

Parks, Timothy

From: Michael J. Lawton [mlawton@boardmanclark.com]
Sent: Tuesday, August 13, 2013 2:07 PM
To: Parks, Timothy
Cc: 'Dan Birrenkott'; 'Mark Pynnonen'
Subject: Proposed WoodGer Final Plat Note

Tim, the language below is what Dan Birrenkott and I are proposing to resolve the issue of the note on the final plat for the stormwater drainageway on the WoodGer final plat. We believe that this protects the interest of both the Town and the City with respect to the drainageway, while allowing our client to continue his agricultural activities and underlying ownership of the land in question. This is consistent with what we understood the City engineering staff to be looking for. Please let us know if this will work and satisfy this condition, so we can obtain final approval of the plat. Thanks.

"Upon the order of the Burke Town Board (until such time as Outlots 1 and 2 are within the City of Madison), or upon the order of the City of Madison Common Council (at such time as Outlots 1 and 2 are within the City of Madison), the owner of said Outlots 1 and 2 at such time shall grant to the Town of Burke or to the City of Madison, as the case may be, a perpetual easement for stormwater drainage and management purposes along, and 35 feet on either side of, the centerline of the main drainageway which traverses said Outlots 1 and 2 from the northeast to the southwest as shown on the plat map, subject to any required consent at the time of such easement grant, if any, that is needed from the U.S. Fish and Wildlife Service, with respect to Outlot 1. The aforesaid easement shall be exclusive once granted by the owner of said Outlots to the Town or City, as the case may be, but the owner of said Outlots, and its successors in interest, shall be permitted to continue normal agricultural activities within such easement area or to use such easement area for stormwater drainage and management purposes, conservation, or landscaping uses, so long as such activities comply with all applicable laws, ordinances and regulations and do not interfere with the use of such easement for the stormwater drainage and management purposes of the Town or the City, as applicable. The Town of Burke or the City of Madison, as the case may be, shall have a right to enter the easement area at any time after the grant of the easement for purposes of inspecting, maintaining and improving the easement area for stormwater drainage and management purposes, if either of them so elect, in their sole discretion."

Mike Lawton



Michael J. Lawton
Attorney at Law
mlawton@boardmanclark.com
Direct: 608-286-7236
Phone: 608-257-9521
Fax: 608-283-1709

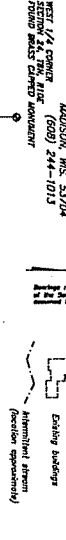
MADISON OFFICE
BOARDMAN & CLARK LLP
1 S PINCKNEY ST STE 410
P.O. BOX 927
MADISON, WI 53701-0927

IRS CIRCULAR 230 NOTICE: To ensure our compliance with certain U.S. Treasury Regulations, please be advised that, unless expressly indicated otherwise, if this communication or any attachment to this

communication contains advice relating to any Federal tax issue, the advice is not intended or written to be used, and cannot be used, by any person for the purpose of avoiding Federal tax penalties. If any of the advice was written to support the promotion, marketing, or recommendation of any transaction or matter addressed within the meaning of Internal Revenue Service Circular 230, you should seek advice based upon your particular circumstances from an independent tax advisor.

This is a transmission from the law firm of Boardman & Clark LLP and may contain information which is privileged, confidential, and protected by the attorney-client and/or attorney work product privileges. If you are not the addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this transmission in error, please destroy it and notify us immediately at our telephone number (608) 257-9521. The sender does not accept liability for any errors or omissions in the contents of this message which arise as a result of e-mail transmission.

BIRKENHOTT SURVEYING INC.
BIRKENHOTT SURVEYING, INC.
1877 N. BRIDGES ST.
SUN RIDGE, MS. 38390
(662) 837-7415
(662) 837-7413 (FAX)
PREPARED FOR:
GERALD SUTHERLAND, JR
4014 BURKE ROAD
MOBILE, MS. 36684
(909) 244-1013



Consent of Mortgagees
Farmers & Merchants State Bank, mortgagee of the land described hereon, has consented to this plan, and the same shall be binding on the mortgagor, and the mortgagor hereby irrevocably authorizes the mortgagor to execute this plan for the purpose of securing the mortgage of the land described hereon.

Consent of Owners
The following persons are the owners of the land described hereon, and they have consented to the execution of this plan and the same shall be binding on them:

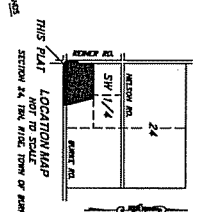
- LOT 1: GERALD SUTHERLAND, JR., MOBILE, MS.
- LOT 2: GERALD SUTHERLAND, JR., MOBILE, MS.
- LOT 3: GERALD SUTHERLAND, JR., MOBILE, MS.
- LOT 4: GERALD SUTHERLAND, JR., MOBILE, MS.
- LOT 5: GERALD SUTHERLAND, JR., MOBILE, MS.
- LOT 6: GERALD SUTHERLAND, JR., MOBILE, MS.
- LOT 7: GERALD SUTHERLAND, JR., MOBILE, MS.
- LOT 8: GERALD SUTHERLAND, JR., MOBILE, MS.
- LOT 9: GERALD SUTHERLAND, JR., MOBILE, MS.
- LOT 10: GERALD SUTHERLAND, JR., MOBILE, MS.

Woods
Woods

Dishing buildings
Dishing buildings

Amusement structure
Amusement structure

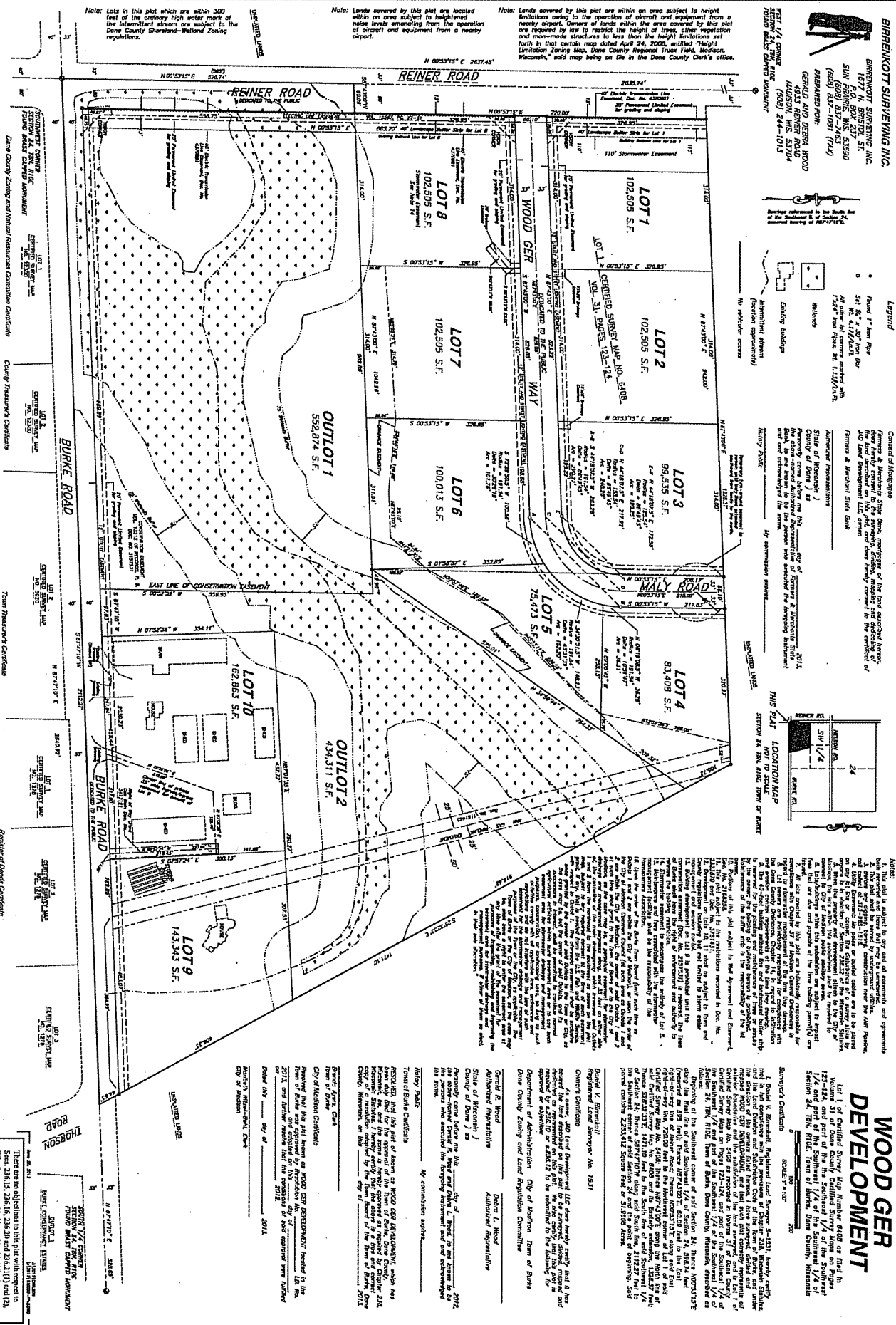
Other structures
Other structures



Note: Lands covered by this plan are within an area subject to height restrictions owing to the operation of aircraft and equipment from a nearby airport. Owners of lands within the area covered by this plan are required by law to restrict the height of trees, other vegetation and other structures to less than the height limitations set forth in that certain map dated April 24, 2006, entitled "Height Limitation Zoning Map, Dore County Regional Trust Field, Moulton, Missouri," said map may be obtained from the Dore County Clerk's office.

Note: Lands covered by this plan are located within an area subject to height restrictions owing to the operation of aircraft and equipment from a nearby airport. Owners of lands within the area covered by this plan are required by law to restrict the height of trees, other vegetation and other structures to less than the height limitations set forth in that certain map dated April 24, 2006, entitled "Height Limitation Zoning Map, Dore County Regional Trust Field, Moulton, Missouri," said map may be obtained from the Dore County Clerk's office.

Note: Lots in this plan which are within 300 feet of the ordinary high water mark of the intermittent stream subject to the Dore County Shoreland-Wetland Zoning regulations.



County of Dore, Missouri
I, Adam Sutherland, being the duly selected, qualified and acting trustee of the trust created by the will of GERALD SUTHERLAND, JR., do hereby certify that the foregoing is a true and correct copy of the plat of the land described in the foregoing plat, as the same appears from the records of the County of Dore, Missouri, and that the same has been filed for record in the office of the Recorder of Deeds of said County, Missouri, on this 28th day of May, 2014.

County Treasurer's Certificate
I, Adam Sutherland, being the duly selected, qualified and acting trustee of the trust created by the will of GERALD SUTHERLAND, JR., do hereby certify that the foregoing is a true and correct copy of the plat of the land described in the foregoing plat, as the same appears from the records of the County of Dore, Missouri, and that the same has been filed for record in the office of the Recorder of Deeds of said County, Missouri, on this 28th day of May, 2014.

Recorder of Deeds Certificate
I, Adam Sutherland, being the duly selected, qualified and acting trustee of the trust created by the will of GERALD SUTHERLAND, JR., do hereby certify that the foregoing is a true and correct copy of the plat of the land described in the foregoing plat, as the same appears from the records of the County of Dore, Missouri, and that the same has been filed for record in the office of the Recorder of Deeds of said County, Missouri, on this 28th day of May, 2014.

WOOD GER DEVELOPMENT

This plan is subject to the map and of assessment and operations which have been filed for record in the office of the Recorder of Deeds of the County of Dore, Missouri, on this 28th day of May, 2014, and the same shall be binding on the mortgagor, and the mortgagor hereby irrevocably authorizes the mortgagor to execute this plan for the purpose of securing the mortgage of the land described hereon.

Consent of Owners
The following persons are the owners of the land described hereon, and they have consented to the execution of this plan and the same shall be binding on them:

- LOT 1: GERALD SUTHERLAND, JR., MOBILE, MS.
- LOT 2: GERALD SUTHERLAND, JR., MOBILE, MS.
- LOT 3: GERALD SUTHERLAND, JR., MOBILE, MS.
- LOT 4: GERALD SUTHERLAND, JR., MOBILE, MS.
- LOT 5: GERALD SUTHERLAND, JR., MOBILE, MS.
- LOT 6: GERALD SUTHERLAND, JR., MOBILE, MS.
- LOT 7: GERALD SUTHERLAND, JR., MOBILE, MS.
- LOT 8: GERALD SUTHERLAND, JR., MOBILE, MS.
- LOT 9: GERALD SUTHERLAND, JR., MOBILE, MS.
- LOT 10: GERALD SUTHERLAND, JR., MOBILE, MS.

Woods
Woods

Dishing buildings
Dishing buildings

Amusement structure
Amusement structure

Other structures
Other structures

Department of Administration
OFFICE MAP NO. 11000-3P