

CITY OF FRANKLIN  
COMMON COUNCIL MEETING\*  
FRANKLIN CITY HALL COUNCIL CHAMBERS  
9229 WEST LOOMIS ROAD, FRANKLIN WISCONSIN  
AGENDA\*\*  
TUESDAY, JULY 15, 2014  
6:30 PM

- A. Call to Order and Roll Call
  
- B.
  - 1. Citizen Comment Period
  - 2. Announcements from Mayor Olson:
    - a. Administrative updates relating to the following personnel actions:
      - City Engineer recruitment update
      - Compensation study update
      - Personnel changes (Police Dispatcher and Assistant Building Inspector)
    - b. Notice from Milwaukee County Parks announcing Public Input Sessions with Parks Director John Dargle, Jr. to share comments, thoughts, and ideas relating to County parks.
    - c. Mayoral Proclamation - Spinal Cord Injury Awareness Month, September 2014.
  
- C. Approval of minutes of regular meeting of July 1, 2014
  
- D. Hearings
  
- E. Organizational Business  
Boards and Commissions Appointments:  
Jessica Kent (Ald. Dist. 4), Economic Development Commission, 1-year term expiring 6/30/2015.
  
- F. Letters and Petitions
  
- G. Reports and Recommendations
  - 1. Consent Agenda:
    - a. Request to accept donations from Franklin Lioness Club in the amount of \$250 to the Fire Department to be used for fire prevention activities and in the amount of \$250 to the Police Department to support community programs.
    - b. Franklin Senior Citizens Travel Program Semi-Annual Update for 2014.
  - 2. A Resolution imposing conditions and restrictions for the approval of a Special Use to allow for a hydraulic and pneumatic cylinders and production scrap bailing machine manufacturing business use upon property located at 10179 South 57th Street (544 South 1st Street, LLC, Owner, Galland Henning Nopak, Inc., Operator/Applicant).
  - 3. Park Development and Park Impact Fee Expenditures: All-accessible and All-inclusive Playground and Park Nature Center: City of Franklin, Kayla's Krew and Community Partners, Penfield Children's Center, The Conservation Fund and the Milwaukee Metropolitan Sewerage District Greenseams Program.
  - 4. Concept Review for a proposed Single-Family Residential and Commercial Development (approximately 11906 West Loomis Road and 11205 West Ryan Road) (Colliers International, Applicant).

COMMON COUNCIL AGENDA  
JULY 15, 2014  
PAGE 2

5. A Resolution to Release in part a Tree Preservation and Conservancy Easement Upon Lot 64 of the Woodlands of Franklin Subdivision (6960 South Brian Court, Tax Key No. 740-0165-000).
6. A Resolution to amend Resolution No. 2003-5610 imposing conditions and restrictions for the approval of a Special Use for property located at 5120 West Ryan Road to allow for the sale of diesel fuel (Priya Corporation/5100 LLC, Applicant.).
7. Application of Milwaukee Water Works, Milwaukee County, Wisconsin, for Authority to Increase Water Rates; Public Service Commission of Wisconsin Docket No. 3720-WR-108; some 137 properties in the City of Franklin being affected thereby
8. Letter of Understanding Between the City of Franklin and Franklin Professional Firefighters I.A.F.F. Local 2760 and an Amendment to the 2013-2015 Labor Agreement Between the City of Franklin and the Franklin Professional Firefighters I.A.F.F. Local 2760 Relative to Financial Reimbursements or Corrections.
9. Support and participation in the South Suburban Chamber of Commerce Golf Outing (Alderman Dandrea).

H. Licenses and Permits  
Miscellaneous Licenses

I. Bills  
Vouchers and Payroll approval

J. Adjournment

\*Notice is given that a majority of the Parks Commission, Plan Commission, Community Development Authority, Economic Development Commission may attend this meeting to gather information about an agenda item over which the Parks Commission, Plan Commission, Community Development Authority, Economic Development Commission have decision-making responsibility. This may constitute a meeting of the Parks Commission, Plan Commission, Community Development Authority, Economic Development Commission per State ex rel. Badke v. Greendale Village Board, even though the Parks Commission, Plan Commission, Community Development Authority, Economic Development Commission will not take formal action at this meeting.

\*\*Supporting documentation and details of these agenda items are available at City Hall during normal business hours.

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]

REMINDERS:

July 17	Plan Commission	7:00 p.m.
August 4	National Night Out	6:00 p.m.-9:00 p.m.
August 5	Committee of the Whole/Common Council	6:30 p.m.
August 7	Plan Commission	7:00 p.m.
August 12	Partisan Primary Election	7:00 a.m.-8:00 p.m.

B.2.6.

**DO YOU HAVE AN IDEA,  
A QUESTION, A CONCERN, OR  
A REQUEST FOR YOUR PARKS?**



**Join us at a Milwaukee County Parks  
Public Input Session with Parks Director, John Dargle, Jr.  
to share your comments, thoughts, and ideas.  
Plus, learn about current and future park happenings!**

<b>Mon, July 28</b>	<b>Dineen Park Community Room</b> 6901 W. Vienna Ave., Milwaukee	<b>6:00-7:30 pm</b>
<b>Tues, July 29</b>	<b>Boerner Botanical Gardens Ed Center</b> 9400 Boerner Drive, Hales Corners	<b>6:00-7:30 pm</b>
<b>Wed, July 30</b>	<b>Kosciuszko Community Center</b> 2201 S. 7th Street, Milwaukee	<b>6:00-7:30 pm</b>



**MILWAUKEE COUNTY  
PARKS**

**CAN'T MAKE IT?**  
Comment card and all presentation  
materials will be available online!  
[countyparks.com](http://countyparks.com)

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**CITY OF FRANKLIN**



**PROCLAMATION  
SPINAL CORD INJURY AWARENESS MONTH**

***WHEREAS,** The annual incidence of spinal cord injury (SCI) is approximately 12,000 new cases each year in the United States with more than 250 being here in Wisconsin; and,*

***WHEREAS,** Anyone can suffer from a spinal cord injury, and more than 23,000 individuals in Wisconsin have SCI, and the therapy required and care for these individuals can vary greatly; and,*

***WHEREAS,** An estimated 100,000 of those individuals are veterans who were impacted by spinal cord injury while serving as members of the United States Armed Forces; and,*

***WHEREAS,** Madison SCI, a chapter of the national SCI Association, offers education, resources, and support and is committed to enriching the lives of people including our veterans who have been impacted by spinal cord injury or paralysis. Madison SCI members include not only people who have incurred paralysis or disability due to a spinal cord injury and related conditions, but also their families and friends, healthcare and rehabilitation professionals, policy makers, and corporations; and*

***WHEREAS,** Spinal cord injury research benefits not only the paralyzed, it also has the potential to discover cures for other diseases such as strokes, Alzheimer's, Huntington's, multiple sclerosis, Parkinson's, post-polio syndrome, transverse myelitis, traumatic brain injury, and many other traumas and diseases of the central nervous system. There is a need for increased awareness, education, resources and the investment in research here in Wisconsin to continue to improve the quality of life for individuals with spinal cord injuries; and*

***WHEREAS,** The dedication of local, regional and national organizations, researchers, doctors, volunteers, and individuals that are working to improve the quality of life for individuals, family and friends impacted by SCI is to be commended; and*

***NOW, THEREFORE,** I, Stephen R. Olson, on behalf of the Common Council and Citizens of the City of Franklin, do hereby proclaim September 2014 to be **Spinal Cord Injury Awareness Month** in the City of Franklin, and I encourage individuals and businesses in our State to join in this observance and get involved in this effort.*

*Dated at Franklin, Wisconsin this 15th day of July, 2014.*

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Stephen R. Olson, Mayor

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COMMON COUNCIL MINUTES  
JULY 1, 2014

MAY MONTHLY  
FINANCIAL REPORT

Alderman Evans moved to receive and place on file the May 2014 Monthly Financial Report. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

RES. NO. 2014-6999  
FINANCIAL ADV.  
SERVICES

G.2.

Alderman Schmidt moved to adopt Resolution No. 2014-6999, A RESOLUTION AWARDED BID FOR NON-EXCLUSIVE FINANCIAL ADVISORY SERVICES THRU DECEMBER 31, 2019 TO EHLERS & ASSOCIATES, INC., such contract to be subject to City Attorney review and approval of any changes for consistency with applicable standard City contract terms. Seconded by Alderman M. Dandrea. All voted Aye; motion carried.

RES. NO. 2014-7000  
SPECIAL USE FOR  
URBAN HEATING AND  
COOLING, LLC.

G.3.

Alderman Evans moved to adopt Resolution No. 2014-7000, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A HEATING, VENTILATION AND AIR-CONDITIONING CONTRACTING BUSINESS USE UPON PROPERTY LOCATED AT 8437 SOUTH 27TH STREET (RYAN SOPA, D/B/A URBAN HEATING AND COOLING LLC, APPLICANT). Seconded by Alderman D. Mayer. All voted Aye; motion carried.

CDBG PROGRAM

G.4.

Alderman Dandrea moved to authorize the Director of Administration to submit a Letter of Support for the Southwest Interfaith Elderly Home Support Services Program for at least \$5,000 and project applications for the Senior Travel Program for \$5,000, City Hall ADA Signage for between \$10,000 and \$15,000, installation of proper roof venting for the Senior Meal Program kitchen area for approximately \$20,000, and a Franklin Home Repair Grant Program for qualifying low-income individuals estimated at \$20,000 and that staff is to look into other programs to allocate any funds to assist the homeless. Seconded by Alderman D. Mayer.

Alderman Evans moved to amend the main motion to provide that staff determine the likelihood of availability of a program, timely for the filing of the application, to assist the homeless in the City of Franklin and that funds not to exceed \$5,000 for such program if available, shall be deleted from Items 3 and 4 on the Common Council action sheet in equal amounts. Seconded by Alderman S. Mayer.

There being no objections, Alderman Evans withdrew her motion and Alderman S. Mayer withdrew her second.

COMMON COUNCIL MINUTES  
JULY 1, 2014

CDBG-continued

Alderswoman Evans then moved to amend the motion to include that staff be directed to research and acquire a Letter of Consent for services for the homeless and adjust funds if appropriate of up to \$5,000. Seconded by Alderswoman S. Mayer.

On the vote for the main motion as amended, all voted Aye. Motion carried.

PARK PROJECTS

G.5.

Alderswoman Wilhelm moved that staff contact members of Kayla's Krew and bring back a plan to address using Impact Fees and proceed with the Lions Legend Community Park project and to direct staff to proceed with the necessary steps to complete projects as contemplated in the Adopted 2014 Annual Budget. Seconded by Alderswoman S. Mayer.

Alderswoman Wilhelm moved to call the question. Seconded by Alderswoman Evans. On roll call, Alderman Dandra, Alderswoman Wilhelm, Alderman Schmidt, and Alderswoman S. Mayer voted Aye; Alderman D. Mayer and Alderswoman Evans voted No. Motion carried.

Upon voice vote for the main motion, Alderman Dandra, Alderswoman Wilhelm, Alderman Schmidt and Alderswoman S. Mayer voted Aye; Alderswoman Evans voted No; and Alderman D. Mayer Abstained. Motion carried.

RES. 2014-7001  
SPECIAL  
ASSESSMENTS ON  
W. EVERGREEN ST.

G.6.

Alderswoman Wilhelm moved to adopt Resolution No. 2014-7001, A FINAL RESOLUTION DIRECTING INSTALLATION OF, PAYMENT AND LEVY OF SPECIAL ASSESSMENT FOR INSTALLATION OF SANITARY SEWER, WATER MAIN, SANITARY SEWER LATERALS, WATER MAIN LATERALS, THE EXTENSION OF A PUBLIC STREET INCLUDING CURB AND GUTTER ALONG WITH THE NECESSARY APPURTENANCES ON W. EVERGREEN STREET EXTENSION FROM A POINT 800 FEET EAST OF S. 51ST STREET TO A POINT 1,360 FEET EAST OF S. 51ST STREET, subject to technical corrections by the City Attorney. Seconded by Alderman Schmidt. All voted Aye; motion carried.

RES. 2014-7002  
AWARD CONTRACT  
FOR EXTENSION OF  
W. EVERGREEN ST.  
AND PLEASANT VIEW  
PARK

G.7.

Alderswoman Wilhelm moved to adopt Resolution No. 2014-7002, A RESOLUTION AWARDED CONTRACT TO THE LOW BIDDER, BCF CONSTRUCTION, FOR THE EXTENSION OF W. EVERGREEN STREET AND DEVELOPMENT OF PHASE I OF PLEASANT VIEW PARK to include an access road and walkway, water and sewer lateral extensions, the parking lot, the trail connections, ball field, and two tennis courts. Seconded by Alderswoman S. Mayer. All voted Aye; motion carried.

COMMON COUNCIL MINUTES  
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- ORD. 2014-2143  
ECONOMIC DEV.  
COMMISSION
- G.8. Alderman Schmidt moved to adopt Ordinance No. 2014-2143, AN ORDINANCE TO AMEND 10-8. OF THE MUNICIPAL CODE PERTAINING TO THE POWERS AND DUTIES AND ADMINISTRATIVE RULES AND MEMBERSHIP OF THE FORWARD FRANKLIN ECONOMIC DEVELOPMENT COMMITTEE AND TO RENAME THE COMMITTEE THE "ECONOMIC DEVELOPMENT COMMISSION", as presented on the Common Council action sheet with the exception that the Commission be comprised of seven members, one of whom shall be an Alderperson. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- ATTENDANCE AT  
TRAINING COURSE  
ENVIRONMENTAL  
COMM. MEMBERS
- G.9. Alderman D. Mayer moved to authorize two members of the Environmental Commission to attend the Great Lakes Advanced Training Course being held at the Wehr Nature Center, or other such similar appropriate training, and that the registration fees of \$75 per person be charged to the "Conferences and Seminars" operating line item of the Planning Department 2014 Budget. Seconded by Alderwoman Evans. All voted Aye; motion carried.
- AGREEMENT WITH  
GRAEF-USA, INC. AND  
RUEKERT-MIELKE,  
INC. ENGINEERING  
SERVICES
- G.10. Alderman Schmidt moved to authorize the Mayor to execute Professional Services Agreements between the City of Franklin and Graef-USA, Inc. and Ruekert-Mielke, Inc. for the provision of general municipal engineering services on an hourly, as-needed basis during the period of the vacancy in the City Engineer/Director of Public Works position and subject to authorized appropriations, subject to contract review and changes by the City Attorney for compliance with the standard City of Franklin contract terms and form. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- CLAIM OF SHAWN  
GRANT
- G.11. Alderwoman Wilhelm moved to deny the claim of Shawn Grant alleging that a stone came off a City DPW dump truck that hit and cracked his vehicle's windshield while driving on W. Loomis Road on June 16, 2014, pursuant to Wisconsin Statute 893.80(1g), based upon and in concurrence with the insurance adjuster that the investigation revealed no negligence on behalf of the City of Franklin. Seconded by Alderman Schmidt. There being no objections, Alderwoman Wilhelm withdrew her motion and Alderman Schmidt withdrew his second.
- Alderwoman Evans moved to enter closed session at 8:20 p.m. pursuant to 19.85(1)(e) and (g), Wis. Stats., to consider a notice of claim from Shawn Grant alleging that a stone came off a City DPW dump truck that hit and cracked his vehicle's windshield while driving on W. Loomis Rd. on June 16, 2014, and may reenter open session at the same place thereafter to act on such

COMMON COUNCIL MINUTES

JULY 1, 2014

CLAIM OF SHAWN  
GRANT-continued

matters discussed therein as it deems appropriate. Seconded by Alderman D. Mayer. On roll call, all voted Aye. Motion carried.

Upon reentering open session at 8:30 p.m., Alderwoman Wilhelm moved to deny the claim of Shawn Grant alleging that a stone came off a City DPW dump truck that hit and cracked his vehicle's windshield while driving on Loomis Road on June 16, 2014, pursuant to Wisconsin Statute 893.80(1g), based upon and in concurrence with the insurance adjuster that the investigation revealed no negligence on behalf of the City of Franklin. Seconded by Alderman Dandrea. Upon voice vote, Alderman Dandrea, Alderwoman Wilhelm, Alderwoman Evans, Alderman Schmidt, and Alderwoman S. Mayer voted Aye; Ald Mayer voted No. Motion carried.

COMMITTEE OF THE  
WHOLE  
RECOMMENDATIONS

G.12.

Upon recommendation of the Committee of the Whole, moved to A. No action was taken on on concept review for a proposed multi-family memory care residence facility development at approximately 9201 W. Drexel Ave. (LaSalle Group, Inc., applicant).

B. Alderman D. Mayer moved that the Common Council accept the Director of Administration memorandum dated July 1, 2014, relating to economic development goals, priorities, and activities and action steps for moving forward, and that staff proceed accordingly, consistent with and including the comments from the Common Council President. Seconded by Alderman Schmidt. All voted Aye; motion carried.

C. Restructuring of the Forward Franklin Economic Development Commission was acted upon in Item G.8.

D. Alderman D. Mayer moved to authorize the Economic Development Commission and Alderwoman Wilhelm to seek alternate funding sources, grants for economic development studies. Seconded by Alderman Dandrea. All voted Aye; motion carried.

MISCELLANEOUS  
LICENSES

H.1.

Alderman Dandrea moved that all items listed on the July 1, 2014, License Committee agenda and not acted upon at this meeting of the Common Council be referred to the July 15, 2014, meeting. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

Alderman Dandrea moved to grant Reserve Class B Combination license to Federation of Croatian Societies, Inc., Josef Pelicario, Agent, 9100 S. 76th Street, and further moved to approve an economic grant for Reserve Class B Combination in the amount of \$9,800 based on hardship, as recommended by the License Committee. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

COMMON COUNCIL MINUTES  
JULY 1, 2014

MISCELLANEOUS  
LICENSES-continued

Alderman Evans moved to grant an operator's license to Amy Mast, W186S8961 Cardinal Ct., Muskego, with a warning letter from the City Clerk; and further moved to grant a Class B Combination, and Entertainment and Amusement license to Little Cancun LLC, Veronica Cervera, Agent, 7273A S. 27th St., with regard to full code and statutory compliance. Seconded by Alderman Schmidt. All voted Aye; motion carried.

VOUCHERS AND  
PAYROLL

I.1.

Alderman D. Mayer moved to approve net general checking account City vouchers in the range Nos. 152601 through 152786 in the amount of \$672,699.69 dated June 13, 2014 through June 26, 2014. Seconded by Alderman Evans. On roll call, all voted Aye. Motion carried.

Alderman Dandrea moved to approve net general checking account City vouchers in the range Nos. 152787 through 152808 in the amount of \$479,071.50 dated June 27, 2014 through July 1, 2014. Seconded by Alderman D. Mayer. On roll call, all voted Aye. Motion carried.

Alderman Schmidt moved to approve the net payroll dated June 27, 2014 in the amount of \$336,628.66 and payments of the various payroll deductions in the amount of \$421,917.09 plus any City matching payments, where required. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

Alderman Dandrea moved to approve the net payroll dated July 11, 2014 estimated at \$362,000.00 and payments of the various payroll deductions estimated at \$235,000.00 plus any City matching payments, where required. Seconded by Alderman S. Mayer. On roll call, all voted Aye. Motion carried.

Alderman D. Mayer moved to approve property tax payment void No. 12870 in the amount of (\$5,874.58). Seconded by Alderman Evans. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J.

Alderman Schmidt moved to adjourn the meeting at 9:10 p.m. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>7/15/2014</b></p>
<p><b>ORGANIZATIONAL BUSINESS</b></p>	<p><b>Board and Commission Appointments</b></p>	<p><b>ITEM NUMBER</b></p> <p><b>E.</b></p>

Mayor Olson is submitting the following resident for appointment to the Economic Development Commission:

Jessica Kent, 5495 W. Cobblestone Way, Unit C, for a one-year term expiring 6/30/2015

**COUNCIL ACTION REQUESTED**

Motion to confirm the one-year appointment of Jessica Kent to the Economic Development Commission, expiring 6/30/2015.

## Shirley Roberts

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E.

**From:** volunteerfactsheet@franklinwi.gov  
**Sent:** Wednesday, June 25, 2014 10:31 AM  
**To:** Lisa Huening; Shirley Roberts; Sandi Wesolowski  
**Subject:** Volunteer Fact Sheet

**Name:** Jessica Kent  
**PhoneNumber:** 4144912606  
**EmailAddress:** [jessica.kent@quarles.com](mailto:jessica.kent@quarles.com)  
**YearsasResident:** 13 1/2 years  
**Alderman:** 4  
**ArchitecturalBoard:** 0  
**CivicCelebrations:** 1  
**CommunityDevelopmentAuthority:** 0  
**FinanceCommittee:** 0  
**EnvironmentalCommission:** 0  
**ForwardFranklinEconomicDevelopComm:** 1  
**FairCommission:** 0  
**BoardofHealth:** 0  
**FirePoliceCommission:** 0  
**ParksCommission:** 0  
**LibraryBoard:** 0  
**PlanCommission:** 0  
**PersonnelCommittee:** 0  
**BoardofReview:** 0  
**BoardofPublicWorks:** 0  
**BoardofWaterCommissioners:** 0  
**TechnologyCommission:** 0  
**WasteFacilitySitingCommittee:** 0  
**BoardofZoning:** 0  
**WasteFacilitiesMonitoringCommittee:** 0  
**CompleteStreetsandConnectivityCommittee:** 0  
**CompanyNameJob1:** Quarles & Brady LLP  
**TelephoneJob1:** 414-277-5758  
**StartDateandPositionJob1:** May 2002, Secretary  
**EndDateandPositionJob1:** N/A, Public Finance Paralegal  
**CompanyNameJob2:** Southwood Glen PTA  
**TelephoneJob2:** (414) 761-1181  
**StartDateandPositionJob2:** August 2011, Member  
**EndDateandPositionJob2:** N/A, Treasurer  
**CompanyNameJob3:**

**TelephoneJob3:**

**StartDateandPositionJob3:**

**EndDateandPositionJob3:**

**Signature:**

Jessica Kent

**Date:**

6/25/14

**Signature2:**

Jessica Kent

**Date2:**

6/25/14

**Address:**

5495 W. Cobblestone Way Unit C Franklin, WI 53132

**PriorityListing:**

1. Forward Franklin Economic Develop. Comm. 2. Civic Celebrations Commission

**WhyInterested:**

The City of Franklin is a great community, a fantastic place to raise a family and has wonderful schools. I would like to see our City continue to develop and grow...and taking part in that would be very rewarding / fulfilling. I am a single mom with two young children and think I would bring a bright, fresh perspective to the table with regard to initiatives and events.

**CompanyAddressJob1:**

411 East Wisconsin Avenue Milwaukee, WI 53202

**DescriptionofDutiesJob1:**

I have a hybrid job of sorts. I have paralegal duties related to our work as underwriter's and disclosure counsel (research, document preparation) and I have administrative duties such as marketing, billing / collections, event planning, problem solving and budgeting. I started as a secretary, a special position was then created for me "Public Finance Group Administrative Specialist" and finally I moved into my current position in October 2012. All of my time at Q&B has been spent in the Public Finance Group, so I have a good understanding of local government and the processes and procedures that need to be followed to implement and carry out plans (mostly related to bond financings).

**AddressJob2:**

9090 S 35th Street Franklin, WI 53132

**DescriptionofDutiesJob2:**

I have held the Treasurer position of the Southwood Glen PTA since August 2012. I was asked to take this position when the former Treasurer left due to a change in schools. I make deposits, reconcile the bank accounts, prepare the yearly audit, work on fundraising initiatives and also chair a number of committees / events through the PTA.

**AddressJob3:**

**DescriptionofDutiesJob3:**

The combination of my work and volunteer experience...from preparing budgets, coming up with ideas for and implementing fundraising events, social / networking event planning, problem solving and marketing...would make me a good fit on either of the committees I have selected.

**AdditionalExperience:**

**ClientIP:**

50.58.161.129

**SessionID:**

tqo3sxecpxcfmziu220tjh55

See Current Results

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<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>07/15/14</b></p>
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<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>Donations from the Franklin Lioness Club in the amount of \$250 to the Fire Department and \$250 to the Police Department</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G.l.a.</i></p>
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The City of Franklin Fire Department has received a donation from the Franklin Lioness Club in the amount of \$250. The Department relies in part on donations to fund fire and safety education programs and materials.

Also, the City of Franklin Police Department has received a donation from the Franklin Lioness Club in the amount of \$250 to be used to support programs we provide to the community.

**COUNCIL ACTION REQUESTED**

Motion to accept the donations from the Franklin Lioness Club in the amount of \$250 to the Franklin Fire Department to be used for funding fire prevention activities and in the amount of \$250 to the Franklin Police Department to be deposited into the Police Donation Account.

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<p><b>APPROVAL</b></p> 	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>7/15/2014</b></p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>Franklin Senior Citizens Travel Program Semi-Annual Update for 2014</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G.I.B.</i></p>

To fulfill the June 19, 2007 directive of the Common Council requesting that an update of the Franklin Seniors Travel Program be prepared semi-annual, with Mrs. Shirley Bird, Tour Director, reporting in January and July of each year, attached is correspondence from Mrs. Shirley Bird on 2014 trip statistics and activities.

Six (6) trips have been taken thus far for the period January 1, 2014 through June 30, 2014, expending \$5,075 of the \$10,000 Senior Travel Program Budget for 2014. The City was approved for \$8,643 in Milwaukee County Community Development Block Grant (CDBG) Funds for the 2014 Program year for Senior Travel Program purposes; however, only those trips that include an educational/tour component are eligible to be used against CDBG monies. For the total \$5,075 expended through June 30, 2014, \$3,425 has been paid from City monies and \$1,650 paid from CDBG monies.

**COUNCIL ACTION REQUESTED**

This item is being provided at the direction of the Common Council for its information.  
No action is being requested.

*Shirley J. Bird*  
8904 S. 81st Street  
Franklin, WI 53132  
414-425-4502

RECEIVED  
CITY OF FRANKLIN  
2014 JUL 10 PM 2:41

DATE: July 15, 2014

Honorable Mayor and members of the City of Franklin Common Council  
9229 W. Loomis Road  
Franklin, WI 53132

Ladies and Gentlemen:

Listed below are the trip statistics from 1/1/14 to 6/30/14 for the Franklin Seniors Trip Program.

## **2014 Travel Program Statistics**

### **1. Participation**

- ◊ 6 trips have been taken of the 12 trips scheduled for the year 2014.
- ◊ Attachment #1 lists the trip statistics through the 6/30/14 trip.
- ◊ A total of 253 people have taken trips through 6/30/14.
- ◊ Of this number, 118 are Franklin residents and club members, 123 are Franklin non-member residents, and 12 are non-city residents.
- ◊ 153 different people have gone on at least one trip.
- ◊ 105 people have gone on at least one trip.
- ◊ 48 people have gone on two or more trips.
- ◊ There were 68 men on the 6 trips and 185 women on the trips.
- ◊ Special need people requiring a walker/cane and oxygen participated in the 6 trips – 5 handicapped men and 29 handicapped women.
- ◊ Some of the remaining trips for 2014 include the Fireside Dinner Theater, Wandering Tree Estate of Elaine Silets in Barrington, Illinois, she has produced Model Railroads and Garden Railways that have been on the Discovery Channel.  
Presidential Day in Dixon, Illinois, Rosewood Dinner Theater in Elkhorn, Wis.,  
Christmas Show in Port Washington, Wis.

## 2. Phone Calls and Advertising

- ❖ 52 calls were received that required trip flyers to be sent out.
- ❖ From those calls, 46 Franklin residents booked trips.
- ❖ I have received numerous calls regarding general trip information.
- ❖ The travel program is advertised in the Franklin Recreation Department guide, the City newsletter, and the City of Franklin government access TV channel under "News and Events". (See attachment #2)

## 3. 2014 Bus Budget

- ❖ Using a budget of \$10,000.00, \$5,075.00 is the total bus cost for the 6 trips taken through 6/30/14. This leaves a balance of \$4,925.00 for the remainder of the year. (See attachment #3)

Should you have questions or concerns regarding the Franklin Seniors Travel Program, please contact me at any time.

Sincerely,



Shirley J. Bird  
Franklin Seniors Tour Coordinator

Enclosures

2014 TRIP PARTICIPANTS - FRANKLIN SENIORS															
Name	Non Franklin Resident	Non Club member, FR Res	Street Address	City	State	Zip Code	TRIP DATES						6 Month Total	Annual Total	
							Jan. 22, 2014	Feb. 15, 2014	March 18, 2014	April 9, 2014	May 20, 2014	June 11, 2014			
							51	38	28	46	49	41		253	
			<b>Total Participants</b>												
							21	25	8	20	23	21		118	
			<b>FR. Residents Club Mem.</b>				28	13	19	25	24	14		123	
			<b>Non Club Mem. FR. Res.</b>				2	0	1	1	2	6		12	
			<b>Non FR. Residents</b>												
			<b>Men on trip</b>				11	13	10	12	14	8		68	
			<b>Women on trip</b>				40	25	18	34	35	33		185	
			<b>Handicapped men on trip</b>				1	1	0	2	1	0		5	
			<b>Handicapped women on trip</b>				6	3	4	6	6	4		29	

# SAVE THE DATE

## Franklin Sabers Annual Gridiron Golf Classic

Saturday, July 26

Oakwood Golf Course - Franklin, WI

1:00 PM Shotgun Start

For more information and to register go to:

<http://gridirongolf.weebly.com>

## SENIOR CITIZENS

Received  
April 30, 2014

See specific Senior Citizen information about the Monthly Luncheon and Monthly Social on our website [www.franklin.k12.wi.us](http://www.franklin.k12.wi.us), Recreation tab, and then Additional Programs/classes tab.

### CITY OF FRANKLIN SENIOR TRAVEL PROGRAM

#### RESERVATIONS:

Must be a Franklin resident and 55 years of age or older. Reservations: accepted on a **first come first served basis**. **No phone reservations**. Full payment guarantees your reservation.

#### REFUNDS

No refunds given after the deadline unless your ticket can be resold.

#### NON RESIDENT

Non residents of Franklin may participate in tours **if space is available after deadline of the trip**. The cost is \$10 more, if space is available.

#### INSURANCE

The City of Franklin or The Franklin Senior Citizen, Inc. Club does not provide medical insurance or hospitalization coverage for people participating in tours or activities.

#### CANCELLATIONS

Tours may be cancelled due to weather or lack of interest.

**ALL TRIPS HAVE LIMITED SEATING. Trips depart from the NE corner of Pick 'n Save parking lot at 76th & Rawson.**

Questions or more information on trips, call  
Shirley Bird, 425-4502

### JUNE 11

**All In The Bag - Awesome Algoma, WI** - We will set out along the majestic Lake Michigan & stop at "The Flying Pig Gallery & Greenspace" for a tour. Lunch will be at the Hotel Stebbins, just steps from the shores of Lake Michigan. After lunch we will visit "Von Stiehl Winery" for tour & wine sampling. Next we go where we can get a "Taste of Door Country" Stop at "Country Ovens" for tour & will receive a package of Cherry DeLites. Next is "Wienke's Market" & we will receive an 8 oz jam. Last stop is "Renards's Cheese, Inc." where we will receive cheese curds.

Please note: this tour is not wheelchair accessible.

Resident ..... \$62 Non-Resident ..... \$72

**Reservation Deadline: May 1**

### JULY 30

**Famous "Train Lady" - Wandering Tree Estate- Barrington, IL** - We will tour the world renowned estate, the "Wandering Tree Estate", home of the Train Lady, Elaine Silets! We will explore her elaborate and massive model locomotive Railway gardens. We will also tour the model Railroad museum. Elaine Silets has been featured on the Oprah Winfrey show, Today Show and Discovery Channel. Lunch will be at the Millrose Supper Club. The talk with Elaine Silets will be seated, **but the rest of the time we will be walking.**

Resident ..... \$79 Non-Resident ..... \$89

**Reservation Deadline: June 20**

### AUGUST 13

**"Smokey Joe's Cafe" - Lunch and show at the Fireside Dinner Theater.**

Resident ..... \$66 Non-Resident ..... \$76

**Reservation Deadline: July 1**

**Look for up and coming Senior trips in the next issue of the Franklin Recreation Department Guide.**

The Franklin Senior Citizen Club is open to ALL Franklin Residents who are 55 years of age or older. Luncheon: First Wednesday of each month at Clifford's Supper Club (10418 W. Forest Home Ave, Hales Corners). Social: Third Wednesday of each month at Noon at Brenwood Park Senior Apartments (9501 W. Loomis Road). Membership Fee is \$15 per year. For information, contact Fred Knuettel 414-421-2603.

## Franklin Senior Walking Club

**Meets:** 9:00 - 11:00 AM every Thursday at Milwaukee Sports Complex, 60th and Ryan Road

**Dues:** \$5.00 (includes T-shirt)

**Contact:** Russ Sepanski at 414-425-7984

Received MAY 29, 2014

## Volunteers Needed to Serve on City Boards & Commissions

Openings exist for citizens to volunteer to serve on the City of Franklin's many Boards and Commissions due to vacancies and/or expirations of terms. The City Boards and Commissions serve primarily in an advisory role to the Mayor and Common Council in developing policies and managing the affairs of the City to best serve its citizens. Members are appointed by the Mayor and confirmed by the Common Council. Franklin residents interested in serving on a certain City Board or Commission must complete a Volunteer Fact Sheet (must be a City resident for at least 10 days preceding the date of appointment). For a complete list of the City Boards and Commissions, a detailed description of each, or to fill out the required Volunteer Fact Sheet, please visit the "Boards & Commissions" page of the City website at [www.franklinwi.gov](http://www.franklinwi.gov) (click on the "Boards & Commissions" link under "Quick Links" on the Home page).

## Franklin Senior Citizens Club

Open to Franklin Residents 55 Years of Age & Older



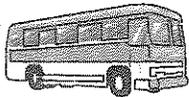
### Becoming a Member

The Franklin Senior Citizens Club is open to all Franklin residents who are 55 years of age or older. Activities include luncheons, holiday parties, guest speakers, movies, card playing, and social camaraderie. Annual dues are \$15 per person. A **business meeting luncheon** is held the first Wednesday of each month at 11 a.m. at Clifford's Supper Club, 10418 W. Forest Home Avenue, Hales Corners. A **social luncheon** is held the third Wednesday of each month at Noon at Brenwood Park Senior Apartments, 9501 W. Loomis Road, Franklin. For more information or reservations, contact Fred Knueppel at 421-2603.

### Franklin Seniors Walking Club

Meets 9 a.m. to 11 a.m. every Thursday at Milwaukee County Sports Complex, 6000 W. Ryan Road. Dues: \$5 (includes T-shirt). Contact Russ Sepanski at 425-7984 for more details.

**Elder Link**—24-hour resource center for older adults. Call 289-6874 for senior or family care and meal site information.



## City of Franklin Senior Travel Program

Looking to meet new friends and enjoy traveling? Then the Franklin Senior Travel Program is for YOU!

### July & August 2014 Trips

**July 30—Famous Train Lady-Wandering Tree Estate  
Barrington, Illinois**

Tour the world renowned estate, The Wandering Tree Estate, home of the Train Lady, Elaine Silets! Explore her elaborate and massive model locomotive railway gardens and tour the model railroad museum. Elaine Silets has been featured on the Oprah Winfrey Show, the Today Show, and the Discovery Channel. Lunch will be at the Millrose Supper Club. Note: This trip is mostly walking or standing.)

**RSVP Deadline: June 20.**  
**Cost: \$79 Resident/\$89 Non-Resident**

**August 13—"Smokey Joe's Café"  
Fireside Dinner Theater, Fort Atkinson, WI**

Lunch and show at the Fireside Dinner Theater.

**RSVP Deadline: July 1.**  
**Cost: \$66 Resident/\$76 Non-Resident**

**Trips depart from the Northeast corner of Pick 'N Save parking lot at 76th Street & Rawson Avenue (unless otherwise noted). Contact Shirley Bird, Tour Director, at 425-4502 with questions.**

**Reservations:** Open to Franklin residents who are 55 years of age and older. Accepted on a first-come/first-served basis. No phone reservations; full payment guarantees your reservation. **Refunds:** No refunds are given after the RSVP deadline unless ticket can be resold. **Non-Resident:** Non-residents may participate in tours if space is available after the deadline date of the trip. All trips have limited seating. Non-residents pay an additional \$10 cost. **Insurance:** The City and the Franklin Senior Citizens Club do not provide medical insurance or hospitalization coverage for participants in tours or activities. **Cancellations:** Tours may be cancelled due to weather or lack of registrations.



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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;"><b>07/15/14</b></p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE TO ALLOW FOR A HYDRAULIC AND PNEUMATIC CYLINDERS AND PRODUCTION SCRAP BAILING MACHINE MANUFACTURING BUSINESS USE UPON PROPERTY LOCATED AT 10179 SOUTH 57<sup>TH</sup> STREET (544 SOUTH 1<sup>ST</sup> STREET, LLC, OWNER, GALLAND HENNING NOPAK, INC., OPERATOR/APPLICANT)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G.2.</i></p>

At the July 3, 2014, meeting of the Plan Commission, the following action was approved: motion to recommend approval of a resolution imposing conditions and restrictions for the approval of a Special Use to allow for a hydraulic and pneumatic cylinders and production scrap bailing machine manufacturing business use upon property located at 10179 South 57<sup>th</sup> Street, with the added condition for consideration by the Common Council, and further comment to the Common Council by the applicant, as to the limiting of deliveries to the property to no later than 6:00 p.m. and no earlier than 6:00 a.m.

At the June 23, 2014 meeting of the Franklin Economic Development Commission, the following action was approved: motion to recommend approval to the Plan Commission and Common Council that they adopt the proposed resolution as presented and without additional conditions.

**COUNCIL ACTION REQUESTED**

A motion to adopt Resolution No. 2014-\_\_\_\_\_, a resolution imposing conditions and restrictions for the approval of a special use to allow for a hydraulic and pneumatic cylinders and production scrap bailing machine manufacturing business use upon property located at 10179 South 57<sup>th</sup> Street (544 South 1<sup>st</sup> Street, LLC, Owner, Galland Henning Nopak, Inc. Operator/Applicant)

## RESOLUTION NO. 2014-\_\_\_\_\_

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS  
FOR THE APPROVAL OF A SPECIAL USE TO ALLOW FOR A HYDRAULIC AND  
PNEUMATIC CYLINDERS AND PRODUCTION SCRAP BAILING MACHINE  
MANUFACTURING BUSINESS USE UPON PROPERTY  
LOCATED AT 10179 SOUTH 57TH STREET  
(544 SOUTH 1ST STREET, LLC, OWNER, GALLAND HENNING  
NOPAK, INC., OPERATOR/APPLICANT)

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WHEREAS, 544 South 1st Street, LLC, as owner, and Galland Henning NoPak, Inc., as operator, having petitioned the City of Franklin for the approval of a Special Use in Planned Development District No. 7 (Franklin Industrial Park Phase II), to allow for a hydraulic and pneumatic cylinders and production scrap bailing machine manufacturing business use for Galland Henning NoPak, Inc., operator, upon property located at 10179 South 57th Street, bearing Tax Key No. 931-0008-002, more particularly described as follows:

Parcel 2 of Certified Survey Map No. 6200, recorded on March 11, 1996 in Reel 3752 Images 2296 to 2298, inclusive as Document No. 7191331, being a redivision of Lot 4 and Lot 5, in Block 6, in Franklin Industrial Park Addition No. 1, being a Subdivision of lands in part of the Southeast 1/4 and Southwest 1/4 of the Southwest 1/4 of Section 26, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 3rd day of July, 2014, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, such petition having been duly referred to the Forward Franklin Economic Development Committee of the City of Franklin pursuant to the requirements of §15-3.0412 of the Unified Development Ordinance for consideration by the Forward

GALLAND HENNING NOPAK, INC. – SPECIAL USE  
RESOLUTION NO. 2014-\_\_\_\_\_

Page 2

Franklin Economic Development Committee on the 23rd day of June, 2014, and the Forward Franklin Economic Development Committee thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Forward Franklin Economic Development Committee further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission and Forward Franklin Economic Development Committee recommendation and also having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of 544 South 1st Street, LLC, owner, and Galland Henning NoPak, Inc., operator, for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by Galland Henning NoPak, Inc., successors and assigns, as a hydraulic and pneumatic cylinders and production scrap bailing machine manufacturing business use, which shall be developed in substantial compliance with, and operated and maintained by Galland Henning NoPak, Inc., pursuant to those plans City file-stamped June 17, 2014 and annexed hereto and incorporated herein as Exhibit A.
2. 544 South 1st Street, LLC, owner, and Galland Henning NoPak, Inc., operator, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Galland Henning NoPak, Inc. hydraulic and pneumatic cylinders and production scrap bailing machine manufacturing business, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

GALLAND HENNING NOPAK, INC. – SPECIAL USE  
RESOLUTION NO. 2014-\_\_\_\_\_

Page 3

3. The approval granted hereunder is conditional upon 544 South 1st Street, LLC, owner, and Galland Henning NoPak, Inc., operator, and the hydraulic and pneumatic cylinders and production scrap bailing machine manufacturing business use for the property located at 10179 South 57th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. Deliveries to the property shall be limited to no later than 6:00 p.m. and no earlier than 6:00 a.m.

BE IT FURTHER RESOLVED, that in the event 544 South 1st Street, LLC, owner, and/or Galland Henning NoPak, Inc., operator, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19. of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

GALLAND HENNING NOPAK, INC. – SPECIAL USE  
RESOLUTION NO. 2014-\_\_\_\_\_

Page 4

Introduced at a regular meeting of the Common Council of the City of Franklin this  
\_\_\_\_\_ day of \_\_\_\_\_, 2014.

Passed and adopted at a regular meeting of the Common Council of the City of  
Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

APPROVED:

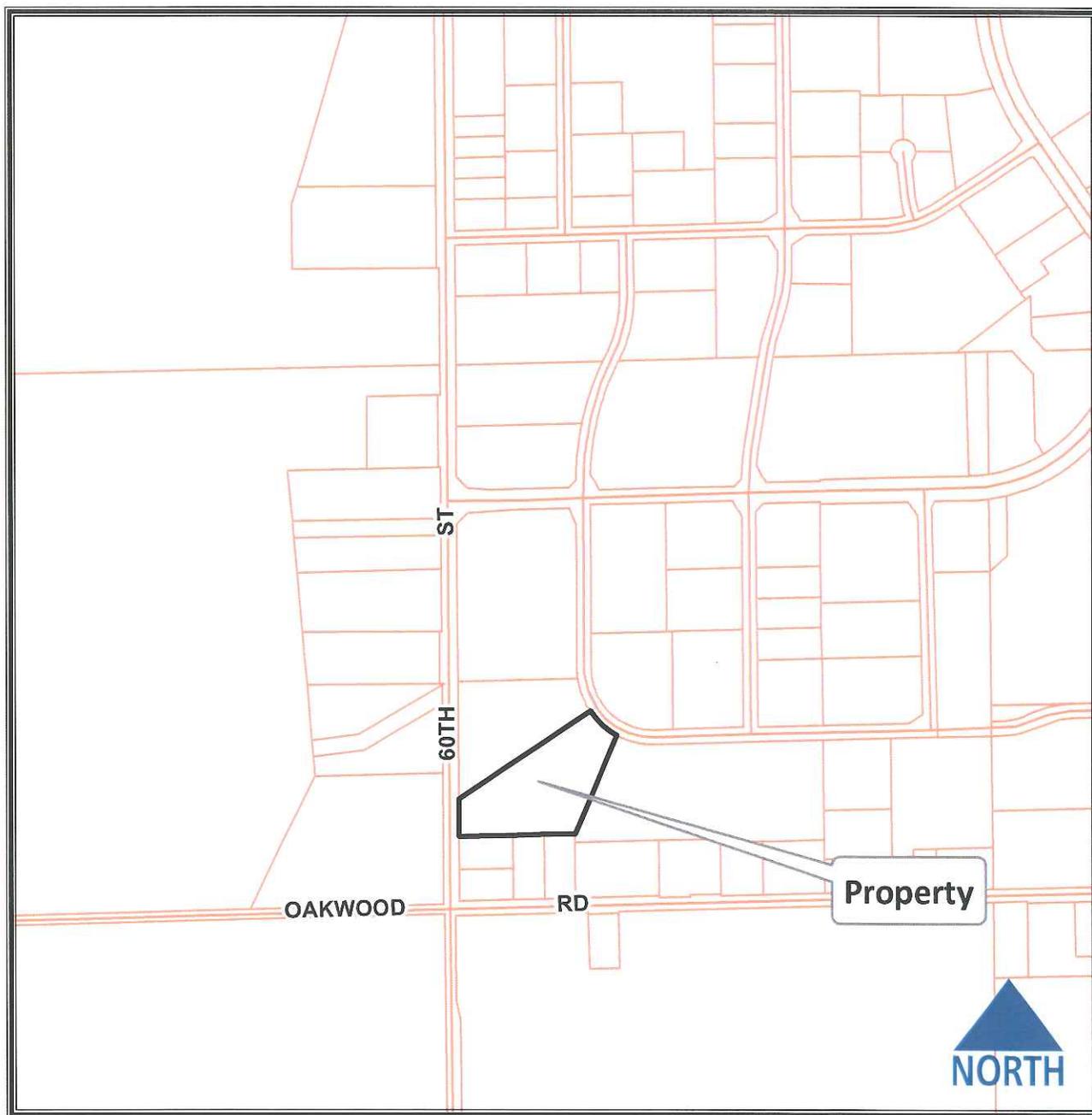
\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

**10179 South 57th Street  
TKN 931-0008-002**



**Planning Department  
(414) 425-4024**



2013 Aerial Photo

*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



# CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION Meeting of July 3, 2014

### Special Use

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**RECOMMENDATION:** Staff recommends approval of the proposed Special Use for Galland Henning Nopak, Inc. subject to the conditions noted in the draft resolution.

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<b>Project Name:</b>	Galland Henning Nopak Special Use
<b>Project Address:</b>	10179 South 57th Street
<b>Applicant:</b>	Galland Henning Nopak, Inc.
<b>Owner (property):</b>	544 S. 1 <sup>st</sup> Street, LLC
<b>Current Zoning:</b>	Planned Development District No. 7
<b>2025 Comprehensive Master Plan:</b>	Commercial
<b>Use of Surrounding Properties:</b>	Industrial to the north and east, single-family residential to the south and agricultural to the west.
<b>Applicant Action Requested:</b>	Recommendation of approval for the proposed Special Use to the Plan Commission and Common Council.

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### INTRODUCTION:

On June 9, 2014, Galland Henning Nopak, Inc. filed a Special Use Application with the Department of City Development, requesting approval to operate a hydraulic and pneumatic cylinders and production scap baling machine manufacturing business use upon property located at 10179 South 57<sup>th</sup> Street in Phase II of the Franklin Industrial Park (PDD #7). The applicant's proposed use cannot be found in the list of permitted and special uses within Ordinance No. 84-864, establishing Planned Development District No. 7. However, the special use section of Ordinance No. 84-864 also allows for, "Any other manufacturing or related establishment that can be operated in compliance with the performance standards listed below without creating objectionable noise, odor, dust, smoke, gas, fumes or vapor; and that is a use compatible with the use and occupancy of adjoining properties". This Special Use requires review and recommendation by the Forward Franklin Economic Development Commission (FFEDC) and Plan Commission, and review and approval by the Common Council.

### HISTORY:

- On November 30, 1995, the Economic Development Commission approved a Zoning Permit for Tooling Technologies, Inc. for use of the property located at 10179 South 57<sup>th</sup> Street for light manufacturing.

- On March 18, 1996, the Economic Development Commission approved architectural elevations and a site plan for Tooling Technologies' new building located at 10179 South 57<sup>th</sup> Street.
- On October 23, 2000, the Economic Development Commission approved plans for a 22,500 square foot addition to Tooling Technologies, Inc.'s plant located at 10179 South 57<sup>th</sup> Street.
- On June 19, 2014, the Forward Franklin Economic Development Commission recommended to the Plan Commission and Common Council that they adopt the proposed resolution as presented and without additional conditions.

**PROJECT DESCRIPTION:**

The applicant is requesting Special Use approval to operate a hydraulic and pneumatic cylinders and production scap baling machine manufacturing business in an approximately 50,000 square foot existing building located at 10179 South 57<sup>th</sup> Street. Galland Henning Nopak, Inc. plans to move their 125 year old company and over sixty (60) current employees from their West Milwaukee facility to Franklin. According to the Project Narrative, the applicant is looking to utilize current manufacturing technologies, which are not easily implemented in their much older West Milwaukee facility.

The subject building is currently occupied by Tooling Technologies, Inc., who have been at this location since 1996. The property is approximately 6.123 acres or 266,713 square feet. Dumpsters and scrap metal luggers are stored on a paved concrete slab at the rear of the building, which is screened by a masonry wall. The applicant is not proposing any additional landscaping, lighting or exterior changes to the exterior of the building or the site at this time.

According to the project narrative, the applicant is proposing to operate as many as three shifts per day (currently 2), 5 days per week with occasional work on Saturdays. It also states Sunday production is rare, but possible. According to company President and CEO, Bart Mitchell, the company's manufacturing equipment does not emit loud noise, nor does it generate vibration that could be felt inside or outside of the building. Galland Henning Nopak will employ a combined eighty (80) people between first and second shift. The company plans to receive materials on flat bed and enclosed semi-trailer and smaller delivery trucks steadily during first and second shift. On a typical day, between 9:00 a.m. and 6:00 p.m., Galland Henning Nopak would expect to see as many as 12 semi-trucks and 6 smaller delivery trucks. However, the applicant has stated that no vehicles weighing over 8,000 pounds rated gross vehicle weight will be parked on the property overnight.

**Parking:**

Section 7(b) of Resolution No. 88-3189 defines requirements for off-street parking in PDD No. 7 as, "At least one parking space of not less than 180 square feet, excluding driveways and approaches, shall be required for each two employees on the two largest shifts combined, to provide a sufficient number of off-street parking spaces to accommodate the maximum number of vehicles of employees and visitors expected in the site during peak hours of utilization". If

one applies this standard, then the proposed hydraulic and pneumatic cylinders and production scap baling machine manufacturing business use would be required to provide a minimum of forty (40) off-street parking spaces.

The subject building has a parking lot consisting of fifty-six (56) total off-street parking spaces. Staff finds the existing off-street parking at 10179 South 57<sup>th</sup> Street meets the minimum requirements of Planned Development District No. 7. Three (3) of the off-street parking spaces on the property are handicap accessible, which meets minimum requirements of Table 15-5.0202(I)(1) of the (UDO).

Section 15-3.0701(A) and (C) of the UDO contains the General Standards and Considerations that must be examined for each proposed Special Use prior to granting approval. The applicant has provided a written response to each of the seven standards, which is included in your packet.

**STAFF RECOMMENDATION:**

Staff recommends approval of the proposed Special Use for Galland Henning Nopak, Inc., subject to the conditions noted in the draft resolution.

**History of Galland Henning Nopak, Inc.**

Galland Henning Nopak, Inc. has been owned and operated by the Nunnemacher family since its incorporation in 1889. The story goes back to 1843 (five years before Wisconsin became a state) when Jakob Nunnemacher immigrated to America from Burg, Canton Bern, Switzerland. Shortly after arrival, the family removed the fourth "n" from their name. Jakob and his wife Catharina had four sons.

Each of the sons was established in a different discipline. Son Robert was a grain broker and was approached by a European patent agent in 1886 with an offer to license a patent held by a Frenchman, Nicholas Galland, and a German, Julius Henning, for the American manufacture of malting drums and kiln turning machines. Galland and Henning had been successful with their company in Europe, but the heavy machinery was difficult to transport so they decided to license its manufacture in America. Robert and his associates began building the machinery in Milwaukee in 1887. Two years later, in 1889, the firm incorporated due to astounding demand, creating the Galland-Henning Pneumatic Malting Drum Mfg. Co. Brewers were the primary customers of the equipment.

The Prohibition years of 1920 to 1933 caused breweries to shut down, resulting in the Galland-Henning Pneumatic Malting Drum Mfg. Co. to branch out into other product lines. They produced rock crushers, cider presses, pomace dryers, rotary gravel screens, vibrator screens, concrete mixers, structural steel rollers, hydraulic pipe benders, vacuum dryers, and scrap metal balers. Balers remain a primary product line to this day. During this period the corporate name was changed to Galland Henning Mfg. Co.

During the Great Depression, the company improved baler design and size, creating machines that crushed cars. With larger balers, the need arose to replace their manual lever-operated directional control valves with pneumatic pilot circuitry. This led to great increases in the types of patented NOPAK lapped rotating disc air control valves and double-acting cylinders the company produced. Along with balers, these remain a primary product line to this day.

The company moved to its present location in West Milwaukee in 1969 and rolled another location into the site in 1989 after completing an expansion.

**Current Business, 2014**

Galland Henning Nopak, Inc., after 45 years in it's current location, wishes to move to a new facility to better utilize current manufacturing technologies which are not easily implemented in our very old West Milwaukee facility. The company manufactures hydraulic and pneumatic cylinders of all sizes and shapes for a vast number of industries, and, production scrap baling machines for the aluminum beverage can industry. The decision to move to Franklin was made easier by the strong recommendations of a number of our employees who live in and around the Franklin area. Galland Henning Nopak, Inc. currently employs over 60 people, and has embarked on a number of growth strategies which we believe will further increase our employment base in the future.

**Franklin**

**JUN 17 2014**

**City Development**

**City of Franklin**  
**Department of City Development**

Date: June 16, 2014

To: Galland Henning Nopak, Inc.

From: City Development Staff

RE: Galland Henning Nopak Special Use – Staff Comments

Please be advised that City Staff has reviewed the above application. Department comments are as follows for the Special Use Application submitted by Galland Henning Nopak, Inc. and date stamped by the City of Franklin on June 9, 2014.

**Unified Development Ordinance (UDO) Requirements**

**Site Plan**

1. Please indicate the name of project, i.e. business name, on the Site Plan per Section 15-7.0103-A of the UDO.
2. Please indicate the owner's and/or developer's name and address on the Site Plan per Section 15-7.0103-B of the UDO.
3. Please indicate the date of Site Plan submittal with all dates of revision per Section 15-7.0103-D of the UDO.

**Staff Recommendations**

**Site Plan**

1. Please re-label the ALTA Survey or at least add the designation of "Site Plan".
2. The above four items may be neatly hand drawn on the Site Plan if this is more convenient for the applicant.

**Parking**

3. Please indicate the size (dimensions) of parking stalls on site plan. PDD No. 7 requires parking stalls to be a minimum of 180 square feet in area.
4. Section 7(b) of Resolution No. 88-3189 defines requirements for off-street parking in PDD No. 7 as, *"At least one parking space of not less than 180 square feet, excluding driveways and approaches, shall be required for each two employees on the two largest shifts combined, to provide a sufficient number of off-street parking spaces to accommodate the maximum number of vehicles of employees and visitors expected in the site during peak hours of utilization"*. Please state the number of employees working the two largest shifts in a revised project narrative, to demonstrate this requirement is being met.

First and Second shift combined will be 80 employees

**Project Narrative**

5. Please provide an estimated timetable for Galland Henning Nopak, Inc.'s business moving into the building located at 10179 S. 57th Street. Additionally, please provide the estimated value of your business.

Time Line for move – 1<sup>st</sup> quarter 2015 through 2<sup>nd</sup> quarter 2015  
Estimated value of business - \$8mm of Revenue

6. How many employees will be working for Galland Henning Nopak, inc. at 10179 57<sup>th</sup> Street? Please note Comment No. 3 regarding the number of employees per shift.

GHN will have 80 employees across all shifts

7. What are the hours of operation for the proposed business?

GHN will run as many as three shifts per day (currently 2), 5 days a week with occasional work on Saturdays. Sunday production is rare, but possible.

8. Is Galland Henning Nopak, Inc. proposing any outdoor storage on the site? If so, then where on the site and what exactly is being proposed to be stored?

GHN will have roll off containers for trash and some scrap metal luggers – all contained within the existing fenced off area at the rear of the plant

9. Will Galland Henning Nopak, Inc. be parking any vehicles with a rated gross vehicle weight over 8,000 pounds overnight on the property?

No

10. What type of truck traffic will be coming and going from Galland Henning Nopak Inc's business and how often?

GHN receives in materials on flat bed, enclosed semi-trailer van and smaller delivery trucks (UPS). GHN ships product primarily by enclosed semi-trailer van and occasionally on flat bed. These shipments & deliveries will occur steadily during the first and second shift. On a typical day (between 9:00 am and 6:00 pm) GHN would expect to see as many as 12 semi-trucks and 6 smaller delivery trucks.

11. Please indicate where dumpsters will be stored and how refuse will be taken care of on site.

The existing fenced in area at the rear of the building will be used to hold the roll off trash containers and some scrap metal luggers. GHN will contract with a waste hauler for the trash removal and we work with a number of recyclers for any scrap metals or other non-land fill waste.

12. Are you proposing any additional landscaping, lighting or any exterior changes to the building as part of this application? If not, then please state in the project narrative, "Galland Henning Nopak, Inc. is not proposing any additional landscaping, lighting or any exterior changes to the building at this time". This will help the Plan Commissioners understand why you are not submitting a Landscape Plan, Lighting Plan or detailed Building Elevations with your Special Use application.

GHN has no plans to alter any landscaping or lighting

**Other**

13. Please provide a picture of the existing building in lieu of colored architectural elevations of the building. The picture will help Forward Franklin Economic Development Commissioners and Plan Commissioners visualize the façade of the existing building.

**Engineering Staff Comments**

14. The City of Franklin Engineering Department has reviewed this Special Use application and do not have any comments.

**Police Department Staff Comments**

15. The Franklin Police Department has no concerns with reference to the special use application to operate a hydraulic/pneumatic cylinders and production scrap bailing manufacturing business on property located at 10179 S. 57<sup>th</sup> Street.

**Fire Department Staff Comments**

16. The Fire Department has no concerns with the proposed Special Use request for 10179 S. 57<sup>th</sup> Street

JUN 17 2014

DIVISION 15-3.0700

## SPECIAL USE STANDARDS AND REGULATIONS

City Development

SECTION 15-3.0701

## GENERAL STANDARDS FOR SPECIAL USES

- A. General Standards. No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:
1. **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.  
  
*Response: The proposed use and development is essentially the same as has been in existence since the property was built and occupied in 1996.*
  2. **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.  
  
*Response: The proposed use will have no undue adverse impact since it is essentially the same type of light assembly and manufacturing as has been in existence in the building. All operations will be within the building itself.*
  3. **No Interference with Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.  
  
*Response: The proposed use and development will not interfere with surrounding development since it will be entirely within the confines of the existing and approved building.*
  4. **Adequate Public Facilities.** The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.  
  
*Response: The proposed use will be adequately served by the existing public facilities.*
  5. **No Traffic Congestion.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.  
  
*Response: The proposed use will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. All traffic will be within the confines of the business park.*

6. **No Destruction of Significant Features.** The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

*Response: The proposed use will not result in the destruction, loss or damage of any natural scenic or historic feature of significant importance.*

7. **Compliance with Standards.** The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

*Response: The special use will comply, in all other respects, to applicable regulations of the district and any additional standards which may be imposed upon.*

- B. **Special Standards for Specified Special Uses.** When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.

*Response: The applicant will comply with any special standards for specified special uses.*

- C. **Considerations.** In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following:

1. **Public Benefit.** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

*Response: The proposed use will contribute to the public benefit through employment of skilled personnel, maintenance of the facility and payment of real estate taxes.*

2. **Alternative Locations.** Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

*Response: The proposed use is, in most respects, very similar to the existing use of the building and sits very well within the other uses found within the business park.*

3. **Mitigation of Adverse Impacts.** Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

*Response: The existing facility is adequately landscaped and is of a very attractive design and imposes no adverse impact on the community.*

4. **Establishment of Precedent of Incompatible Uses in the Surrounding Area.** Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

*Response: The special use is essentially the same as the use that has been in the property since it was constructed in 1996 and will be a welcome addition to the business park.*

**Franklin**

JUN 17 2014

**City Development**



CoSTAR



<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">July 15, 2014</p>
<p style="text-align: center;"><b>REPORTS AND RECOMMENDATIONS</b></p>	<p>Park Development and Park Impact Fee Expenditures: All-accessible and All-inclusive Playground and Park Nature Center: City of Franklin, Kayla's Krew and Community Partners, Penfield Children's Center, The Conservation Fund and the Milwaukee Metropolitan Sewerage District Greenseams Program</p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G.3.</i></p>

The Common Council following consideration of park development and park impact fee expenditures at the July 1, 2014 regular meeting, in part directed staff to further the potential development of an all-accessible and all-inclusive park at the property located at approximately 11120 West Loomis Road. The property is owned by Victory of the Lamb Church. Following an initial meeting among Ald. S. Mayer, Pastor Ben Kuerth as representative of the property owner and staff, the potential of an acquisition by or lease with the City of approximately 4 acres of the some 15 acre subject property was reviewed. Following a second meeting among the same attendees and Ald. Wilhelm and Michelle Runte, Founder and Executive Director of Kayla's Krew, and staff, more detailed plans were discussed and developed and it was learned and confirmed with The Conservation Fund representatives that the adjoining some 49 acre property to the west had been acquired by the Milwaukee Metropolitan Sewerage District in furtherance of its Greenseams Program, and that the representatives were very positive in support of the concept of the development of an all-accessible and all-inclusive park adjoining the 49 acre parcel and would support the contribution of the 49 acre parcel to the City and the development of a passive recreation nature center as part of the 'project'.

In 2013, members of the Ben Franklin Elementary School sixth grade class and teacher Claudia Pagelsdorf participated in the State-wide Project Citizen, conducting research and preparing portfolios and presentations, with the participation of Kayla's Krew, upon a development proposal to build an all-accessible and all-inclusive playground in Franklin. Upon a presentation by them to the Common Council on May 7, 2013, it was announced that the team from Franklin had participated in the Project Citizen State competition in Madison, involving sixth, seventh and eighth grade students from across the State, and the Franklin team had prevailed as the State Champion. Franklin NOW newspaper reporting of the subject in part provided: "[a]ccording to the students' research, there are 401 special needs children in Franklin, with 44 percent of residents saying that they know someone who is disabled. Their research also showed that 90 percent of those surveyed said they wanted to see an all-inclusive playground built in Franklin. The Planning Commission estimated that the project would require two acres of land and cost between \$200,000 and \$400,000 to build."

Staff and all of the aforesaid representatives discussed a variety of potential methods and manners of mutual participation in the development of the potential all-accessible and all-inclusive playground and park nature center, all of which in general received workable responses. The City and the property owner might participate in a land division whereby the City acquires the above-mentioned 4 acres along the western boundary of the Victory of the Lamb property and then combines it with the Greenseams property acquired; or the City acquires a smaller area of the property in the northwestern corner and then so combines it; or the City acquires a long-term leasehold from the property owner and uses the property in combination with the Greenseams property. All of the foregoing obviously involve agreements between and among the parties working together. Attached are copies of maps of the Victory of the Lamb property, a rough site plan showing the approximate 4 acre area division prepared by the Department of City Development, a map of an alternate layout, the Kayla's Krew brochure and pictures of like developments such as those in Port Washington and Oconomowoc, State of Wisconsin Department of Natural Resources, The Conservation Fund and MMSD Greenseams Program documents, and a GIS map of the subject properties, showing the Greenseams (with the pond and wetland area existing in the shape of a butterfly) property abutting South 116th Street to the east and the Victory of the Lamb property adjacent to the east. The Wisconsin Department of Natural Resources Big Muskego Lake Wildlife

July 15, 2014

Page 2

Area is immediately to the west on the other side of South 116th Street.

The bottom line with regard to park impact fees is that the land contribution from the Greenseams program and funds available from Kayla's Krew for development of the proposed project provide matching funds in excess of \$500,000. Staff believes the timing of the potential project development (with regard to impact fee expenditure schedules) in its current general terms could commence this year and be completed in 2015.

### **COUNCIL ACTION REQUESTED**

A motion to direct staff to proceed with negotiations to provide the use, financing and development plans and agreements and acquisitions necessary for the development of the All-accessible and All-inclusive Playground and Park Nature Center as generally presented and described by staff at the July 15, 2014 Common Council meeting and to return the results thereof to the Common Council when ready for final consideration by the Council.

Hribar Trust Property  
(Proposed Victory of the Lamb Lutheran Church)  
SE Quarter, Section 19, T5N-R21E  
City of Franklin, Milwaukee County

PROJECT  
AREA

5TH W Loomis Rd

Legend

- Project Area
- Wetland
- Isolated Natural Resource Area

Field Inspection by SEWRPC 10/10/13

Source: SEWRPC  
Date of Photography: 2010  
CA#405-373

0 100 200 Feet

N





## Kayla's Krew Community Partners

- Ben Franklin Elementary School – Franklin
- City of Franklin – 4th of July Civic Celebration
- College Park Elementary School – Greendale
- Country Dale Elementary School – Franklin
- Culver's of Hales Corners
- Franklin Cheerleading Clinic
- Franklin Girl Scouts Troop 1685 & 3441
- Franklin Public Library
- Franklin Youth Girls Basketball Association
- Greendale Boy Scout Pack 506
- Harry's Ace Hardware and Rental – Franklin
- Jump Zone – Franklin
- Penfield Children's Center
- Pick-n-Save 76th & Rawson – Franklin
- Pilot International
- Seasons of the Heart – Greendale
- Three Cellars – Franklin

*Special thanks to our fiscal sponsor*



**Penfield**  
Children's Center

## Mission

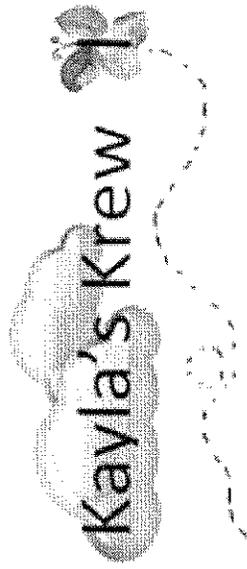
Our mission is to build an all-accessible, all-inclusive playground in Franklin, Wisconsin that is inspiring and truly all-accessible for all children and families of any age and ability. As Kayla's Krew, our goal is to provide a common ground to enrich social skills through play, create friendships for a lifetime and promote peer advocacy programs through collaboration with community partners.

## Vision

Our vision is to enable all who have special needs to forget about the challenges that they are presented with daily while teaching others the value of friendship and compassion. Kayla's Krew envisions the playground as a platform for the community to embrace all abilities. Our hope is to foster life lessons that cannot be taught out of a textbook but rather experienced firsthand with the heart.

# Bringing Community Together

to build an all-accessible  
and all-inclusive playground



*Caterpillar and butterfly created from Kayla's fingerprints*

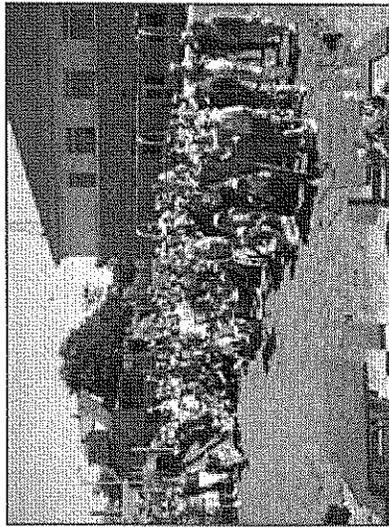
[www.kaylaskrew.org](http://www.kaylaskrew.org)



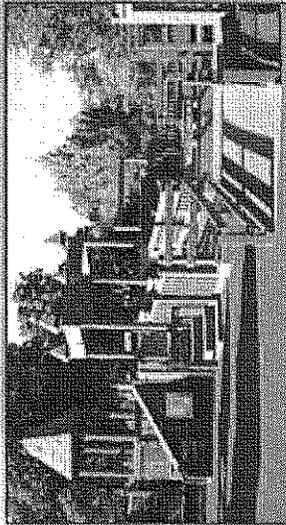
*Caterpillar and butterfly created from Kayla's fingerprints*

# Process for a Community Built Playground

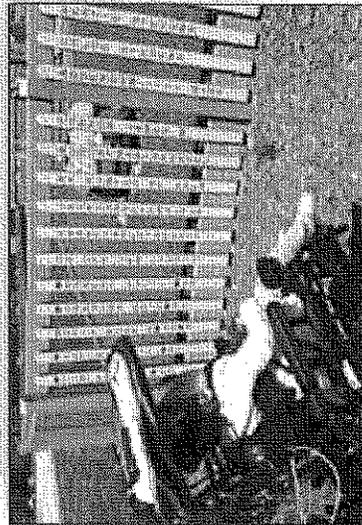
**Design Day:** We begin with a giant fun-filled brainstorming session that will get the kids and community energized. Creative ideas from children and adults are used to create a custom design for a personalized, community playground.



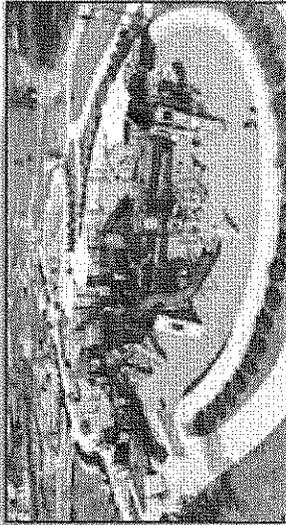
**Build:** The community comes together to build the playground, which creates wonderful opportunity for bringing neighbors and communities closer.



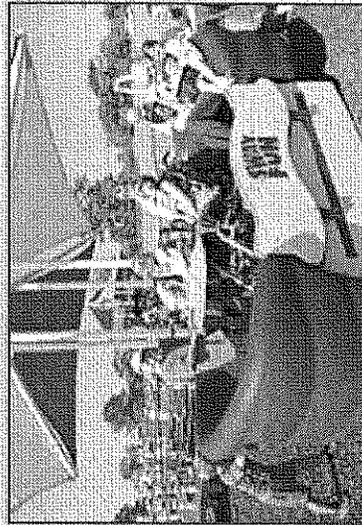
Extra wide ramps for two way traffic and wheelchairs



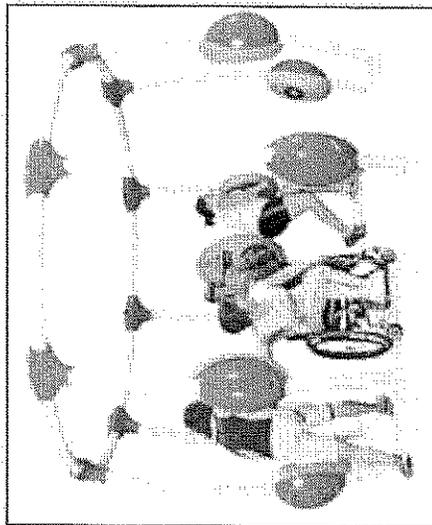
Pickets surround playground (above); Musical area with enough leg room for a wheelchair (below)



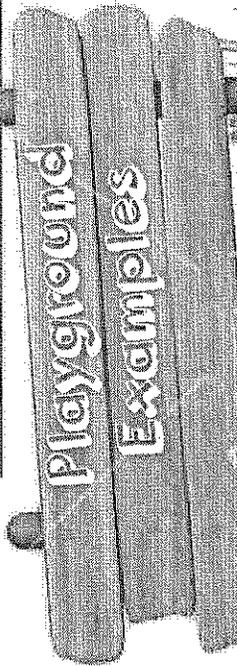
Poured in place surface for easy mobility

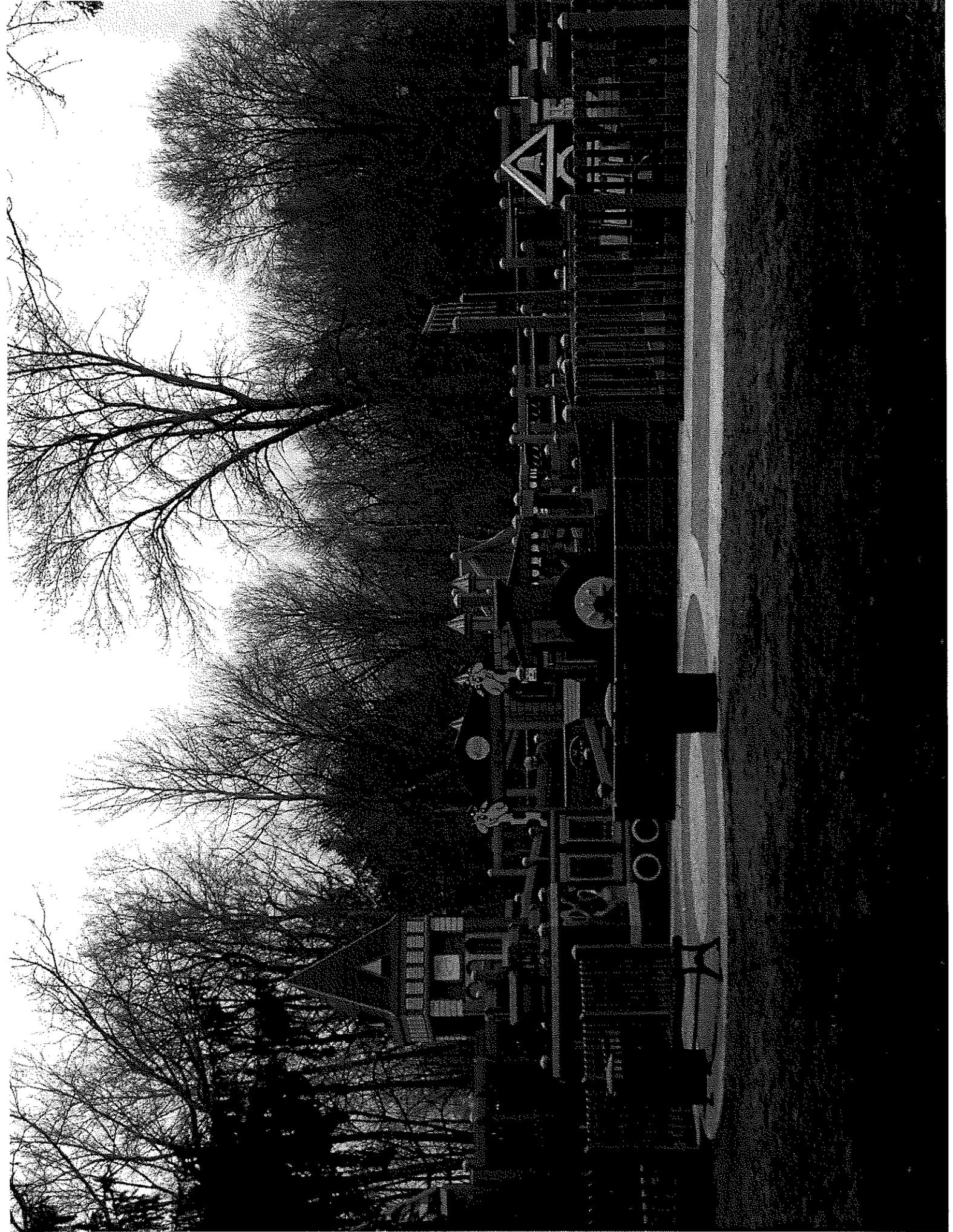


Sway Fun platform for all to experience



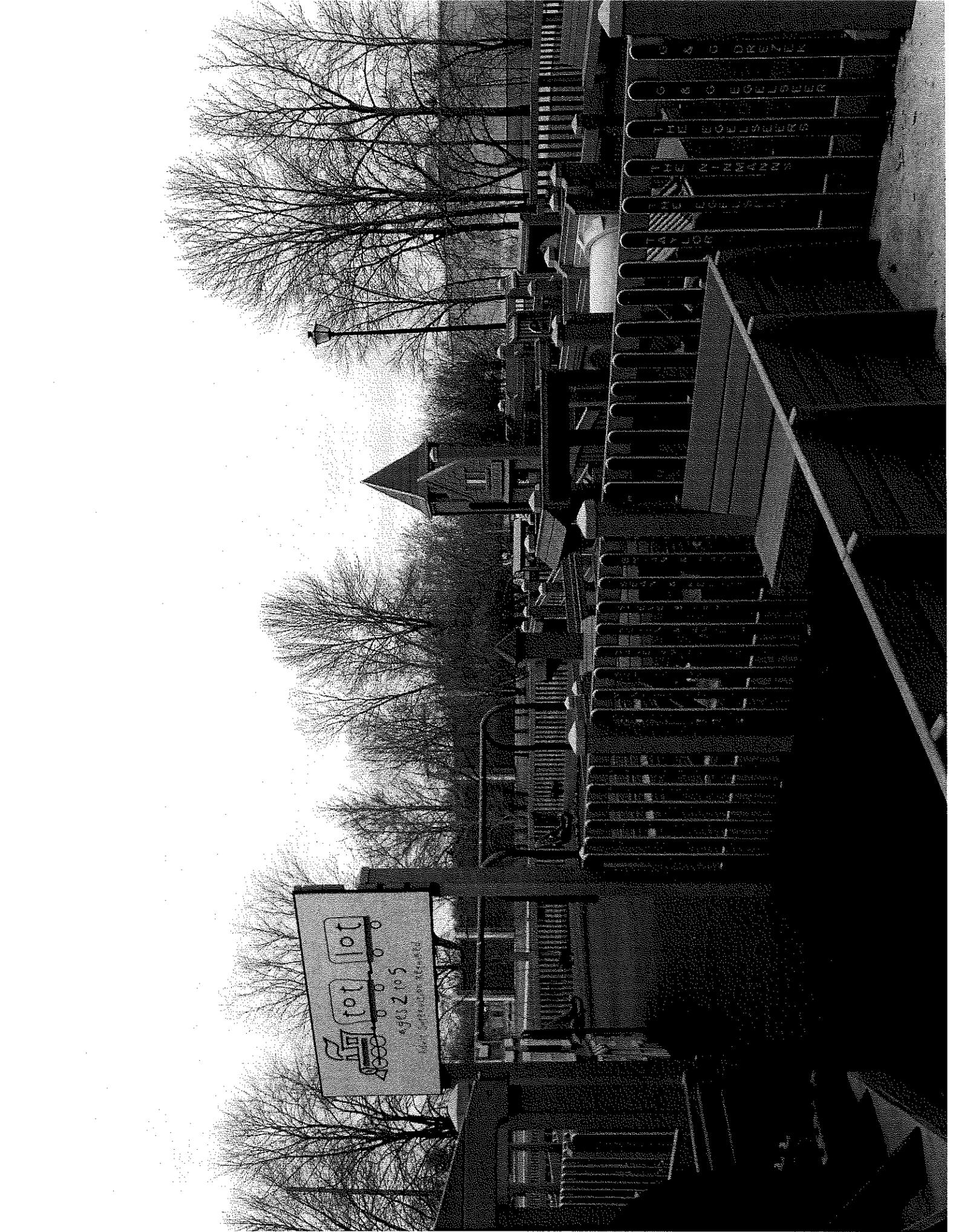
NEOS-Accessible Electronic Play; NEOS Wall will be showcased at Franklin's Civic Celebration











DOC.# 09781289

REGISTER'S OFFICE  
Milwaukee County, WI

RECORDED  
08/14/2009 02:14PM

JOHN LA FAVE  
REGISTER OF DEEDS  
AMOUNT: \$25.00

FEE EXEMPT #: 0  
\*\* The above recording information  
verifies that this document has  
been electronically recorded and  
returned to the submitter. \*\*

STEWARDSHIP GRANT AND  
MANAGEMENT CONTRACT FOR  
NON-PROFIT LAND ACQUISITION  
Form 8700-304 (9/03) Page 1

State of Wisconsin Department of Natural Resources Box 7821 Madison, Wisconsin 53707-7921	<b>Project Number:</b>  HA2-129
<b>Sponsor:</b>  The Conservation Fund	
<b>Project Title:</b>  The Conservation Fund - Hack Acquisition.	
<b>Program Name:</b>  Knowles-Nelson Stewardship Program Habitat Areas	
<b>Grant Period:</b> (Period during which grant funds will be encumbered and available for payment to the Sponsor under this Stewardship Grant and Management Contract, hereinafter referred to as the "Contract".)  July 1, 2009 through June 30, 2011	
<b>Project Scope:</b>  Fee simple acquisition of approximately 49.89 acres of property in Milwaukee County, Wisconsin, which is described in the legal description attached hereto as Exhibit A and made part of this Contract by reference (hereinafter referred to as the "Stewardship Property").	

<b>Recording Area</b> <b>Name and Return Address</b> Jennifer Pflug Murphy, Esq. Gonzalez Saggio & Harlan LLP 225 E. Michigan, 4th Floor Milwaukee, WI 53202
<b>Parcel Identification Number (PIN)</b>

All obligations, terms, conditions and restrictions imposed by this Contract shall be deemed to be covenants and restrictions running with the Stewardship Property, and shall be effective limitations on the use of the Stewardship Property from the date of recording of this Contract, and shall bind the parties hereto and their respective personal representatives, successors and assigns, in perpetuity.

By acceptance of this Contract, the Sponsor, for itself and its successors and assigns, hereby covenants and agrees not to convey, sell, lease, assign or mortgage the Stewardship Property or convert it to uses inconsistent with this Contract without the prior written approval of the Secretary of the Wisconsin Department of Natural Resources, his designee or successor. The Sponsor further agrees that all rights, title and interests in and to the Stewardship Property shall vest in the State of Wisconsin without necessity of reentry, if the Sponsor, its successors or assigns, violates any essential provision described in paragraphs 1 or 2 of this contract.

<b>Project Costs:</b>	
Total Cost of Grant Project	\$508,000.00
Sponsor Share	\$254,000.00
Department Share	\$254,000.00
Grant Award	\$254,000.00

The following documents are hereby incorporated into and made part of this Contract by reference:

- Chapter NR 51, Wisconsin Administrative Code
- Grant Application and Attachments

## TERMS AND CONDITIONS OF THE CONTRACT

This Contract is entered into by and between the Sponsor and the State of Wisconsin Department of Natural Resources (hereinafter referred to as "Department"), in accordance with s. 23.096, Wis. Stats., for the purpose of awarding a Stewardship grant and establishing conditions of management for the Stewardship Property acquired with the grant funds.

The Department and Sponsor mutually agree to the following terms and conditions:

### Essential Provisions:

1. If the Sponsor violates any of the following conditions of this Contract, which are identified as essential in Ch. NR 51.07(3), Wis. Adm. Code, pursuant to s. 23.096(5), Wis. Stats., and fails to correct the condition within six months after written notification to the Sponsor from the Department, all title, right and interest in the Stewardship Property held by the Sponsor shall vest in the State of Wisconsin without the necessity of reentry or legal judgment:
  - a. Conversion of the Stewardship Property to any use other than that specified in this Contract and the Land Management Plan without the prior written approval of the Department is prohibited.
  - b. Sale or conveyance of the Stewardship Property, or any interest in the Stewardship Property, to a third party without the prior written approval of the Department is prohibited. If the Department does approve a conveyance to a third party, all Stewardship conditions imposed by this Contract and the Land Management Plan shall remain with the Stewardship Property. Any transfer or sale of the Stewardship Property in fee may only be to a nonprofit conservation organization qualified for Stewardship grants, pursuant to ss. 23.096 and 23.0955(1), Wis. Stats., or to a local, state or federal unit of government. Any subsequent owner shall execute an *Assignment of Stewardship Grant and Management Contract*, which states that it has received and reviewed this Contract and the Land Management Plan and shall abide by their provisions. Department approval of any transfer is not valid until the *Assignment of Stewardship Grant and Management Contract* has been signed by the Department and recorded in the Office of the Register of Deeds in the county where the Stewardship Property is located.
  - c. The Sponsor shall not allow any leases, mortgages, permits or encumbrances of any kind on the Stewardship Property without the prior written approval of the Department. The Department may take actions necessary to avoid the placement of liens, judgments or encumbrances against the Stewardship Property.
  - d. The Sponsor shall pay, before delinquency, all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Stewardship Property by competent authority.
  - e. The Sponsor shall at all times maintain its tax-exempt status and be a qualified organization within the meaning of Section 170(h)(3) of the Internal Revenue Code. The Sponsor shall notify the Department of any changes in, or challenges to, its tax-exempt status or to its mission of acquiring property for conservation purposes.
  - f. The Stewardship Property may not be closed to the public unless approved in writing by the Department.
2. If the Sponsor dissolves or ceases to exist, all title, right and interest held by the Sponsor in and to the Stewardship Property shall vest in the state, without the necessity of reentry, unless a transfer under paragraph 1.b. above is approved by the Department.

### Grant and Financial Provisions:

3. In consideration of the covenants made by the Sponsor herein, the Department promises to obligate to the Sponsor the amount specified on Page 1 as the "Grant Award" and will tender to the Sponsor that portion of the obligation that is required to pay the Department's share of costs, based upon the Department providing up to 50 percent of eligible acquisition costs, as defined in NR 51.002(1), not to exceed the amount of cash needed to cover those costs. The Sponsor hereby promises to execute the project described herein in accordance with the conditions of this Contract and manage the Stewardship Property in accordance with the conditions of the Land Management Plan.
4. Failure by the Sponsor to comply with the terms of this Contract shall not cause the suspension of all obligations of the Department hereunder if, in the judgment of the Department, such failure was due to no fault of the Sponsor. In such case, any amount required to settle at minimum cost any irrevocable obligations properly incurred shall be eligible for assistance under this Contract, at the Department's discretion.
5. If the Sponsor receives federal, local government or other state funding for acquisition of the Stewardship Property, either before or after this Contract is executed, the Sponsor shall notify the Department of this fact. The Sponsor agrees

that funds received from all government sources shall not exceed 100% of the amount of cash needed to cover eligible acquisition costs.

6. Grant payments may not be disbursed to the Sponsor until the following conditions have been met to the satisfaction of the Department:
  - a. The value of the Stewardship Property has been certified by the Department according to Department valuation guidelines.
  - b. The Department has approved an Environmental Inspection Report for the Stewardship Property.
  - c. The Department has approved title insurance or other evidence of marketable title for the Stewardship Property.
  - d. The Department has approved a Land Management Plan for the Stewardship Property.
  - e. The Sponsor has submitted a claim for payment supported by appropriate evidence of cost, which meets Department accounting standards.
  - f. This Contract has been recorded with the Register of Deeds in the County in which the Stewardship Property is located or the Department has approved an escrow closing under Ch. NR 51.08(4), Wis. Adm. Code.
  - g. A warranty deed has been executed and recorded with the Register of Deeds in the County in which the Stewardship Property is located or the Department has approved an escrow closing under Ch. NR 51.08(4), Wis. Adm. Code.
7. The Sponsor shall maintain financial and accounting records for the grant in accordance with generally accepted accounting principles and practices for a period of four years after the final grant payment has been made. These records may be reviewed by state officials.
8. One-half of all receipts from the sale of any structures, improvements or personal property that was included in the appraisal for the Stewardship Property shall be reimbursed to the Department.
9. Income accruing to the Stewardship Property shall be used to further the objectives of the project as stated in this Contract or to further the objectives of another Stewardship project. However, if the Stewardship Property is entered into the County Forest Law Program, income derived from that program shall be distributed according to s. 28.11, Wis. Stats.
10. Reasonable entrance, service or user's fees may be charged and retained by the Sponsor to defray operation and maintenance costs subject to Department review and approval. If such fees do not exceed the fees charged for daily entrance to state parks, Department fee approval is not required.
11. The Sponsor shall keep the Stewardship Property free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by the Sponsor.

**General Provisions:**

12. The Sponsor agrees to comply with all applicable state, local and federal statutes and regulations in fulfilling the terms of this Contract, including, but not limited to, general and special zoning, land use permit requirements, disabled access, environmental quality, and historical and archaeological preservation. In particular, the Sponsor agrees to comply with the provisions of s. 23.096, Wis. Stats., and Ch. NR 51, Wis. Adm. Code and with ss.32.19 to 32.27, Wis. Stats., and Ch. NR 202 relating to relocation. In the event there are any inconsistencies between the statutes and code and this Contract, the statutes and code shall govern.
13. If any provision of this Contract is determined by a court to be invalid, the validity of the remaining provisions shall not be affected thereby.
14. This Contract, together with any referenced parts and attachments, constitutes the entire Contract, and any previous communications or agreements pertaining to the subject matter of this Contract are hereby superseded.
15. Any ambiguities in this Contract shall be construed in a manner that best effectuates the protection of the natural values of the Stewardship Property.
16. The Sponsor may rescind this Contract in writing at any time before expending grant funds. After the Sponsor has expended grant funds, this Contract and the Land Management Plan may be rescinded, modified, or amended only by

mutual agreement in writing, except that time extensions of the "Grant Period" may be granted by the Department without the requirement of the Sponsor's signature,

17. This Contract shall be recorded by the Sponsor in the Office of the Register of Deeds in the County where the Stewardship Property is located, and the interests of the State under this Contract shall thereby be placed in the chain of title. The Department may re-record this Contract or any other document necessary to protect its rights under the Contract.
18. No portion of the Stewardship Property shall in the future be used to satisfy land area requirements for other property not subject to this Contract for the purpose of determining building density, lot coverage or open space requirements under otherwise applicable laws, regulations or ordinances controlling land use and building density. Development rights have been encumbered or extinguished by this Contract, and may not be transferred to any other property pursuant to a transferable development rights program, cluster development arrangement or otherwise.
19. The Department agrees that the Sponsor shall have sole control over the method, hours worked, time and manner of any performance under this Contract other than as specifically provided herein. The Department reserves the right only to inspect the Stewardship Property for the purpose of ensuring that management is progressing in compliance with this Contract. The Department takes no responsibility for supervision or direction of the performance of this Contract by the Sponsor or the Sponsor's employees or agents. The Sponsor is an independent contractor for all purposes, not an employee or agent of the Department. The Department further agrees that it will exercise no control over the selection and dismissal of the Sponsor's employees or agents.
20. The Sponsor shall not discriminate against any person in the use and enjoyment of the Stewardship Property on the basis of age, race, creed, color, handicap, marital status, conviction record, arrest record, sex, national origin, ancestry, sexual orientation or membership in the national guard, state defense force, or any other reserve component of the military forces of the United States or this state.
21. Except for claims or costs arising out of the acts or omissions of the Department, its officers, employees and agents, the Sponsor agrees to save, keep harmless, defend and indemnify the Department and all its officers, employees and agents, against any and all liability claims, costs of whatever kind and nature, for injury to or death of any person or persons, and for loss or damage to any property (state or other) occurring directly or indirectly in connection with or in any way arising out of the occupancy, use, service, operation or performance of work in connection with this Contract or omissions of Sponsor's employees, agents or representatives.
22. In certain cases described in this Contract, the Sponsor is required to obtain written approval from the Department prior to undertaking an action. Whenever such approval is required, the Sponsor shall notify the Department in writing. The request for approval shall describe the nature, scope, design, location, size, timetable, and any other material aspect of the proposed action in sufficient detail to permit the Department to make an informed judgment as to its consistency with the terms and purpose of this Contract. The Department shall approve, conditionally approve, or deny the Sponsor's request in writing within sixty days (60) days of receipt of the written request. The Department may withhold its approval if it lacks sufficient information to reach an informed decision, or if it determines, in its sole discretion, that the proposal violates the purpose of this Contract and impairs the natural resource values of the Stewardship Property.
23. The Sponsor warrants that it has complied with all necessary requirements to do business in the State of Wisconsin, that it is a qualified tax exempt organization within the meaning of Section 170(h)(3) of the Internal Revenue Code, and that the persons executing this Contract are authorized to act on its behalf.

#### Land Management Plan:

24. Purpose. The Stewardship Property has important natural, ecological, scenic and recreational values as a relatively natural habitat for plants and animals. Pursuant to s. 23.092, Wis. Stats., the purpose of this Contract and the Land Management Plan is to assure that these values will be protected in perpetuity; to protect, enhance and restore wildlife habitat and natural communities on the Stewardship Property; to enhance opportunities for wildlife-based outdoor recreation; and to confine the use of the Stewardship Property to activities that are consistent with these objectives.
25. Management Responsibilities of the Sponsor. The Sponsor is responsible for operation of the Stewardship Property and for providing adequate management and maintenance in a manner consistent with the purpose described above and with the requirements and conditions of this Contract and the Land Management Plan.

26. Management Rights of the Department. The Department, its officers, employees and agents may enter the Stewardship Property in order to monitor compliance with this Contract and the Land Management Plan or carry out any management activity necessary to ensure the public's rights and safety.

If the Sponsor fails to fulfill its responsibilities under the terms of this Contract, the Department shall have the right, but not the obligation, to undertake land management activities on the Stewardship Property in accordance with the terms of the Land Management Plan. Before undertaking such responsibility, the Department shall provide the Sponsor with six (6) months prior written notice of the land management activity required and give the Sponsor the opportunity to perform that activity within the six-month period, or within a reasonable time thereafter if more time is needed due to weather constraints.

27. Revisions. Changes or revisions to the Land Management Plan may be made with written agreement of the Sponsor and Department.

28. Land Management Conditions and Requirements. Any activity on or use of the Stewardship Property that is inconsistent with the purpose of the project as described in paragraph 24 is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited:

- a. Animals. There shall be no introduction of any wild animals onto the Stewardship Property without the prior written approval of the Department. There shall be no captive wild animal farm, bird hunting preserve, farm raised deer farm, wild fur farm or dog club training license, established or licensed on the Stewardship Property. The Sponsor shall not allow horses, cattle, or other livestock on the Stewardship Property for grazing or other purposes, except as permitted under Paragraph 29.
- b. Dumping. There shall be no temporary or permanent storage or placement of trash, soil, gravel, ashes, treated sewage, manure piles, hazardous or toxic substances, abandoned vehicles or machinery, or any other unsightly or offensive materials on, under or in the Stewardship Property, except that brush or other plant material cut as the result of activities approved herein may be left on the Stewardship Property.
- c. Mining, Surface Alteration and Manipulation of Water. There shall be no topographic changes, extraction of subsurface materials, alteration of the natural landscape, or manipulation of any waters or shorelines of the Stewardship Property by excavation, filling, dredging, draining, tiling, ditching or any other means, except as permitted in Paragraph 29.
- d. Natural Materials. There shall be no damage, destruction or removal from the Stewardship Property of any natural features or natural materials, including, but not limited to, rocks, soil, minerals, dead wood and fossils, except as permitted in Paragraph 29.
- e. Rights-of-Way. No right-of-way shall be granted across the Stewardship Property in conjunction with any industrial, commercial or residential use of other land not protected by this Contract, except as permitted in paragraph 29.
- f. Soil Erosion. There shall be no use or activity that causes or is likely to cause significant soil erosion or significant pollution of any surface or sub-surface waters. Best management practices shall be employed to minimize soil erosion during and after construction of any permitted roads, trails, structures or other improvements.
- g. Spraying. Application of pesticides on the Stewardship Property is not allowed except as follows: (i) to control pests on an emergency basis when such control is necessary to protect public health, (ii) to control non-native or invasive species (iii) for habitat restoration purposes (iv) or for other purposes specifically described in Paragraph 29.
- h. Structures, buildings and improvements. The placement or construction of any mobile or permanent building, structure or other improvement is prohibited, except as permitted below or in Paragraph 29.
  - 1) Fences. The Sponsor may repair and maintain any existing fences on the Stewardship Property.
  - 2) Signs and Interpretive Displays. The Sponsor may not erect, display or maintain any outdoor advertising structure, sign or billboard on the Stewardship Property; however, the Sponsor may erect signs and interpretive displays for the following purposes: to identify the property; to indicate that the Stewardship Property is under the protection of the Sponsor and to acknowledge the Stewardship Program; to commemorate or interpret the natural features or human history of the Stewardship Property; to regulate uses, mark the boundaries or provide directions. The placement, size, number and design of signs or interpretive displays shall not diminish the scenic character of the Stewardship Property.

- 3) Roads and Parking Lots. Any existing roads on the Stewardship Property may be maintained, but shall not be widened or improved and no new roads shall be constructed or established, except as specifically permitted in Paragraph 29. A small parking lot, commensurate in size with the public use of the Stewardship Property, may be constructed.
- 4) Trails. The Sponsor may clear, construct and maintain trails for firebreaks, walking, cross-country skiing and other non-motorized recreational activities. Other trail restrictions may be included in paragraph 29 below.
- i. Vegetation. There shall be no disturbances of any aquatic vegetation, fallen trees or other natural features in any shallow waters on or directly adjacent to the Stewardship Property, except as specifically permitted under Paragraph 29. Furthermore, there shall be no introduction, removal, damage, mowing, plowing, cutting, trimming or otherwise altering of any trees, shrubs, or other plants on the Stewardship Property, except as permitted in Paragraph 29 or as follows:
  - 1) to remove non-native and invasive vegetation
  - 2) to prevent or control insects, diseases, fire, personal injury or property damage
  - 3) to construct and maintain any roads, trails or other structures permitted herein
  - 4) to enhance wildlife habitat or restore and maintain native biological communities
  - 5) to construct firebreaks for prescribed burning.
  - 6) Collecting mushrooms, berries and nuts is permitted, provided that any collecting is carried out in a manner that maintains a sustainable growth and reproduction cycle for the plants.
- j. Vehicles. There shall be no operation of any vehicle on the Stewardship Property, including, but not limited to, bicycles, snowmobiles, dune buggies, motorcycles, all-terrain vehicles, cars and trucks, except as follows: (i) in emergency situations, (ii) for maintenance of the Stewardship Property and habitat and resource management activities, (iii) for disabled access on existing roads and trails that are normally vehicle-accessible, with a permit issued by the Sponsor, or (iv) as permitted in Paragraph 29.

29. Other Management Conditions:

- a. The Sponsor shall acknowledge the state's assistance in acquiring ownership of the Stewardship Property, and provide notice of public access to the Stewardship Property, by placement of signs on the Stewardship Property that have been approved by the Department.
- b. Trails shall be rustic in character and composed of pervious materials.
- c. Fences. New fences may be constructed and maintained only on the perimeter of the Stewardship Property.

Signed this 22nd day of May, 2009.

THE CONSERVATION FUND

Jodi R O'Day  
Signature of Sponsor Representative

Jodi R O'Day  
Vice President Name of Sponsor Representative  
& Regional Council

Marquette  
STATE OF WISCONSIN )  
Marquette COUNTY } ss.

Personally came before me this 22nd day of May, 2009, the above named  
Jodi R O'Day to me known to be the person who executed the foregoing instrument and  
acknowledged the same.



Annabel Mattheus  
Signature of Notary Public

Annabel Mattheus  
Typed or Printed Name of Notary Public  
Notary Public, State of Wisconsin  
My Commission (expires)(is) 1/04/2012

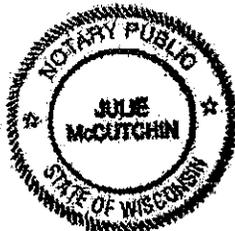
Signed this 13th day of May, 2009.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

BY Mary Rotherman  
Vance L. Rayburn, Administrator  
Division of Customer & Employee Services

STATE OF WISCONSIN )  
DANE COUNTY } ss.

Personally came before me this 13th day of May, 2009, the above named  
Mary Rotherman to me known to be the person who executed the foregoing instrument and  
acknowledged the same.



Julie McCutchin  
Signature of Notary Public

Julie McCutchin  
Typed or Printed Name of Notary Public  
Notary Public, State of Wisconsin  
My Commission (expires)(is) 10-4-2009

### Exhibit A -- Legal Description

That part of the Southeast One-quarter (1/4) of Section Nineteen (19), Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at a point in the West line of said 1/4 Section, 1152.00 feet North of the Southwest corner of said 1/4 Section; running thence South 70° 40' 30" East, 608.97 feet to a point; thence South 66° 14' 00" East, 480.35 feet to a point in the center line of West Loomis Road; thence North 41° 59' 30" East, along the center line of said West Loomis Road, 458.79 feet to a point in the East line of the West 1/2 of said 1/4 Section; thence North 0° 01' 05" East, along the East line of the West 1/2 of said 1/4 Section, 1633.58 feet to a point in the North line of said 1/4 Section; thence North 88° 53' 30" West along the North line of said 1/4 Section, 1322.20 feet to the Northwest corner of said 1/4 Section; thence South along the West line of said 1/4 Section, 1605.04 feet to the place of commencement.

Reserving that portion on the West now being used for South 116<sup>th</sup> Street and that portion on the Southeast being used for West Loomis Road.

Excepting therefrom:

A portion of the above-described property conveyed to the State of Wisconsin, Department of Transportation by Warranty Deed recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin on May 2, 1997, at Reel 4045, Image 1206, as Document No. 7360725, and more particularly described as:

That part of the Southwest One-quarter (1/4) of the Southeast One-quarter (1/4) of Section Nineteen (19), Township Five (5) North, Range Twenty-one (21) East, described as follows: Commencing at the Southwest corner of the Southeast 1/4 of said Section 19; thence along the South line of said Southeast 1/4, South 89° 44' 27" East, 328.05 feet to the reference line of S.T.H. "36"; thence along said reference line North 41° 23' 51" East, 1025.01 feet to the owner's Southwesterly property line and the point of beginning; thence along said line North 66° 47' 55" West, 115.79 feet; thence North 41° 23' 51" East, 617.72 feet to the owner's East property line; thence along said line, South 00° 35' 57" East, 164.40 feet to the said reference line; thence South 41° 23' 51" West, 459.38 feet to the point of beginning.

# Royalty Title Corp.

11430 W. Bluemound Rd., Suite 200

Wauwatosa, WI 53226  
(414) 771-3804  
FAX (414) 771-3202

December 22, 2009

Dennis M. Stefanik, Real Estate Agent  
Milwaukee Metropolitan Sewerage District  
260 West Seeboth Street  
Milwaukee, WI 53204

RE: Commitment No.: **25809** The Conservation Fund / MMSD  
Outsale of former HACK property  
Property Address: Situated on South 116<sup>th</sup> Street, Franklin, WI  
Tax Key No: 889-9990-000

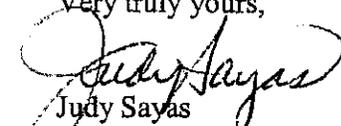
Dear Mr. Stefanik:

Enclosed please find the **original recorded** documents which pertain to the above-captioned transaction. All the following documents were recorded in the office of the Register of Deeds for **Milwaukee County, Wisconsin**, on **December 2, 2009**:

1. Assignment of Stewardship Grant and Management Contract - Document No. **9820140**.
2. Special Warranty Deed - Document No. **9820141**.

If you have any questions, or if we can be of further assistance, please do not hesitate to contact this office.

Very truly yours,

  
Judy Sayas  
JS/js

Enclosures

CC: The Conservation Fund; Jodi R. O'Day, VP & Regional Counsel; 410 Severn Avenue, Suite #204; Annapolis, MD 21403  
Gonzalez, Saggio & Harlan, LLP; Kenneth B. Chang, Esq.; 225 East Michigan Street, 4<sup>th</sup> Floor; Milwaukee, WI 53202

(An Agent for) Stewart Title Guaranty Company



\* 0 9 8 2 0 1 4 0 \*

DOC.# 09820140

REGISTER'S OFFICE | SS  
Milwaukee County, WI

RECORDED 12/02/2009 02:22PM

JOHN LA FAVE  
REGISTER OF DEEDS  
AMOUNT: 17.00  
FEE EXEMPT 77.25 #: 0

### ASSIGNMENT OF STEWARDSHIP GRANT AND MANAGEMENT CONTRACT

For valuable consideration, The Conservation Fund, a nonprofit corporation of the State of Maryland (the "FUND"), hereby assigns to the Milwaukee Metropolitan Sewerage District ("MMSD") all of the FUND's rights, interests, and obligations under a Stewardship Grant and Management Contract ("Stewardship Contract") entered into by the FUND and the Wisconsin Department of Natural Resources, recorded in the Office of the Register of Deeds for Milwaukee County as Document Number 09781289 on August 14, 2009. The property to which this Stewardship Contract applies is described in Exhibit A, which is made part of this assignment by reference (the "Stewardship Property").

Dated this 20<sup>th</sup> day of November, 2009.

The Conservation Fund

By: Jodi R O'Day  
Jodi R. O'Day  
Printed Name and Title  
**Vice President  
& Regional Counsel**

Recording Area

Name and Return Address:

Royalty Title Corp.  
11430 W Bluemound Rd ste 200  
Wauwatosa, WI 53226-4050

Parcel Identification Number (PIN)

STATE OF Maryland )

Anne Arundel COUNTY ) ss.

Personally came before me this 20<sup>th</sup> day of November, 2009, the above named Jodi R O'Day to me known to be the person who executed the foregoing instrument and acknowledged the same.

Amelia L. Matthews  
Signature of Notary Public

Amelia L. Matthews  
Printed Name of Notary Public  
Notary Public, State of Maryland  
My Commission (expires)(is) 01/04/2012



**ACCEPTANCE OF ASSIGNMENT**

MMSD, assignee in this assignment of the Stewardship Contract, hereby accepts the assignment and all of the FUND's rights, interests, and obligations in the Stewardship Contract. This is a perpetual assignment which runs with the Stewardship Property and binds all heirs and successors of the assignee.

MMSD acknowledges that it has received and reviewed the Stewardship Contract for the Stewardship Property. MMSD agrees that it shall abide by the provisions of the aforementioned Stewardship Contract and furthermore that it recognizes the long-term ownership and management responsibilities of the Stewardship Program and will comply with all applicable Stewardship laws and regulations pursuant to s. 23.096 and s. WI, Stats, and Chapter NR 51 of the Wisconsin Administrative Code. MMSD further agrees to indemnify and hold the FUND harmless from any and all liability arising from the assignment of the Stewardship Contract or from the FUND's performance or non-performance of its obligations under the Stewardship Contract and any applicable laws and regulations.

Dated this 18<sup>th</sup> day of November, 20 09.

Milwaukee Metropolitan Sewerage District

By: [Signature]  
Kevin L. Shaber, Executive Director  
Printed Name and Title

STATE OF WISCONSIN )

Milwaukee COUNTY ) ss.

Personally came before me this 18<sup>th</sup> day of November, 20 09, the above named Kevin L. Shaber to me known to be the person who executed the foregoing instrument and acknowledged the same.

[Signature]  
Signature of Notary Public

James H. Petersen  
Printed Name of Notary Public

Notary Public, State of Wisconsin  
My Commission (expired) is permanent

**APPROVAL OF ASSIGNMENT**

The State of Wisconsin Department of Natural Resources, Grantor in the Stewardship Contract referenced above, hereby approves the assignment of the FUND's rights, interests, and obligations in the Stewardship Contract to MMSD as set out above.

The Department's approval is contingent and effective upon the recording of this assignment in the Register of Deeds Office in Ozaukee, Wisconsin.

Dated this 13<sup>th</sup> day of November, 20 09.

THE DEPARTMENT OF NATURAL RESOURCES  
By: [Signature]  
Mary Rose Teves

Mary Rose Teves  
Acting Bureau Director  
Bureau of Community Financial Assistance

STATE OF WISCONSIN )

Dane COUNTY ) ss.  
)

Personally came before me this 13<sup>th</sup> day of November, 2009, the above named  
Mary Rose Teves to me known to be the person who executed the foregoing instrument  
and acknowledged the same.

  
\_\_\_\_\_  
Signature of Notary Public

Kimberlee Wright  
\_\_\_\_\_  
Printed Name of Notary Public

Notary Public, State of Wisconsin  
My Commission (expires)(is) permanant

DRAFTED BY THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES

**Exhibit A - Legal Description  
Stewardship Property**

That part of the Southeast One-quarter (1/4) of Section Nineteen (19), Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at a point in the West line of said ¼ Section, 1152.00 feet North of the Southwest corner of said ¼ Section; running thence South 70° 40' 30" East, 608.97 feet to a point; thence South 66° 14' 00" East, 480.35 feet to a point in the center line of West Loomis Road; thence North 41° 59' 30" East, along the center line of said West Loomis Road, 458.79 feet to a point in the East line of the West ½ of said ¼ Section, thence North 0° 01' 05" East, along the East line of the West ½ of said ¼ Section, 1633.58 feet to a point in the North line of said ¼ Section; thence North 88° 53' 30" West along the North line of said ¼ Section, 1322.20 feet to the Northwest corner of said ¼ Section; thence South along the West line of said ¼ Section, 1605.04 feet to the place of commencement.

Reserving that portion on the West now being used for South 116<sup>th</sup> Street and that portion on the Southeast being used for West Loomis Road.

Excepting therefrom:

A portion of the above-described property conveyed to the State of Wisconsin, Department of Transportation by Warranty Deed recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin on May 2, 1997, at Reel 4045, Image 1206, as Document No. 7360725, and more particularly described as:

That part of the Southwest One-quarter (1/4) of the Southeast One-quarter (1/4) of Section Nineteen (19), Township Five (5) North, Range Twenty-one (21) East, described as follows: Commencing at the Southwest corner of the Southeast ¼ of said Section 19; thence along the South line of said Section ¼, South 89° 44' 27" East, 328.05 feet to the referenced line of S.T.H. "36"; thence along said reference line North 41° 23' 51" East, 1025.01 feet to the owner's Southwesterly property line and the point of beginning; thence along said line North 66° 47' 55" West, 115.79 feet; thence North 41° 23' 51" East, 617.72 feet to the owner's East property line; thence along said line, South 00° 35' 57" East, 164.40 feet to the said reference line; thence South 41° 23' 51" West, 459.38 feet to the point of beginning.

STATE BAR OF WISCONSIN FORM 6 - 1998  
SPECIAL WARRANTY DEED



DOC.# 09820141

Document Number

This Deed, made between THE CONSERVATION FUND, a  
Non-Profit Corporation,  
\_\_\_\_\_  
\_\_\_\_\_  
Grantor:  
and MILWAUKEE METROPOLITAN SEWERAGE DISTRICT,  
\_\_\_\_\_  
\_\_\_\_\_  
Grantee.  
Grantor, for a valuable consideration, conveys to Grantee the following  
described real estate in Milwaukee County, State of  
Wisconsin (the "Property"):

REGISTER'S OFFICE | SS  
Milwaukee County, WI

RECORDED 12/02/2009 02:22PM

JOHN LA FAVE  
REGISTER OF DEEDS

AMOUNT: 13.00

Recording Area

Name and Return Address

FEE EXEMPT 77.25 #: 12  
Royalty Title Corp.  
11430 W. Bluemound Road  
Suite 200  
Wauwatosa, WI 53226-4050

(See reverse side for legal description.)

The total purchase price is \$475,000.00.

889-9990-000

Parcel Identification Number (PIN)

This is not homestead property.  
(is) (is not)

Together with all appurtenant rights, title and interests.

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances, arising by, through or under Grantor, except municipal and zoning ordinances and agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use restrictions and covenants and general taxes levied in the year of closing.

Dated this 20<sup>th</sup> day of November, 2009.

\_\_\_\_\_  
(SEAL)  
\* \_\_\_\_\_  
\_\_\_\_\_  
(SEAL)  
\* \_\_\_\_\_

THE CONSERVATION FUND, a Non-profit Corp.  
By: Jodi R. O'Day (SEAL)  
\_\_\_\_\_  
**Jodi R. O'Day**  
**Vice President** (SEAL)  
**& Regional Counsel**

AUTHENTICATION

Signature(s) \_\_\_\_\_

authenticated this \_\_\_\_\_ day of \_\_\_\_\_

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, \_\_\_\_\_  
authorized by §706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Attorney David A. Sayas

(Signatures may be authenticated or acknowledged. Both are not necessary.)

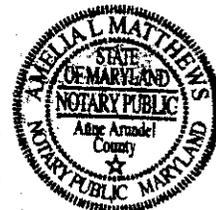
ACKNOWLEDGMENT

State of Maryland

Anne Arundel County, ss:  
Personally came before me this 20<sup>th</sup> day of  
November 2009 the above named  
Jodi R. O'Day

\_\_\_\_\_ to  
me known to be the person who executed the foregoing  
instrument and acknowledge the same.

Amelia Matthews  
Notary Public, State of Wisconsin  
My commission is permanent. (If not, state expiration date: 01/04/2012)



### LEGAL DESCRIPTION

That part of the Southeast One-quarter (1/4) of Section Nineteen (19), Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at a point in the West line of said 1/4 Section, 1152.00 feet North of the Southwest corner of said 1/4 Section; running thence South 70° 40' 30" East, 608.97 feet to a point; thence South 66° 14' 00" East, 480.35 feet to a point in the center line of West Loomis Road; thence North 41° 59' 30" East, along the center line of said West Loomis Road, 458.79 feet to a point in the East line of the West 1/2 of said 1/4 Section; thence North 0° 01' 05" East, along the East line of the West 1/2 of said 1/4 Section, 1633.58 feet to a point in the North line of said 1/4 Section; thence North 88° 53' 30" West along the North line of said 1/4 Section, 1322.20 feet to the Northwest corner of said 1/4 Section; thence South along the West line of said 1/4 Section, 1605.04 feet to the place of commencement.

Reserving that portion on the West now being used for South 116<sup>th</sup> Street and that portion on the Southeast being used for West Loomis Road.

Excepting therefrom:

A portion of the above-described property conveyed to the State of Wisconsin, Department of Transportation by Warranty Deed recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin on May 2, 1997, at Reel 4045, Image 1206, as Document No. 7360725, and more particularly described as:

That part of the Southwest One-quarter (1/4) of the Southeast One-quarter (1/4) of Section Nineteen (19), Township Five (5) North, Range Twenty-one (21) East, described as follows: Commencing at the Southwest corner of the Southeast 1/4 of said Section 19; thence along the South line of said Southeast 1/4, South 89° 44' 27" East, 328.05 feet to the reference line of S.T.H. "36"; thence along said reference line North 41° 23' 51" East, 1025.01 feet to the owner's Southwesterly property line and the point of beginning; thence along said line North 66° 47' 55" West, 115.79 feet; thence North 41° 23' 51" East, 617.72 feet to the owner's East property line; thence along said line, South 00° 35' 57" East, 164.40 feet to the said reference line; thence South 41° 23' 51" West, 459.38 feet to the point of beginning.

Said property is also described as:

That part of the Northwest One-quarter (1/4) and Southwest One-quarter (1/4) of the Southeast One-quarter (1/4) of Section Nineteen (19), Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the Southwest corner of said Southeast 1/4 Section; thence North 0° 37' 50" West, 1153.29 feet along the West line of said 1/4 Section to the point of beginning; continuing thence North 0° 37' 50" West, 1505.92 feet along said West line to the North line of said 1/4 Section; thence South 89° 26' 37" East, 1322.94 feet to the East line of the West 1/2 of said Southeast 1/4 Section; thence South 0° 35' 58" East, 1369.85 feet along said East line to the Northwesterly line of S.T.H. "36", also known as West Loomis Road; thence South 41° 23' 51" West, 617.48 feet along said Northwesterly line; thence North 66° 47' 07" West, 365.51 feet; thence North 71° 13' 37" West, 608.78 feet to the point of beginning.

Reserving therefrom the West 25 feet for South 116<sup>th</sup> Street.

\*\*\*\*\*



**ELECTRONIC REAL ESTATE TRANSFER RECEIPT**  
WISCONSIN DEPARTMENT OF REVENUE

## INSTRUCTIONS

1. Grantors and grantees must review this receipt, noting grantor and grantee responsibilities.
2. Mail or deliver the following items to:  
**Milwaukee County Register of Deeds, 901 N 9TH ST RM 103, MILWAUKEE, WI 53233-1425**
  - This receipt page, along with a transfer fee of \$0.00.
  - The deed or instrument of conveyance, along with a recording fee of \$11.00 for the first page and \$2.00 for each additional page.

To view the details of the real estate transfer return online, go to <https://ww2.revenue.wi.gov/RETRWebPublic/application>. You will need to know the receipt number, the total value of the real estate transferred, and the last name of one grantor or grantee.

Page 1 of 1

Receipt **1ANQG**. Filed November 18, 2009, 9:45 AM - **Milwaukee County**. Conveyance date **2009-11-20**.

Value transferred	<b>\$475,000</b>	Transfer fee	<b>\$0.00</b>
Value subject to fee	<b>\$0</b>	Fee exemption number	<b>12</b>

Grantors The Conservation Fund, a Non-Profit Corporation

Grantees Milwaukee Metropolitan Sewerage District

Tax bill address Milwaukee Metropolitan Sewerage District, 260 West Seeboth Street, Milwaukee, Wisconsin 53204

Property Location South 116th Street and West Loomis Road (City of Franklin)

Parcels 889-9990-000 (S19/T5N/R21E)

Short legal description That part of the Southeast One-quarter (1/4) of Section Nineteen (19), Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, County of Milwaukee, State of Wisconsin, bounded and described as follows: Commencing at a point in

**Grantor responsibilities:** Grantors are responsible for paying the proper fee amount—verify the total property value, fee amount and fee exemption before sending this receipt to the county Register of Deeds.<sup>1</sup>

**Grantee responsibilities:** Grantees assert that this property is not a primary residence<sup>2</sup>, and that the property is not subject to weatherization standards with exclusion code "W-7".<sup>3</sup>

Preparer Sayas, Schmukl, Rondini & Plum, S.C., 414-771-3802

Grantor agent Jodi O'Day, 443-482-2826

Grantee agent Dennis Stefanik, 414-225-2246

If you have any questions about the Real Estate Transfer Return visit the Real Estate Transfer Web site at <http://www.dor.state.wi.us/ust/retrn.htm>. You can also contact your County Register of Deeds (see <http://www.wrda.org/>).

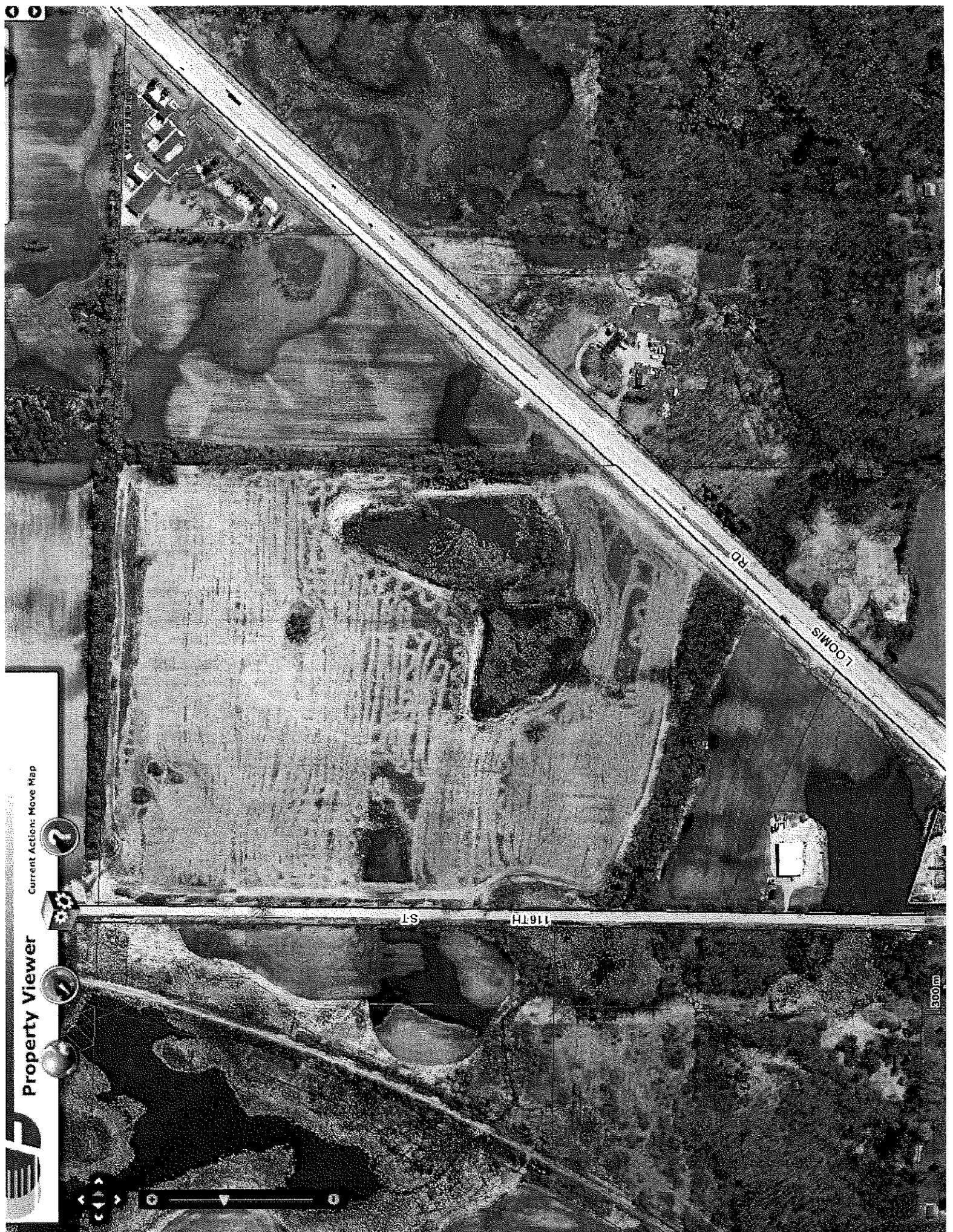
Information on the real estate transfer return is used to administer Wisconsin's laws of income tax, real estate transfers, rental unit energy efficiency, lottery tax credit and general property tax. The transfer of Wisconsin real estate in a taxable transaction must be reported on your Wisconsin income tax return. This is true whether you were a resident, a part-year resident, or a nonresident of Wisconsin. If you are a nonresident of Wisconsin, you must file Form 1NPR to report the sale.

1 Penalties for use of an improper exemption are imposed per s. 77.26(8), Stats. Penalties for falsifying the property value are imposed per s. 77.27, Stats.

2 Penalties for improperly claiming the Lottery & Gaming Credit as Primary Residence are imposed per Chapter Tax 20.19.

3 Penalties relating to Weatherization claims are imposed per s. 101.122, Stats.

\* For more information see Chapter COMM67, s. 67.03 and 67.04.



00

**Property Viewer**

Current Action: Move Map

LOOMIS RD

116TH ST

500m