

**VILLAGE OF WINDSOR
VILLAGE BOARD RESOLUTION 2019-104**

**APPROVAL OF A CERTIFIED SURVEY MAP FOR PROPERTY
LOCATED AT 3294 VINBURN ROAD, VILLAGE OF WINDSOR**

WHEREAS, Frederick Mooers (the “Petitioner”) has requested approval of: (1) a Certified Survey Map to divide property at 3294 Vinburn Road (the “Subject Property”), and; (2) a Rezone of the Subject Property; and

WHEREAS, the Plan Commission recommended approval of the Certified Survey Map and Rezone in Plan Commission Resolution 2019-14; and

WHEREAS, the Village Director of Planning / Zoning Administrator has reviewed the Petitioner’s request and prepared a Staff Report dated September 27, 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, and the Staff Report, the Village Board approves to the Certified Survey Map, 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 as follows:

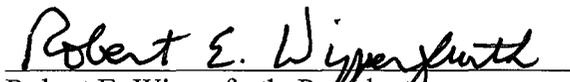
The Village of Windsor Board **Approves** the Certified Survey Map request for Frederick Mooers located at 3294 Vinburn Road, subject to the following conditions:

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 Petitioner shall submit cash payment to the Village of Windsor for Fees in Lieu of Land in the amount of \$1,532.58 pursuant to Section 38-636(b) of the Village of Windsor Code of Ordinances for Lot 2.
4. The Petitioner shall submit cash payment to the Village of Windsor for Fees for Initial Improvement of Parkland in the amount of \$1,203.26 pursuant to Section 38-638(e) of the Village of Windsor Code of Ordinances for Lot 2.
5. The Village of Windsor shall waive the Fees in Lieu of Parkland and Fees for Initial Improvement of Parkland for Lots 1 and 3. Lot 1 of the Certified Survey Map consolidates the existing farm residence and outbuildings does not create a new residential lot. Lot 3 of the Certified Survey Map will be deed restricted prohibiting future land division and residential development.
6. The Petitioner shall record a deed restriction, in a form approved by the Village Attorney, as follows:

- a. Lots 1, 2 and 3 of the proposed Certified Survey Map are prohibited from future land division.
 - b. Lots 1 and 3 of the proposed Certified Survey Map are prohibited from future residential development.
 - c. The housing of livestock in the existing outbuildings on Lot 1 is prohibited if the existing outbuilding does not meet the required 50-foot setback requirement.
7. The Petitioner shall record an access easement across the southern portion of Lot 2 for the benefit of Lot 3, in a form approved by the Village Attorney.
 8. Prior to issuance of a building permit for Lot 2, the driveway shall be reconfigured to preclude joint access between Lot 1 & 2 for a minimum of 5 feet on each side of the Lot line.
 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 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.
 10. The Village of Windsor Board's approval of the Certified Survey Map 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) day expiration, one time, 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 regular meeting of the Village Board of the Village of Windsor, Dane County, Wisconsin, on the 3rd day of October, 2019, by a vote of 5 in favor and 0 opposed.

VILLAGE OF WINDSOR


 Robert E. Wipperfurth, President

Attested by:


 Christine Capstran, Clerk

INCORPORATED BY REFERENCE:

- Staff Report
- Petitioner Application
- Plan Commission Resolution 2019-14
- Ordinance 2019-26



Windsor

Growing Forward

To: Village of Windsor Board
Cc: Robert Wipperfurth, Tina Butteris, Christine Capstran, William Cole, Jerry Groth
From: Amy Anderson Schweppe, Jamie Rybarczyk
Rpt Date: September 27, 2019
Mtg Date: October 3, 2019
Submtl Date: July 19, 2019
Aprvl Date: October 17, 2019
Re: Mooers - Certified Survey Map and Rezone Request

BACKGROUND:

Petitioner: Frederick Mooers

Property Owner: Frederick G Mooers Revocable Trust

Location / Address: 3294 Vinburn Road

Taxkey Number: 196/0910-134-9000-2

Area: 40 Acres

Existing Zoning: A-1 EX, Exclusive Agriculture District

Proposed Zoning: A-2(2), Agriculture District; A-2(8), Agriculture District and A-4 Agriculture District

Future Land Use: Agricultural Preservation

REQUEST:

The Petitioner requests approval of a three (3) lot Certified Survey Map and Rezone for the subject property.

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

OVERVIEW:

The Certified Survey Map creates three (3) lots. Lot 1 is a consolidation of the existing farm residence and outbuildings. Lot 1 is 3.0 acres in size and will be rezoned from A1-EX, Exclusive Agriculture District to A-2(2), Agriculture District. Lot 2 creates a future residential lot. Lot 2 is 11.196 acres in size and will be rezoned from A1-EX, Exclusive Agriculture District to A-2(8), Agriculture District. Lot 3 is the remnant farmland. Lot 3 is 25.161 acres in size and will be rezoned from A1-EX, Exclusive Agriculture District to A-4, Agriculture District.

VILLAGE STAFF COMMENTS:

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

Village of Windsor Code of Ordinances: Chapter 38 Planning and Development & Wisconsin State Statutes: Chapter 236

1. Sheet 2
 - a. There is an existing semi-circle driveway that crosses over from Lot 2 to Lot 1 for access to the buildings and residence on Lot 1. A cross-access easement may be necessary for that part of the driveway located on Lot 2.
2. Sheet 4
 - a. Correct the Section number for the legal description at the top of the page.
 - b. Due to the roadway dedication, include a Mortgagee's Certificate, if applicable.
 - c. Add Plan Commission Certificate.

Village of Windsor Code of Ordinances: Chapter 52 Zoning Districts

The Rezone request is consistent with the requirements of the A-2, Agriculture District and A-4, Agriculture Districts.

Village of Windsor Code of Ordinances: Chapter 54 Shoreland Zoning

Lots 2 and 3 are located in the Shoreland Zoning District (an Overlay District). The Petitioner is hereby advised that additional requirements and permitting may be applicable if construction occurs within the boundary of the Shoreland Zoning District.

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).

$$40.0 \text{ ac} / 35 \text{ ac} = 1.14 \text{ splits.}$$

The existing farm residence and outbuildings predate the ordinance and do not count toward the available splits, giving the site a total of 2 residential splits per the Comprehensive Plan: 2035.

Lots 1, 2 and 3 of the proposed Certified Survey Map will require a deed restriction prohibiting future land division. In addition, Lots 1 and 3 will require a deed restriction prohibiting future residential development.

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 Certified Survey Map and Rezone Request.

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 Petitioner shall submit cash payment to the Village of Windsor in the amount of \$1,532.58 for Fees in Lieu of Parkland Dedication and \$1,203.26 for Fees for Initial Improvement of Parkland for Lot 2 of the Certified Survey Map as it is deemed a new residential lot.
2. The Village of Windsor shall waive the Fees in Lieu of Parkland and Fees for Initial Improvement of Parkland for Lots 1 and 3. Lot 1 of the Certified Survey Map consolidates the existing farm residence and outbuildings and does not create a new residential lot. Lot 3 of the Certified Survey Map will be deed restricted prohibiting future land division and residential development.

VILLAGE PLAN COMMISSION RECOMMENDATION:

On September 12, 2019 the Village Plan Commission recommended to the Village Board Approval of the Certified Survey Map and Rezone request for Frederick Mooers located at 3294 Vinburn Road by Plan Commission Resolution 2019-14.

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

VILLAGE STAFF RECOMMENDATION:

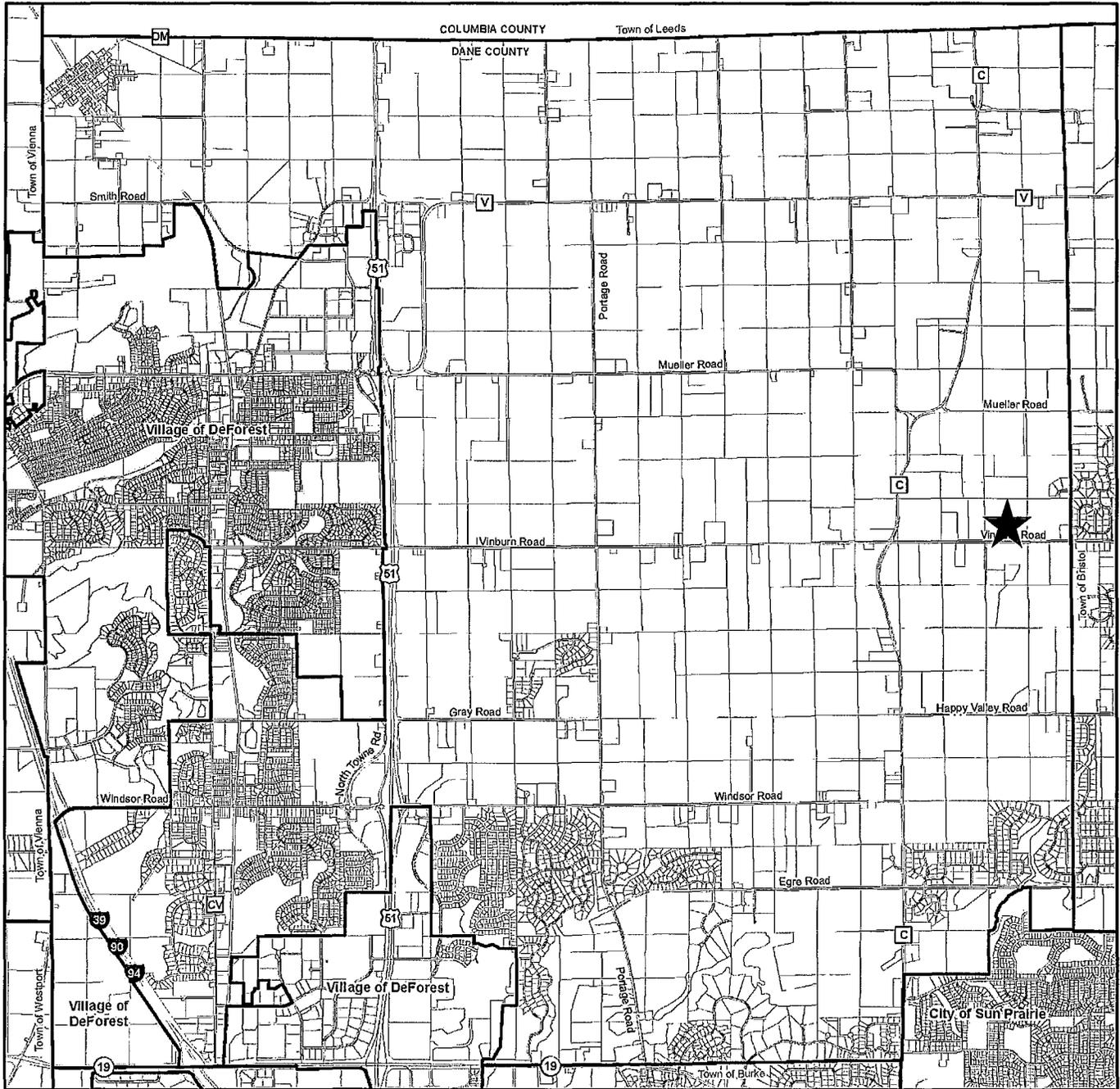
Depending on confirmation by the Village of Windsor Board of the above described comments, the Village of Windsor Board may take the following action:

The Village of Windsor Board **Approves** the Certified Survey Map and Rezone Request for Frederick Mooers located at 3294 Vinburn Road, 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. Lot 2 of the Certified Survey Map shall be rezoned from A1-EX, Exclusive Agriculture District to A-2(8), Agriculture District.
 - c. Lot 3 of the Certified Survey Map shall be rezoned from A1-EX, Exclusive Agriculture District to A-4, Agriculture District.
 - d. 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 Petitioner shall submit cash payment to the Village of Windsor for Fees in Lieu of Land in the amount of \$1,532.58 pursuant to Section 38-636(b) of the Village of Windsor Code of Ordinances for Lot 2.
 - d. The Petitioner shall submit cash payment to the Village of Windsor for Fees for Initial Improvement of Parkland in the amount of \$1,203.26 pursuant to Section 38-638(e) of the Village of Windsor Code of Ordinances for Lot 2.
 - e. The Village of Windsor shall waive the Fees in Lieu of Parkland and Fees for Initial Improvement of Parkland for Lots 1 and 3. Lot 1 of the Certified Survey Map consolidates the existing farm residence and outbuildings does not create a new residential lot. Lot 3 of the Certified Survey Map will be deed restricted prohibiting future land division and residential development.
 - f. The Petitioner shall record a deed restriction, in a form approved by the Village Attorney, as follows:
 - i. Lots 1, 2 and 3 of the proposed Certified Survey Map are prohibited from future land division.
 - ii. Lots 1 and 3 of the proposed Certified Survey Map are prohibited from future residential development.
 - iii. The housing of livestock in the existing outbuildings on Lot 1 is prohibited if the existing outbuilding does not meet the required 50-foot setback requirement.
 - g. The Petitioner shall record an access easement across the southern portion of Lot 2 for the benefit of Lot 3, in a form approved by the Village Attorney.
 - h. Prior to issuance of a building permit for Lot 2, the driveway shall be reconfigured to preclude joint access between Lot 1 & 2 for a minimum of 5 feet on each side of the Lot line.
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) day expiration, one time, 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. Unofficial Minutes from September 12, 2019

Windsor

Growing Forward

Development Review Application

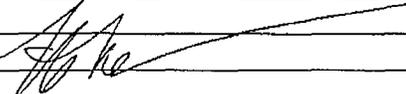
Acknowledgement of Understanding

The Petitioner, Property Owner, and Agent have reviewed and understand the Village of Windsor Code of Ordinances as it relates to the Development Review Application, Supplemental Information, and Technical Specifications required for the Development Review Request.

The Petitioner, Property Owner, and Agent understand that an Administrative Fee and Escrow Fee will be charged for review of the Development Review Request by the Village staff and professional consultants, and payment must be submitted with the Development Review Request.

Property Information	
Location / Address:	3294 Vinburn Road
Taxkey Number:	0910-134-9000-Z
Area:	40

Petitioner	
Name:	Same as owner
Address:	
City, State, Zip Code:	
Phone:	Residence / Business / Cell
Email:	
Signature:	

Property Owner	
Name:	Moers Rev Trust, Frederick G. Moers
Address:	6125 Fredericksburg Ln.
City, State, Zip Code:	Madison, WI 53718
Phone:	(608) 609-9027 Residence / Business / Cell
Email:	
Signature:	

Agent	
Name:	Paulson & Associates, LLC Daniel A. Paulson
Address:	136 W Holum St, DeForest WI 53532
City, State, Zip Code:	
Phone:	(608) 846-2523 Residence (Business) / Cell
Email:	Dan @ Paulson LLC.net
Signature:	Daniel A. Paulson

Development Review Application

Development Review Request

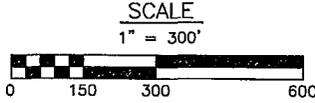
The Petitioner must submit one electronic file (PDF format) of the Development Review Application and Supplemental Application Information to the Director of Planning/Zoning Administrator at amy@windsorwi.gov no less than thirty (30) days prior to the Village of Windsor meeting. The Village Plan Commission typically meets the second Thursday of every month, the Village Board typically meets the first Thursday of every month, both at 5:00 p.m. at the Village Municipal Building, 4084 Mueller Road, DeForest, WI 53532.

Development Review Request	Application		
	Fee	Escrow (Min)	Escrow (Max)
Comprehensive Plan Amendment	\$300	\$1,000	N/A
<input type="checkbox"/> Buildings and Building Regulations			
<input type="checkbox"/> Standard Site Plan Review	\$300	\$2,500	N/A
<input type="checkbox"/> Limited Site Plan Review	\$150	N/A	N/A
<input type="checkbox"/> Planning and Development			
<input type="checkbox"/> Concept Plan	\$150	N/A	N/A
<input type="checkbox"/> Preliminary Plat	\$300	\$1,000/lot	\$10,000/lot
Final Plat	\$300	\$1,000/lot	\$10,000/lot
Replat	\$300	\$1,000/lot	\$10,000/lot
<input checked="" type="checkbox"/> Certified Survey Map	\$150	\$1,000/lot	\$5,000/lot
<input type="checkbox"/> Condominium Plat	\$300	\$1,000/lot	\$10,000/lot
<input type="checkbox"/> Zoning Districts			
<input type="checkbox"/> Zoning Map and/or Ordinance Amendment	\$150	\$1,000	N/A
<input type="checkbox"/> Conditional Use Permit	\$150	\$1,000	N/A
<input type="checkbox"/> Planned Unit Development	\$300	\$2,500	N/A
<input type="checkbox"/> Sign	\$100	N/A	N/A
<input type="checkbox"/> Zoning Variance	\$150	\$1,000	N/A
<input type="checkbox"/> Other	\$150	T.B.D.	T.B.D.

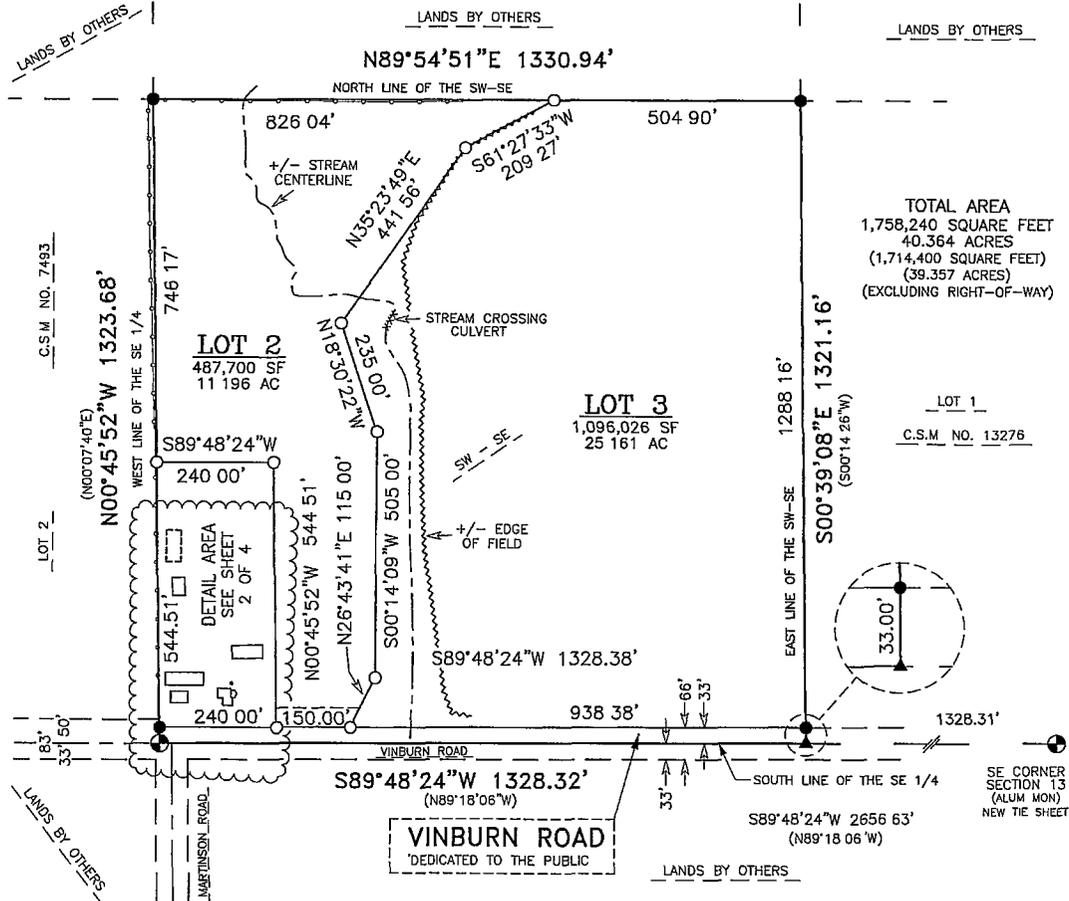
DANE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING THE SW 1/4 OF THE SE 1/4, SECTION 13,
T9N, R10E, VILLAGE OF WINDSOR, DANE COUNTY, WISCONSIN

BASIS OF BEARINGS
THE SOUTH LINE OF THE SE 1/4 IS
RECORDED TO BEAR S89°48'24"W

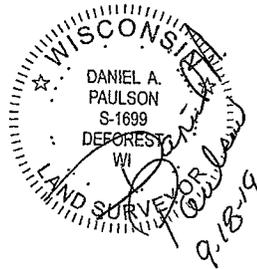


DOCUMENT NO. _____



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

OWNER/SUBDIVIDER
FREDERICK G MOOERS REV TR.
Fredrick G. Mooers
6125 Fredericksburg Lane
Madison, WI 53718

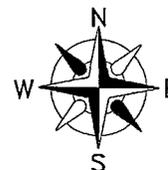


LEGEND

- DANE COUNTY SECTION CORNER (FOUND) (AS NOTED)
- 3/4" X 18" ROUND IRON RE-BAR WEIGHING 1.50 LBS/LF (SET)
- 2" IRON PIPE (FOUND)
- ▲ PK NAIL (FOUND)
- () "RECORDED AS" INFORMATION
- FENCE LINE REMNANTS

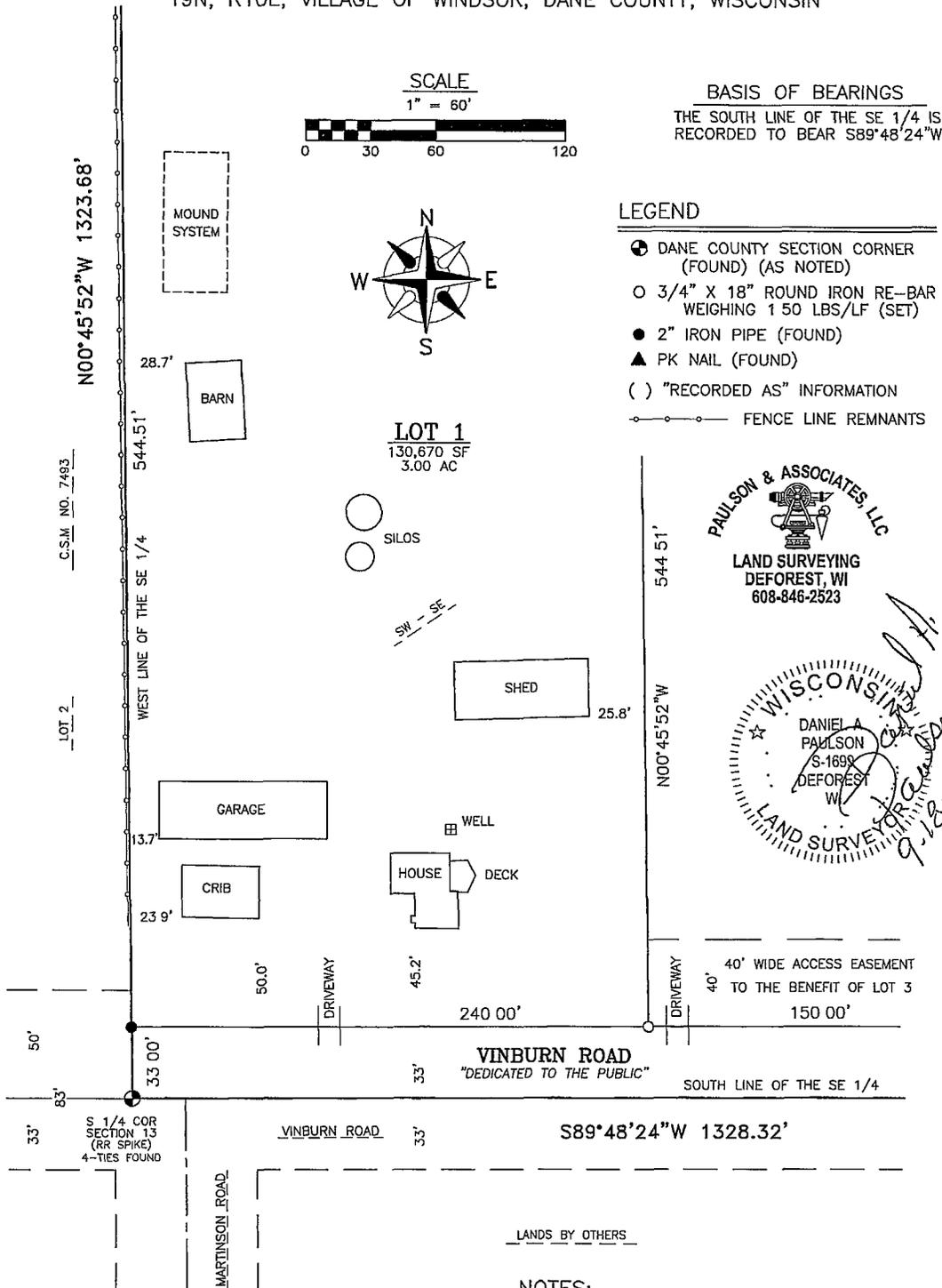
NOTES:

- 1) REFER TO BUILDING SITE INFORMATION CONTAINED IN THE DANE COUNTY SOIL SURVEY
- 2) DISTURBING SURVEY STAKES IS A VIOLATION OF SECTION 236.32 OF THE WISCONSIN STATE CODE.



DANE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING THE SW 1/4 OF THE SE 1/4, SECTION 13,
T9N, R10E, VILLAGE OF WINDSOR, DANE COUNTY, WISCONSIN



NOTES:

- REFER TO BUILDING SITE INFORMATION CONTAINED IN THE DANE COUNTY SOIL SURVEY
- DISTURBING SURVEY STAKES IS A VIOLATION OF SECTION 236.32 OF THE WISCONSIN STATE CODE.

DANE COUNTY CERTIFIED SURVEY MAP NO. _____

Being the SW ¼ of the SE ¼ of Section 13, Town 9 North, Range 10 East,
Village of Windsor, Dane County, Wisconsin

SURVEYOR'S CERTIFICATE

I, Daniel A Paulson, Professional Land Surveyor **DO HEREBY CERTIFY** that by the direction of Fredrick G. Mooers, I have surveyed, divided, monumented, and mapped the SW ¼ of the SE ¼ of Section 13, Town 9 North, Range 10 East, Village of Windsor, Dane County, Wisconsin, described as follows:

BEGINNING at the South Quarter Corner of Section 13;
thence N00°45'52"W (recorded as N00°07'40"E), 1323.68 feet along the west line of the SE ¼ of Section 13 to the northwest corner of the SW ¼ of said SE ¼,
thence N89°54'51"E, 1330.94 feet along the north line of the SW ¼ of the SE ¼ of Section 13 to the northeast corner of said SW ¼ of the SE ¼;
thence S00°39'08"E (recorded as S00°14'26"W), 1321.16 feet along the east line of the SW ¼ of the SE ¼ of Section 13 to the southeast corner of said SW ¼ of the SE ¼,
thence S89°48'24"W (recorded as N89°18'06"W), 1328.32 feet along the south line of the SE ¼ of Section 13 to the **POINT OF BEGINNING**.

Containing 1,758,240 square feet, (40.364 acres), 1,714,400 square feet (39.357 acres) excluding Vinburn Road right-of-way

Subject to all recorded and unrecorded easements.

I do hereby certify that to the best of my information, 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 and the Village of Windsor Code of Ordinances in surveying and mapping the same.


Daniel A. Paulson PLS-1699
9-18-19
Date:



VILLAGE OF WINDSOR APPROVAL CERTIFICATE

Approved for recording by the Windsor Village Board this ____ day of _____, 2019. The public highway right-of-way dedication is hereby acknowledged and accepted by the Village of Windsor

Christine Capstran, Clerk
Windsor of Village

CERTIFICATE OF THE DANE COUNTY REGISTER OF DEEDS

Received for recording this ____ day of _____, 2019, at ____ o'clock __. M. and recorded in Volume _____ of Certified Survey Maps of Dane County, Pages _____.

DOCUMENT NO. _____
Dane County Register of Deeds

DANE COUNTY CERTIFIED SURVEY MAP NO. _____

Being the SW ¼ of the SE ¼ of Section 1, Town 9 North, Range 10 East
Village of Windsor, Dane County, Wisconsin

OWNER'S CERTIFICATE OF DEDICATION

I, Frederick G Mooers, as representative of the Frederick G Mooers REV. TR, as owner hereby certify that I caused the land described to be surveyed, divided, dedicated and mapped as represented on the map I also certify that this Certified Survey Map is required to be submitted to the Village of Windsor for approval.

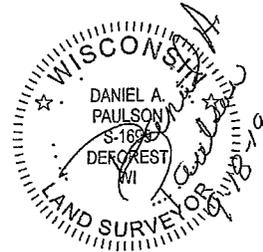
Fredrick G. Mooers

Date

STATE OF WISCONSIN)
_____ COUNTY) SS

Personally came before me this _____ day of _____, 2019, the above Frederick G. Mooers to me known to be the person who executed the foregoing instrument and acknowledged the same

Notary Public _____, Wisconsin
My commission expires: _____



DEED RESTRICTION
Exhaustion of Development Rights
Preclusion of Further Residential Development
Preclusion of Housing Livestock

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: Lots 1, 2 & 3, Certified Survey Map _____,
recorded in the Dane County Register of Deeds as Document #
_____.

Restrictions:

1. As long as Lots 1, 2 or 3 are within the Agricultural Preservation Area of the Village of Windsor, the lots with such Area shall not be further divided or subdivided.
2. No further residential development or structures shall be permitted on Lots 1 or and 3 on any of said lots without the consent of the Village of Windsor.
3. No animals or livestock shall be housed in any outbuildings on Lot 1 if said outbuildings are located within the applicable setback requirements pursuant to the Windsor Code of Ordinances.

RETURN TO:

DRAFTED BY:
William S. Cole, Village Attorney
Axley Brynelson, LLP
2 E. Mifflin Street, Suite 200
Madison, WI 53703

PARCEL IDENTIFICATION NUMBERS:
196/0910-134-9000-2

The Owner petitioned for and obtained approval of a certified survey map 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

STATE OF WISCONSIN)
) ss.
DANE COUNTY)

Personally came before me this _____ day of _____, 2019, the above-named individual(s), to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin

My commission expires: _____

DRIVEWAY EASEMENT AND MAINTENANCE
AGREEMENT

The undersigned (collectively, the "Owners"), 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: Lots 2 & 3, Certified Survey Map _____,
recorded in the Dane County Register of Deeds as Document #
_____.

1. Establishment of Access Driveway Easement. The Owners hereby grant and establish a permanent easement (the "Access Driveway Easement") over, under and across Lot 2 (the "Servient Parcel") for the benefit of Lot 3 (the "Dominant Parcel") for vehicular and pedestrian ingress and egress to and from the Dominant Parcel and Vinburn Road by the owner of the Dominant Parcel, and their employees, agents, visitors, guests, licensees, lessees, sublessees, tenants and invitees (the "Authorized Persons").

2. Location of Access Driveway Easement. The Access Driveway Easement shall be 40 feet in width and 150 feet in length along the southern 40 feet of Lot 2 as described on the above-referenced certified survey map.

3. Maintenance of Access Driveway Easement. The Dominant Owner shall be responsible, at their sole cost, for all construction, maintenance, replacement and repairs for the access drive upon the Access Driveway Easement, except to the extent due to the negligent acts or omissions of the Servient Owner, or its Authorized Persons. All work done by the Dominant Owner shall be performed in a good, workmanlike and lien-free manner, in compliance with all governmental requirements and without unreasonable interference to the Servient Owner. Except in an emergency situation, the Dominant Owner shall provide the Servient Owner not less than 48 hours prior notice of any such work. The Dominant Owner shall be responsible, at their sole cost, for removing all litter, ice and snow, mud and sand, debris and refuse from the Access Driveway Easement to the extent reasonably necessary to keep the surfaces in a reasonably clean condition, and placing salt or sand thereon when reasonably necessary; all of which shall be performed in a manner and within a time period which is consistent with generally accepted standards for the maintenance of residential driveways in the Village of Windsor, Dane County, Wisconsin.

4. Indemnification/Liens. The Dominant Owner hereby agrees to indemnify, defend, and hold harmless, the Servient Owner and the Servient Parcel against any and all loss, liability or damage arising from any of the following, except to the extent due to the negligent acts or omissions of the Servient Owner, or its Authorized Persons:

- (1) any and all work performed by the Dominant Owner pursuant to section 3 above;
- (2) use of the Access Driveway Easement by the Dominant Owner or its Authorized Persons.

RETURN TO:

DRAFTED BY:
William S. Cole, Village Attorney
Axley Brynson, LLP
2 E. Mifflin Street, Suite 200
Madison, WI 53703

PARCEL IDENTIFICATION NUMBERS:
196/0910-134-9000-2

