

DEDICATION AGREEMENT

THIS DEDICATION AGREEMENT (the "Agreement"), is made and entered into this 10th day of NOVEMBER, 2008, between **Homburg Farms, LLC**, a Wisconsin corporation ("Homburg") and the **City of Madison**, a Wisconsin municipal corporation ("City").

RECITALS:

- A. Homburg owns approximately 75 acres (the "Property") located in Section 18, Town 7 North, Range 11 East, Town of Cottage Grove, Dane County Wisconsin. The land is within the planned urban expansion area of the City, and Homburg intends to annex such lands into the City of Madison when it is timely for urban expansion.
- B. The Wisconsin Department of Natural Resources seeks to acquire 3.2 acres of the Property for the purpose of extending the Glacial Drumlins State Bike Trail from the Village of Cottage Grove to Interstate 90 in the City of Madison
- C. The City supports the completion of the Bike Path into Madison, and works under a cooperative agreement with DNR to jointly complete the project. The land to be dedicated (the "Dedicated Lands") is comprised of approximately 3.2 acres legally described and depicted as "Parcel A" on Exhibit A, which exhibit is attached hereto and made a part hereof.
- D. The Homburg Property is within the urban expansion growth area of the City, as indicated on the 2006 Comprehensive Development Plan, and is designated as a Neighborhood Planning Area for residential growth. Based on an estimated minimum density of 300 single family residential units on the Property, a park dedication of approximately 7.6 acres will be required.
- E. Homburg, or Homburg Equipment, Inc., or another entity owned by the principals of Homburg, will also be developing other parcels within the City prior to the development of the Property, and Homburg is willing to dedicate land for the bike path project that can serve as "banked" to satisfy and/or prepay the park and open space dedication and fees requirements, as provided by City Ordinances, at other sites in the City owned by Homburg, or Homburg Equipment, Inc., or other entity owned by the principals of Homburg, as they are developed.
- F. The City and Homburg desire to memorialize the terms and conditions for the City's acceptance of dedication of the parkland within the Glacial Drumlins Bike Path Corridor.

AGREEMENT:

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, the City and Homburg hereby agree as follows:

1. Description of Dedicated Lands. Homburg agrees to dedicate to the City, at no cost to the City, the lands described in attached Exhibit A (the "Dedicated Lands"), and the City agrees to accept such dedication.
2. Future Dedication Requirements. The City agrees that, as Homburg, or Homburg Equipment, Inc., or other entity owned by the principals of Homburg, develops other lands in the City, including the Property, Homburg, or Homburg Equipment, Inc. will receive credit for the land dedicated under this Agreement. For the credit, 3.2 acres, the area of the Dedicated Lands, will meet the park and open space land dedication, or fee in lieu of land dedication, requirements under current City Ordinances for 127 single-family or duplex units at 1,100 square feet dedicated per unit or 199 multi-family units other than duplex units at 700 square feet dedicated per unit, or combination of these units, and the number of units shall not be decreased even though the dedication/fee requirements of City Ordinances may change prior to the development of lands by Homburg, or Homburg Equipment, Inc., or other entity owned by the principals of Homburg.
3. No Personal Property. The transactions contemplated by this Agreement do not include any personal property.
4. Contingencies of Dedication. This Agreement and the City's acceptance of the dedication of the Property are contingent upon the City's receipt of an environmental site assessment ("ESA") for the Property performed by a qualified independent environmental consultant, which discloses no potential defects. A "defect" is defined as a material violation of any environmental law, a material contingent liability affecting the Property arising under any environmental law, the presence of an underground storage tank(s) or material levels of substances either on the Property or presenting a significant risk of contaminating the Property due to migration from adjacent properties. The State of Wisconsin Department of Natural Resources ("WisDNR") has agreed to provide funding for the total costs related to the preparation of the ESA. Homburg shall deliver a copy of the environmental site assessment to the City as soon as it becomes available. If a defect is disclosed, this Agreement shall automatically be null and void. This paragraph shall create no liability for Homburg arising from any defect found on the Dedicated Lands after the City's acceptance of the dedication of the Dedicated Lands.
5. Certified Survey. Homburg shall prepare a certified survey map to dedicate the Dedicated Lands to the City, provided that the WisDNR provides funding for the total costs related to the preparation of the certified survey map, including costs incurred by Homburg.

6. Sanitary Sewer Easement. Homburg shall convey a 20-foot-wide public sanitary sewer easement, at no cost to the City. Said easement is located along and within the Northerly-most portion of the Dedicated Lands located west of Vilas Hope Road, also described as Parcel B on attached Exhibit A. Said easement shall be assigned to the Village of Cottage Grove for their public sanitary sewer expansion project.
7. Special Assessments. Homburg shall be responsible for special and deferred assessments levied against the Dedicated Lands prior to closing.
8. Representations. Homburg represents the following:
 - a) No Prior Right to Purchase. No person has any option, right of first refusal or similar right to purchase all or any portion of the Dedicated Lands.
 - b) No Adverse Possessors. There are no parties in possession of any portion of the Dedicated Lands as tenants at sufferance or trespassers.
 - c) No Lessees. There are no parties in possession of any portion of the Dedicated Lands as lessees. EXCEPT the current lessee's term which covers the 2008 harvest season.
9. Notices. Any notice or communication to be given hereunder shall be given in writing signed by the party giving notice, personally delivered or mailed by first class mail, proper postage affixed, to the parties' respective addresses as set forth below:

To Homburg: Andrew Homburg
 6106 Milwaukee Street
 Madison, WI 53718

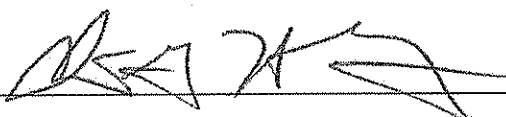
To the City: City of Madison
 Attn.: Donald S. Marx, Real Estate Manager
 Post Office Box 2983
 Madison, WI 53701-2983

10. Miscellaneous.
 - a) Cooperation. The parties each agree at any time or from time to time at the written request of any other to sign and deliver such other documents as may be reasonably requested or as may be reasonably necessary or appropriate to give full effect to the terms and conditions of this Agreement.
 - b) No Obligations to Third Parties. Except as otherwise expressly provided herein, the execution and delivery of this Agreement shall not be deemed to confer any rights upon, nor obligate any of the parties hereto, to any person or entity other than the parties hereto.

- c) Benefit and Burden. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, personal representatives, successors, and assigns. The provisions herein contained shall survive recordation of the certified survey map of the Dedicated Lands and shall not be merged therein.
- d) Entire Agreement. This Agreement contains the entire agreement between the parties and any modification, alteration or addendum to this Agreement shall be valid only when written and executed by both parties.
- e) Severability. If any non-material part, paragraph, or article of this Agreement shall be determined to be invalid, or otherwise unenforceable, the validity of all the remaining parts, paragraphs, and articles shall not be affected thereby. Any such non-material parts, paragraphs, or articles shall be deemed severable.
- f) Governing Law. This Agreement shall be governed by, and construed in accordance with, the laws of or applicable to the State of Wisconsin.
- g) Headings. The headings in this Agreement are meant for reference purpose only and shall not in any way affect the meaning or interpretation herein.

IN WITNESS WHEREOF, the parties hereto have executed this Dedication Agreement as of the date first above written.

HOMBURG FARMS, LLC

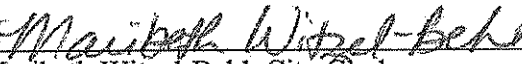
By: 

Andrew G. Homburg
Member: Homburg Farms LLC

CITY OF MADISON

By: 

David J. Cieslewicz, Mayor

By: 

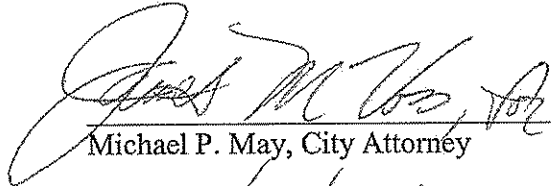
Maribeth Witzel-Behl, City Clerk

APPROVED AS TO FORM:



Dean Brasser, City Comptroller

Date: 11/18/08



Michael P. May, City Attorney

Date: 11/21/2008

Execution of this Dedication and Purchase Agreement is authorized by Resolution No. RES-08-00939, ID No. 11795, adopted by the Common Council of the City of Madison on October 7, 2008.

Drafted by the City of Madison Real Estate Section. Project No. 9052

EXHIBIT A

Legal Description for Homburg Property

Town 7 North, Range 11 East, Town of Cottage Grove, Dane County, Wisconsin.

Section 18:

Parcel "A": A 30 foot corridor over the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ lying adjacent to the southerly right-of-way of the railroad.

Parcel "B": A 50 foot corridor over the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ lying adjacent to the northerly right-of-way of the railroad.

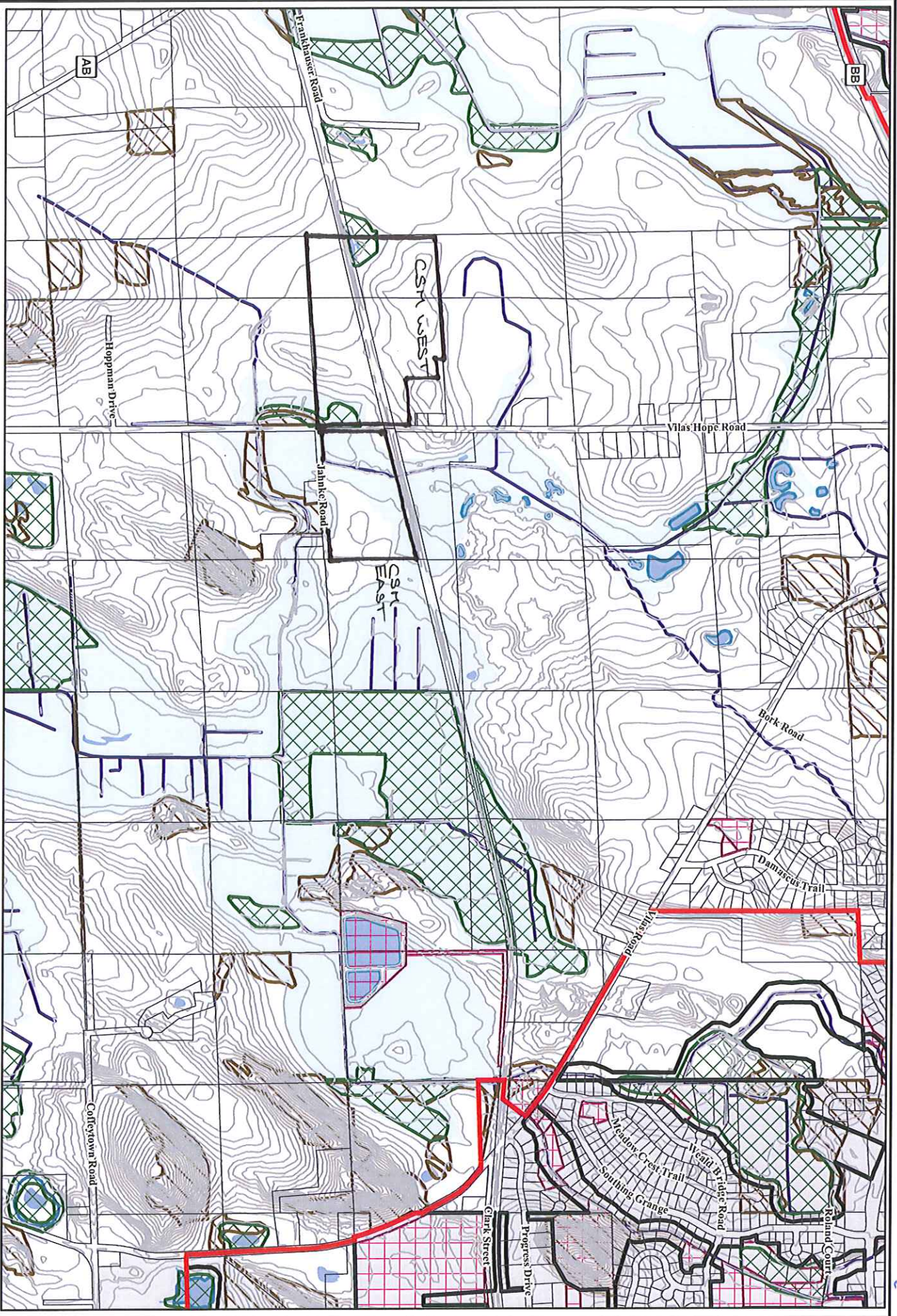
These parcels may be subject to a survey prior to closing of the transaction.

EXHIBIT A

Location Map
The "Dedicated Lands"

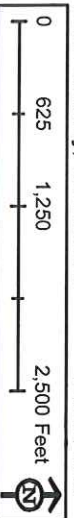
50 foot wide

30 foot wide



Environmental Corridors
Central_Map_H8
Dane County, Wisconsin

Nov 03, 2008



- Urban Service Area
- Limited Service Area
- Environmental Corridor
- Channel
- Intermittent
- Perennial
- Shoreline
- Contours (4ft interval)
- Steep Slopes (GTE 12%)
- Proposed Public Land
- Public Land
- Incorporated Area
- Wetland
- Woodland (80% canopy)
- 100 Year Floodplain



Dane County Planning & Development

Room 116, City-County Building, Madison, Wisconsin 53703-3342

Land Division Review
608/266-9086

June 19, 2009

Kapitan Engineering, Inc.
P.O. Box 665
Sauk City, Wisconsin 53583

Re: CERTIFIED SURVEY MAPS (Homburg Farms, LLC)
N1/2 S18 T7N R11E
Town of Cottage Grove
Dane County



Gentlepeople:

Zoning Petition # 10035 has been approved by the Dane County Board of Supervisors. Accordingly, the above-described preliminary certified survey map proposals are hereby conditionally approved as follows:

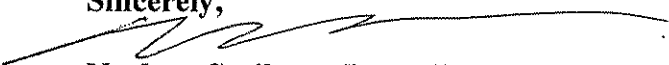
1. Zoning Petition # 10035 is to become effective (one day following publication in the Wisconsin State Journal).
2. The Town of Cottage Grove approval certificates are to be executed.
3. City of Madison approval certificates are to be included and executed (extraterritorial jurisdiction).
4. The documents are to be completed in accordance with S.236.34, Wisconsin Statutes.
5. The documents are to comply with S.236.20(3)(b), Wisconsin Statutes (center of Section does not satisfy this provision).
6. The legal descriptions are to be reviewed with respect to mathematical consistency.
7. The owners certificates are to include "we also certify that this certified survey map is required by S.75.17(1)(a), Dane County Code of Ordinances to be submitted to the Dane County Zoning and Land Regulation Committee for approval."
8. All owners of record are to be included in the owners certificates (County records indicate that Homburg Farms, LLC is an owner). Spouses signatures and middle initials are required to provide valid certificates.
9. The required certificates are to be executed.

Kapitan Engineering, Inc.
June 19, 2009
Page 2

- 10. If lands are being dedicated to the public, said lands are to be clearly designated "dedicated to the public."**
- 11. If lands are not being dedicated to the public with these certified survey maps, all references to dedications are to be removed from the documents.**
- 12. The net lot area calculations are to be specified in square feet.**
- 13. The highway right-of-way widths from centerline are to be clearly dimensioned.**
- 14. The recordable documents are to be submitted for review and approval.**
- 15. Dane County Surveyor approvals are to be obtained.**

When the above conditions have been fully satisfied, the original documents may be submitted to which the Dane County approving signature will be affixed. Please contact the writer with questions regarding this matter.

Sincerely,


Norbert Scribner, Dane County Land Division Review

cc: Homburg Farms, LLC
Clerk, Town of Cottage Grove
City of Madison Planning Department (extraterritorial jurisdiction)
Dane County Surveyor

Enclosure:

STAFF REPORT

DANE COUNTY ZONING & LAND REGULATION COMMITTEE

Dane County Application for Change in Zoning or CUP	Hearing Date: 4/28/2009 Item #: 5
Zoning Petition #: 10035 C.U.P. #: None Internal Tracking Number: RECU25528	Town/Section: Town of Cottage Grove/18
Applicant: HOMBURG FARMS LLC	Location: LANDS ARE SOUTH OF 4137 VILAS HOPE ROAD ON EITHER SIDE OF THE RAILROAD TRACKS.
Area: 3.26 acres Delayed Effective Date: YES Change: From A-1EX Exclusive Agricultural To CO-1 Conservancy (Amend to include A-4 zoning for remnant parcels)	Rezone Reason: ALLOW FOR THE CREATION OF LAND TO BE USED FOR A RECREATIONAL TRAIL.

Description: The petitioner will be selling the strips of land to the City of Madison for the use as a recreational trail.

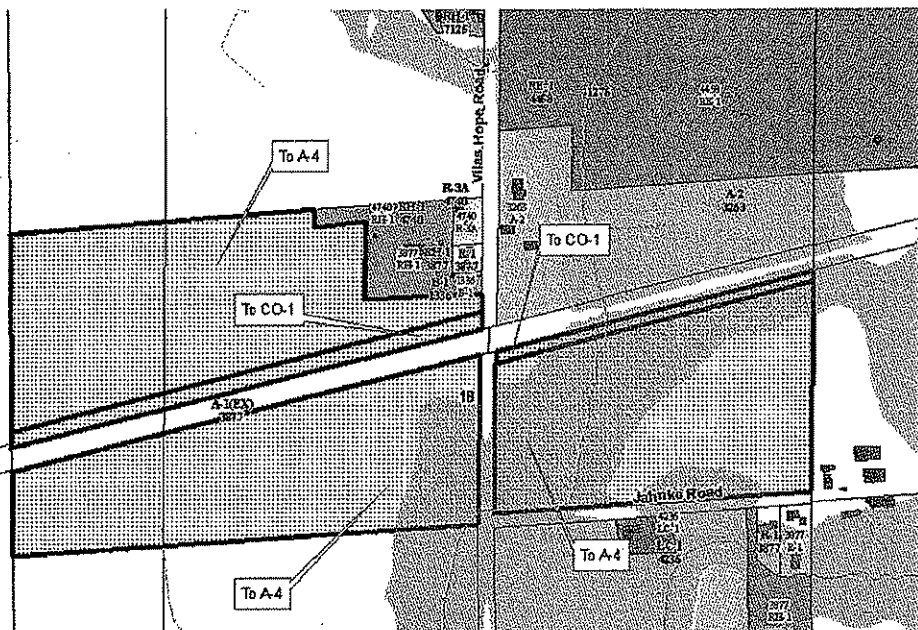
Observations: Door Creek bisects the easterly petition area. The easterly area is within the 100-year flood plain.

This is part of the Glacial Drumlin Trail.

Density /Town Plan: The area is part of the Conservation Residential Area. It appears that housing density units have been exhausted for the site.

Staff: Development of the site would require compliance with Chapter 17, Flood plain regulations.

Town: Approved with conditions.



4/28 ZLR: Postponed due to questions regarding zoning of the remnant property.

Staff: The remnant parcels are approximately 24 acres in size which would not conform to the A-1 Exclusive Zoning District. Staff is suggesting that the zoning of the remnant portions of the property be changed to A-4, Small Lot Agricultural Zoning District.

TOWN ACTION RECOMMENDATION

☒ Approved 4.6.09
☐ Denied _____

Subject To:
☒ Conditions ☐ Amendments

IF CUP:
☐ Conditions ☐ None

ZLR COMMITTEE ACTION - REZONING

☒ Postponed 4.28.09
☐ Approve ☐ Cond/Amnd Town ☐ Cond/Amnd Comm
☐ As Cconditioned _____

☐ Amended ☐ Changed Zone Dist. _____
☐ Changed Boundary Description _____

☐ DENY

Action Date _____

Vote _____

ZLR CUP APPROVAL

☐ Approved ☐ As Specified by Town
☐ Con by ZLR ☐ DENY
Date _____

COUNTY BOARD ACTION REZONING

☐ Referred
☐ Approved
☐ DENY
Date _____
☐ Amended on Floor
County Board Agenda Item _____

DANE COUNTY ORDINANCE AMENDMENT NO: 10035

Internal Tracking Number: RFCU25528

Amending Section 10.03 relating to Zoning Districts in the Town of Cottage Grove.

The Dane County Board of Supervisors does ordain as follows: That the Zoning District Maps of the Town of Cottage Grove be amended to include in the CO-1 Conservancy district(s) following described land:

PETITION NUMBER: 10035

Part of Section 18, Town of Cottage Grove described as follows:

PARCEL A: A-1EX TO CO-1

A strip of land, thirty feet in width, being part of the Southwest Quarter of the Northeast Quarter of Section 18, Township 7 North, Range 11 East, Town of Cottage Grove, Dane County, Wisconsin more particularly described as follows: Commencing at the North Quarter corner of said Section 18; thence South 00°06'13" West along the North-South Quarter Section line thereof, 1953.73 feet to the point of beginning; thence continuing South 00°06'13" West along said North-South Quarter section line, 30.92 feet; thence North 76°06'45" East, 1366.83 feet to the East line of the Southwest one-quarter of the Northeast one-quarter; thence North 00°04'24" East along said East line, 30.91 feet to the South line of the Central and Northwest Railroad (C&NW RR); thence South 76°06'45" West along said C&NW RR South line, 1366.81 feet to the North-South Quarter Section of said Section 18 and the point of beginning. Lands described herein contain 41,004.74 square feet, (0.94 acres), more or less.

PARCEL B: A-1 EX TO CO

A strip of land, fifty feet in width, being part of the Southeast Quarter of the Northwest Quarter and of the fractional Southwest Quarter of the Northwest Quarter of Section 18, Township 7 North, Range 11 East, Town of Cottage Grove, Dane County, Wisconsin more particularly described as follows: Commencing at the North Quarter corner of said Section 18; thence South 00°06'13" West along the North-South Quarter Section line thereof, 1799.15 feet to the point of beginning; thence continuing South 00°06'13" West along said North-South Quarter Section line, 51.53 feet to the North line of the Central and Northwest Railroad (C&NW RR); thence South 76°06'45" West along said C&NW RR North line, 2024.89 feet to the West line of the Northwest one quarter of said Section 18; thence North 00°32'51" West along said West line, 51.39 feet; thence North 76°06'45" East, 2025.49 feet to the North-South Quarter Section of said Section 18 and the point of beginning. Lands described herein contain 101,259.56 square feet, (2.32 acres), more or less.

REMAINING NORTHWEST QUADRANT PARCEL to A-4

Part of the South one-half of the Northwest one-quarter of Section 18, Town 7 North, Range 11 East, Cottage Grove Township, Dane County, Wisconsin, more particularly described as follows: Commencing at the North quarter corner of said Section 18; thence S 00°06'13" W along the North-South quarter section line thereof, 1718.64 feet to the Point of Beginning; thence S 87°32'57" W along the South line of Lot 2, Certified Survey Map (CSM) of Dane County Number 6146, 522.18 feet; thence N 01°54'07" E along the West line of said Lot 2, 312.76 feet; thence S 86°09'21" W along said South line of said Lot 2, 217.88 feet; thence N 01°48'19" E along said West line, 66.25 feet to the North line of said South one-half of the Northwest one-quarter of said Section 18; thence S 86°08'27" W along

(continued)

The Dane County Board of Supervisors does ordain that this amendment, based upon Their findings, to be consistent with the provisions of Wisconsin State Statute 91.77 (1)(a),(b),(c).

G-4

(Page 2, Pet. No. 10035)

said North line, 1250.52 feet to the West line of the Northwest one-quarter; thence S 00°32'51" E along said West line, 824.40 feet; thence N 76°06'45" E, 2025.49 feet to the North-South quarter section line; thence N 00°06'13" E along said North-South quarter section line, 80.50 feet to the point of beginning. Lands described herein contain 1,065,156.67 square feet (24.45 acres) more or less.

REMAINING SOUTHEAST QUADRANT PARCEL to A-4

Part of the Southwest one-quarter of the Northeast one-quarter of Section 18, Town 7 North, Range 11 East, Cottage Grove Township, Dane County, Wisconsin, more particularly described as follows: Commencing at The North quarter corner of said Section 18; thence S 00°06'13" W along the North-South quarter section line thereof, 1984.65 feet to the point of beginning; thence continuing along said North-South quarter section line S 00°06'13" W, 658.76 feet; thence N 86°19'07" E, 1329.66 feet to the East line of said Southwest one-quarter of the Northeast one-quarter; thence N 00°04'24" E along said East line, 901.45 feet; thence S 76°06'45" W, 1366.83 feet to the point of beginning. Lands described herein contain 983,962.33 square feet (23.76 acres); more or less.

REMAINING SOUTHWEST QUADRANT PARCEL to A-4

Part of the South one-half of the Northwest one-quarter of Section 18, Town 7 North, Range 11 East, Cottage Grove Township, Dane County, Wisconsin, more particularly described as follows: Commencing at the North quarter corner of said Section 18; thence S 00°06'13" W along the North-South quarter section line thereof, 1953.73 feet to the Point of Beginning, said point being on the South line of the C & NW Railroad right-of-way; thence S 76°06'45" W along said South right-of-way, 2023.69 feet to the West line of the Northwest one-quarter of said Section 18; thence S 00°33'01" E along said West line, 342.10 feet to the West quarter corner of said Section 18; thence N 86°19'07" E along the East-West quarter section line thereof, 1964.05 feet to the North-South quarter section line; thence N 00°06'13" E along said North-South quarter section line, 701.70 feet to the point of beginning. Lands described herein contain 1,024,398.42 square feet (23.52 acres); more or less.

CONDITIONAL ZONING

Conditional zoning is hereby imposed pursuant to Section 10.255(3)(a)2.(b) of the Dane County Code of Ordinances. The rezoned area shall be subject to the following conditions.

CERTIFIED SURVEY REQUIRED

The above listed description/s is/are intended to describe land for which a certified survey map will be prepared for approval and recorded. This amendment will become effective, if within 90 days of its approval by Dane County, a certified survey map that describes the land to be rezoned is recorded in the office of the Dane County Register of Deeds. **Failure to record the survey will cause the rezone to be null and void. Two copies of the recorded survey shall be submitted to Dane County Zoning.**

The Dane County Board of Supervisors does ordain that this amendment, based upon Their findings, to be consistent with the provisions of Wisconsin State Statute 91.77 (1)(a),(b),(c).

TOWN OF COTTAGE GROVE

4058 County Road N
COTTAGE GROVE, WISCONSIN 53527

June 18, 2009

To Whom it May Concern:

At their regular meeting on June 15, 2009, the Cottage Grove Town Board unanimously approved two preliminary certified survey maps for the WDNR and Homburg Farms, LLC to divide +/- 3.27 acres from parcels 0711-182-9560-9, 711-181-9190-8 and 0711-182-9000-6 for a recreational trail. Both maps have plot dates of 02-23-2009 and were prepared by Peter G. Lewis of Kapitan Engineering, Inc. They are further described as follows:

1. Part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 18. (East of Vilas Hope Road)
2. part of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and of the fractional SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 18. (West of Vilas Hope Road)

Feel free to contact me if you have any further questions.

Sincerely,

TOWN OF COTTAGE GROVE



Kim Banigan
Clerk

Office Hours: 8:00 A.M. to 12:30 P.M., Monday thru Friday
Phone: 608-839-5021 • Fax: 608-839-4432
www.tn.cottagegrove.wi.gov

TOWN BOARD ACTION REPORT - REZONERegarding Petition # **10035**Dane County Zoning & Land Regulation Committee Public Hearing Date **4/28/2009**Whereas, the Town Board of the Town of **Cottage Grove** having considered said zoning petition,be it therefore resolved that said petition is hereby (check one): ☒ **Approved** ☐ **Denied** ☐ **Postponed****Town Planning Commission Vote:** 7 in favor 0 opposed 0 abstained**Town Board Vote:** 5 in favor 0 opposed 0 abstained**THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):**

1. ☐ *Deed restriction* limiting use(s) in the _____ zoning district to only the following:
2. ☐ *Deed restrict* the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):
3. ☐ *Deed restrict* the applicant's property described below prohibiting division. Please provide property description, or tax parcel number(s):
4. ☐ *Condition* that the applicant must record a *Notice Document* which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):
5. ☒ *Other Condition(s)*. Please specify:
At the time of design, the crossing at Vilas Hope Road must be aproved by the Town Engineer for safety reasons. Proper signage of crossing on roadway to be funded by WDNR or others.

Please note: The following space is reserved for comment by the minority voter(s), OR, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, **Kim Banigan**, as Town Clerk of the Town of **Cottage Grove**, County of Dane hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on **4/6/2009**

Town Clerk **Kim Banigan** Date: **4/20/2009 9:03:26 AM**

Parks, Timothy

From: Compton, Judy
Sent: Tuesday, June 16, 2009 8:18 PM
To: Parks, Timothy
Subject: RE: Development Assistance Team agenda for June 18

Thanks Tim.

I fully support the land division on BB for the bike path.

Judy

Alder Judy Compton
District 16
City of Madison
Phone: 608-221-2567 (home)
698-223-6007 (office)
email: jcompton@cityofmadison.com

From: Parks, Timothy
Sent: Tuesday, June 16, 2009 5:26 PM
To: Martin, Al; ALL ALDERS; Anderson, Patrick; Arseneau, Bob; Constans, Barb; Bauer, Bill; Lehman, Barb; Murphy, Brad; Brian Standing; Chandler, Frank; Collingwood, Donna; Constans, Barb; Cooley, Timothy; Crary, Debra; Dailey, Janet; McCormick, Dan; Rolfs, Daniel; Dryer, David; Cawley, Dennis; Edgerton, Sarah; Pederson, Eric; Firchow, Kevin; Hoffman, Jeanne; Ekola, Jeff; Lund, Jerry; Leach, John; Jon Schellpfeffer; Gromacki, Joseph; Rankin, Katherine; Noonan, Katherine; Nelson, Larry; Maglio, Tom; Olinger, Mark; Thurber, Mary Anne; Tucker, Matthew; McNair, Colier; Mendoza, Mario; Gay, Michael; Waidelich, Michael; Dailey, Mike; VanErem, Mike; Mikolajewski, Matthew; Nicolette, Archie; Norb Scribner; Davis, Norman; Olmsted, Lisa; Yessa, Peggy; Cnare, Rebecca; Richards, Maureen; Phillips, Rob; Ross, Arthur; Ethington, Ruth; Rutledge, Kay; Schindel, Kay; Schumacher, Al; Sobota, Tim; Stouder, Heather; Strassburg, Scott; Sullivan, William; Sweeney, Sally; Parks, Timothy; Violante; Walczak, Ellen; Walker, Bryan; Fruhling, William
Subject: Development Assistance Team agenda for June 18

The DAT agenda is attached. The meeting will be in Room LL-110, MMB.

TIM PARKS
Planner, Planning Division
Dept. of Planning and Community
and Economic Development
City of Madison, Wisconsin
T: 608.261.9632
F: 608.267.8739



SUBDIVISION APPLICATION Madison Plan Commission

215 Martin Luther King Jr. Blvd; Room LL-100
PO Box 2985; Madison, Wisconsin 53701-2985
Phone: 608.266.4635 | Facsimile: 608.267.8739

**** Please read both pages of the application completely and fill in all required fields****
This application form may also be completed online at www.cityofmadison.com/planning/plan.html

NOTICE REGARDING LOBBYING ORDINANCE: If you are seeking approval of a development that has over 40,000 square feet of non-residential space, or a residential development of over 10 dwelling units, or if you are seeking assistance from the City with a value of \$10,000 (including grants, loans, TIF or similar assistance), then you likely are subject to Madison's lobbying ordinance (Sec. 2.40, MGO). You are required to register and report your lobbying. Please consult the City Clerk's Office for more information. Failure to comply with the lobbying ordinance may result in fines.

1a. Application Type. (Choose ONE)

☐ Preliminary Subdivision Plat ☐ Final Subdivision Plat ☒ Land Division/ Certified Survey Map (CSM)

If a Plat, Proposed Subdivision Name: _____

1b. Review Fees. Make checks payable to "City Treasurer." WAIVED

- For **Preliminary** and **Final Plats**, an application fee of \$200, plus \$35 per lot or outlot contained on the plat drawing.
- For **Certified Survey Maps**, an application fee of \$200 plus \$150 per lot and outlot contained on the certified survey.

2. Applicant Information.

Name of Property Owner: HOMBURG FARMS, LLC Representative, if any: ANDREW HOMBURG
Street Address: 6106 MILWAUKEE ST. City/State: MADISON WI Zip: 53718
Telephone: (608) 241-1178 Fax: () Email: _____

Firm Preparing Survey: KAPITAN ENGINEERING, INC. Contact: PETER LEWIS, RLS
Street Address: Box 665, 802 FRANKLIN ST City/State: SAUK CITY WI Zip: 53583
Telephone: 608-643-6977 x 116 Fax: (608) 643-6374 Email: PLEWIS@KAPITAN-ENG.COM

Check only ONE - ALL Correspondence on this application should be sent to: ☐ Property Owner ☒ Survey Firm

3a. Project Information.

Parcel Address: N.A. in the City or Town of: COTTAGE GROVE
Tax Parcel Number(s): 182-9560-9 School District: MADISON GROVE
Existing Zoning District(s): A1-X Development Schedule: _____
Proposed Zoning District(s) (if any): CO-1, A-4 Please provide a Legal Description on your CSM or plat.

3b. For Surveys Located Outside the Madison City Limits in the City's Extraterritorial Jurisdiction:

Date of Approval by Dane County: READING Date of Approval by Town: 4/28/09

In order for an extraterritorial request to be accepted, a copy of the approval letters from both the town and Dane County must be submitted.

Is the subject site proposed for annexation? ☐ No ☐ Yes If YES, approximate timeframe: _____
PER CITY OF MADISON

4. Survey Contents and Description. Complete table as it pertains to the survey; do not complete gray areas.

Land Use	Lots	Outlots	Acres
Residential			
Retail/Office			
Industrial			
Outlots Dedicated to City			
Homeowner Assoc. Outlots			
Other (state use)	<u>2,3</u>		
TOTAL	<u>5</u>		

Describe the use of the lots and outlots on the survey
<u>RECREATIONAL TRAIL, A-4 AGRICULTURE</u>

OVER →

5. Required Submittals. Your application is required to include the following (check all that apply):

☒ **Surveys** (prepared by a Registered Land Surveyor):

- For Preliminary Plats, **eighteen (18) copies** of the drawing drawn to scale are required. The drawing is required to provide all information as it pertains to the proposed subdivision as set forth in Section 16.23 (7)(a) of the Madison General Ordinances. The drawings shall include, but are not limited to, a description of existing site conditions and natural features, delineation of all public and private utilities that serve the site (denote field located versus record drawings), the general layout of the proposed subdivision, the dimensions of lots and outlots, widths of existing and proposed rights of way, topographic information, and any other information necessary for the review of the proposed subdivision.
- For Final Plats, **sixteen (16) copies** of the drawing are required to be submitted. The final plat shall be drawn to the specifications of Section 236.20 of the Wisconsin Statutes.
- For Certified Survey Maps (CSM), **sixteen (16) copies** of the drawing are required. The drawings shall include all of the information set forth in Sections 16.23 (7)(a) & (d) of the Madison General Ordinances, including existing site conditions, the nature of the proposed division and any other necessary data. Utility data (field located or from utility maps) may be provided on a separate map submitted with application.
- All surveys submitted with this application are required to be collated, stapled and folded so as to fit within an 8 1/2" X 14" folder. An **8-1/2 X 11-inch reduction of each sheet** shall also be submitted.

☒ **Report of Title and Supporting Documents:** All plats and certified surveys submitted for approval shall include a Report of Title satisfactory to the Real Estate Division as required in Section 16.23 of the Madison General Ordinances. A minimum of **two (2) copies** of the City of Madison standard 60/30 year Report of Title shall be obtained from a title insurance company. **Title insurance or a title commitment policy is NOT acceptable** (i.e. a Preliminary Title Report or a Record Information Certificate). The owner or applicant must deliver a **third copy** of the Report of Title to the survey firm preparing the plat or CSM. The applicant shall submit a copy of all documents listed in the Report of Title for each copy of the report submitted.

☐ **For any plat or CSM creating common areas to be maintained by private association:** Two copies of proposed development restrictions and covenants shall be submitted for City approval prior to recording of the survey instrument.

☐ **For Residential Preliminary Plats ONLY:** If the proposed project will result in **ten or more dwelling units**, it is required to comply with the City's Inclusionary Zoning requirements under Section 28.04 (25) of the Zoning Ordinance. A separate **INCLUSIONARY ZONING DWELLING UNIT PLAN APPLICATION** explaining the project's conformance with these ordinance requirements shall be submitted with your application.

☐ **For Surveys Creating Residential Lots:** The applicant shall include a certified copy of the accepted option or offer, including all terms of the purchase and any other information that may be deemed necessary by the Real Estate Division to assist them in determining Fair Market Value for the purpose of establishing park fees.

☒ **For Surveys Outside the Madison City Limits:** A copy of the approval letters from both the town where the property is located and Dane County must be submitted with your request. The City of Madison may not consider a survey within its extraterritorial jurisdiction without prior **town and Dane County** approval.

☐ **For Surveys Conveying Land to the Public:** A Phase I Environmental Site Assessment Report may be required if any interest in these lands are to be conveyed to the public. Please contact the City's Real Estate Division at 267-8719, ext. 305 for a determination as soon as possible.

☐ **Completed application and required fee (from Section 1b):** Make all checks payable to "City Treasurer."

☐ **Electronic Application Submittal:** All applicants are required to submit a copy of the completed application form, legal description and preliminary and/or final plats or certified survey map as individual Adobe Acrobat PDF files compiled either on a non-returnable CD-ROM to be included with their application materials, or in an e-mail sent to pcapplications@cityofmadison.com. The transmittal shall include the name of the project and applicant. Applicants unable to provide the materials electronically should contact the Planning Division at 266-4635 for assistance.

The signer attests that the application has been completed accurately and all required materials have been submitted:

Applicant's Printed Name PETER G. LEWIS, RLS **Signature** *Peter G. Lewis* 2840
Date 5/12/2009 **Interest In Property On This Date** None. Surveyor

For Office Use Only	Date Rec'd: <u>5/12/09</u>	PC Date	Alder District:	Amount Paid: \$
----------------------------	-----------------------------------	----------------	------------------------	------------------------

Effective January 18, 2006

received by Jenny Kwik

PRELIMINARY

CSM1
WEST SIDE OF
VILAS HOPE RD

CERTIFIED SURVEY MAP NO. _____

PART OF THE SE 1/4 OF THE NW 1/4 AND OF THE FRACTIONAL SW 1/4 OF THE NW 1/4 OF THE NW 1/4, SECTION 18, T7N, R11E, TOWN OF COTTAGE GROVE, DANE COUNTY, WISCONSIN

0
150
300
1" = 300 FEET

BEARINGS ARE REFERENCED TO THE DANE COUNTY COORDINATE SYSTEM

UNPLATTED LANDS OF:
PAUL F. FANKHAUSER
PARCEL NO.
0710-131-8000-1

UNPLATTED LANDS OF:
EUGENE AND DIANNE
HOMBURG
PARCEL NO.
0710-131-9740-4

LEGEND

- 3/4" SOLID IRON RE-ROD FOUND
- ⊙ 1" O.D. IRON PIPE FOUND
- ⊠ 1-1/2" O.D. IRON PIPE FOUND
- 5/4" SOLID IRON RE-ROD FOUND
- 3/4" x 24" SOLID IRON RE-ROD SET, WT. 1.50 LBS/LF.
- 1/4 SECTION CORNER

NOTE: 1 1/2" dia. pipe found is 0.9' South of the corner.



NORTHWEST CORNER
SEC. 18, T7N, R11E
BRASS CAP MONUMENT (FND.)

UNPLATTED LANDS OF:
MADISON PENTECOSTAL
PARCEL NO.
0711-182-8001-7

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 01°12'28" W	90.14'	L7	N 87°32'57" E	44.98'
L2	N 01°12'28" E	51.79'	L8	N 00°06'13" E	80.50'
L3	N 00°00'32" E	103.02'	L9	S 00°06'13" W	51.53'
L4	N 76°06'45" E	48.96'	L10	N 00°08'13" E	103.06'
L5	S 76°06'45" W	49.13'	L11	N 86°19'07" E	46.46'
L6	S 76°06'45" W	48.10'			

AREA = 1,065,156.67 SQ. FT
(24.45 ACRES) ±
(1,061,254.64 SQ. FT ±
(24.36 ACRES)
WITHOUT R/W)

LOT 1
N 76°06'45" E 2025.49'
S 76°06'45" W 2024.89'
S 76°06'45" W 2023.68'

LOT 3
AREA = 1,024,398.42
SQ. FT ± (23.52
ACRES) ±
991,668.36 SQ. FT ±
(22.77 ACRES)
WITHOUT R/W

N 86°19'07" E
1964.05'

S 00°06'13" W
2625.55'

SOUTH 1/4 CORNER
SEC. 18, T7N, R11E
CAST IRON MONUMENT (FND.)

EAST 1/4 CORNER
SEC. 18, T7N, R11E
COURTNEY FROM R12S

CLIENT: WIS. DEPT. NATURAL RESOURCES
OWNER: HOMBURG FARMS, L.L.C.
4621 TONYAWATHA TRAIL
MONONA, WI 53716

DATE OF SURVEY: 01/22/09



KAPITAN
ENGINEERING, INC.

SAUK CITY, WISCONSIN (608) 643-6477

SHEET 1 OF 3

MAP NO. _____

DOCUMENT NO. _____

VOLUME _____ PAGE _____

PRELIMINARY

CERTIFIED SURVEY MAP NO. _____

PART OF THE SE 1/4 OF THE NW 1/4 AND OF THE FRACTIONAL SW 1/4 OF THE NW
1/4 OF THE NW 1/4, SECTION 18, T7N, R11E, TOWN OF COTTAGE GROVE, DANE
COUNTY, WISCONSIN

SURVEYORS CERTIFICATE

I, Peter G. Lewis, Registered Land Surveyor # S-2740, hereby certify that by the order of Homburg Farms, L.L.C. (Owner), I have surveyed, monumented, mapped and divided part of the South one-half of the Northwest Quarter of Section 18, Town 7 North, Range 11 East, Township of Cottage Grove, Dane County, Wisconsin, more fully described as follows:

Part of the South one-half of the Northwest one-quarter of Section 18, Town 7 North, Range 11 East, Town of Cottage Grove, Dane County, Wisconsin, more particularly described as follows:

Commencing at the North Quarter Corner of said Section 18, thence S 00°06'13" W along the North-South Quarter Section line thereof, 1718.64 feet to the Southeast corner of , Certified Survey Map (CSM) 6146 and the point of beginning of the lands being described herein; thence S 87°32'57" W along the South line of said CSM 6146, 522.18 feet; thence N 01°54'07" E along the West line of said CSM, 312.76 feet; thence S 86°09'21" W along the South line of said CSM, 217.88 feet; thence N 01°48'19" E along the West line of said CSM, 66.25 feet to the North line of the South one-half of the Northwest one-quarter of said Section 18; thence S 86°08'27" W along said North line, 1250.52 feet to the West line of said Northwest one-quarter; thence S 00°32'51" E along said West line, 875.78 feet to the North line of the Chicago and Northwest Railroad; thence N 76°06'45" E along said North line, 2024.89 feet to the North-South Quarter Section line of said Section 18, thence S 00°06'13" W along said North-South Quarter Section line, 804.76 feet to the Southeast corner of said Northwest one-quarter; thence S 86°19'07" W along the South line thereof, 1964.05 feet to the West Quarter corner of said Section 18; thence N 00°32'51" W along the West line of said Northwest one quarter, 342.10 feet to the South line of the Chicago and Northwest Railroad; thence N 76°06'45" E along said South line, 2023.69 feet to the North-South Quarter Section line; thence N 00°06'13" E along said Quarter Section line, 235.09 feet to the point of beginning. The lands described herein are 2,190,814.65 sq. ft. (50.29 acres), more or less, and are subject to easements, rights-of-way and restrictions of record and usage.

I further certify that I have complied with the provisions of Chapter 236.34 Wisconsin Statutes, the subdivision regulations of Dane County and A-E7 of the Administrative Code of the State of Wisconsin to the best of my knowledge and belief, in surveying, dividing and mapping the same; That such Certified Survey Map is a correct representation of all the exterior boundaries of the land surveyed and the division of that land.

Dated: _____

Signed: _____
Peter G. Lewis, RLS

Town of Cottage Grove APPROVAL

Resolved that this Certified Survey Map in the Town of Cottage Grove be,
and hereby is approved by the Town of Cottage Grove Board
this _____ day of _____, 2009.

Approved: _____
Town Chairman

Dane County Zoning and Land Regulation Committee Approval

Approved for recording per Dane County Zoning and Land Regulation Committee action of _____
by _____, authorized representative this _____ day
of _____, 2009.



KAPITAN
ENGINEERING, INC.

SAUK CITY, WISCONSIN (608) 643-6477

PRELIMINARY

CERTIFIED SURVEY MAP NO. _____

PART OF THE SE 1/4 OF THE NW 1/4 AND OF THE FRACTIONAL SW 1/4 OF THE NW
1/4 OF THE NW 1/4, SECTION 18, T7N, R11E, TOWN OF COTTAGE GROVE, DANE
COUNTY, WISCONSIN

OWNER'S CERTIFICATE OF DEDICATION

As owners, we hereby certify that we caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on the Certified Survey Map. I (we) also certify that this Certified Survey Map is required by s.236.10 or s.236.12 and s 75.17 (1) (a), Dane County Code of Ordinances to be submitted to the following for approval or objection: Dane County Zoning and Land Regulation Committee.

Witness the hand and seal of said owners this _____ day of _____, 2009.

Andrew G. Homburg, L.L.C. Member

STATE OF WISCONSIN)
NAME COUNTY) ss

Personally came before me this _____ day of _____, 2009, the above named, Owners Name to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____, Notary Public, _____, Wisconsin

(print name here) _____

My Commission Expires: _____.

REGISTER OF DEEDS CERTIFICATE

Received for recording this _____ day of _____, 2009, at _____ o'clock, _____ m. and recorded in
Volume _____ of CSMS on Page _____.

Kristi Chlebowski, Dane County Register of Deeds

PETER G. LEWIS S-2740
Wisconsin Registered Land Surveyor



KAPITAN
ENGINEERING, INC.

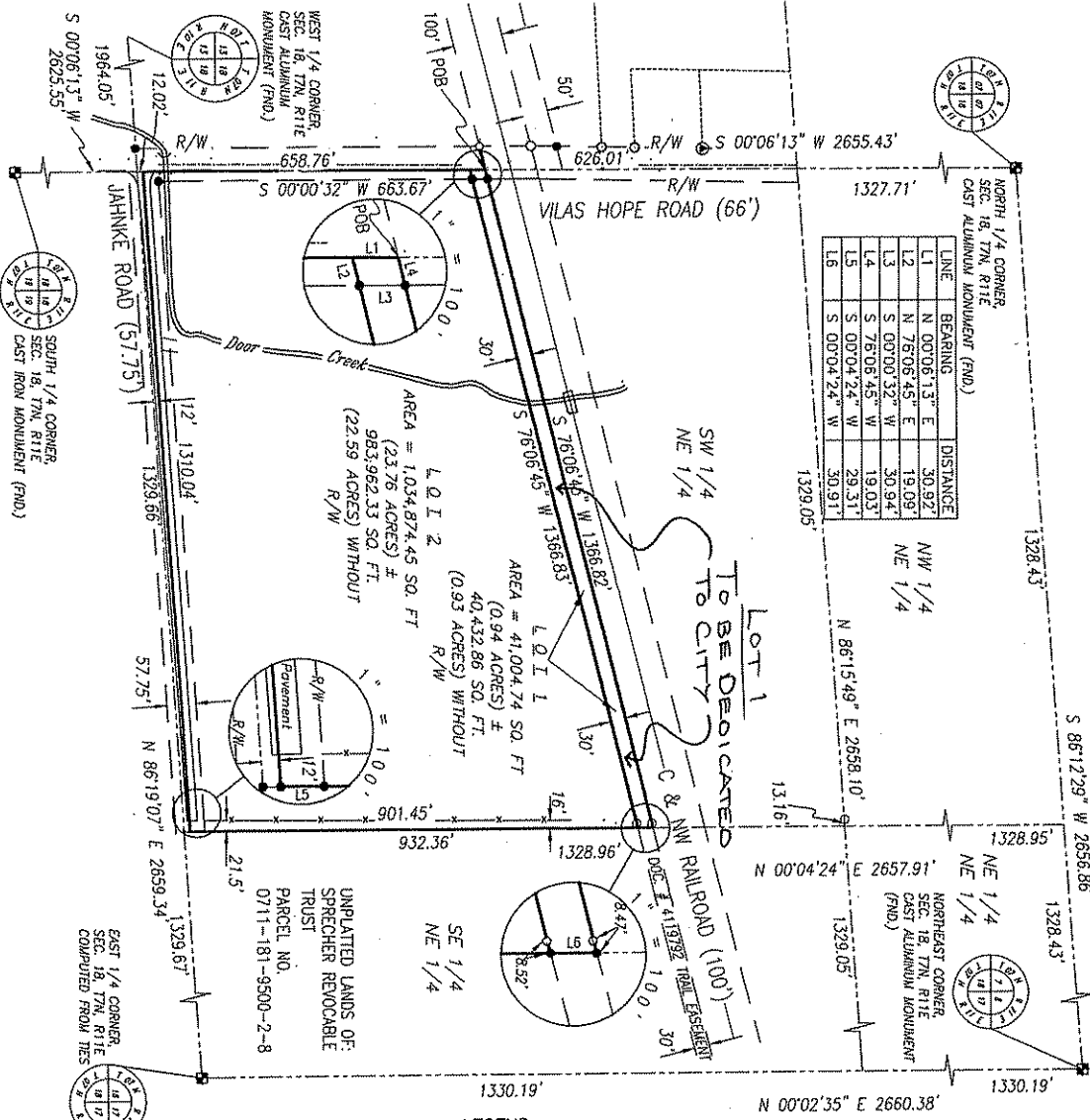
SAUK CITY, WISCONSIN (608) 643-6477

PRELIMINARY

CSM 2
EAST SIDE OF
VILAS HOPE ROAD

CERTIFIED SURVEY MAP NO. _____

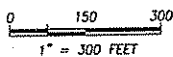
PART OF THE SW 1/4 OF THE NE 1/4, SECTION 18, T7N, R11E,
TOWN OF
COTTAGE GROVE, DANE COUNTY, WISCONSIN



LEGEND

- 3/4" SOLID IRON RE-ROD FOUND
- ⊙ 1" O.D. IRON PIPE FOUND
- ⊞ 1-1/2" O.D. IRON PIPE FOUND
- 5/4" SOLID IRON RE-ROD FOUND
- 3/4" x 24" SOLID IRON RE-ROD SET, WT. 1.50 lbs/ft.
- ⊕ POWER POLE

BEARINGS ARE REFERENCED TO THE DANE COUNTY
COORDINATE SYSTEM



MAP NO. _____
DOCUMENT NO. _____
VOLUME _____ PAGE _____

CLIENT:
WIS. DEPT. NATURAL RESOURCES
OWNER:
HOMBURG FARMS, L.L.C.
4621 TONYAWATHA TRAIL
MONONA, WI 53716

DATE OF SURVEY: 01/22/09



KAPITAN
ENGINEERING, INC.

SAUK CITY, WISCONSIN (608) 643-6477

PLOT DATE: 02-23-09
DRAFTED BY: PGL REVIEW BY: PGL
PROJECTS\BDD\08-8048-2\DRAWINGS\HomburgDNR.dwg

SHEET 1 OF 2

PRELIMINARY

CERTIFIED SURVEY MAP No. _____

PART OF THE SW 1/4 OF THE NE 1/4, SECTION 18, T7N, R11E,
TOWN OF COTTAGE GROVE, DANE COUNTY, WISCONSIN

SURVEYORS CERTIFICATE

I, Peter G. Lewis, Registered Land Surveyor # S-2740, hereby certify that by the order of Homburg Farms, L.L.C. (Owner), I have surveyed, monumented, mapped and divided part of the Southwest one-quarter of the Northeast one-quarter of Section 18, Town 7 North, Range 11 East, Township of Cottage Grove, Dane County, Wisconsin, more fully described as follows:
That part of the Southwest one-quarter of the Northeast one-quarter of Section 18, Town 7 North, Range 11 East, Town of Cottage Grove, Dane County, Wisconsin, lying South of the Chicago and Northwestern Railroad EXCEPT the South 12 feet thereof, more particularly described as follows:

Commencing at the North Quarter Corner of said Section 18, thence S 00°06'13" W along the North-South Quarter Section line thereof, 1953.72 feet to the South line of the Chicago and Northwestern Railroad and the point of beginning of the lands being described herein; thence continuing along said North-South Quarter Section line S 00°06'13" W, 689.68 feet; thence N 66°19'07" E along a line that is parallel to and 12.00 feet North of the East-West Quarter Section line of said Section 18, 1329.67 feet to the East line of the Southwest one-quarter of the Northeast one-quarter of said Section 18; thence N 00°4'24" E along said East line, 932.36 feet to the South line of said Chicago and Northwestern Railroad; thence S 76°06'45" W along said South line, 1366.83 feet to the point of beginning. The lands described herein are 1,075,879.20 sq. ft. (24.70 acres), more or less, and are subject to any easements, rights-of-way and restrictions of record and/or usage.

I further certify that I have complied with the provisions of Chapter 236.34 Wisconsin Statutes, the subdivision regulations of Dane County and A-E7 of the Administrative Code of the State of Wisconsin to the best of my knowledge and belief, in surveying, dividing and mapping the same; That such Certified Survey Map is a correct representation of all the exterior boundaries of the land surveyed and the division of that land.

Dated: _____

Signed: _____
Peter G. Lewis, Wisconsin Registered Land Surveyor, 2740

Town of Cottage Grove APPROVAL

Resolved that this Certified Survey Map in the Town of Cottage Grove be,
and hereby is approved by the Town of Cottage Grove Board
this _____ day of _____, 2009.

Approved: _____
Town Chairman

Dane County Zoning and Land Regulation Committee Approval

Approved for recording per Dane County Zoning and Land Regulation Committee action of _____
by _____, authorized representative, this _____
day of _____, 2009.

OWNER'S CERTIFICATE OF DEDICATION

As owners, we hereby certify that we caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on the Certified Survey Map. I (we) also certify that this Certified Survey Map is required by s.236.10 or s.236.12 and s.75.17 (1) (a), Dane County Code of Ordinances to be submitted to the following for approval or objection: Dane County Zoning and Land Regulation Committee

Witness the hand and seal of said owners this _____ day of _____, 2009.

Andrew G. Homburg, L.L.C. Member

STATE OF WISCONSIN)
NAME COUNTY) ss

Personally came before me this _____ day of _____, 2009, the above named, Owners Name to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____, Notary Public, _____, Wisconsin

(print name here) _____

My Commission Expires: _____

REGISTER OF DEEDS CERTIFICATE

Received for recording this _____ day of _____, 2009, at _____ o'clock, _____ m. and recorded in
Volume _____ of CSMs on Page _____.



KAPITAN
ENGINEERING, INC.

SAUK CITY, WISCONSIN (608) 643-6477

Kristi Chlebowski, Dane County Register of Deeds

PLOT DATE: 02-23-09
DRAFTED BY: PCL REVIEW BY: PCL
J:\PROJECTS\8000\08-8048.2\DRAWINGS\HomburgDNR.dwg,DWG SHEET 2 OF 2