

**VILLAGE OF WINDSOR
BOARD RESOLUTION 2019-10**

**APPROVAL OF A CERTIFIED SURVEY MAP
FOR 3981 COUNTY HIGHWAY V
IN THE VILLAGE OF WINDSOR, DANE COUNTY**

WHEREAS, Nancy Kessenich (the "Petitioner") being the owner of 3981 County Highway V, DeForest, WI 53532 (the "Subject Property"), has requested approval of (1) a Certified Survey Map to separate the existing farm house and buildings from the agricultural land; and (2) a Rezone of the Subject Property; and

WHEREAS, the Petitioner obtained Conditional Approval of the Certified Survey Map and Rezone request in Plan Commission Resolution 2019-01; and

WHEREAS, the Village Director of Planning/Zoning Administrator has reviewed the Petitioner's request and prepared a Staff Report dated March 1, 2019 (the "Staff Report") recommending approval, subject to certain conditions specified in the Staff Report; and

WHEREAS, following review of information presented at the Plan Commission meeting, the Public Hearing, the Village Board Meeting and the Staff Report, 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:

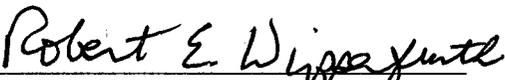
The Village of Windsor Board **Approves** the Certified Survey Map for Nancy Kessenich located at 3981 County Highway V, DeForest, WI 53532, subject to the following conditions:

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 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 Deed's office.
3. The Village of Windsor shall waive requirements for payment of Fees in Lieu of Parkland and Fees for Initial Improvement of Parkland. The proposed Certified Survey Map is creating a lot for the consolidation of existing structures, no new development is created.
4. The Petitioner shall comply with the requirements of Chapter 52-56 *A1-EX, Exclusive Agriculture District* and Chapter 52-57 *A-2(2), Agriculture District*.
5. The Petitioner shall prepare and record a Deed Restriction, in a form approved by the Village Attorney, acknowledging the following:
 - a. Parcel 196/0910-091-8000-6 retains one (1) development right/land division per the Windsor Comprehensive Plan: 2035.
 - b. Parcel 196/0910-091-9500-9 retains one (1) development right/land division per the Windsor Comprehensive Plan: 2035.

- c. Parcel 196/0910-091-9500-9 shall be prohibited from future sale without providing a legal means of ingress and egress to a public right-of-way.
 - d. The barn on Lot 1 shall be prohibited from housing livestock as it no longer meets the required setback standards.
 - e. Lot 1 shall be prohibited from any further land divisions per the Windsor Comprehensive Plan: 2035.
6. The Petitioner shall provide written documentation to the Director of Planning/Zoning Administrator of an agriculture access permit from Dane County for access to County Highway V serving Parcel 196/0910-091-8000-6.
 7. 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.
 8. The Village of Windsor Board's approval 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.

The above and foregoing Resolution was duly adopted at a meeting of the Village Board of the Village of Windsor held on March 7, 2019, by a vote of 3 in favor and 0 opposed.

VILLAGE OF WINDSOR


Robert E. Wipperfurth, President

Attested by:


Christine Capstran, Village Clerk

INCORPORATED BY REFERENCE:

Staff Report
Plan Commission Resolution 2019-01



Windsor

Growing Forward

To: Village of Windsor Board
Cc: Robert Wipperfurth, Tina Butteris, Christine Capstran, William Cole
From: Amy Anderson Schweppe, Jamie Rybarczyk
Rpt Date: March 1, 2019
Mtg Date: March 7, 2019
Submtl Date: December 19, 2018
Aprvl Date: March 19, 2019
Re: Kessenich – Certified Survey Map and Rezone Request

BACKGROUND:

Petitioner: Nancy Kessenich
Property Owner: Nancy Kessenich
Location / Address: 3981 County Highway V, DeForest, WI 53532
Taxkey Number: 196/0910-091-8000-6 & 196/0910-091-9500-9
Area: 40 Acres (Lot 1 – 2.74 Acres, Remnant – 37.26 Acres)
Existing Zoning: A1-EX, Exclusive Agriculture
Proposed Zoning: A1-EX, Exclusive Agriculture and A-2(2), Agriculture
Future Land Use: Agriculture Preservation

REQUEST:

The Petitioner requests approval of a Certified Survey Map and Rezone in order to separate the existing farm house and buildings from the agricultural land. The remnant agricultural land will be sold to a family member for farming practices.

See Exhibit A for additional information regarding the Petitioner's request.

OVERVIEW:

Lot 1 of the Certified Survey Map is proposed to be 2.43 acres (excluding Right-of-Way) and shall be rezoned to A-2(2) Agriculture Zoning District. The remnant lot will be 37.26 acres (including Right-of-Way) and shall remain zoned A1-EX (Exclusive Agriculture).

VILLAGE STAFF COMMENTS:

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

1. Village of Windsor Code of Ordinances: Chapter 38 Planning and Development

The Certified Survey Map shall address the following technical comments:

- a. The final CSM must have each sheet signed, sealed and dated by the Surveyor.
- b. The exact width of County Road V should be shown.
- c. The road dedication should be acknowledged in the Surveyor's Certificate, the Owner's Certificate.
- d. The Owner's Certificate should certify that the CSM is required to be submitted to the County (for approval and acceptance of the road dedication).
- e. The CSM should include an approval certificate for Dane County accepting the road dedication.

2. Village of Windsor Code of Ordinances: Chapter 52 Zoning Districts

The Rezone request is consistent with the requirements of A1-EX, Exclusive Agriculture Zoning District and A-2(2), Agriculture Zoning District.

3. Village of Windsor Comprehensive Plan: 2035

The Certified Survey Map and Rezone requests are consistent with the Village of Windsor Comprehensive Plan: 2035.

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

1. The Village Engineer has no objections to the Certified Survey Map and Rezone.

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

1. The DeForest Windsor Fire & EMS District has no objections to the Certified Survey Map and Rezone.

VILLAGE POLICY COMMENTS/CONCERNS:

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

1. The Village Board should consider a recommendation to waive the Fees in Lieu of Parkland and Fees for Initial Improvement of Parkland. The proposed Certified Survey Map is creating a lot for the consolidation of existing structures, no new development is created.
2. The Petitioner shall prepare and record a Deed Restriction(s), in a form approved by the Village Attorney, acknowledging:
 - a. Parcel 196/0910-091-8000-6 retains one (1) development right/land division per the Windsor Comprehensive Plan: 2035.
 - b. Parcel 196/0910-091-9500-9 retains one (1) development right/land division per the Windsor Comprehensive Plan: 2035.

- c. Parcel 196/0910-091-9500-9 shall be prohibited from future sale without providing a legal means of ingress and egress to a public right-of-way.
 - d. The barn on Lot 1 shall be prohibited from housing livestock as it no longer meets the required setback standards.
 - e. Lot 1 shall be prohibited from any further land divisions per the Windsor Comprehensive Plan: 2035.
3. The Petitioner shall provide written documentation to the Director of Planning/Zoning Administrator of an agriculture access permit from Dane County for access to County Highway V serving Parcel 196/0910-091-8000-6.

VILLAGE PLAN COMMISSION RECOMMENDATION:

On February 13, 2019 the Village Plan Commission recommended to the Village Board Approval of the Certified Survey Map and Rezone request for Nancy Kessenich located 3981 County Highway V, DeForest, WI by Plan Commission Resolution 2019-01.

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

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:

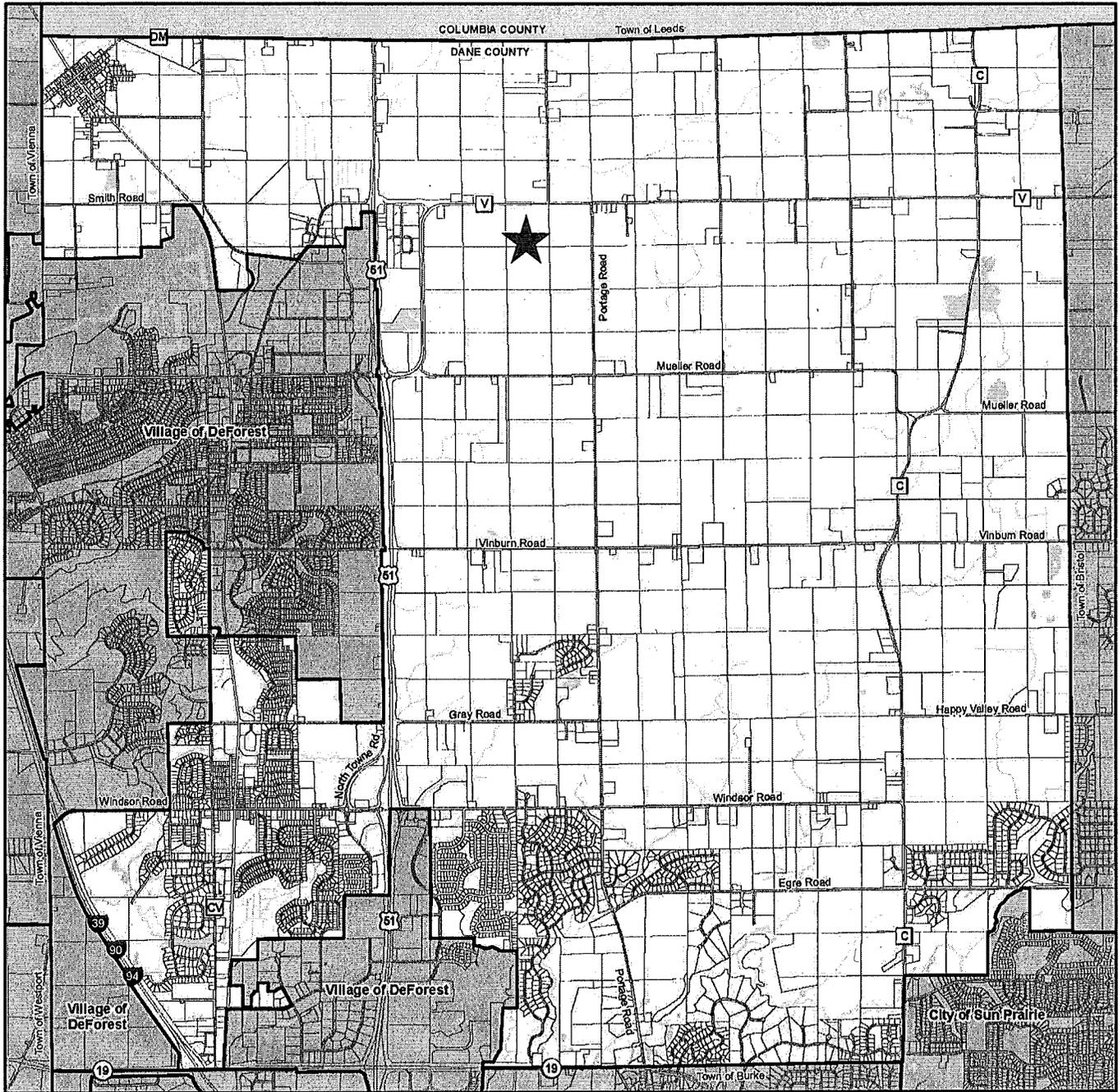
The Village of Windsor Board Approves of the Certified Survey Map and Rezone request for Nancy Kessenich located 3981 County Highway V, subject to the following conditions:

- 1. Rezone
 - a. Lot 1 of the Certified Survey Map shall be rezoned from A1-EX, Exclusive Agriculture District to A-2(2), Agriculture District.
 - b. The remnant parcel shall remain A1-EX, Exclusive Agriculture District.
 - c. The Rezone request shall have a delayed effective date and shall take effect at such time as the accompanying Certified Survey Map has been recorded in the Dane County Register of Deed's Office.
- 2. Certified Survey Map
 - a. 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.
 - b. 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 Deed's office.
 - c. The Village of Windsor shall waive requirements for payment of Fees in Lieu of Parkland and Fees for Initial Improvement of Parkland. The proposed Certified

Survey Map is creating a lot for the consolidation of existing structures, no new development is created.

- d. The Petitioner shall comply with the requirements of Chapter 52-56 *A1-EX, Exclusive Agriculture District* and Chapter 52-57 *A-2(2), Agriculture District*.
 - e. The Petitioner shall prepare and record a Deed Restriction, in a form approved by the Village Attorney, acknowledging the following:
 - i. Parcel 196/0910-091-8000-6 retains one (1) development right/land division per the Windsor Comprehensive Plan: 2035.
 - ii. Parcel 196/0910-091-9500-9 retains one (1) development right/land division per the Windsor Comprehensive Plan: 2035.
 - iii. Parcel 196/0910-091-9500-9 shall be prohibited from future sale without providing a legal means of ingress and egress to a public right-of-way.
 - iv. The barn on Lot 1 shall be prohibited from housing livestock as it no longer meets the required setback standards.
 - v. Lot 1 shall be prohibited from any further land divisions per the Windsor Comprehensive Plan: 2035.
 - f. The Petitioner shall provide written documentation to the Director of Planning/Zoning Administrator of an agriculture access permit from Dane County for access to County Highway V serving Parcel 196/0910-091-8000-6.
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 approval 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 February 13, 2019

Contact Information

Applicant:

Name: NANCY KESSENICH
Address: 4356 E YAHARA ROAD
City, State, Zip: DEFOREST WI 53532
Phone Number(s): 608-575-7958
Cell Phone(s):
Email Address(es):

Surveyor:

Name: WILLIAMSON SURVEYING - NOA PRIEUE
Address: 104 A. WEST MAIN STREET
City, State, Zip: WAUNAKEE WI 53597
Phone Number(s): 608-255-5705
Cell Phone(s): 608-712-3196
Email Address(es): NOA@WILLIAMSONSURVEYING.COM

Attorney:

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

Village of Windsor

Certified Survey Map Review

Certified Survey Map Application Form

The Village of Windsor Plan Commission typically meets on the second Thursday of every month at 6:00 p.m., and the Village Board typically reviews planning issues on the first Thursday of every month at 5:00 p.m. (or as otherwise scheduled) at the Windsor Municipal Building, 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 Village and accompanied by the required fee and review escrow, and 2) include an electronic/digital pdf copy of all submitted drawings and supplementary data.

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

Process for Review and Approval

- 1) Consultation meeting with Village 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) Village 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 Village Board and any other approving agencies, and provide a copy of executed documents to Village Clerk

Technical Requirements of CSM

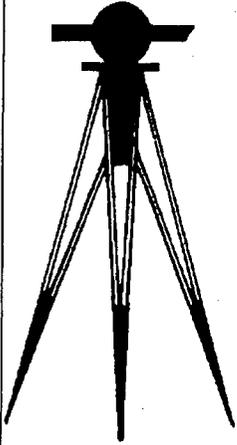
The CSM shall show correctly on its face all the information required by Wis. Statute 236.34, and shall meet all the surveying and monumenting requirements of Wis. Statute 236.15. In addition, the applicant shall submit the following documents which shall be considered to be incorporated with and made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

Item	Applicant
1 Deed Restrictions	NA
2 Joint Maintenance Agreements	NA

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



WILLIAMSON SURVEYING AND ASSOCIATES, LLC

104A WEST MAIN STREET, WAUNAKEE, WI 53597

NOA T. PRIEVE and CHRIS W. ADAMS
REGISTERED LAND SURVEYORS

PHONE: 1-608-255-5705

FAX: 1-608-849-9760

EMAIL: WILLSURV@TDS.NET

December 19, 2018

Village of Windsor
4084 Mueller Road
DeForest, WI 53532

Letter of Application:

Nancy Kessenich is the owner of approximately 80 acres in section 9 in the Village of Windsor. The address of the parcel is 3981 County Highway V and the current use of this parcel is an existing residential house and existing farm land. She is requesting approval of a one lot certified survey map around the existing building to separate them from the farm land. Currently the parcel is zoned A-1ex and Nancy Kessenich is also requesting a zoning change to the A2(2) zoning district for the new 2.43 acre parcel being created around the buildings.

Please feel free to contact me with any questions or comments you may have.

Thank you,

Noa Prieve



CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC
NDA T. PRIEVE & CHRIS W. ADAMS, PROFESSIONAL LAND SURVEYORS
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

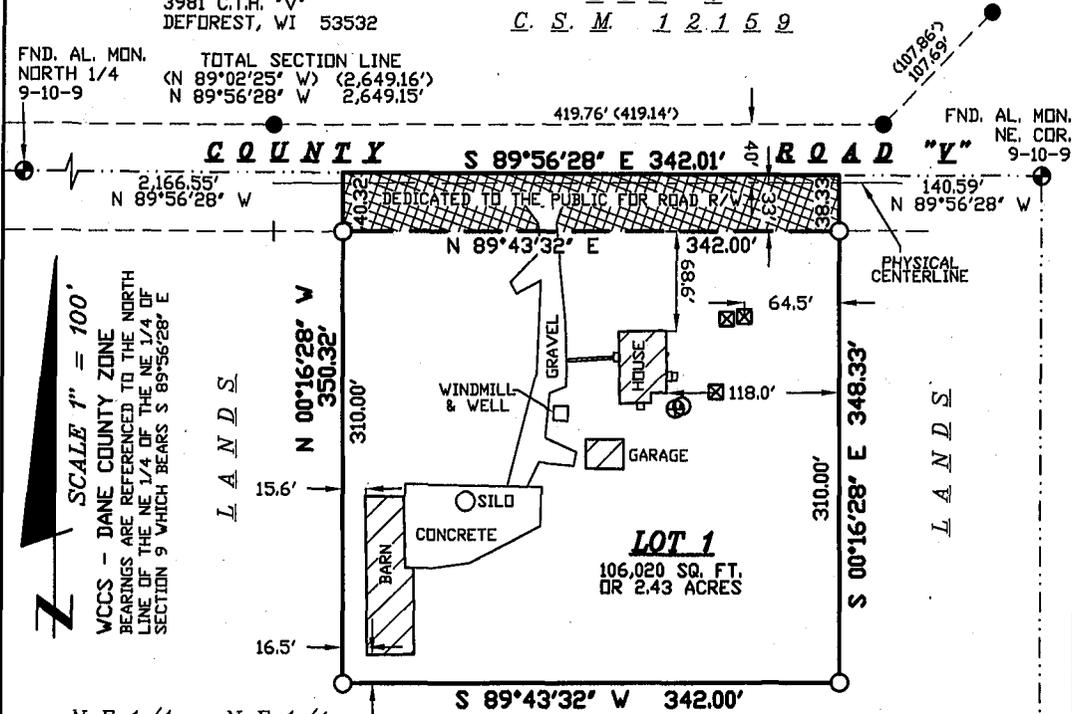
Located in the NE 1/4 of the NE 1/4 of Section 9, T10N, R9E,
Village of Windsor, Dane County, Wisconsin.

PREPARED FOR:

NANCY KESSENICH
3981 C.T.H. "V"
DEFDREST, WI 53532

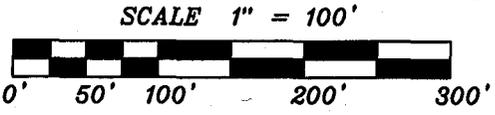
LOT 1
C. S. M. 12159

FND. AL. MON. NORTH 1/4 9-10-9
TOTAL SECTION LINE
(N 89°02'25" W) (2,649.16')
(N 89°56'28" W) (2,649.15')



SCALE 1" = 100'
WCCS - DANE COUNTY ZONE
BEARINGS ARE REFERENCED TO THE NORTH
LINE OF THE NE 1/4 OF THE NE 1/4 OF
SECTION 9 WHICH BEARS S 89°56'28" E

NE 1/4 - NE 1/4
SEC. 9



LANDS

LEGEND

- = SET 3/4"x24" REBAR
WT 1.5 LB PER LIN FT
- = FOUND 3/4" REBAR
- (##) = RECORDED AS
- ⊕ = SEPTIC TANK
- ⊙ = SEPTIC CLEANOUT
- ⊗ = SEPTIC VENT

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, IF PRESENT, HAVE NOT BEEN DELINEATED OR SHOWN.
- 3.) FLOOD PLAIN, IF PRESENT, HAS NOT BEEN LOCATED OR SHOWN.
- 4.) VERIFIED ALL SECTION TIES PER LATEST TIE SHEET ON RECORDED FOR THE NORTH 1/4 AND NORTHEAST CORNER OF SECTION 9, T10N, R9E.

DOCUMENT NO. _____

CERTIFIED SURVEY MAP NO. _____

SURVEYORS SEAL



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 NE 1/4 of the NE 1/4 of Section 9, T10N, R9E,
Village of Windsor, Dane County, Wisconsin.

SURVEYOR'S CERTIFICATE

I, Noa T. Prieve, 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 Village of Windsor, 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, Located in the NE 1/4 of the NE 1/4 of Section 9, T10N, R9E, Village of Windsor, Dane County, Wisconsin, more particularly described as follows:

Commencing at the Northeast corner of said Section 9; thence N 89°56'28" W along the north line of said NE 1/4 of the NE 1/4, 140.59 feet to the point of beginning.

Thence S 00°16'28" E, 348.33 feet; thence S 89°43'32" W, 342.00 feet; thence N 00°16'28" W, 350.32 feet to said north line; thence S 89°56'28" E along said north line, 342.01 feet to the point of beginning. The above described parcel contains 119,469 square feet or 2.74 acres and is subject to a road right of way dedication over the most northerly part as shown.

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

Date _____

Noa T. Prieve S-2499
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, dedicated and mapped as represented on the certified survey map. I also certify that this certified survey map is required by Village of Windsor.

WITNESS the hand seal of said owners this _____ day
of _____, 20____.

STATE OF WISCONSIN)
DANE COUNTY)

Nancy L. Kessenich

Personally came before me this _____ day of _____, 20____ the
above named Nancy L. Kessenich to me known
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-442



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 NE 1/4 of the NE 1/4 of Section 9, T10N, R9E,
Village of Windsor, Dane County, Wisconsin.

VILLAGE OF WINDSOR APPROVAL

Resolved that this certified survey map and the road right of way
dedication is hereby accepted and approved on this ____ day of
_____, 20__.

Christine Capstran
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 _____.

Kristl Chlebowski
Register of Deeds

SURVEYORS SEAL

DOCUMENT NO. _____

CERTIFIED SURVEY MAP NO. _____



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

REZONE MAP

PREPARED FOR:
NANCY KESSENICH
3981 C.T.H. 'V'
DEFREST, WI 53532

SCALE 1" = 100'



LOT 1
C. S. M. 12159

FND. AL. MON.
NORTH 1/4
9-10-9

TOTAL SECTION LINE
N 89°02'25" W (2,649.16')
N 89°56'28" W 2,649.15'

419.76' (419.14')

FND. AL. MON.
NE. COR.
9-10-9

COUNTY

S 89°56'28" E 342.01'

ROAD "Z"

2,166.55'

140.59'
N 89°56'28" W

Z
SCALE 1" = 100'
WCCS - DANE COUNTY ZONE
BEARINGS ARE REFERENCED TO THE NORTH
LINE OF THE NE 1/4 OF THE NE 1/4 OF
SECTION 9 WHICH BEARS S 89°56'28" E

LANDS

N 00°16'28" W
350.32'

15.6'

16.5'



A-1EX TO A2

AREA INC. R/W
119,469 SQ. FT.
OR 2.74 ACRES

AREA EXC. R/W
106,020 SQ. FT.
OR 2.43 ACRES

S 00°16'28" E 348.33'

LANDS

S 89°43'32" W 342.00'

LANDS

NE 1/4 - NE 1/4
SEC. 9

19.4'

A-1EX TO A2

A parcel of land located in the NE 1/4 of the NE 1/4 of Section 9, T10N, R9E, Village of Windsor, Dane County, Wisconsin, more particularly described as follows:

Commencing at the Northeast corner of said Section 9; thence N 89°56'28" W along the north line of said NE 1/4 of the NE 1/4, 140.59 feet to the point of beginning.

Thence S 00°16'28" E, 348.33 feet; thence S 89°43'32" W, 342.00 feet; thence N 00°16'28" W, 350.32 feet to said north line; thence S 89°56'28" E along said north line, 342.01 feet to the point of beginning. The above described parcel contains 119,469 square feet or 2.74 acres and is subject to a road right of way over the most northerly part thereof.

18W-442

Remnant Lands Description

All of the Northeast $\frac{1}{4}$ and Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 9, T10N, R9E, in the Village of Windsor, Dane County, Wisconsin except the following described lands:

Lot 1, Certified Survey Map No. _____, recorded in Volume _____, on Pages _____, in the Dane County Register of Deeds as Documents No. _____.

DEED RESTRICTION

The undersigned (collectively, "the Owner"), constituting all of the owners of the below described real property located in the Village of Windsor, Dane County, Wisconsin ("the Property"), hereby declare the Property to be subject to the below stated restrictions:

Property: Lot 1 of Certified Survey Map _____, recorded in the Dane County Register of Deeds as Document # _____; Parcel #196/0910-091-8000-6; and Parcel #196/0910-091-9500-9.

Restrictions:

- i. Parcel 196/0910-091-8000-6 retains one (1) development right/land division per the Windsor Comprehensive Plan: 2035.
- ii. Parcel 196/0910-091-9500-9 retains one (1) development right/land division per the Windsor Comprehensive Plan: 2035.
- iii. Parcel 196/0910-091-9500-9 is prohibited from future sale or conveyance without providing a legal means of ingress and egress to a public right-of-way.
- iv. The barn on Lot 1 of CSM _____ is prohibited from housing livestock as it no longer meets the required setback standards.
- v. As long as Lot 1 of CSM _____ is within the Agricultural Preservation Area of the Village of Windsor, the lot shall not be further divided or subdivided, and no further residential development shall be permitted at any time within the lot, without the consent of the Village of Windsor.

<p>RETURN TO: Amy Anderson Schweppe Village of Windsor 4084 Mueller Road DeForest, WI 53532</p>

<p>DRAFTED BY: William S. Cole, Village Attorney Axley Brynerson, LLP 2 E. Mifflin Street, Suite 200 Madison, WI 53703</p>

<p>PARCEL IDENTIFICATION NUMBERS:</p>

The Owner petitioned for and obtained approval of a certified survey map and rezoning from the Village of Windsor. The Village's approval was conditioned upon the Owner restricting further use of the Property as set forth above.

The restrictions set forth therein run with the land and are binding on and inure to the benefit of the heirs, personal representatives, successors and assigns; and shall only be modified or released with the prior written consent of the Village of Windsor and recording of same in the Dane County Register of Deeds office.

Date

Date

VILLAGE OF WINDSOR
PLAN COMMISSION MEETING

Minutes

February 13, 2019

1. CALL MEETING TO ORDER AND ROLL CALL.

Meeting convened by Chairperson Wipperfurth at 5:00 p.m. Commissioners present: Dave Gaustad, Jeff Heisig, Kay Hoffman, Tim Lange, Bill LeGore, and Bob Wipperfurth. Brad Mueller had an excused absence.

Others present: Director of Planning and Development Amy Anderson Schweppe, Village Deputy Administrator/Director of Economic Development Jamie Rybarczyk, and Village Attorney Bill Cole.

2. RECITATION OF THE PLEDGE OF ALLEGIANCE.

The flag pledge was led by Commissioner Lange.

3. ANNOUNCEMENTS.

None.

4. APPEARANCES BEFORE THE PLAN COMMISSION.

None.

5. MINUTES FROM DECEMBER 13, 2018.

A motion was made by Commissioner Heisig, seconded by Commissioner Hoffman, to approve the Minutes of December 13, 2018, as presented. Motion carried with a 6-0 vote.

6. PUBLIC HEARING.

Chairperson Wipperfurth read the following public hearing notices.

- 6.a. Nancy Kessenich Requests A One Lot Certified Survey Map And A Rezone From A1-EX Exclusive Agriculture Zoning District To A-2(2) Agriculture Zoning

District In Order To Separate The Farm House And Buildings From The Agriculture Land. The Location Of The Certified Survey Map And Rezone Request Is 3981 County Highway V, DeForest, WI 53532.

Chairperson Wipperfurth opened the public hearing at 5:02 p.m.

The petitioner was present.

Director of Planning and Zoning Anderson Schweppe provided a staff report.

The petitioner is requesting approval of a Certified Survey Map and rezone in order to separate the existing farm house and buildings from the agricultural land. Lot 1 of the CSM is proposed to be 2.43 acres (excluding right-of-way) and shall be rezoned to A-2(2) Agriculture Zoning District. The remnant lot shall be 37.26 acres (including right-of-way) and shall remain zoned A1-EX (Exclusive Agriculture). The surveyor has provided some technical comments. The rezone request is consistent with the requirements of A1-EX, Exclusive Agriculture Zoning District, and A-2(2), Agriculture Zoning District. The CSM and rezone are consistent with the Village of Windsor Comprehensive Plan: 2035. Neither the Village Engineer nor the DeForest Windsor Fire & EMS District has any objections. Consideration should be given to a recommendation to waive the fees in lieu of parkland and fees for initial improvement of parkland. The petitioner shall also prepare and record deed restrictions regarding development rights, ingress and egress to a public right-of-way for the south parcel, the barn on Lot 1 will be prohibited from housing livestock, Lot 1 shall be prohibited from further land division, and there be an access agreement regarding Highway V.

There were no comments from the audience.

Chairperson Wipperfurth closed the public hearing at 5:10 p.m.

- 6.b. Pete Wagner Requests A Two Lot Certified Survey Map In Order To Divide Land Located Along Happy Valley Road. The Proposal Also Includes A Rezone Of Lot One From A1-EX Exclusive Agriculture District To A-2 Agriculture District. The Location Of The Certified Survey Map And Rezone Request Is The NE 1/4 Of The NE 1/4 And The SE 1/4 Of Section 25.

Chairperson Wipperfurth opened the public hearing at 5:10 p.m.

The petitioner and his attorney, Mike Lawton, were present.

Director of Planning and Zoning Anderson Schweppe provided a staff report.

The petitioner is requesting approval of a Certified Survey Map to subdivide land into two lots and a rezone of Lot 1 to the A-2, Agriculture District. The property is 64 acres in size. Lot 1 consists of agriculture land, and Lot 2 consists of an orchard/vineyard, a fruit processing shed, a large cold storage shed, and mapped wetlands. There is no residence on either Lot 1 or Lot 2.

The surveyor provided some technical comments. This is consistent with Chapter 38 of the Windsor Code of Ordinances and Chapter 52. Lot 2 will remain A1-EX, Exclusive Agriculture District. It should be noted that portions of Lot 2 are in the Shoreland Zoning District. The CSM and rezone are consistent with the Village of Windsor Comprehensive Plan: 2035. Lots 1 and 2 will both retain one development right. Lot 1 will require a new access drive. The petitioner will work with the village. The DeForest Windsor Fire & EMS District does not have any objections. The petitioner shall submit payment for fees in lieu of parkland and fees for initial improvement of parkland for each newly-created lot. A notice acknowledging the presence of agricultural practices shall be recorded. Petitioner shall record a deed restriction acknowledging the restriction on Lot 2 of no housing of livestock.

Dave Elmer, 3200 Happy Valley Road, had a question regarding location of the property.

Commissioner Hoffman explained the location.

John Caruso, 6750 Morning Dew Lane, asked about the end purpose for the CSM and rezone.

Peter Wagner explained that the land was an inheritance from his parents to the four siblings. A couple of the siblings have health issues, and the sale will help with those expenses. The vineyard will be retained. There is one development right retained for each lot.

Chairperson Wipperfurth closed the public hearing at 5:17 p.m.

7. OLD BUSINESS.

None.

8. NEW BUSINESS.

- 8.a. Nancy Kessenich Requests A One Lot Certified Survey Map And A Rezone From A1-EX Exclusive Agriculture Zoning District To A-2(2) Agriculture Zoning District In Order To Separate The Farm House And Buildings From The Agriculture Land. The Location Of The Certified Survey Map And Rezone Request Is 3981 County Highway V, DeForest, WI 53532.

A motion was made by Commissioner Gaustad, seconded by Commissioner LeGore, to approve Resolution 2019-01, Recommending Approval Of A Certified Survey Map And Rezone For Property Located At 3981 County Highway V, In The Village Of Windsor, Dane County. Motion carried with a 6-0 vote.

- 8.b. Pete Wagner Requests A Two Lot Certified Survey Map In Order To Divide Land Located Along Happy Valley Road. The Proposal Also Includes A Rezone Of Lot One From A1-EX Exclusive Agriculture District To A-2 Agriculture District.

The Location Of The Certified Survey Map And Rezone Request Is The NE 1/4
Of The NE 1/4 And The SE 1/4 Of Section 25.

A motion was made by Commissioner Lange, seconded by Commissioner Hoffman, to approve Resolution 2019-02, Recommending Approval Of A Certified Survey Map And Rezone For Property Located At The NE 1/4 Of The NE 1/4 And The SE 1/4 Of Section 25, In The Village Of Windsor, Dane County. Motion carried with a 6-0 vote.

9. ADJOURNMENT.

At 5:20 p.m., a motion was made by Commissioner LeGore, seconded by Commissioner Gaustad, to adjourn the Plan Commission meeting. Motion carried with a 6-0 vote.

Respectfully submitted,

Ellen G. Teed

Ellen G. Teed
Recording Secretary