be accurate but is not guaranteed to be without error. Source data used to compile this map is dynamic and in a constant state of maintenance, correction and update. This map does not represent a field survey and is not intended to be used as one. For general cartographic and reference purposes only.



Locator Map





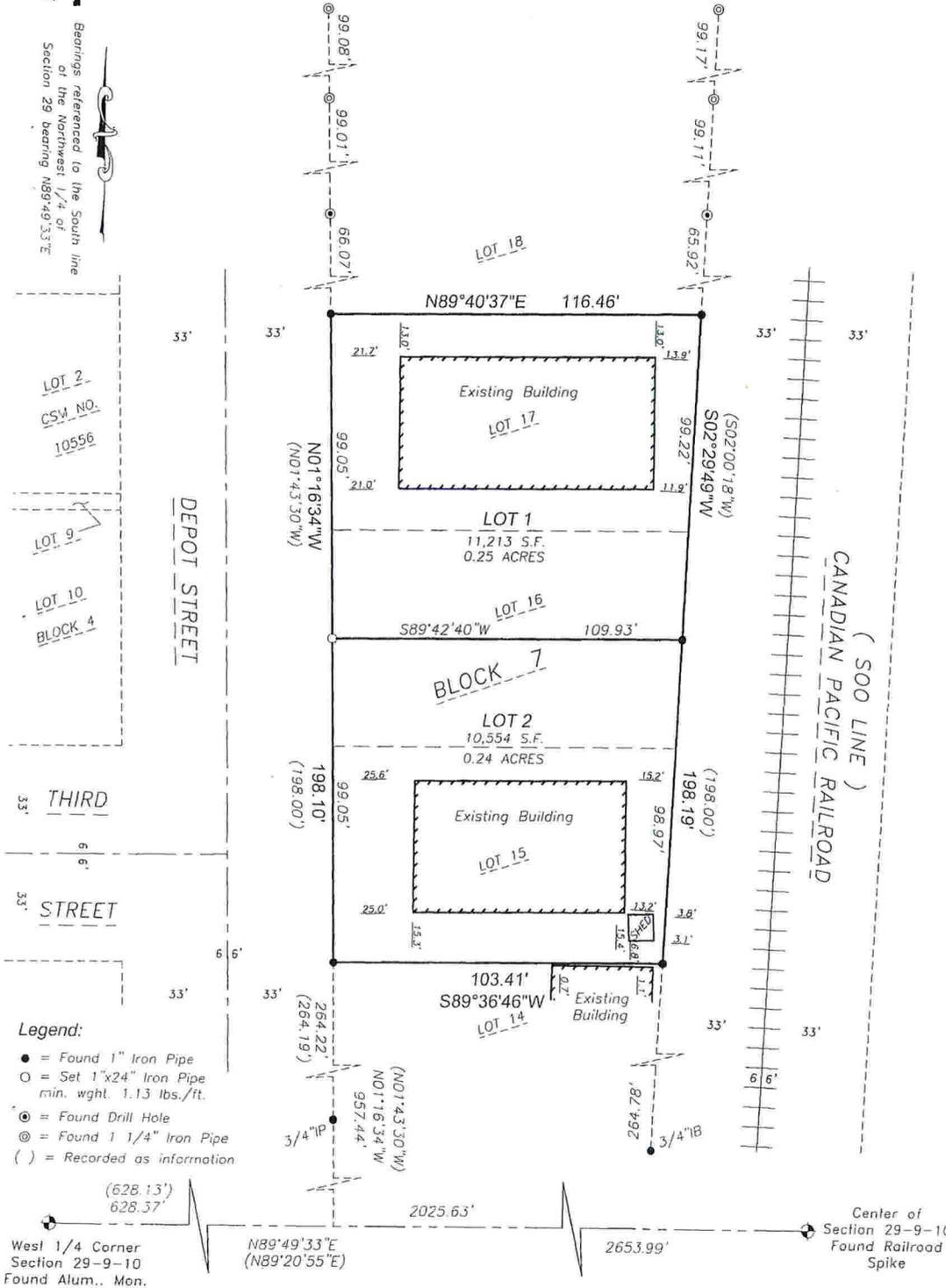
**BIRRENKOTT  
SURVEYING, INC.**

P.O. Box 237  
1677 N. Bristol Street  
Sun Prairie, WI. 53590  
Phone (608) 837-7463  
Fax (608) 837-1081

# CERTIFIED SURVEY MAP

LOTS 15, 16 AND 17, BLOCK 7, VILLAGE OF WINDSOR, LOCATED  
IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, SECTION 29,  
T9N, R10E, TOWN OF WINDSOR, DANE COUNTY WISCONSIN

Bearings referenced to the South line  
of the Northwest 1/4 of  
Section 29 bearing N89°49'33"E



**DRAFT**



# CERTIFIED SURVEY MAP

DATED: March 7, 2014

**Birrenkott  
Surveying, Inc.**

P.O. Box 237  
1677 N. Bristol Street  
Sun Prairie, Wisconsin 53590  
Phone (608) 837-7463  
Fax (608) 837-1081

**Surveyor's Certificate:**

I, Daniel V. Birrenkott, hereby certify that this survey is in full compliance with Chapter 236.34 of Wisconsin Statutes. I also certify that by the direction of the owner listed hereon, I have surveyed and mapped the lands described hereon and that the map is a correct representation of all the exterior boundaries of the land surveyed and the division of that land, in accordance with the information provided.

Daniel V. Birrenkott, Registered Land Surveyor No. S-1531

**Description:**

Lots 15, 16 and 17, Block 7, Village of Windsor, located in the Southwest 1/4 Northwest 1/4, Section 29, T9N, R10E, Town of Windsor, Dane County Wisconsin, more fully described as follows: Commencing at the West 1/4 corner of said Section 29; thence N89°49'33"E, 628.37 feet (recorded as N89°20'55"E, 628.13 feet) along the South line of said Northwest 1/4 to a point on the Southerly extension of the East right-of-way line of Depot Street; thence N01°16'34"W (recorded as N01°43'30"W), 957.44 feet along said extension and right-of-way line to the Southwest corner of said Lot 15 and the point of beginning; thence continuing N01°16'34"W 198.10 feet (recorded as N01°43'30"W, 198.00 feet) along said right-of-way line to the Northwest corner of said Lot 17; thence N89°40'37"E, 116.46 feet along the North line of said Lot 17 to the West right-of-way line of the Canadian Pacific Railroad; thence S02°29'49"W, 198.19 feet (recorded as S02°00'18"W, 198.00 feet) along said West right-of-way line to the Southeast corner of said Lot 15; thence S89°36'46"W, 103.41 feet along the South line of said Lot 15 to the said Southwest corner of Lot 15 and the point of beginning. Containing 21,767 sq. ft., or 0.49 acres.

**Owners Certificate:**

As owners, we hereby certify that we have caused the lands described on this Certified Survey Map to be surveyed, divided and mapped as shown on this Certified Survey 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.

Richard H. Potthast Jr.

Cynthia L. Potthast

**State of Wisconsin )**

**County of Dane )** ss Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, the above named Richard H. Potthast Jr., and Cynthia L. Potthast, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, Dane County, Wisconsin

My Commission Expires \_\_\_\_\_.

**Village of DeForest Approval Certificate:**

This Certified Survey Map, including any public highway right-of-way dedication designated hereon, has been duly filed with and approved by the Village of DeForest, Dane County, Wisconsin.

This \_\_\_\_\_ day of \_\_\_\_\_, 2014.

LuAnn Leggett, Village Clerk

**Town of Windsor approval Certificate:**

This Certified Survey Map, including the public highway right-of-way dedication designated herein, is hereby acknowledged and accepted by the Town of Windsor.

Christine Capstran, Clerk, Town of Windsor

Dated

**Notes:**

Utility Easement: No poles or buried cables are to be placed on any lot line or corner.  
The disturbance of a survey stake by anyone is in violation of Section 236.32 of Wisconsin Statutes.  
This survey is subject to any and all easements and agreements both recorded and unrecorded.

**Surveyed For:**

Richard Potthast, Jr.  
W6494 Stewart Rd.  
Poyette, WI 53955

Approved for recording per Dane County Zoning and Land Regulation Committee

action of \_\_\_\_\_, 2014 by \_\_\_\_\_  
Daniel Everson, Authorized Agent

**Register of Deeds Certificate:**

Received for recording this \_\_\_\_\_ day of \_\_\_\_\_, 2014

Surveyed: TAS

Drawn: TK

Checked:

Approved: DVB

Field Book: 344/14

Tape/File: J:\2014\CARLSON

Sheet 2 of 2

Office Map No.: 140073CSM

at \_\_\_\_\_ o'clock \_\_\_\_\_ m and recorded in Volume \_\_\_\_\_ of Certified Survey

Maps of Dane County on Pages \_\_\_\_\_.

Document No. \_\_\_\_\_  
Kristi Chlebowski, Register of Deeds

Certified Survey Map No. \_\_\_\_\_, Volume \_\_\_\_\_, Page \_\_\_\_\_

**TOWN OF WINDSOR**

General Information and Application for Development, Land Division, Site Plan and Zoning

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 a complete application and materials no less than 30 days prior to the next regularly scheduled Plan Commission meeting.

**Requested Action:**

<input type="checkbox"/> Rezone	<input type="checkbox"/> Concept Plan	<input type="checkbox"/> Site Plan Review
<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Final Plat
<input type="checkbox"/> Variance	<input checked="" type="checkbox"/> Certified Survey Map	

**Other Agencies that may need to be addressed (staff will provide direction):**

<input type="checkbox"/>	Dane County Zoning
<input type="checkbox"/>	City of Sun Prairie
<input checked="" type="checkbox"/>	Village of DeForest
<input type="checkbox"/>	Token Creek Conservancy Committee or Windsor Parks Commission
<input type="checkbox"/>	Capital Area Regional Plan Commission (CARPC)
<input type="checkbox"/>	Wisconsin Department of Transportation (DOT)
<input type="checkbox"/>	Wisconsin Department of Natural Resources (DNR)

**Project Location:**

6780 Depot St.

**Parcel Number(s)**

0910-292-5056-0 And 0910-292-5078-0.

**Zoning Jurisdiction:**

<input type="checkbox"/>	City of Sun Prairie / Town of Windsor Extra Territorial Zoning
<input checked="" type="checkbox"/>	Dane County

**Applicant Statement (Must be signed prior to the time the Application is reviewed by staff).**

I have reviewed and understand the Town of Windsor subdivision ordinance, site plan review ordinance and applicable zoning ordinance as they relate to technical specifications, required submittal information, and standards for approval relating to this request and those standards governing the Town's recommendations and decisions.

I understand an administrative fee will be assessed for review of my project by the Town and its consultants, and that payment in full is required as a condition for approval. Consultant fees are invoiced and paid separately by the applicant in addition to any application fees.

_____	_____
Applicant Signature	Date

# 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 30 copies of the certified survey map drawn per the requirements of Section 4.4 of the Town Subdivision Ordinance, 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 (per Sections 4.1, 4.5, and 4.13 of Subdivision Ordinance)**

- 1) Consultation meeting with Town Staff
- 2) Submittal (at least 30 days prior to next plan commission meeting) of application form, fees and review escrow, and CSM and 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 (per Section 4.12 of Town Subdivision Ordinance)**

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:

	Item	Applicant
1	Deed Restrictions	A
2	Joint Maintenance Agreements	NA

3	All certificates required by Wis. Stat. 236.34	N/A
4	Final Street Plan	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: \_\_\_\_\_

Contact Information

**Applicant:** Name: Richard H. Potthast Jr.  
 Address: W6494 Stewart Rd.  
 City, State, Zip: POynette, WI 53955  
 Phone Number(s): 846-4964  
 Cell Phone(s): 444-5341  
 Email Address(es): \_\_\_\_\_

**Surveyor:** Name: Birrenkott Surveying Inc.  
 Address: 1677 N. Bristol St.  
 City, State, Zip: Sen Prairie, WI 53590  
 Phone Number(s): 837-7463  
 Cell Phone(s): \_\_\_\_\_  
 Email Address(es): AKasper@BirrenkottSurveying.com

**Attorney:** Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Phone Number(s): \_\_\_\_\_  
 Cell Phone(s): \_\_\_\_\_  
 Email Address(es): \_\_\_\_\_

**Owner:** Name: Same as Applicant  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Phone Number(s): \_\_\_\_\_  
 Cell Phone(s): \_\_\_\_\_  
 Email Address(es): \_\_\_\_\_

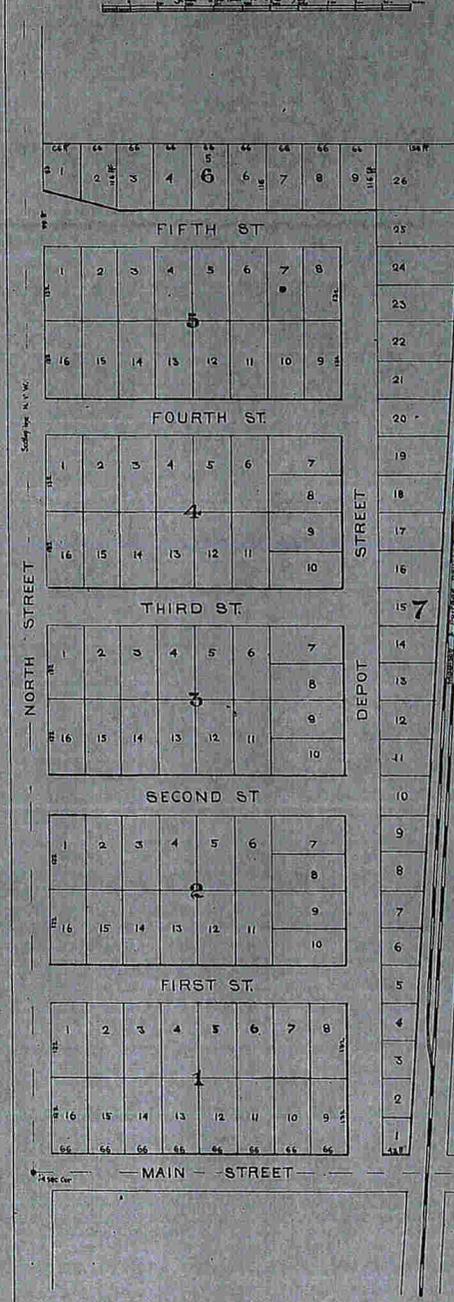
**Engineer:** Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Phone Number(s): \_\_\_\_\_  
 Cell Phone(s): \_\_\_\_\_  
 Email Address(es): \_\_\_\_\_

VILLAGE OF

# Windsor

DANE CO. WIS.

Scale: 1" = 100' (to 1000' only)



*Doc # 166*

I hereby certify that the plan on file in the office of the Village of Windsor is correct as prepared by the engineer and approved by the Board of Supervisors of the Village of Windsor on the 15th day of March 1893.

L. P. Drake, Clerk of the Board of Supervisors.

I, M. C. Cooper, of Dane County, Clerk of the Village of Windsor, do hereby certify that the above is a true and correct copy of the plan on file in the office of the Village of Windsor on the 15th day of March 1893.

M. C. Cooper, Clerk.

I, M. C. Cooper, of Dane County, Clerk of the Village of Windsor, do hereby certify that the above is a true and correct copy of the plan on file in the office of the Village of Windsor on the 15th day of March 1893.

M. C. Cooper, Clerk.

Record Office: Recorded March 8, 1893 at 11:00 o'clock A.M.

L. J. Drake, Register.

*Sec # 60096 & Order For Vacation recorded Dec 13/30 with P. 93*

