

Firchow, Kevin

From: John Rolfsmeyer [1st.john5.11@gmail.com]
Sent: Monday, April 19, 2010 5:20 PM
To: Firchow, Kevin
Subject: Re: Fence Agreement
Attachments: copy fenc agreement.jpg; Register of deeds rejection.jpg; Fence agreement #2.odt

Kevin,

Thank you for the heads up concerning the next plan commission meeting.

At this moment I DO NOT have an acceptable agreement with the owner of the Plan B property concerning a permanent easement for access to the back of my property: (With out a permanent easement I stand to lose the use and income from the second floor apartment at any time there is a change of ownership or change of mind of the neighbor. I am not willing to risk that.)

1. The agreement states that I "accept the boundaries as found in the survey and will make no clam..." The survey the city has on file with the current proposed sight plan shows my house 2 1/2 feet from the back corner of the house to the lot line. When Chuck Chvala, Reco and I were out there with the survey crew we all saw the distance was almost 3 feet .

2. For over 50 years there has been permanent, unbroken and unrestricted access to the back of my property by walking on a sidewalk constructed on Plan B land adjacent to my property at the expense of my property owner and because the fence is a permanent fixture and in the case of ownership change this agreement must still be honored. It therefore must become a permanent easement so my tenants can move furniture to the second floor from the back stairway. The current agreement can not be regestered without additional information, corrections, and be reconfigured with:

- A. 3x3 space in the upper right corner.
- B. Return address just under the 3x3 space
- C. All ink must be black
- D. Have a Parcel I.D.
- E. Have a legal description
- F. Must be notarized
- G. Have the name of the person who drafted it.

I have redrafted this agreement as required above and offered to agree to the spacing of the fence from the lot line and agreed not to contend for any property on the West of the lot line but at this time Chuck Chvala refuses to allow a permanent recorded copy to be registered at the Register of Deeds Office.

Please find attached: 1 The original draft.

2 The rejection from the Register of Deeds

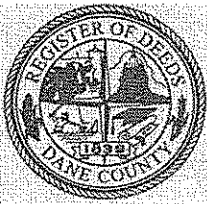
3 The final draft to be signed.

On Mon, Apr 19, 2010 at 11:41 AM, Firchow, Kevin <KFirchow@cityofmadison.com> wrote:

John – I am assembling the materials for next Monday's plan commission meeting. You had previously indicated you had some materials you wanted to provide for their consideration. Please provide that as soon as possible. Thank you.

Kevin Firchow, AICP

Planner, Planning Division



KRISTI CHLEBOWSKI
Dane County Register of Deeds

Dane County Register of Deeds, 210 Martin Luther King, Jr. Blvd., PO BOX 1438, Madison
WI 53701-1438

Website: www.co.dane.wi.us/regdeeds/rdhome.htm

Documents are being returned for the following reasons:

- ☐ Your document format does not conform to the standard document format, Wisconsin Statute 59.43(2m) implemented in 1996. Requirements include:
 - ☒ 3" x 3" blank space in upper right hand corner
 - ☒ Minimum 1/2" margins at the top of each page, & minimum 1/4" margins on sides and bottom of first page
 - ☒ White, standard 20# weight paper, standard letter or legal sized pages, and no hinged pages
 - ☒ Return name and address must be entered under the recording area on the right under the blank 3" x 3" recording space or in the upper left corner of the document
 - ☒ All ink must be black or red, except for original signatures
 - ☐ Title of document must be located not more than 3 inches from top of document
 - ☐ A cover sheet is enclosed for your convenience. If you should elect to use it in order to make this document conform to our Standard Document Format, you must fill in the document title, return address and PIN number. Adjust recording fees accordingly.
- ☒ Parcel Identification Number (PIN) is not located directly below the return name and address. PIN is not valid or missing numbers. Example of format: PIN: 028-0610-013-8600-8
You may search for PINs on the Access Dane website at: <http://accessdane.co.dane.wi.us/> or the City of Madison website at: <http://www.ci.madison.wi.us/assessor/property.html>
- ☐ The entire document must be legible and reproducible as per s 59.43(2m)(b)4.
- ☐ The text on the map/picture is not reproducible; we will require either a statement or a legibility disclaimer.
- ☐ Multiple mortgages, assignments or satisfactions may not be placed on the same instrument per s 59.43(2)(ar).
- ☒ Documents pertaining to real estate require the legal description of the property. Adjust recording fee if necessary.
- ☐ Signature(s) missing/not original. We can only record original documents.
- ☐ This document does not refer to land within Dane County.
- ☐ Real Estate Transfer Return Receipt is required <http://www.countyofdane.com/regdeeds/realEstate/transfer.aspx>
- ☐ DILHR Weatherization Form is required.
- ☒ Document must be notarized or authenticated. A notary expiration date is required. Notary's name must be legibly printed near the Notary's signature per s 59.43(1)(a).
- ☒ The name of the individual who drafted the document is required per s 59.43(5).
- ☐ We cannot record documents with complete Social Security Numbers per s 59.43(1m).
- ☐ Incorrect recording fee. \$11.00 is required for the first page and \$2.00 for each additional page per document. Payment must be for exact amount.
- ☐ Check is: _____ missing _____ not signed _____ void _____ not payable to Register of Deeds