

**VILLAGE OF WINDSOR
RESOLUTION 2018-34**

**APPROVAL OF A CERTIFIED SURVEY MAP
FOR 7441 & 7445 COUNTY HIGHWAY C
IN THE VILLAGE OF WINDSOR, DANE COUNTY**

WHEREAS, David & Kimberly Baldwin (the "Petitioners"), on behalf of Arthur & Loretta Paulman (the "Owners"), are requesting approval of (1) a Certified Survey Map to consolidate four (4) parcels into two lots, each with an existing residence; and (2) Rezone of Lot 1 from A1-EX, Exclusive Agriculture Zoning District to A-2(4), Agricultural Zoning District, located at 7441 & 7445 County Highway C (the "Subject Property"); and

WHEREAS, the Petitioners obtained Conditional Approval of the Certified Survey Map and Rezone request in Plan Commission Resolution 2018-08; and

WHEREAS, the Village Director of Planning / Zoning Administrator has reviewed the Petitioners' request and prepared a Staff Report dated April 19, 2018 recommending approval, subject to certain conditions specified in the Staff Report; and

WHEREAS, following review of information presented at the Plan Commission and the Village Board meetings, and the Staff Report recommending approval, the Village Board approves the Certified Survey Map and Rezone request, subject to the conditions specified in the Staff Report and as set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Windsor, Dane County, Wisconsin as follows:

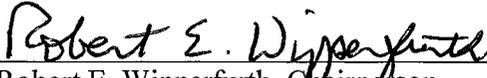
The Village of Windsor Board Approves the Certified Survey Map for David & Kimberly Baldwin (the "Petitioners"), on behalf of Arthur & Loretta Paulman (the "Owners") for property located at 7441 & 7445 County Highway C, DeForest, WI 53532, subject to the following conditions:

1. The Petitioner shall address the technical comments set forth in the Village Staff Comments section of the Staff Report to the satisfaction of the Director of Planning / Zoning Administrator.
2. The Petitioner shall address the comments/concerns set forth in the Village Policy Comments/Concerns section of this Staff Report to the satisfaction of the Village Attorney and Director of Planning / Zoning Administrator.
3. The Petitioner shall record a deed restriction, in a form approved by the Village Attorney, acknowledging that both lots have exhausted their development rights per the Village of Windsor Comprehensive Plan: 2035 and shall be restricted from any further land division.

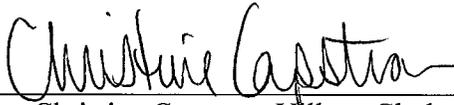
4. The Petitioner shall record a deed restriction, in a form approved by the Village Attorney, acknowledging during any period Paulman Road is a public road the restriction on Lot 1 prohibiting the keeping of livestock within any structure located within the 50-foot setback area, and the restriction on Lot 2 that the shed located thereon is a legal non-conforming structure.
5. The Village of Windsor waives the requirements for payment of Fees in Lieu of Parkland and Fees for Initial Improvement of Parkland because the residential properties existed prior to adoption of the ordinance and no new residential lots of record are being created as a result of the Certified Survey Map.
6. The Petitioner shall petition the Village Board to vacate the Village Road in accordance with section 66.1003(3) of the Wisconsin Statutes, or consent and cooperate with the initiation of such vacation by the Village Board in accordance with section 66.1003(4) of the Wisconsin Statutes, at the option of the Village Board.
7. The Petitioner shall record a joint driveway agreement for Lot 1 and Lot 2, in a form approved by the Village Attorney.
8. The Petitioner shall satisfy all conditions of approval by the Village of Windsor and any other approving authorities and shall thereafter promptly record the Certified Survey Map with the Dane County Register of Deeds.
9. The Petitioner shall promptly reimburse the Village of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the Certified Survey Map, including, but not limited to, the cost of professional services incurred by the Village of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.
10. The Windsor Village Board's approval of the Certified Survey Map expires one hundred eighty (180) days from the date of adoption of this Resolution. Time is of the essence. If the Petitioners encounter an unforeseen development delay, as determined by the Zoning Administrator, the Zoning Administrator is authorized to extend the one hundred eighty (180) days expiration up to an additional one hundred twenty (120) days. If the Petitioners are unable to or do not act on the Windsor Village Board's approval prior to expiration, then this matter shall be re-referred to the Village of Windsor Plan Commission prior to further action by the Village of Windsor Board.

The above and foregoing Resolution was duly adopted at a meeting of the Village Board of the Village of Windsor held on May 3, 2018, by a vote of 5 in favor and 0 opposed.

VILLAGE OF WINDSOR


Robert E. Wipperfurth, Chairperson

Attested by:



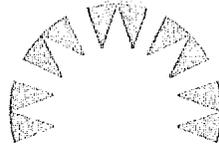
Christine Capstran, Village Clerk

INCORPORATED BY REFERENCE:

Staff Report Dated April 19, 2018

Ordinance 2018-12

Plan Commission Resolution 2018-08



Windsor

Growing Forward

To: Village of Windsor Board
Cc: Robert Wipperfurth, Tina Butteris, Christine Capstran, Kevin Richardson, William Cole
From: Amy Anderson Schweppe, Jamie Rybarczyk
Rpt Date: April 19, 2018
Mtg Date: May 3, 2018
Submtl Date: February 27, 2018
Aprvl Date: May 28, 2018
Re: Paulman – Certified Survey Map and Rezone

BACKGROUND:

Petitioner: David & Kimberly Baldwin
Property Owner: Arthur & Loretta Paulman
Location / Address: 7441 & 7445 County Highway C, DeForest, WI
Taxkey Number: 0910-123-8830-3; 0910-123-8230-9; 0910-123-9001-4 & 0910-123-9550-0
Area: 47.10 Acres
Existing Zoning: A1-EX, Exclusive Agriculture
Proposed Zoning: Lot 1 = A-2(8), Agriculture & Lot 2 = A1-EX, Exclusive Agriculture
Future Land Use: Agriculture Preservation

REQUEST:

The Petitioner is requesting approval of a Certified Survey Map in order to consolidate the property into two lots, each with an existing residence. Lot 1 is proposed to be 11.6 acres and rezoned to A-2, Agriculture District. Lot 2 is proposed to be 35.5 acres and remain A1-EX, Exclusive Agriculture District.

OVERVIEW:

The subject property is currently located on four (4) separate parcels. There are two home sites on the subject property. The northern home site is surrounded by farm buildings and is presumed to be the original farm residence. The southern home site was constructed in 2005. There is a 50-foot dedicated Village Road that provides access to both residential sites.

VILLAGE STAFF COMMENTS:

The Planning, Zoning and Development Department provides the Village Board with the following **planning, zoning and development** comment(s):

1. Village of Windsor Code of Ordinances: Chapter 52 Zoning:

The rezone of Lot 1 is consistent with the requirements of the A-2, Agriculture District; however, the two (2) westernmost sheds do not have the minimum 50-foot setback requirement from the property line for the housing of livestock. The Village requests that a deed restriction be recorded with the property acknowledging that housing livestock is prohibited from these structures.

Lot 2 is consistent with the requirements of A1-EX, Exclusive Agriculture District; however, the shed near the Village Road does not meet the minimum 10-foot setback requirement from the property line. The Village of Windsor requests that a deed restriction be recorded with the property acknowledging that the shed is deemed a legal non-conforming structure.

2. Village of Windsor Code of Ordinances: Chapter 38 Land Division: The Certified Survey Map is consistent with the requirements for land divisions.

3. Village of Windsor Comprehensive Plan: 2035: The Certified Survey Map and Rezone are both consistent with the Village of Windsor Comprehensive Plan: 2035. The total available residential “splits” is one (1)

$$47.1 \text{ ac}/35 \text{ ac} = 1.34 \text{ splits}$$

Both Lots 1 and 2 of the proposed CSM will require a deed restriction prohibiting future land division and residential development.

4. Village of Windsor Comprehensive Outdoor Recreation Plan: 2015-2020: The application does not impact any future park and recreation plans for the Village of Windsor.

The Surveying Department provides the Village Board with the following **surveying** comment(s):

1. This parcel of land is located in the Village of Windsor and should be noted in the legal descriptions.
2. The bearings and distances shown in detail A are incorrect, the span between the north right of way and south right of way is closer to 50’ rather than 51’.
3. The legal description gives reference to the “East right-of-way of County Highway C” but should be the West right-of-way.
4. The legal description calls out a distance of 1872.43 feet back to the point of beginning but should be 1194.50 feet.
5. The road name should be underscored with a dotted or dashed line.
6. The notary public statement should include the owner’s names.
7. Each sheet should be signed, sealed and dated by the surveyor.

8. Should a road dedication be required it should be noted in the surveyor's and owner's certificates and approved and accepted by Dane County.
9. Page 1 & 2, should include a driveway easement area if the Village Road is vacated.
10. Page 1 & 2, should include all building and structure detail including full representation of buildings and silos.
11. Page 2, confirm location of private well for proposed lot 1 of the CSM or provide shared well agreement.

The Engineering Department provides the Village Board with the following **engineering** comment(s):

1. The Village Engineer has no objections to the land division and rezone.

The DeForest Windsor Fire & EMS District provides the Village Board with the following **fire and emergency services** comment(s):

1. The DeForest Windsor Fire & EMS District has no objections to the land division or rezone.

The **Dane County Highway and Transportation Division** provides the Village Board with the following comment(s):

1. Highway C will require a dedication of 40 feet from the centerline of CTH C and dedication of vision triangles (150 feet along the centerlines) at the intersection with the Village Road.

VILLAGE PLAN COMMISSION RECOMMENDATION:

On April 12, 2018 the Village Plan Commission recommended to the Village Board Approval of the Rezone and Certified Survey Map request for David and Kimberly Baldwin located at 7441 & 7445 County Highway C, DeForest, WI by Resolution 2018-08.

Exhibit B provides the unofficial meeting minutes for the Village Plan Commission regarding the Petitioner's request.

VILLAGE POLICY COMMENTS/CONCERNS:

The Village Staff provides the Village of Windsor Board with the following policy comments/concerns that require further discussion and action:

1. The Fee in Lieu of Parkland Dedication and Fee for Initial Improvement of Parkland should be waived since both residences existed before the adoption of the ordinance and no new residential development will be permitted with this land division.
2. The Village Road is a private driveway serving two residences. Village Staff does not anticipate needing this road for future public access. In addition, the road does not meet Village Standards; therefore, Village Staff recommends the Village Road be vacated.

On April 19, 2018 the Village of Windsor Board introduced Resolution 2018-28 initiating the process for vacation of the Village Road. Should the vacation of the Village Road proceed, a joint driveway agreement will be required.

VILLAGE STAFF RECOMMENDATION:

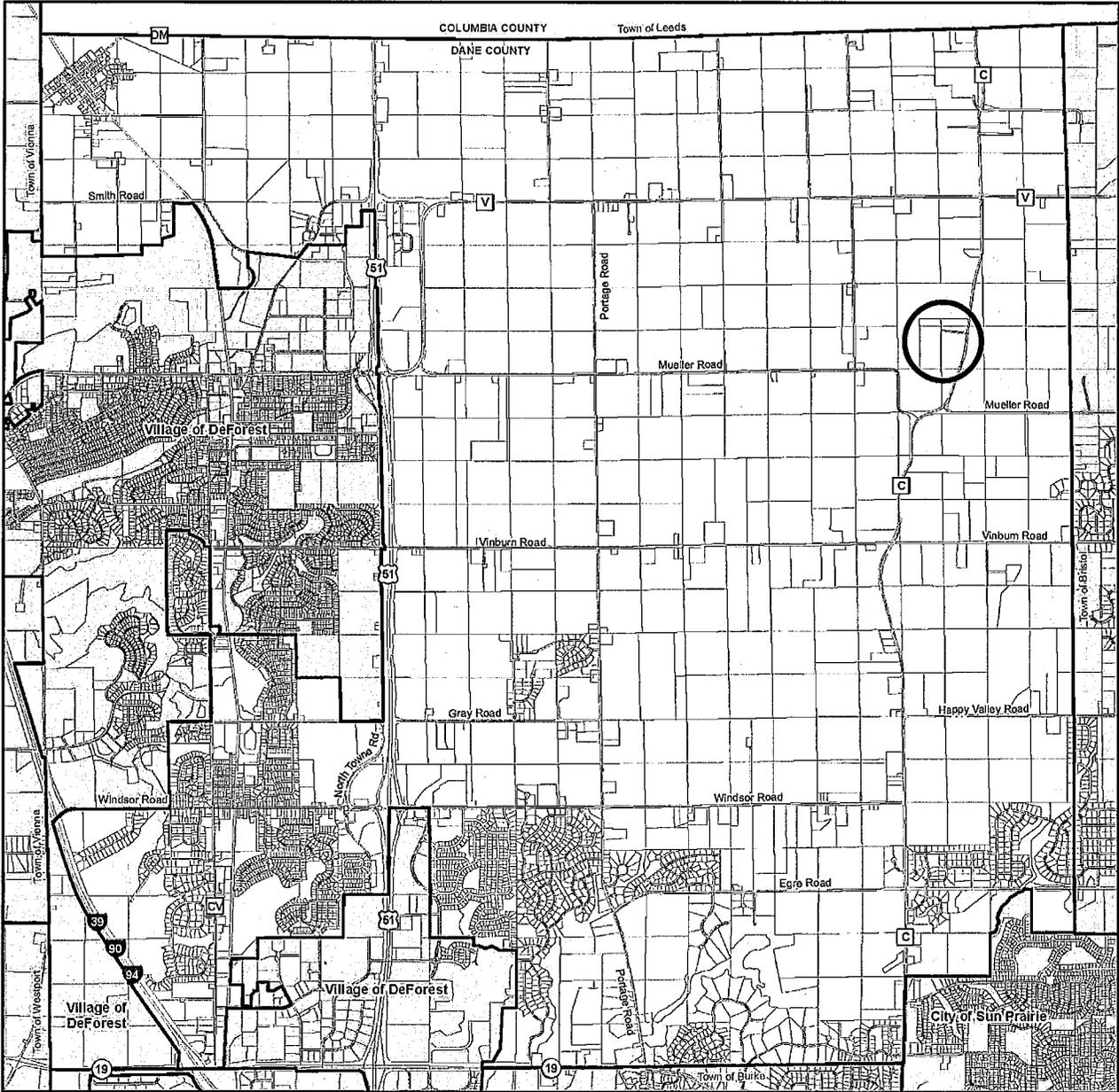
Depending on confirmation by the Village of Windsor Board of the above described comments, the Village of Windsor Board may take the following action:

The Village of Windsor Board **Approves** the Certified Survey Map and Rezone request for David and Kimberly Baldwin (for Arthur and Loretta Paulman) located at 7441 & 7445 County Highway C, DeForest, WI, subject to the following conditions:

1. Rezone
 - a. Lot 1 of the Certified Survey Map shall be rezoned from A1-EX, Exclusive Agriculture District to A-2, Agriculture District.
 - b. Lot 2 of the Certified Survey Map shall remain A1-EX, Exclusive Agriculture District.
 - c. The Rezone shall have a delayed effective date and shall take effect at such time as the Petitioner receives approval of the Certified Survey Map from the Village of Windsor Board.
2. Certified Survey Map
 - a. The Petitioner shall address the technical comments set forth in the Village Staff Comments section of this Staff Review to the satisfaction of the Director of Planning/Zoning Administrator.
 - b. The Petitioner shall address the comments/concerns set forth in the Village Policy Comments/Concerns section of this Staff Review to the satisfaction of the Village Attorney, and Director of Planning/Zoning Administrator.
 - c. The Petitioner shall record a deed restriction, in a form approved by the Village Attorney, acknowledging that both lots have exhausted their development rights per the Village of Windsor Comprehensive Plan: 2035 and shall be restricted from any further land division.
 - d. The Petitioner shall record a deed restriction, in a form approved by the Village Attorney, acknowledging the restrictions on Lot 1 – housing livestock is prohibited from the structures that do not meet the required 50-foot setback requirement, AND Lot 2 – the shed is deemed a legal non-conforming structure.
 - e. The Village of Windsor shall waive the requirements for payment of Fees in Lieu of Parkland and Fees for Initial Improvement of Parkland because the residential properties existed prior to adoption of the ordinance and no new residential lots of record are being created as a result of the Certified Survey Map.
 - f. The Petitioner shall consent and cooperate with the initiation of the vacation of the Village Road by the Village Board in accordance with section 66.1003(4) of the Wisconsin Statutes, at the option of the Village Board. The Petitioner shall present to the Village Attorney and Director of Planning/Zoning Administrator a fully executed joint driveway agreement in a form approved by the Village Attorney.

- g. The Petitioner shall satisfy all conditions of approval by the Village of Windsor and any other approving authorities and shall thereafter promptly record the Certified Survey Map with the Dane County Register of Deeds.
3. The Petitioner shall promptly reimburse the Village of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the Certified Survey Map and Rezone request, including, but not limited to, the cost of professional services incurred by the Village of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.
4. The Village of Windsor Board's recommendation of the Certified Survey Map and Rezone request expires one hundred-eighty (180) days from the date of adoption of this Resolution. Time is of the essence. If the Petitioner encounters an unforeseen development delay, as determined by the Zoning Administrator, the Zoning Administrator is authorized to extend the one hundred-eighty (180) days expiration up to an additional one hundred-twenty (120) days. If the Petitioner has not complied with all of the conditions prior to expiration, then a new application and new fees must be submitted and a complete review will be necessary.

LOCATION MAP:



EXHIBITS:

- A. Petitioner Application
- B. Village Plan Commission Meeting Minutes (Unofficial) of April 12, 2018

VILLAGE OF WINDSOR

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

The Village of Windsor Plan Commission typically meets on the Second Thursday of every month at 5:00 p.m., and the Windsor Village Board typically reviews planning issues on the First Thursday of every month at 5:00 p.m. (or as otherwise scheduled) at the Village 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:

X Rezone Lot 1 = A2 Lot 2 = A1-EX _____ Concept Plan _____ Site Plan Review

_____ Conditional Use Permit _____ Preliminary Plat _____ Final Plat

_____ Variance X Certified Survey Map _____ Other _____

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

- _____ Dane County
- _____ City of Sun Prairie
- _____ Village of DeForest
- _____ Token Creek Conservancy Committee or Windsor Parks Commission
- _____ Capital Area Regional Plan Commission (CARPC)
- _____ Wisconsin Department of Transportation (DOT)
- _____ Wisconsin Department of Natural Resources (DNR)

Project Location:

7441 + 7445 County Hwy C, DeForest

Parcel Number(s)

0910-123-8830-3; 0910-123-8230-9; 0910-123-9001-4
0910-123-9550-0

Current Zoning Classification:

A1-EX

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

I have reviewed and understand the Village 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 Village's recommendations and decisions.

I understand an administrative fee will be assessed for review of my project by the Village 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.

[Signature]
Applicant Signature

2/26/2018
Date

Contact Information

Applicant:

Name: DAVID + KIMBERLY BALDWIN
Address: 7445 COUNTY ROAD C
City, State, Zip: DEFOREST WI 53532
Phone Number(s): 608 718 0335 /
Cell Phone(s):
Email Address(es): DJ44.DAVE @ GMAIL.COM

Surveyor:

Name: BIRANKOTT SURVEYING, INC
Address: 1677 N BASTOL ST
City, State, Zip: SUN PRAIRIE WI 53590
Phone Number(s): 608 837 7463
Cell Phone(s):
Email Address(es):

Attorney:

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

Owner:

Name: ARTHUR + LORETTA PAULMAN
Address: 7441 COUNTY ROAD C
City, State, Zip: DEFOREST WI 53532
Phone Number(s): 608 843 3451
Cell Phone(s):
Email Address(es):

Engineer:

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



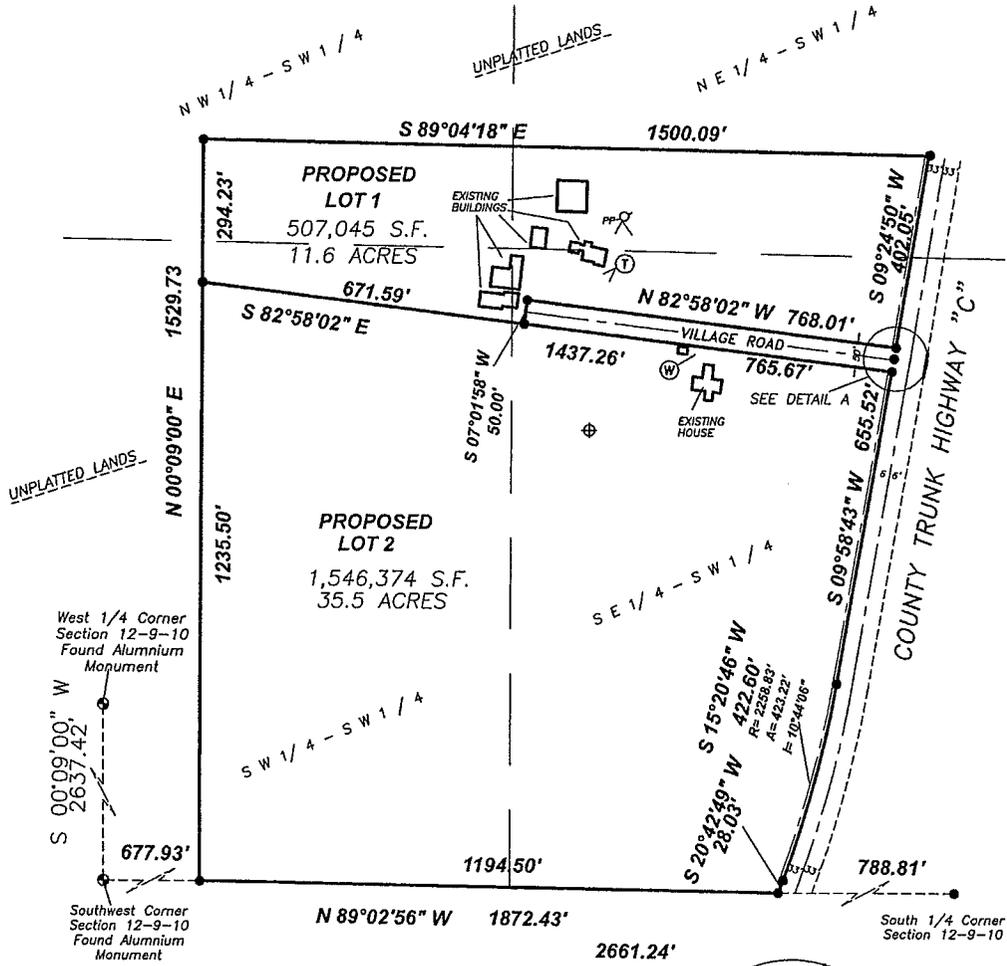
**BIRRENKOTT
SURVEYING, INC.**

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

CERTIFIED SURVEY MAP

PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4
AND THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE
SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE
SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 12,
T9N, R10E, VILLAGE OF WINDSOR, DANE COUNTY,
WISCONSIN

SCALE 1" = 300'



West 1/4 Corner
Section 12-9-10
Found Aluminium
Monument

S 00°09'00" W
2637.42'

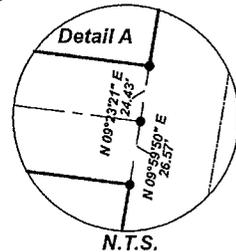
Southwest Corner
Section 12-9-10
Found Aluminium
Monument

South 1/4 Corner
Section 12-9-10

Legend:

- ⊙ = Section Corner
- = Found 1" Iron Pipe
- Ⓣ = Septic Tank
- ⊕ = Septic Vent
- PP ⊙ = Power Pole
- Ⓜ = Well

Bearings referred to the South line
at the Southwest 1/4 of Section 12
bearing N89°02'56" W



N.T.S.



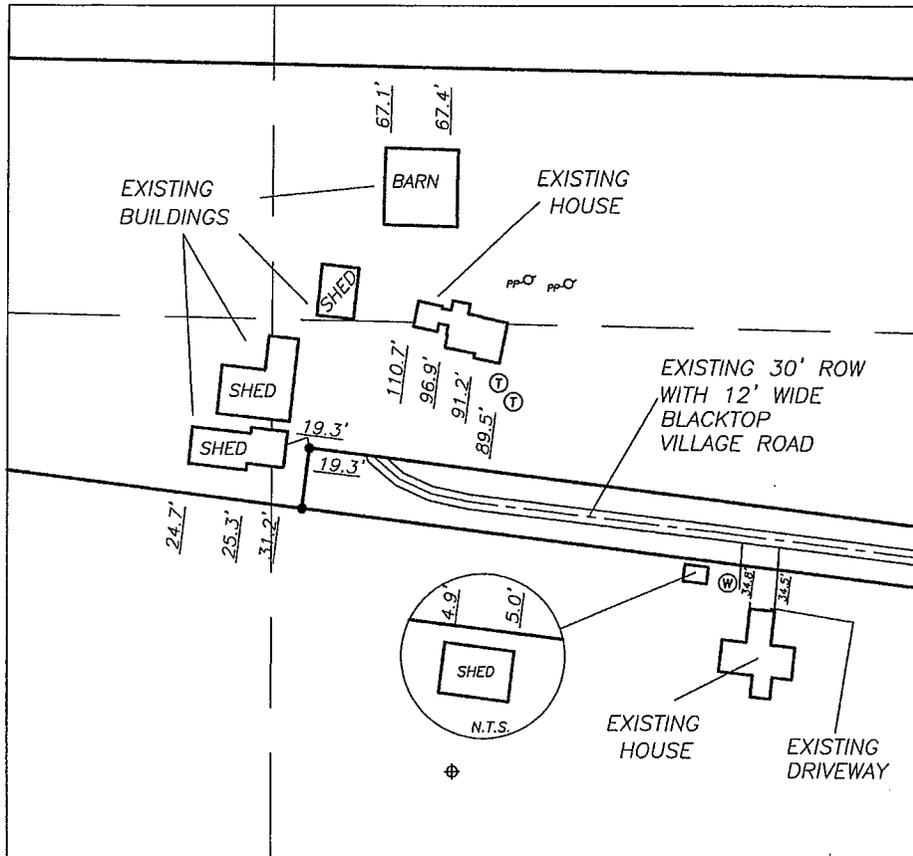
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CERTIFIED SURVEY MAP

**PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4
AND THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE
SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE
SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 12,
T9N, R10E, VILLAGE OF WINDSOR, DANE COUNTY,
WISCONSIN**

DETAIL OF EXISTING STRUCTURES ON PROPERTY



Legend:

- = Found 1" Iron Pipe
- ⊙ = Septic Tank
- ⊕ = Septic Vent
- PP-C = Power Pole
- ⊙ = Well





CERTIFIED SURVEY MAP

DATED: February 8, 2018

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 owners 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.

Description:

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

Part of the Northwest 1/4 of the Southwest 1/4, Northeast 1/4 of the Southwest 1/4, Southwest 1/4 of the Southwest 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 12, T9N, R10E, Village of Windsor, Dane County, Wisconsin, described more fully as follows:

Commencing at the West 1/4 Corner of said Section 12; thence S 00°09'00"W, 2,637.42 feet along the West line of said Southwest 1/4 to the Southwest corner of Section 29; thence S 89°02'56"E, 677.93 feet along the South line of said Section 29 and the point of beginning; thence N 00°09'00"E, 1,529.73' feet; thence S 89°04'18", 1,500.09 feet to the East right-of-way of County Highway C; thence S 09°24'50" W along said West right-of-way of County Highway C, 402.05 feet; thence N 82°58'02" W along the North right-of-way of Village Road, 768.01 feet; thence S 07°01'58" W along the West right-of-way of said Village Road, 50.00 feet; thence S 82°58'02" E, 765.67 feet along the South right-of-way of said Village Road; thence S 09°58'43" W along said West right-of-way of County Highway C, 655.52 feet; thence along the arc of a curve to the right of said County Highway right-of-way having a radius of 2,258.83 feet and a long chord bearing and distance of S 15°20'46" W, 422.60 feet; thence S 20°42'49" W along the West right-of-way of said County Highway C, 28.03 feet; thence N 89°02'56" W along the South line of said SE 1/4, 1,872.43 feet along the South line of said Section 29 to the point of beginning. Containing 2,053,424 square feet or 47.1 acres. .

Owners Certificate:

As owner, Arthur K. and Loretta M. Paulman, here hereby certifies that it has caused the lands described on this Certified Survey Map to be surveyed, divided, and mapped as represented on this Certified Survey Map.

Arthur K. Paulman

Loretta M. Paulman

State of Wisconsin)

Dane County) ss Personally came before me this _____ day of _____, 2018, the above-named Arthur K. and Loretta M Paulman, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, Dane County, Wisconsin.

My Commission Expires

Printed name

Village of Windsor Approval Certificate

This Certified Survey Map is hereby acknowledged, accepted and approved for recording by the Village Board of the Village of Windsor, action of _____.

Christine Capstran, Clerk, Village of Windsor

Dated _____

Surveyed for:

Arthur K. and Loretta M.
Paulman
7441 CTY HWY C
Deforest, WI 53532

Register of Deeds Certificate:

Received for recording this _____ day of _____, 2018
at _____ o'clock ____ m and recorded in Volume _____ of Certified Survey

Surveyed: TAS
Drawn: BTS
Checked: MAP/DVB
Approved: DVB
Field book: 369/6
Tape/File: J:\2017\Carlson
Sheet 3 of 3
Office Map No.: 171160

Maps of Dane County on Pages _____.

Kristi Chlebowski, Register of Deeds

Document No. _____

Certified Survey Map No. _____, Volume _____, Page _____



9 3 1 0 5 3 6
Tx:8958036

KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
5427047
07/20/2018 02:30 PM
Trans Fee:
Exempt #:
Rec. Fee: 30.00
Pages: 2

DEED RESTRICTION

**REGARDING LOTS 1 & 2 OF
CERTIFIED SURVEY MAP # 14854
LOCATED IN THE VILLAGE OF WINDSOR,
DANE COUNTY, WISCONSIN (the "Property"):**

Arthur K Paulman and Loretta M Paulman ("Paulmans"), being the owners of the real property particularly described as Lots 1 & 2 of Certified Survey Map No. 14854, recorded on July 16, 2018 with the Dane County Register of Deeds as Document Number 5425252, all in the Village of Windsor, Dane County, Wisconsin ("the Property"), hereby declare that the Property is subject to the following restrictions, and that the Property shall be held, sold, occupied, conveyed and transferred subject to the restrictions set forth herein:

THIS SPACE RESERVED FOR RECORDING DATA

RETURN TO:

Amy Anderson Schweppe
Village of Windsor
4084 Mueller Road
DeForest, WI 53532

DRAFTED BY:

Amy Anderson Schweppe
Village of Windsor
4084 Mueller Road
DeForest, WI 53532

PARCEL IDENTIFICATION NUMBERS:

19610910-123-9640-1
19610910-123-9680-1

1. **Restriction for Lots 1 & 2.** As long as the Property is within the Agricultural Preservation Area of the Village of Windsor, the Property shall not be further divided or subdivided, and no further residential development shall be permitted at any time within the Property, without the consent of the Village of Windsor.
2. **Restriction for Lot 1.** During any period Paulman Road is a public road, the keeping of livestock is prohibited within any structure located on Lot 1 within the 50-foot setback requirement.
3. **Restriction for Lot 2.** During any period Paulman Road is a public road, the shed located on Lot 2 is a legal non-conforming structure. No additional expansion of the structure shall be permitted without compliance with the required setback provisions of the Windsor Code of Ordinances at the time such expansion is requested.
4. **Runs With the Land.** The restrictions set forth herein shall run with the land and be binding on and inure to the benefit of the heirs, personal representatives, successors and assigns.

**DECLARATION OF JOINT DRIVEWAY EASEMENT
AND MAINTENANCE AGREEMENT**

This Declaration of Joint Driveway Easement and Maintenance Agreement (the "Agreement") is made as of the 14 day of June, 2018, by Arthur K Paulman and Loretta M Paulman (the "Paulmans"), being the owners of the real property particularly described as Lots 1 & 2 of Certified Survey Map No. 14854, recorded on July 16, 2018 with the Dane County Register of Deeds as Document Number 5425252, all in the Village of Windsor, Dane County, Wisconsin.

The owner of the Lot 1 (defined below) and the owner of the Lot 2 (defined below), from time to time, may each be referred to herein as an "Owner" and, collectively, as the "Owners." Lot 1 and Lot 2 shall each be referred to herein as a "Lot" and, collectively, as the "Lots."

WITNESSETH:

WHEREAS, the Paulmans are the owners of certain real property located in the Village of Windsor, Dane County, Wisconsin, legally described on Exhibit "A," attached hereto and incorporated herein by reference ("Lot 1"); and

WHEREAS, the Paulmans are also the owners of certain real property located adjacent to Lot 1, in the Village of Windsor, Dane County, Wisconsin, legally described on Exhibit "B," attached hereto and incorporated herein by reference ("Lot 2"); and

WHEREAS, the Owners desire to subject a portion of the Lots to a joint driveway easement for the benefit of the both Lots, and provide for the maintenance of the driveway to be located on said easement.

NOW, THEREFORE, the Owners hereby subject Lots to a joint driveway easement subject to the following terms:

1) Joint Driveway Easement. The Owners do hereby impose on the Lots a non-exclusive, perpetual easement for ingress, egress and access to and from the adjoining public street



9 3 1 0 5 8 5
Tx:8958036

**KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS**

**DOCUMENT #
5427046
07/20/2018 02:30 PM
Trans Fee:
Exempt #:
Rec. Fee: 30.00
Pages: 7**

THIS SPACE RESERVED FOR RECORDING DATA

RETURN TO:
Amy Anderson Schwappe
Village of Windsor
4084 Mueller Road
DeForest, WI 53532

DRAFTED BY:
Amy Anderson Schwappe
Village of Windsor
4084 Mueller Road
DeForest, WI 53532

PARCEL IDENTIFICATION NUMBERS:
See Exhibits A and B
(Parcel Identification Numbers)

for the benefit of the Lots and all Owners, occupants and invitees of said Lots (the "Joint Driveway"). The Joint Driveway is depicted on the site Plan attached hereto as Exhibit "C" and incorporated herein by reference (the "Site Plan").

2) Maintenance of Joint Driveway. References herein to Owner or Owners shall refer to the fee owner(s), from time to time, of the fee simple interest in the Lot or Lots in question. The Joint Driveway shall be maintained by the Owners of Lot 1 and Lot 2 jointly. The Owner of Lot 1 and the Owner of Lot 2 shall each be responsible for one-half of the cost of the Joint Driveway Maintenance. As used herein, the term "**Joint Driveway Maintenance**" shall include, but not be limited to, maintaining, repairing and replacing the surface of the Joint Driveway with the material with which it was originally constructed, free of pot holes, barriers, fences, gates and other impediments to ingress, egress and vehicular and pedestrian traffic; keeping the Joint Driveway free of refuse, trash, garbage and other hazards to travel by pedestrians and motor vehicles; and maintaining the Joint Driveway in a condition suitable for use by the Owners of the Lots and their tenants, invitees, occupants, guests and other users (collectively "**Invitees**"). Notwithstanding the foregoing or anything else set forth herein, in the event the Joint Driveway shall be damaged by the acts of one of the Owners described herein or the Invitee(s) of such Owner, then said Owner shall be solely responsible for the cost of repair caused by reason of such damage. Joint Driveway Maintenance shall include snow and ice removal (collectively "**Snow Removal**") from the Joint Driveway on an as needed basis promptly after a snow or ice event. Snow Removal shall take place in accordance with normal and typical community standards and in accordance with all applicable laws and ordinances. One-half of all costs incurred by the Owner performing Joint Driveway Maintenance shall be reimbursed by the other Owner within ten (10) days after written demand.

3) Enforcement. Enforcement of this Agreement may be by proceedings at law or in equity against any person or persons violating or attempting to violate any term or condition contained in this Agreement. If a suit is brought to enforce this Agreement, the prevailing party shall be entitled to recover its costs, including, but not limited to, reasonable attorneys' fees, from the non-prevailing party.

4) Miscellaneous. This Agreement shall be governed by and construed in accordance with the laws of the State of Wisconsin. This Agreement shall be binding upon the parties hereto, and their heirs, successors and assigns, and shall be deemed to run with the land, as both a benefit and a burden thereto. This Agreement may be amended by written agreement signed by the then Owners of the Lots, which amendment shall be effective upon recording in the office of the Dane County, Wisconsin, Register of Deeds. Notices under this Agreement shall be deemed given if (a) hand delivered; or (b) mailed, certified mail, return receipt requested, to an Owner at the address on file in the Dane County, Wisconsin Treasurer's Office for the purpose of delivering real estate tax bills for the Lot in question.

5) No Public Dedication. Nothing contained herein shall be deemed to be a gift or dedication of any portion of the easements granted hereunder to the general public or for any public purpose whatsoever.

Dated as of the date and year first above written.

[Signature page to follow.]

EXHIBIT "A"

LEGAL DESCRIPTION OF LOT 1

Lot One (1), Certified Survey Map No. 14854, recorded in the Office of the Register of Deeds for Dane County, Wisconsin on July 16, 2018, in Volume 104 of Certified Survey Maps, pages 121 - 123, as Document No. 5425252, located in the Village of Windsor, Dane County, Wisconsin.

PIN: 196/0910-123-9640-1

EXHIBIT "B"

LEGAL DESCRIPTION OF LOT 2

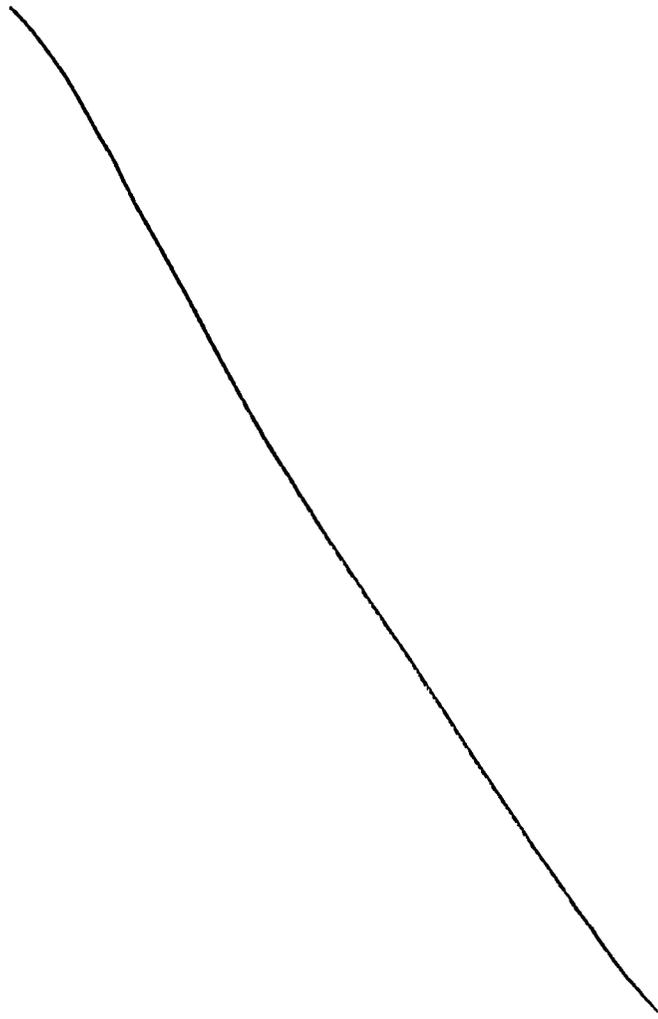
Lot Two (2), Certified Survey Map No. 14854, recorded in the Office of the Register of Deeds for Dane County, Wisconsin on July 16, 2018, in Volume 104 of Certified Survey Maps, pages 121-123, as Document No. 5425252, located in the Village of Windsor, Dane County, Wisconsin.

PIN: 196/0910-123-9680-1

EXHIBIT "C"

SITE PLAN

(ATTACHED)



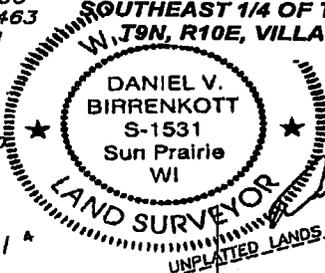


BIRRENKOTT SURVEYING, INC.

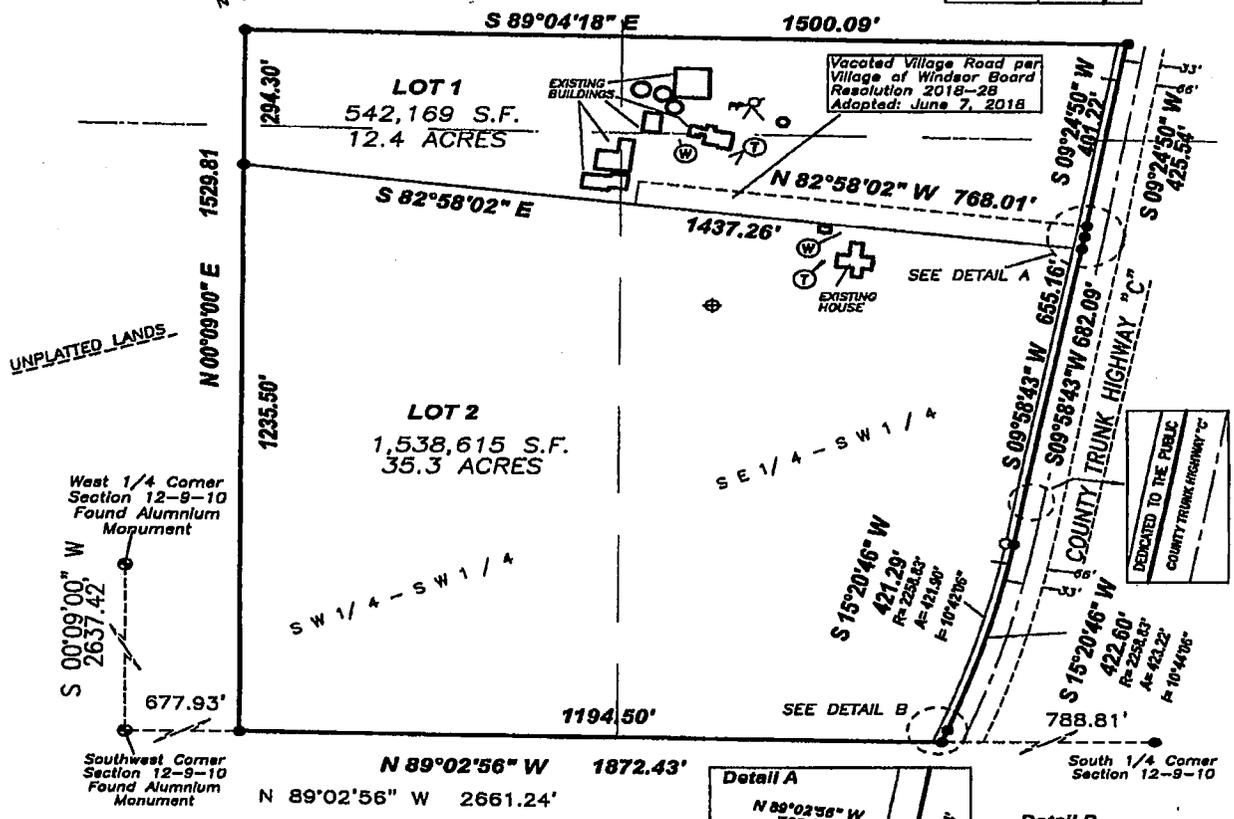
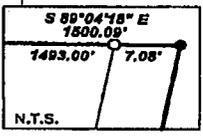
P.O. Box 237
1677 N. Bristol Street
Sun Prairie, WI. 53590
Phone (608) 837-7463
Fax (608) 837-1081

CERTIFIED SURVEY MAP

PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4
AND THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE
SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE
SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 12,
W. 1/4, T.9N, R.10E, VILLAGE OF WINDSOR, DANE COUNTY,
WISCONSIN



D. Birrenkott
6-14-2018
NE 1/4 - SW 1/4



West 1/4 Corner
Section 12-9-10
Found Aluminum
Monument

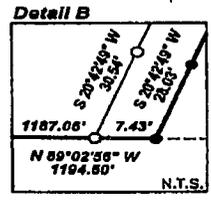
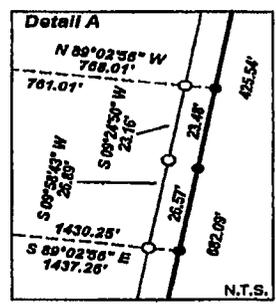
Southwest Corner
Section 12-9-10
Found Aluminum
Monument

South 1/4 Corner
Section 12-9-10

Legend:

- = Section Corner
- = Found 1" Iron Pipe
- ⊕ = Septic Tank
- ⊖ = Septic Vent
- ⊙ = Power Pole
- ⊗ = Well
- = Set 1"x24" Iron Pipe min. wght. 1.68 lbs./ft.

Bearings referenced to the South line of the Southwest 1/4 of Section 12 bearing N89°02'56"W



SHEET 1 OF 3
Office Map No. 171160

CERTIFIED SURVEY MAP NO. 14854
VOLUME 104 PAGE 121
DOCUMENT NO. 5425252