

<p>APPROVAL</p> <p><i>Slew</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>May 21, 2019</p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p>Tax Incremental District No. 5 Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) Ballpark Commons Sports Anchored Mixed-Use Development Project temporary occupancy permits for the Building C1 (office/retail) and the Stadium uses and additional/future buildings uses</p>	<p>ITEM NUMBER</p> <p><i>G. 7.</i></p>

Developer has requested the issuance of temporary occupancy permits for the Building C1 (office/retail) and the Stadium uses north of West Rawson Avenue in the Ballpark Commons development and additional/future buildings uses. There are a number of conditions in project approvals granted, including, but not limited to requiring landscaping improvements, plans submissions, certain facilities completion review and acceptance and easements, prior to issuance of an occupancy permit, which are generally applicable District wide. The approvals include a Natural Resources Special Exception approved on January 9, 2018 and a Site Plan approved on April 5, 2018, and terms of the Planned Development District No. 37 Ordinance. The conditions requirements are works in progress. The Developer proposed that a personal guarantee be included as a condition of any grant of a temporary occupancy permit. Annexed hereto is a copy of a Guaranty of Completion of Landscaping and Natural Resource Mitigation provided by the Developer.

The City Director of Inspection Services advises that the issuance of temporary occupancy permits is a long-standing administrative decision by staff process singularly based upon health and safety determinations. The Wisconsin Department of Safety and Professional Services Wisconsin Administrative Code provides:

Wis. Admin. Code Ch. SPS 361. Administration and Enforcement ***

Wis. Admin. Code § SPS 361.03 Application ***

(12) TEMPORARY USE. A municipal fire or building code official may permit a building or structure to be used temporarily by the public, subject to all of the following provisions:

- (a) The official shall determine the time frame within which the temporary use is permitted, based on the extent hazards are created by the temporary use. This time frame may not exceed 180 days, except the official may grant extensions for demonstrated cause.
- (b) Except as provided in par. (c), buildings or spaces considered for temporary use shall conform to the requirements of chs. SPS 361 to 366 as necessary to ensure the public safety, health and general welfare.
- (c) The official may require additional safety requirements for a temporary use as a tradeoff for any safety provisions that may be lacking.
- (d) The official may terminate the approval for a temporary use at any time and order immediate discontinuance of the use or complete evacuation of the building or space.

The Director of Inspection Services will be in attendance at the Council meeting. This subject is provided for the Common Council's information.

COUNCIL ACTION REQUESTED



May 6, 2019

ROC Ventures

Headquarters:
510 W. Kilbourn Avenue
Milwaukee, Wisconsin 53203

www.rocventures.org

Mayor Stephen R. Olson
City of Franklin
9229 W. Loomis Road
Franklin, WI 53132

Re: Guaranty of Completion of Landscaping and Natural Resource Mitigation

Dear Mayor Olson,

On January 9, 2018, the Common Council adopted Ordinance No. 2018-2312 amending a section of the UDO PDD No. 37 (The Rock Sports Complex/Ballpark Commons) to allow additional uses including but not limited to indoor/outdoor golf driving range, general retail, sports medicine and restaurants. The Common Council further moved to adopt the Standards, Findings and Decision of the City of Franklin Common Council upon the application of the Rock Sports Complex, LLC, for a special exception of certain natural resource provisions of the City of Franklin UDO ("Natural Resource Standards"). PDD No. 37 was further amended by the Common Council on June 19, 2019 (collectively, and as may be further amended, "Approved PDD").

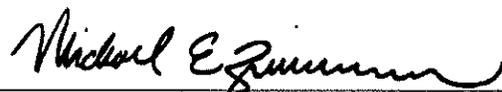
Since then, construction of the Stadium (Routine Field) and Retail (office/retail) building included in the Ballpark Commons Site Plan has moved into the final phases. As we discussed, the City and Ballpark Commons are mutually interested in seeing these facilities open for business as soon as possible, which should be late May (Retail) and early June, 2019 (Stadium).

The Natural Resource Standards include landscaping and mitigation that is specific to each building or component of the development ("Building Landscaping"), that is specific to the streets ("Streetscaping"), and that applies to site-wide improvements (wetland mitigation, woodland mitigation, and vegetated berms). Given the scope and magnitude of the Ballpark Commons project, you agreed that the City would assess compliance with the Natural Resource Standards on an incremental basis, as described in further detail below. The Stadium, Retail and subsequent development components would be eligible to receive temporary occupancy permits prior to satisfying all of the Natural Resource Standards applicable across the entirety of the Approved PDD.

As a condition of proceeding on an incremental basis, I agreed to provide a personal guaranty of completion, on the terms set forth below, that would be fully and finally extinguished only upon completion of landscaping and mitigation across the entire area as required in accordance with the Natural Resource Standards and Approved PDD:

- Upon application, the City will promptly process, and issue temporary occupancy permits for the Stadium and Retail, subject to normal requirements other than the landscaping and mitigation required in the Natural Resource Standards.
- On or before June 20, 2019, Ballpark Commons will submit plans for wetland/woodland mitigation and the vegetated berms (“Sitewide Improvements”), Streetscaping and Building Landscaping for the Retail and Stadium.
- The parties contemplate that final City approval of the foregoing plans will be within 90-days thereafter.
- If the plans are approved on or before September 18, 2019. Ballpark Commons will complete installation of the landscaping and mitigation set forth in the plans no later than November 2, 2019. If approval is delayed, Ballpark Commons will make good faith efforts to complete installation within 45 days of approval, but it is understood that the work is weather dependent and delays in this schedule may result in postponing work until weather allows for the work to be completed, which could be Spring, 2020. Force Majeure Events (as agreed upon in the TIF Development Agreement for Ballpark Commons, dated February 19, 2018) apply as well.
- Upon inspection and approval of the completed Sitewide Improvements and Streetscaping, the City shall thereafter evaluate compliance with Building Landscaping for each building as the condition of final occupancy permits associated with Natural Resources Standards. Once the City has approved completion of each element the Natural Resources Standards that is the subject of this guaranty (as evidenced by the granting of a final occupancy permit for the Stadium or Retail), the this guaranty shall cease to be in effect with respect to such Building Landscaping, Sitewide Improvements and Streetscaping, provided however, that:
 - this guaranty and shall continue with respect to Building Landscaping for other buildings under construction and future developments as part of the Ballpark Commons project, until the project set forth in the PDD is fully landscaped to the reasonable approval of the City, and
 - the City shall continue to process applications for temporary occupancy permits for additional/future buildings, subject to normal requirements (that is, other than the Building Landscaping and related requirements in the Natural Resource Standards).

This is an unlimited and continuing guaranty of payment, subject to the terms set forth above. In the event of a violation of this guaranty, the City may demand in writing that Ballpark Commons complete the Sitewide Improvements, Streetscaping and Landscaping if not performed in accordance with the foregoing terms. If, within 90 days thereafter, Ballpark Commons has not commenced to cure the deficiency set forth in the City’s written notice, the City may commence and complete any necessary work and demand payment under this guaranty. This guaranty is limited to the reasonable cost of work for only such Sitewide Improvements, Streetscaping and Landscaping that was not previously completed and approved. This is not a guaranty of perpetual or continuing maintenance.



Michael E. Zimmerman

cc: Jesse Wesolowski, City Attorney
Bruce A. Keyes, Foley & Lardner, LLP

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<p>APPROVAL <i>Sho PA</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE May 21, 2019</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>AN ORDINANCE TO AMEND ORDINANCE 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS FOR TID5 FUND FOR THE CITY OF FRANKLIN TO ESTABLISH AN APPROPRIATION FOR ADMINISTRATIVE COSTS FOR A TID5 PROJECT PLAN AMENDMENT AND INFRASTRUCTURE COSTS CARRYING OVER TO 2019 FROM 2018</p>	<p>ITEM NUMBER <i>G, 8.</i></p>

Background

The City is considering a project plan amendment to increase the boundaries of TID5 and the amount of approved project costs. The TID boundary is proposed to be expanded to add former Highway 36 right of way that was purchased by the Developer and is to be developed with a commercial multi-story building. The proposed project plan cost increase will support infrastructure cost assistance requested in November, 2018. Cost increases relate, in part, to more expensive infrastructure materials requested by the WI Dept of Natural Resources and bridging supports for water and sewer infrastructure on the soft landfill soil conditions. Additionally, enhanced street asphalt materials were required, adding to cost increases.

The City has hired outside legal Counsel to assist in negotiating and drafting developer agreement amendments. In additional, the Common Council authorized the City's Financial Advisors to proceed with the process to amend the TID for the above.

The original project costs are occurring on a schedule different than anticipated when the 2019 Budget was being considered. The Adopted 2019 Budget anticipated 2018 projects costs to total \$18 million, and appropriated \$4 million for 2019 project costs to total the \$22.4 million in original project costs. Actual 2018 costs totaled \$14,460,000, meaning that \$8,000,000 of costs are now expected in 2019. A 2019 budget amendment is needed for an additional \$4,000,000 (\$8 million anticipated less \$4 million appropriated) to provide for expected 2019 project expenditures.

The proposed \$2 million increase in TID5 project costs included in the proposed project plan will be expended in 2020 and are thus not needed in 2019's budget.

Analysis

Staff is recommending \$50,000 as an appropriation for legal costs, and \$20,000 for Ehler's TID amendment fee. All of these costs are eligible TID project costs.

The proposed Ordinance also adds appropriations for the delayed original project costs from the original Developer's Agreement that were not spent in 2018 and are now planned for 2019.

Recommendation

Staff recommends the adoption of the attached proposed Budget amendment ordinance.

Fiscal Impact

The costs are eligible TID project costs in TID 5.

COUNCIL ACTION REQUESTED

Motion to adopt Ordinance 2019-_____ to amend Ordinance 2018-2345, an ordinance adopting the 2019 annual budgets for TID5 fund for the City of Franklin to establish an appropriation for administrative costs for a TID5 project plan amendment and infrastructure costs carrying over to 2019 from 2018.

Roll Call Vote required

Finance Dept - Paul

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

ORDINANCE NO. 2019 _____

AN ORDINANCE TO AMEND ORDINANCE 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS FOR TID5 FUND FOR THE CITY OF FRANKLIN TO ESTABLISH AN APPROPRIATION FOR ADMINISTRATIVE COSTS FOR A TID5 PROJECT PLAN AMENDMENT AND INFRASTRUCTURE COSTS CARRYING OVER TO 2019 FROM 2018

WHEREAS, the Common Council of the City of Franklin adopted the 2019 Annual Budgets for the City of Franklin on November 13, 2018; and

WHEREAS, the City is considering a project plan combined with a territory amendment to TID5 accommodating Developer requests for assistance and additional parcels for development; and

WHEREAS, the Common Council has considered a financial analysis of the project plan and territory amendment for TID5 at its April 16, 2019 meeting directing the process to continue; and

WHEREAS, there are professional services costs associated with the TID amendment process; and

WHEREAS, timing of infrastructure costs in the 2019 Budget Adoption process did not capture actual activity precisely, such that \$4 million in project costs shifted from 2018 to 2019; and

WHEREAS, future increment is anticipated to recover additional administrative costs associated with a project plan and territory amendment.

NOW, THEREFORE, the Common Council of the City of Franklin does hereby ordain as follows:

Section 1 That a 2019 Budget for TID 5 shall be amended as follows:

Legal	Professional Fees	Increase	50,000
Econ Dev	Professional Fees	Increase	20,000
Public Works	Construction Costs	Increase	4,000,000

Section 2 Pursuant to §65.90(5)(a), Wis. Stats., the City Clerk is directed to publish a Class 1 notice of this budget amendment within ten days of adoption of this ordinance.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this ____ day of _____, 2019.

APPROVED:

Stephen R Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES ___ NOES ___ ABSENT ___

<p>APPROVAL</p> <p><i>Slw</i> </p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>5/21/2019</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>An Ordinance to Amend Chapter 118 – Electrical Standards – of the City of Franklin Municipal Code to Satisfy the Wisconsin Department of Safety & Professional Services’ Requirement for the City to be in Compliance with Current Language in the State Electrical Code SPS 316, as Well as Other Minor Amendments</p>	<p>ITEM NUMBER</p> <p>6.9.</p>

Per the Director of Inspection Services, attached is an ordinance incorporating the proposed amendments and deletions to the City of Franklin Electrical Code – Chapter 118 as shown on the second document attached. The amendments, although minor, serve to satisfy the Wisconsin Department of Safety and Professional Services’ (DPS) requirement for the City to update its Electrical Code to be in compliance with current language in the State Electrical Code SPS 316.

The deletions under Section 118-12 reflect a change in Stats. 101.861(1) which prohibited municipalities from licensing electrical contractors beginning April 1, 2014. Beginning April 1, 2014, electrical contractors had to be licensed by the Department of Safety & Professional Services.

The amendments also include a new “local” code provision (see 118-13 H.) which allows owners of single-family owner-occupied dwellings in the City to perform more complex electrical work without the need to be a licensed electrician. This new provision would extend to all wiring on the property with the exception of performing repairs to or replacement of the electrical service to the dwelling and installation of electrical wiring to hot tubs, spas, or swimming pools. The owner is still required to obtain an Electrical Permit and have the work inspected by the City. The City’s Electrical Inspectors are in full support of this new code provision and believe it is one more step toward improving customer service in the City’s Inspection Services Department.

The DPS has approved the proposed amendments for the Franklin Electrical Code.

COUNCIL ACTION REQUESTED

Motion to approve Ordinance No. 2019-____, An Ordinance to Amend Chapter 118 – Electrical Standards – of the City of Franklin Municipal Code to Satisfy the Wisconsin Department of Safety & Professional Services’ Requirement for the City to be in Compliance with Current Language in the State Electrical Code SPS 316, as well as Other Minor Amendments.

ORDINANCE NO. 2019-_____

AN ORDINANCE TO AMEND CHAPTER 118 – ELECTRICAL STANDARDS - OF THE CITY OF FRANKLIN MUNICIPAL CODE TO SATISFY THE WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES’ REQUIREMENT FOR THE CITY TO BE IN COMPLIANCE WITH CURRENT LANGUAGE IN THE STATE ELECTRICAL CODE SPS 316, AS WELL AS OTHER MINOR AMENDMENTS

WHEREAS, the Director of Inspection Services for the City of Franklin is proposing amendments and deletions to the City’s Electrical Standards – Chapter 118 of the Municipal Code, and

WHEREAS, the amendments serve to satisfy the Wisconsin Department of Safety & Professional Services’ (DPS) requirement for the City to update its Electrical Code to be in compliance with current language in the State Electrical Code SPS 316, and

WHEREAS, the deletions under Section 118-12 reflect a change in State Statute 101.861(1) which prohibits municipalities from licensing electrical contractors beginning April 1, 2014. Beginning April 1, 2014, electrical contractors had to be licensed by the Department of Safety & Professional Services, and

WHEREAS, the amendments also include a new “local” code provision (118-13 H.) which allows owners of single-family, owner-occupied dwellings in the City to perform more complex electrical work without the need to be a licensed electrician, with the exception of performing repairs to or replacement of the electrical service to the dwelling and installation of electrical wiring to hot tubs, spas, or swimming pools.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: “§118-10. Inspection” of the Municipal Code of Franklin, Wisconsin, is hereby deleted in its entirety and recreated as follows:

§118-10. Inspection.

The Electrical Inspector shall visit and inspect all public buildings and premises, such as places of amusement and places of assemblage, farms, campgrounds, manufactured home communities, public marinas, piers, docks, wharfs, recreational vehicle parks, and all other buildings for which electrical permits have been issued and make a thorough examination of all the electrical wires, equipment and devices installed, and when found to be in a dangerous or unsafe condition, he or she shall notify the person owning, using, operating or installing the same to place them in a safe condition. The necessary repairs or changes shall be completed within 15 days after the receipt of such notice; each day which shall elapse after the expiration of said period shall constitute a separate offense, and the Electrical Inspector may order the discontinuance of electrical service to such defective electrical system until it shall have been repaired, removed or changed as directed by him or her. Failure to obey any such order shall subject the person failing to make such disconnection to the penalties hereinafter provided.

SECTION 2: “§118-12. Licenses for electricians” of the Municipal Code of Franklin, Wisconsin, is hereby deleted in its entirety and recreated as follows:

§118-12. Licenses for electricians.

A. License or registration required. No person, company or corporation, except as provided in §118-13, shall alter, install or repair electrical wires and apparatus for any purpose in the City without first having procured a license or registration in accordance with Wis. Stat. §101.862.

SECTION 3: “§118-13.H. under Permits for light, heat and power installations” of the Municipal Code of Franklin, Wisconsin, is hereby created as follows:

§118-13. Permits for light, heat and power installations.

H. HOMEOWNER. A homeowner may perform electrical work on a single-family dwelling, if he or she owns and occupies it as his or her permanent residence, except that the homeowner may not repair or replace the electrical service to the dwelling or install electrical wiring to hot tubs, spas or swimming pools. Any electrical work must be permitted, inspected and approved according to this chapter. In addition, if requested by the Inspector, a homeowner must demonstrate his or her ability to conform the work to all applicable rules and regulations by furnishing drawings or plans of proposed work.

SECTION 4: “§118-18. Construction requirements” of the Municipal Code of Franklin, Wisconsin, is hereby deleted in its entirety and recreated as follows:

§118-18. Construction requirements.

No certificate of inspection shall be issued unless the electric light, power or heating installation and all other electrical apparatus connected with it are in strict conformity with this chapter and rules and regulations of the State Electrical Code. The provisions of the Wisconsin Administrative Code Chapter SPS 316 are herein adopted in their entirety.

SECTION 5: “§118-19.A. under Approved materials” of the Municipal Code of Franklin, Wisconsin, is hereby deleted in its entirety and recreated as follows:

§118-19. Approved materials.

A. No electrical materials, devices or appliances shall be used or installed in the City unless they conform to the requirements of this chapter, state statutes, rules and regulations issued by the Department of Safety and Professional Services under authority of the state statutes, and are in conformity with approved methods of construction for safety to life and property.

SECTION 6: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 7: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 8: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this 21st day of May, 2019, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 21st day of May, 2019.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

118-10 – Inspection.

The Electrical Inspector shall visit and inspect all public buildings and premises, such as places of amusement and places of assemblage, ~~farms, campgrounds, manufactured home communities, public marinas, piers, docks, wharfs, recreational vehicle parks~~ and all other buildings for which electrical permits have been issued and make a thorough examination of all the electrical wires, equipment and devices installed, and when found to be in a dangerous or unsafe condition, he or she shall notify the person owning, using, operating or installing the same to place them in a safe condition. The necessary repairs or changes shall be completed within 15 days after the receipt of such notice; each day which shall elapse after the expiration of said period shall constitute a separate offense, and the Electrical Inspector may order the discontinuance of electrical service to such defective electrical system until it shall have been repaired, removed or changed as directed by him or her. Failure to obey any such order shall subject the person failing to make such disconnection to the penalties hereinafter provided.

118-12 – Licenses for electricians.

A.

License ~~or registration~~ required. No person, company or corporation, except as provided in § 118-13, shall alter, install or repair electrical wires and apparatus for any purpose in the City without first having procured a license ~~therefor as hereinafter provided~~ ~~or registration in accordance with Wis. Stat. §101.862.~~

B.

~~Application for license. Application for a license shall be made to the Electrical Inspector on forms furnished by him or her, and, before such license shall be issued, the application shall be approved by the Electrical Inspector.~~

C.

~~License fees. The initial fee for a license shall be \$75 for the person installing or altering any electrical wiring or equipment and shall expire on June 30. For each yearly license renewal, a fee of \$75 shall be paid. All such licenses shall be issued for one year commencing on July 1 and expiring on June 30 following, unless sooner revoked. Fees for such licenses shall be paid to the City Treasurer, and no license shall be held valid unless signed by the Electrical Inspector. All unrevoked licenses may be renewed annually, provided that application for renewal is made not more than one year after expiration of the license.~~

D.

~~Supervising electrician. No license shall be granted to any firm or corporation unless some person connected with such firm or corporation, either a stockholder, officer or employee, shall have had at least six years of practical experience or the equivalent thereof in electrical work,~~

installation and supervision. Each year spent in a recognized school of electrical engineering shall be considered as equivalent to nine months of practical experience. The supervising electrician shall superintend all work done by the licensee. At the time of making application for a license, the person making the same shall file, in writing, a certificate with affidavit naming the person who shall be supervisor of the work and the number of years he or she has been engaged as a practical electrician. Should the supervisor named in the license for any reason whatsoever sever his or her connection with the licensee, the licensee shall immediately file with the Electrical Inspector a certificate naming the successor as above prescribed for the original supervisor, and if such successor is approved by Electrical Inspector, a certificate shall be issued without charge. Such supervisor shall be subject to examination as required by the Electrical Inspector.

118-13 – Permits for light, heat and power installations.

The Electrical Inspector shall issue permits for the erection of electrical installations for light, heat or power upon the filing of proper application, which shall be made on forms furnished by the Electrical Inspector, and shall prescribe the nature of the work as well as such other information as may be required for inspection. In no case shall any such electrical work be done unless a permit has first been obtained, except as follows:

A.

Any person manufacturing or repairing electrical apparatus and equipment and employing a competent electrician shall not be required to have a permit for his or her or its testing equipment.

B.

No permit shall be required for minor repair work, such as repairing drop cords, flush and snap switches, replacing fuses or changing lamp sockets, ballasts, and receptacles.

C.

No permit shall be required for portable devices, such as grinders, drills, portable signs, washing machines, vacuum cleaners, radios, electric refrigerators and similar devices not permanently wired but intended to be connected to the circuit by a flexible cord and plug. However, proper approved wiring is to be installed, together with approved receptacle and plug.

D.

No permit shall be required for the installation, alteration or repair of electrical generation, transmission or distribution equipment owned and operated by an electrical utility company or the City.

E.

No permit shall be required for the installation, alteration or repair of signal or communication equipment where such equipment is owned and operated by a public utility company or the City.

F.

The electrical permit shall expire after 24 months of the date of issuance of the permit.

G.

No electrical permit shall be required for low-voltage, CATV, telephone, data and speaker wiring. Wiring shall be done per the National Electrical Code and Wisconsin Electrical Code.

H.

HOMEOWNER. A homeowner may perform electrical work on a single-family dwelling, if he or she owns and occupies it as his or her permanent residence, except that the homeowner may not repair or replace the electrical service to the dwelling or install electrical wiring to hot tubs, spas or swimming pools. Any electrical work must be permitted, inspected and approved according to this chapter. In addition, if requested by the Inspector, a homeowner must demonstrate his or her ability to conform the work to all applicable rules and regulations by furnishing drawings or plans of proposed work.

118-18 – Construction requirements.

No certificate of inspection shall be issued unless the electric light, power or heating installation and all other electrical apparatus connected with it are in strict conformity with this chapter and rules and regulations of the State Electrical Code. The provisions of the Wisconsin Administrative Code ch. SPS 316 are herein adopted in their entirety. ~~Where the Electrical Code and this chapter conflict, the stricter requirement shall govern.~~

118-19 – Approved materials.

A.

No electrical materials, devices or appliances shall be used or installed in the City unless they conform to the requirements of this chapter, state statutes, rules and regulations issued by the Department of Commerce Safety and Professional Services under authority of the state statutes, and are in conformity with approved methods of construction for safety to life and property.

B.

Maker's name, trademark or other identification symbol shall be placed on electrical material devices and appliances used or installed; also, rating in volts, amperes, watts, horsepower, etc., to permit proper identification.

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<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>May 21, 2019</p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p>A Resolution Authorizing Certain Officials to Execute a Tax Assessment Agreement (Tax Incremental District No. 6) with Strauss Investments, LLC and a First Amendment to Tax Assessment Agreement with Strauss Investments, LLC</p>	<p>ITEM NUMBER</p> <p><i>6, 10,</i></p>

A copy of the Tax Assessment Agreement (Tax Incremental District No. 6) with Strauss Investments, LLC and a copy of a First Amendment to Tax Assessment Agreement with Strauss Investments, LLC are annexed hereto, together with a draft Resolution which provides citations to the relevant provisions of the Tax Incremental District No. 6 Development Agreement between the City of Franklin and Loomis and Ryan, Inc. The First Amendment is to address an anticipated land exchange transaction to accommodate the entrance road to the property between Strauss Investments, LLC and the District Developer. The City Planning Manager, Director of Finance and Treasurer, Economic Development Director and City Attorney will be present at the meeting to provide information on the subject matter.

COUNCIL ACTION REQUESTED

A motion to adopt A Resolution Authorizing Certain Officials to Execute a Tax Assessment Agreement (Tax Incremental District No. 6) with Strauss Investments, LLC and a First Amendment to Tax Assessment Agreement with Strauss Investments, LLC.

RESOLUTION NO. 2019-_____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A TAX ASSESSMENT AGREEMENT (TAX INCREMENTAL DISTRICT NO. 6) WITH STRAUSS INVESTMENTS, LLC AND A FIRST AMENDMENT TO TAX ASSESSMENT AGREEMENT WITH STRAUSS INVESTMENTS, LLC

WHEREAS, pursuant to Article II I. of the Tax Incremental District No. 6 Development Agreement between the City of Franklin and Loomis and Ryan, Inc. (the "Development Agreement"), "[a]s a condition to the issuance of the City Bonds, Developer hereby guarantees payments to the City based upon an annual real estate tax assessment for any non-residential property, including without limitation the industrial and commercial property within the District, as it may be expanded from time to time, with a minimum assessed value for the tax year 2021 of \$10,500,000.00 and \$21,000,000.00 for the tax year 2022 and thereafter until the earlier of (i) 2039, (ii) the date the City Bonds are paid in full, or (iii) the date the letter of credit described in Section J. below has been reduced to zero (the "Developer Guaranty")... [s]ubject to the City's prior written approval, which approval shall not be unreasonably withheld, conditioned or the delayed, the Developer may request that the Developer Guaranty be terminated and replaced with equivalent tax assessment agreements by the industrial and commercial users within the District"; and

WHEREAS, the Development Agreement is in full force and effect and is binding upon the parties thereto in accordance with its terms and has not been modified, terminated or amended by this Resolution; and

WHEREAS, the Developer has delivered a Tax Assessment Agreement (Tax Incremental District No. 6) with Strauss Investments, LLC to the City, Strauss Investments, LLC being an industrial user within the District, and a First Amendment to Tax Assessment Agreement with Strauss Investments, LLC to address an anticipated land exchange transaction to accommodate the entrance road to the property; and

WHEREAS, at this time the Developer is not requesting that the aforesaid Developer Guaranty be terminated and replaced by the Tax Assessment Agreement for the property subject to the Tax Assessment Agreement; however, Developer reserves the right to request a termination and/or replacement at a future date, subject to the terms, conditions and requirements of the Development Agreement; and

WHEREAS, upon consideration of the aforesaid facts and Agreements and the condition set forth below, staff has reviewed and recommends approval of the Tax Assessment Agreement to the Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Tax Assessment Agreement (Tax Incremental District No. 6) with Strauss Investments, LLC, and a First Amendment to Tax Assessment Agreement with Strauss Investments, LLC, in the forms and contents as annexed hereto, subject to receipt by the City of an Acknowledgement executed by Strauss Investments, LLC in recordable form, that the Tax Incremental District No. 6 Development Agreement between the City of Franklin and Loomis and Ryan, Inc. runs with the land and is binding upon the property acquired by Strauss Investments, LLC within the District, be and the same is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk be and the same are hereby authorized to execute and deliver such Tax Assessment Agreement and First Amendment to Tax Assessment Agreement.

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of the Tax Assessment Agreement and First Amendment to Tax Assessment Agreement in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019.

APPROVED:

ATTEST:

Stephen R. Olson, Mayor

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Tax Assessment Agreement

Document Number

Document Title

**TAX ASSESSMENT AGREEMENT
(TAX INCREMENTAL DISTRICT NO. 6)**

THIS AGREEMENT (this "Agreement") is entered into as of this 1 day of March, 2019, between the City of Franklin, a municipal corporation (the "City") and Strauss Investments, LLC, a Wisconsin limited liability company ("Strauss").

WHEREAS, Strauss is on this date closing the purchase of the property described on Exhibit A (the "Property") which Strauss intends to develop as an industrial building to be used in its meat harvesting and processing, packaging and distribution operations (the "Development"); and

WHEREAS, the Property is or will be located in the City's Tax Incremental District No. 6 (the "District") which the City has established in order to finance project costs within the District as permitted under Wis. Stat. § 66.1105 Tax Increment Law; and

WHEREAS, Strauss intends to initiate construction of certain improvements on the Property which are contemplated to include a building or series of industrial buildings in its meat packaging and distribution operations (the "Strauss Improvements"); and

WHEREAS, in conjunction with the Strauss Improvements, in the event that the intended use of the Strauss Improvements will also include meat harvesting and processing, which Strauss may add at its option, the improvements relating thereto shall also be included in the Strauss Improvements, and in such event if such use requires a Special Use Permit associated with the Development (the "SUP"), Strauss has or may submit an application to the City of Franklin for such SUP; and

WHEREAS, the City intends to issue general obligation debt and tax increment revenue municipal special, limited revenue obligation debt (the "Debt") to finance and assist in the finance of improvements which are necessary to develop the Property and adjoining properties, the debt service payments thereunder to be made from the tax increment generated by the District as a result of the Development and the development of the other properties in the District; and

WHEREAS, Strauss has agreed to guarantee a minimum amount of future yearly real estate property tax assessed value on the Property, so as to generate tax increment necessary to pay a portion of the debt service on the Debt.

Recording Area

Name and Return Address

Bear Development, LLC
4011 80th Street
Kenosha, WI 53142

891-9007-000

Parcel Identification Number (PIN)

NOW, THEREFORE, the City and Strauss, in consideration of the terms and conditions contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, agree as follows:

1. CONSTRUCTION OF STRAUSS IMPROVEMENTS. Strauss intends to construct the Strauss Improvements on the Property. If constructed, the Strauss Improvements shall be in compliance with all applicable governmental laws, rules, regulations, orders and ordinances. If Strauss fails to construct the Strauss Improvements, Strauss agrees that notwithstanding such failure, the tax assessment of the land and improvements shall be the minimum assessed value set forth in Section 2. below, subject however to the provisions thereof.

2. MINIMUM ASSESSMENT AGREEMENT. Strauss agrees that for the term stated below, that the aggregate value of the land and improvements comprising the Property for purposes of the annual real estate tax assessment for the Property shall not be less than the minimum values established for each applicable tax year occurring during the term of this Agreement (subject to the adjustment described in Section 3 hereof) and as follows:

	<u>Tax Year</u>	<u>Minimum Assessed Value</u>
a.	2021	\$5,000,000.00
b.	2022- 2041	\$10,000,000.00

c. In the event the assessed value of the Property is less than the Minimum Assessed Value for any applicable year as set forth above, then Strauss and/or any owner, successor and/or assign shall make (or cause to be made) payment(s) in an amount equal to the difference between what the ad valorem property taxes would have been for the Property if it were assessed at the Minimum Assessed Value and what the actual ad valorem property taxes are upon the assessed value of the Property for that year. Such payment(s) shall be due and payable at the same time and in the same manner as the ad valorem taxes are due and payable for such year. Strauss's and/or any owner's, successor's and assign's of the Property obligations upon any default hereunder shall be collectible as a debt upon an action at law; and shall also be otherwise collectible as are delinquent real estate taxes and any such delinquent amount shall constitute a lien upon the Property, as and in the same method, manner, status and legal existence as levied taxes are a lien against property pursuant to Wis. Stat. § 70.01; and shall also be otherwise collectible as are delinquent special charges pursuant to Wis. Stat. § 66.0627; and in addition to the foregoing, shall also be otherwise collectible by any other available legal and/or equitable remedy and as otherwise provided by law. If Strauss and/or any owner, successor and/or assign fails to make a payment when due, the City may, in addition to all other remedies available to it, levy a special assessment or special charge against the Property in the amount of the unpaid payment(s). Any and all notice and hearing requirements which may be required under the law for such special assessment or special charge are hereby waived by Strauss and/or any owner, successor and/or assign. Notwithstanding and in addition to the levying of such special assessment or special charge, the payment obligation shall be the personal obligation of the person or entity that is Strauss and/or any owner, successor and/or assign of the Property at the time that the assessed value of the Property is less than the Minimum Assessed Value. The covenant contained in this Section 2. shall be deemed to be a covenant running with the land and

shall be binding upon Strauss and/or any owner, successor and/or assign of any portion of the Property for the term of this Agreement pursuant to the Tax Years set forth above. The City is hereby expressly declared to be a beneficiary of such covenant and entitled to enforce same against Strauss and/or any owner, successor and/or assign the Property.

Notwithstanding any provision herein to the contrary, if for any reason Strauss is denied issuance of a building permit by the City for the construction of cold storage and distribution facilities upon the Property, despite its good faith and diligent efforts to obtain the same, the above Minimum Assessed Value amounts and the provisions of Paragraph 2 of this Agreement shall not be applicable and Strauss shall not be required to pay real estate taxes based upon such Minimum Assessed Value amounts until Strauss is permitted to so construct said improvements and a reasonable construction period has elapsed.

3. ADJUSTMENT OF MINIMUM ASSESSED VALUE. The parties acknowledge that the Minimum Assessed Values set forth in Section 2a. and 2b. hereof, contemplate that a SUP will not be necessary for Strauss's intended use of the Strauss Improvements. However, in the event that Strauss applies for a SUP for use for meat harvesting and processing with the City of Franklin and such a SUP for meat harvesting and processing is issued by the City of Franklin for the Strauss Improvements, the parties agree that the Minimum Assessed Values contained in Sections 2a. and 2b. shall be increased to \$10,000,000.00 and \$20,000,000.00, respectively, which increases shall be effective the later of the years indicated in Paragraph 2 above or the completion of construction of such meat harvesting and processing improvements. Upon the issuance of a SUP for use for meat harvesting and processing by the City of Franklin for the Development, the parties shall execute an addendum to this Agreement, acknowledging any adjustment in the Minimum Assessed Values as required by this Section 3, which increases shall be effective the later of the years indicated in Paragraph 2 above or the completion of construction of such meat harvesting and processing improvements.

4. NO PROPERTY TAX EXEMPTION. Strauss shall not (a) apply for an exemption from property taxes with respect to the Property or (b) transfer the Property to an entity that is lawfully exempt from the payment of property taxes unless the transferee agrees to make a payment in lieu of taxes in an amount equal to the property taxes that would have been paid by such transferee were it not exempt from taxation.

5. TERM AND TERMINATION. The term of this Agreement shall begin on the date of this Agreement set forth above and shall continue through and including the year of the closing of the Tax Improvement District or December 31, 2041, whichever comes first (the "Term"). Strauss shall maintain the Minimum Assessment requirements of Section 2. through the Term

6. DEFAULT. In the event that either the City or Strauss defaults under any material term or condition of this Agreement, and such default continues for a period of thirty (30) days or more after receipt of written notice of the default from the non-defaulting party, the defaulting party shall be responsible for all costs and expenses incurred by reason of such default, including, but not limited to, any legal expenses incurred by the non-defaulting party. The rights and remedies of the non-defaulting party shall not be limited to those, if any, specified in this Agreement, but the non-defaulting party shall have the rights and remedies to which it may be entitled, either at law or in equity.

7. ASSIGNMENT OF AGREEMENT. This Agreement shall not be assignable by Strauss without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed. The City shall consent to the assignment of this Agreement in the event that Strauss sells the Property to a bona fide purchaser who will develop the Property in compliance with applicable zoning laws and ordinances, which is approved by the City, which approval shall not be unreasonably withheld, conditioned or delayed, and such purchaser assumes the obligations of Strauss under this Agreement. It is understood that such purchaser may develop the Property for a use different from the Development. In the event of such approved assignment and assumption, Strauss shall be released of liability under this Agreement.

8. SUCCESSORS AND ASSIGNS. This Agreement shall be binding upon the successors and assigns of Strauss; however, this provision shall not constitute an authorization for Strauss to assign or transfer its rights and obligations under this Agreement except as provided in this Agreement.

9. MISCELLANEOUS.

9.1 Notices. All notices, demands, certificates or other communications under this Agreement shall be sufficiently given and shall be deemed given when hand delivered or when mailed by certified mail, postage prepaid, or sent by recognized commercial courier properly addressed as indicated below:

To Strauss:

Strauss Investments, LLC
~~9775 S. 60th Street~~ 5121 W. Franklin Drive
Franklin, WI 53132
Attn: Jerry Bussen
Title: CFo

To the City:

City of Franklin, Wisconsin
9229 W. Loomis Road
Franklin, WI 53132
Attn: City Clerk

Any party may, by written notice to the other party, designate a change for notice purposes.

9.2 No Waiver. No waiver of any provision of this Agreement shall be deemed or constitute a waiver of any other provision, nor shall it be deemed to constitute a continuing waiver unless expressly provided for by a written amendment to this Agreement, nor shall it be deemed or constitute a waiver of any subsequent default or defaults of the same type.

9.3 Governing Law. This Agreement concerns real property located in the State of Wisconsin, and shall be interpreted and construed according to the laws of the State of Wisconsin.

9.4 Captions. The captions in this Agreement are inserted only as matters of convenience and for reference and in no way define or limit the scope or intent of the various provisions, terms or conditions hereof.

9.5 Counterparts. This Agreement may be executed in one or more counterparts, each of which will be deemed an original.

9.6 No Third-Party Beneficiaries. This Agreement creates rights and obligations only for the parties hereto and their permitted successors and assigns, except as stipulated in this Agreement. This Agreement is not intended to and does not create any right in any third party, not expressly stated herein.

9.7 Legal Action. In the event that a party becomes involved in litigation or in the threat of litigation related to this Agreement because of the act or omission of the other party, or there is a dispute or litigation between the parties as to this Agreement, the party which becomes so involved, if not the legal cause of the injury or damages, or the prevailing party in a dispute or litigation as to this Agreement, shall be entitled to recover reasonable attorneys' fees and out-of-pocket costs from the other party in defending against the litigation or threat of litigation or in connection with the dispute or litigation as to this Agreement.

9.8 Authority. The parties represent that the execution of this Agreement has been properly authorized and that the persons signing this Agreement have been properly authorized to sign this Agreement on behalf of the parties.

9.9 Independent Contractors. The City and Strauss are each entering into this Agreement on its own behalf and not as agent of the other, and this Agreement shall not be construed to create a partnership or joint venture between the parties, each of which is an independent contractor for the purposes of this Agreement.

9.10 Good Faith. Each of the parties hereto shall be subject to the duty of good faith and fair dealings in the implementation, execution and performance of the terms of this Agreement.

9.11 Recording. The parties agree that this Agreement will be recorded in the Milwaukee County Register of Deeds Office records.

[Signature pages follow]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date stated in the first paragraph of this Agreement.

CITY:

CITY OF FRANKLIN,
a Wisconsin municipal corporation

By: _____
Stephen R. Olson, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
)
) ss.
COUNTY OF KENOSHA)

Personally came before me this ____ day of _____, 2019 the above-named Stephen R. Olson and Sandra L. Wesolowski to me known to be the Mayor and City Clerk of the City of Franklin, Wisconsin, respectively, who executed the foregoing instrument and acknowledged the same on behalf of said municipal corporation.

_____, Notary Public,
Milwaukee County, Wisconsin
My Commission Expires _____

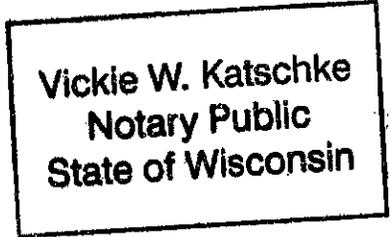
STRAUSS INVESTMENTS, LLC

By: [Signature]
Name: Randy Struss
Title: President

STATE OF WISCONSIN)
)
COUNTY OF Milwaukee) ss.

The foregoing instrument was acknowledged before me this 1st day of March, 2019, by Randy Struss, the President of Strauss Investments, LLC, on behalf of said limited liability company.

[Signature]
Notary Public, Wisconsin
My Commission expires: 2/19/19



This instrument drafted by:
Bear Development, LLC
John Hotvedt, Vice President-Real Estate

EXHIBIT A

Description of Property

Parcel 1 of Certified Survey Map No. 9095, recorded November 28th, 2018, as Document No.10830741, being a part of the East 1/2 of the Northwest 1/4 of Section 30, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

Said Lands contain 1,315,512 Square Feet or 30.2000 Acres

Tax Parcel Number 891-9007-000

EXHIBIT B

Strauss Improvements

The improvements set forth on the attached site plan as more particularly described in the final plans for such improvements on file with the City.

Document Number	FIRST AMENDMENT TO TAX ASSESSMENT AGREEMENT
	Title

THIS FIRST AMENDMENT TO TAX ASSESSMENT AGREEMENT (“**Amendment**”) is made and entered into as of the ___ day of _____, 2019 (the “**Effective Date**”), between the City of Franklin, a municipal corporation (the “**City**”) and Strauss Investments, LLC (hereinafter “**Strauss**”).

WITNESSETH:

WHEREAS, the City and Strauss entered into that certain Tax Assessment Agreement dated March 1, 2019 [and recorded on _____ in the Register of Deed’s Office for Milwaukee County as Document No. _____] (the “**Original Tax Assessment Agreement**” and together with this Amendment, the “**Agreement**”); and

Name and Return Address:

Katherine R. Rist
Foley & Lardner LLP
150 East Gilman Street
P.O. Box 1497
Madison, Wisconsin 53701-1497

See Exhibit A

Parcel Identification Numbers

WHEREAS, the underlying legal description of the Property (as defined in the Original Tax Assessment Agreement) has changed and the parties desire to amend the Original Tax Assessment Agreement to correct the legal description of the Property.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

- 1.** Incorporation of Recitals. The above recitals are true and correct and form a material part of this Amendment upon which the parties have relied.
- 2.** Amendment to Original Tax Assessment Agreement. Effective as of the date hereof, Exhibit A of the Original Tax Assessment Agreement is hereby deleted in its entirety and replaced with Exhibit A attached hereto. For all purposes of the Agreement, all references to the “Property” shall be in reference to the land described on the attached Exhibit A and shall not apply to or be enforceable against other property.
- 3.** Severability. All provisions of this Agreement are deemed severable, and if any one or more provision is deemed unenforceable for any reason, the remaining provisions shall remain in full force and effect.

4. Governing Law. This Agreement shall at all times be governed by and enforced in accordance with the laws of the State of Wisconsin.

5. Entire Agreement. This Agreement contains the complete understanding and agreement of the parties with respect to all matters referred to herein, and any and all prior representations, negotiations and/or understandings are superseded hereby, and the terms of this Agreement are contractually binding upon all parties, their successors and assigns.

6. Ratification of Original Tax Assessment Agreement. Except as hereby amended, the Original Tax Assessment Agreement shall remain in full force and effect in accordance with its terms.

7. Counterparts. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same instrument.

[Signatures Begin on the Following Page.]

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to Tax Assessment Agreement as of the date first set forth above.

CITY OF FRANKLIN

By: _____
_____ Stephen R. Olson, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
) SS
COUNTY OF _____)

Personally came before me this _____ day of _____, 2019, the above named Stephen R. Olson and Sandra L. Wesolowski, to me known to be the Mayor and City Clerk of the City of Franklin, Wisconsin, respectively, Authorized Member of Mills Enterprises, LLC, the Manager of Mills Hotel Wyoming, LLC, and to me known to be the persons who executed the foregoing instrument and acknowledged the same.

(Signature)

(Printed Name)

Notary Public, _____ County, _____
My commission expires: _____

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE May 21, 2019
REPORTS AND RECOMMENDATIONS	REQUEST TO ALLOW AN ON-SITE WASTE TREATMENT SYSTEM AND PRIVATE WELL FOR THE NEW PARCELS IN A PROPOSED CSM IN THE VICINITY OF 9533 W. RYAN ROAD	ITEM NUMBER <i>6.11.</i>

BACKGROUND

The City received a request for a CSM for properties currently addressed 9533 W. Ryan Road. The request included permission to allow an on-site waste treatment system and private well for the new parcels.

This item was brought before the April 16, 2019 Common Council meeting and was tabled to the May 21, 2019, meeting.

ANALYSIS

See attached council action from the April 16, 2019, Common Council meeting.

Engineering: GEM

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 04/16/2019
REPORTS AND RECOMMENDATIONS	REQUEST TO ALLOW AN ON-SITE WASTE TREATMENT SYSTEM AND PRIVATE WELL FOR THE NEW PARCELS IN A PROPOSED CSM IN THE VICINITY OF 9533 W. RYAN ROAD	ITEM NUMBER G.14a.

BACKGROUND

The City received a request for a CSM for properties currently addressed 9533 W. Ryan Road. The request included permission to allow an on-site waste treatment system and private well for the new parcels.

ANALYSIS

The parcel has two available points of connection, including the Ryan Creek Interceptor sewer (RCI) that is located in a 30' wide easement within the proposed outlot. A manhole on the RCI is approximately 650 feet from the location where all three lots would touch. In addition, there is a manhole approximately 11-feet deep in the right of way on S. 96th Street immediately north of the W. Ryan Road right-of-way. Without a detailed engineering study by the applicant, it is unclear as to why one or both of these locations are a hardship for development.

As to the water system, the nearest water mains are sufficiently far away to expect a few residential lots to install. This issue will be discussed at the April 16, 2019, Board of Water Commissioners meeting. The three nearest locations are:

- 9100 block of S. 92nd Street,
- 8035 W. Ryan Road, and
- Soon to be installed W. Ryan Road / S. 112th Street

The Board of Water Commissioners will review the water request on April 16, 2019.

OPTIONS

- A. Allow a waiver for connection to the public sanitary sewer system.
- B. Deny the request to allow an on-site waste treatment system.
- C. Allow a waiver for connection to the public water system.
- D. Deny the request to allow private wells.
- E. Refer back to Staff with further direction.

FISCAL NOTE

All construction of utilities would be the burden of the developer.

COUNCIL ACTION REQUESTED

(Options B and D) Deny request of applicant to allow an on-site waste treatment system and private well for the new parcels in a proposed CSM in the vicinity of 9533 W. Ryan Road.

Engineering: GEM

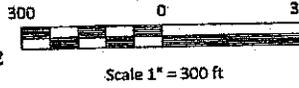
CERTIFIED SURVEY MAP No. _____

Being a redivision of Lot 2, Certified Survey Map No. 7363, being a part of the West one-half of the East one-half of the Northeast Quarter of Section 29, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

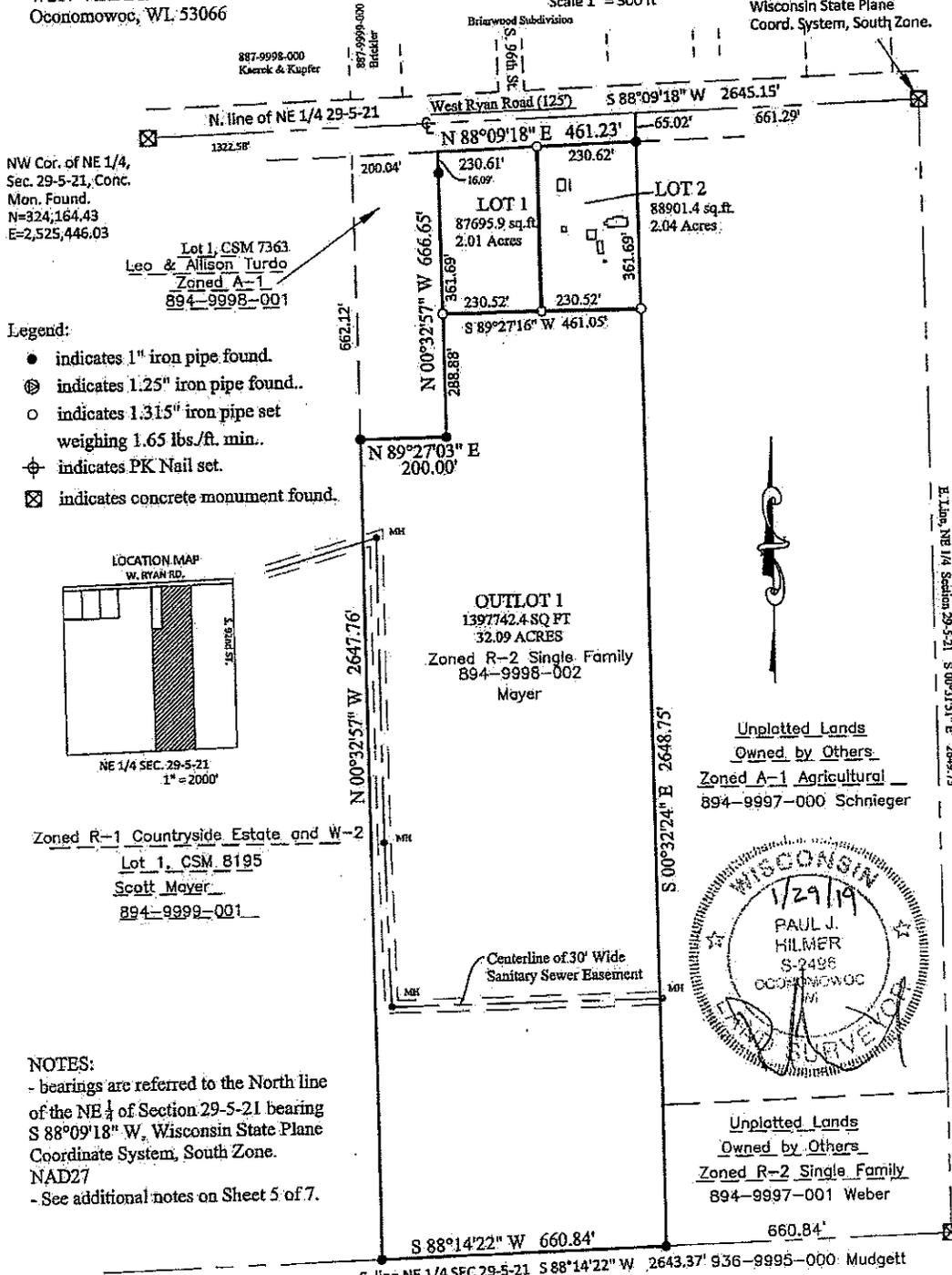
Prepared By:
Hilmer & Associates, LLC
Paul J. Hilmer, PLS
W217 Vista Dr.
Oconomowoc, WI 53066

Prepared For:
Scott A. Mayer
9733 W. Ryan Rd.
Franklin, WI 53132

Lot Detail



NE Cor. of NE 1/4, Sec. 29-5-21, Conc. Mon. Found
N=324,249.59
E=2,528,089.65
Benchmark Elev. 777.46
Wisconsin State Plane
Coord. System, South Zone.

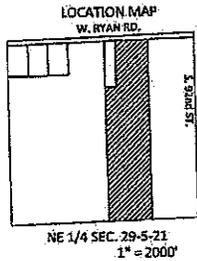


NW Cor. of NE 1/4, Sec. 29-5-21, Conc. Mon. Found.
N=324,164.43
E=2,525,446.03

Lot 1, CSM 7363
Leo & Allison Turdo
Zoned A-1
894-9998-001

Legend:

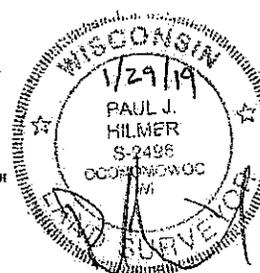
- indicates 1" iron pipe found.
- ⊙ indicates 1.25" iron pipe found..
- indicates 1.315" iron pipe set weighing 1.65 lbs./ft. min..
- ⊕ indicates PK Nail set.
- ⊗ indicates concrete monument found.



Zoned R-1 Countryside Estate and W-2
Lot 1, CSM 8195
Scott Mayer
894-9999-001

NOTES:

- bearings are referred to the North line of the NE 1/4 of Section 29-5-21 bearing S 88°09'18" W, Wisconsin State Plane Coordinate System, South Zone. NAD27
- See additional notes on Sheet 5 of 7.



Unplatted Lands
Owned by Others
Zoned R-2 Single Family
894-9997-001 Weber

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">05/21/19</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">A RESOLUTION CONDITIONALLY APPROVING A 3 LOT CERTIFIED SURVEY MAP, BEING A RESUBDIVISION OF LOT 2, CERTIFIED SURVEY MAP NO. 7363, BEING A PART OF THE WEST ONE- HALF OF THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 29, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (SCOTT A. MAYER AND SUSANNE MAYER, APPLICANTS) (9533 WEST RYAN ROAD)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>M.12.</i></p>
<p>At its May 9, 2019, meeting the Plan Commission recommended approval of a resolution conditionally approving a certified survey map, such map being a resubdivision of Lot 2, Certified Survey Map No. 7363, being a part of the West one-half of the East one-half of the Northeast Quarter of Section 29, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 9533 West Ryan Road, bearing Tax Key No. 894-9998-002. (Scott A. Mayer and Susanne Mayer, applicants) (9533 West Ryan Road).</p> <p style="text-align: center;">COUNCIL ACTION REQUESTED</p> <p>A motion to adopt Resolution No. 2019-_____, a resolution conditionally approving a 3 lot certified survey map, being a resubdivision of Lot 2, Certified Survey Map No. 7363, being a part of the West one-half of the East one-half of the Northeast Quarter of Section 29, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (9533 West Ryan Road).</p>		

RESOLUTION NO. 2019-_____

A RESOLUTION CONDITIONALLY APPROVING A 3 LOT CERTIFIED SURVEY MAP, BEING A RESUBDIVISION OF LOT 2, CERTIFIED SURVEY MAP NO. 7363, BEING A PART OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 29, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (SCOTT A. MAYER AND SUSANNE MAYER, APPLICANTS)
(9533 WEST RYAN ROAD)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being a resubdivision of Lot 2, Certified Survey Map No. 7363, being a part of the West one-half of the East one-half of the Northeast Quarter of Section 29, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 9533 West Ryan Road, bearing Tax Key No. 894-9998-002, Scott A. Mayer and Susanne Mayer, applicants; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed certified survey map is appropriate for approval pursuant to law upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by Scott A. Mayer and Susanne Mayer, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicants, prior to recording.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. Each and any easement shown on the Certified Survey Map shall be the subject of separate written grant of easement instrument, in such form as provided within the

SCOTT A. MAYER AND SUSANNE MAYER – CERTIFIED SURVEY MAP
RESOLUTION NO. 2019-_____

Page 2

City of Franklin Design Standards and Construction Specifications and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.

4. Scott A. Mayer and Susanne Mayer, successors and assigns, and any developer of the Scott A. Mayer and Susanne Mayer 3 lot certified survey map project, 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, 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.
5. The approval granted hereunder is conditional upon Scott A. Mayer and Susanne Mayer and the 3 lot certified survey map project for the property located at 9533 West Ryan Road: (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.
6. Applicant shall complete a new wetland delineation report per UDO Section 15.4-0102G and submit to City Development department for review and approval prior to recording the CSM with the Milwaukee County Register of Deed's office.
7. Applicant shall provide a conservation easement for the Natural Resource Preservation requirement for Mature Woodlands shown on proposed Lot 2 and for Wetlands shown on Lot 1 per UDO Section 15-7.0201K prior to filing for a building permit on either property.
8. Applicant shall provide each resulting buildable property be served by public sanitary sewer. See UDO Section 15-3.0202 and Table 15-3.0202. Applicant shall be afforded a private well system and should a public water supply be proposed to facilitate further development, the property owners shall hook up to said water supply and be assessed the cost of said water supply connection.
9. Applicant shall make any required changes noted from Milwaukee County Register of Deed's office and resubmit for City staff approval for review and recording.

SCOTT A. MAYER AND SUSANNE MAYER – CERTIFIED SURVEY MAP
RESOLUTION NO. 2019- _____

Page 3

10. Applicant shall provide for a 60 foot wide access potential to promote the roadway connection onto Ryan Road, leading into proposed Outlot 1, so as to facilitate future development, per the “Post-Sanitary Sewer Scenario Map”, and roadway connectivity map, as made a part of the City of Franklin Comprehensive Land use Plan, 2009.
11. Applicant shall secure all necessary permits through the Building Inspections office prior to demolition of any buildings on the premises.
12. Applicant shall secure any necessary permits and any Natural Resources Special Exception for a driveway proposed onto West Ryan Road, pending review of the Natural Resources present on the property and in the right-of-way.

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owners, Scott A. Mayer and Susanne Mayer, be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owners, Scott A. Mayer and Susanne Mayer, with the Office of the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of May 9, 2019

Certified Survey Map

RECOMMENDATION: City Development Staff recommends approval of the proposed Certified Survey Map, subject to the conditions in the draft resolution.

Project Name:	Scott Mayer CSM
Project Address:	9533 W. Ryan Rd.
Applicant:	Jennifer Gorn / Scott Mayer
Owners (property):	Scott and Susanne Mayer
Current Zoning:	R-2 Estate Single Family Residence District
2025 Future Land Use:	Residential and Areas of Natural Resource Features
Use of Surrounding Properties:	Single-family residential to the north and west with agricultural land to the east and south, with single family residences.
Applicant Action Requested:	Recommendation of approval of the Certified Survey Map

Project Description and Analysis:

On February 28, 2019, the applicant filed a Certified Survey Map (CSM) Application with the Department of City Development requesting approval to subdivide the existing parcel bearing Tax Key No. 894-9998-002 into two residential lots and one outlot.

The resulting properties are in the R-2 zoning district. The Unified Development Ordinance (UDO) states that residences within this district are to connect to sanitary sewer and public water supply.

Staff finds this appears to be in concert with the Comprehensive Future Land Use Plan for the City of Franklin to promote for orderly development and to prevent "landlocking" properties whenever possible and to promote "concurrent land development". In other words, it would not allow for development where public water and sewer is unavailable. The applicants have petitioned the City Water Commission and received a recommendation of approval for the applicants to not be required to hook into the public water supply. There is expected Council action regarding water and sewer connection scheduled for May 21, where a final determination is sought by the applicants on this matter.

In addition, City staff is recommending as a condition of approval the inclusion of a 60 foot wide roadway easement, as the proposed land configuration would essentially "landlock" the proposed Outlot 1 with the current configuration. The Plan Commission may decide to discuss this matter during the meeting.

Staff Recommendation:

City Development Staff recommends approval of the proposed Certified Survey Map, subject to the conditions in the draft resolution.

City of Franklin
Department of City Development

Date: March 21, 2019
To: Jennifer Gorn / Scott Mayer
From: Department of City Development
RE: Scott Mayer Certified Survey Map – Staff Comments

Please be advised that City Staff has reviewed the above application. Department comments are as follows for the Certified Survey Map Application City file-stamped February 28, 2019.

Unified Development Ordinance (UDO) Requirements

Natural Resource Protection Plan

1. Please complete a new Wetland Delineation. Per UDO Section 15.4-0102G, No wetland delineation shall be valid for any purpose required under this Ordinance after the expiration of five years from the date the delineation was performed. We reviewed the submitted wetland delineation report from GRAEF, dated February 12, 2019, which was completed referencing information from a completed study from 2002 by SEWRPC.
2. Please provide a conservation easement for the Natural Resource Preservation requirement for Mature Woodlands shown on proposed Lot 2 and for Wetlands shown on Lot 1. The UDO requires graphic illustration and notes relating to how those natural resource features, which are to be preserved, will actually be preserved in perpetuity (conservation easements, deed restrictions, protective covenants, etc.). See UDO Section 15-7.0201K. Please provide for conservation easements, with legal descriptions encompassing these extents, on the submitted CSM and also provide the legal description and the “.doc” electronic text format for said legal descriptions, inclusive of amount of land in each said easement (in acres).
3. The R-2, Estate Single-Family Residence District, is to be served by public sanitary sewer and water supply facilities. See UDO Section 15-3.0202 and Table 15-3.0202. Please provide for water and sanitary sewer line connections.

Staff Recommendations

4. We have forwarded your CSM to the Milwaukee County Register of Deeds office for review and comments. Once we receive those comments back, we will forward them to you. These comments, if any, would also need to be addressed on the CSM.
5. Staff would like you to be aware the City of Franklin Comprehensive Mater Plan, adopted on October 21, 2009, provides for a pre-sanitary sewer and land use, land division and public services policy for the Southwestern portion of the City. (Comp. Plan, page 5-57).

This created a policy, “that would allow additional development and land division opportunities until such time as public service became available, and in a manner that would minimize any adverse impacts upon the future extension of such public services.” Your proposed CSM, without connections to public water and sewer is not meeting this policy.

6. The proposed CSM coincides with property shown on the “Post-Sanitary Sewer Scenario Map”, which was made a part of the Comprehensive Land Use Plan for the City of Franklin (2009), and the map shows a road connection onto Ryan Road generally in the location south of the existing 96th Street roadway intersection with Ryan Road. In addition, the proposed configuration of lots would “land lock” the proposed Outlot 1. Staff would recommend you show a 60-foot-wide roadway reservation strip on the proposed CSM, across proposed Lot 1 and proceeding southbound to the proposed Outlot 1, to facilitate future development.
7. Any demolition of buildings shall require meeting all City of Franklin City Code requirements.
8. Please be advised wetlands along W. Ryan Road that might be impacted by future changes through a proposed driveway or existing driveway may require a Natural Resource Special Exception, as the area immediately to the South of W. Ryan Rd may be in a protected wetland area. This would require going through the Environmental Commission, The Plan Commission and Common Council prior to approval. A future formal wetland delineation discussion with your consultant will establish boundaries and help to address this issue.
9. Timing. Please be aware the UDO provides for 60days from the date submitted for a CSM to receive a recommendation from the Plan Commission and 90 days from the Common Council. You submitted on February 28, 2019. This means a recommendation is to be made by the Plan Commission by April 29 and a decision by the Common Council on May 29, 2019. Because of the desire to not provide for public water connection to the proposed CSM lots, a letter from you agreeing to extend this review time would be required, until Council may act on your separate request. A proposed timeline scenario is provided in an email to the applicant, Ms. Jennifer Gorn addressing the review process scenario.

Engineering Department Comments

10. All technical issues must be resolved prior to recording.
11. Verify the meander line distance along the West line of proposed Lot 1 (16.09?).
12. Indicate in this proposal the recording information of the existing 30-ft wide sanitary easement.
13. Per R-2 Zoning District, these lots must be served by public sewer and water. (Your letter dated February 28, 2019, requesting the City permit a well and septic system for each proposed new residence has been forwarded to Glen Morrow, City Engineer.)
14. “Must request that a waiver allowing the developer to not extend the water main.” or “must extend the water main to the west lot line and include the oversizing costs in a developers agreement pursuant to Municipal code section 207-23 Water Extension”.
15. Driveway access must be approved by Milwaukee County.

16. To request a waiver of connection to Public Water and/or Sewer (Contact Glen Morrow at 414-425-7510 with questions):
- a. (Preferred) Obtain endorsement of at least on Franklin Alderman
 - b. (Required) Submit a written request to City Engineer / Utility Manager (on letterhead or email) with details of the request and circumstances that warrant a variance (received letter dated February 28, 2019)
 - c. City Engineer / Utility manager will review the waiver and place on agenda for the Board of Water Commissioners
 - d. The Board of Water Commissioners will consider the request and make a recommendation to the Common Council
 - e. The Common Council will consider the recommendation and the request and make a determination.

Fire Department Comments

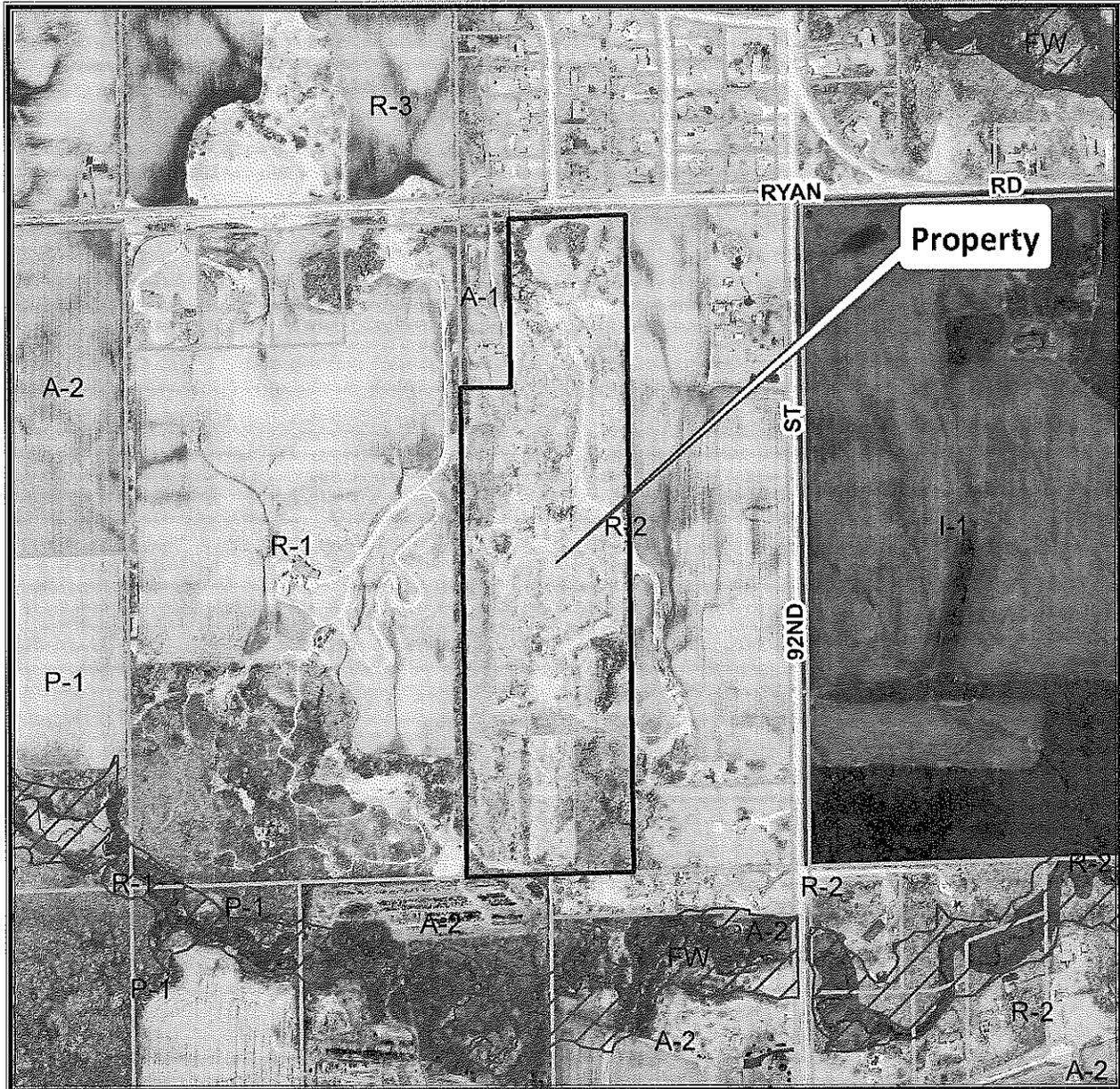
The Fire Department has no comments/concerns with the proposed CSM at this location.

Police Department Comments

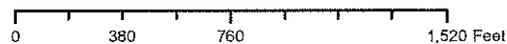
The Franklin Police Department has reviewed the application for 9533 W. Ryan Rd. The Police Department has no issues with this request.



9533 W. Ryan Road
TKN: 894 9998 002



Planning Department
(414) 425-4024

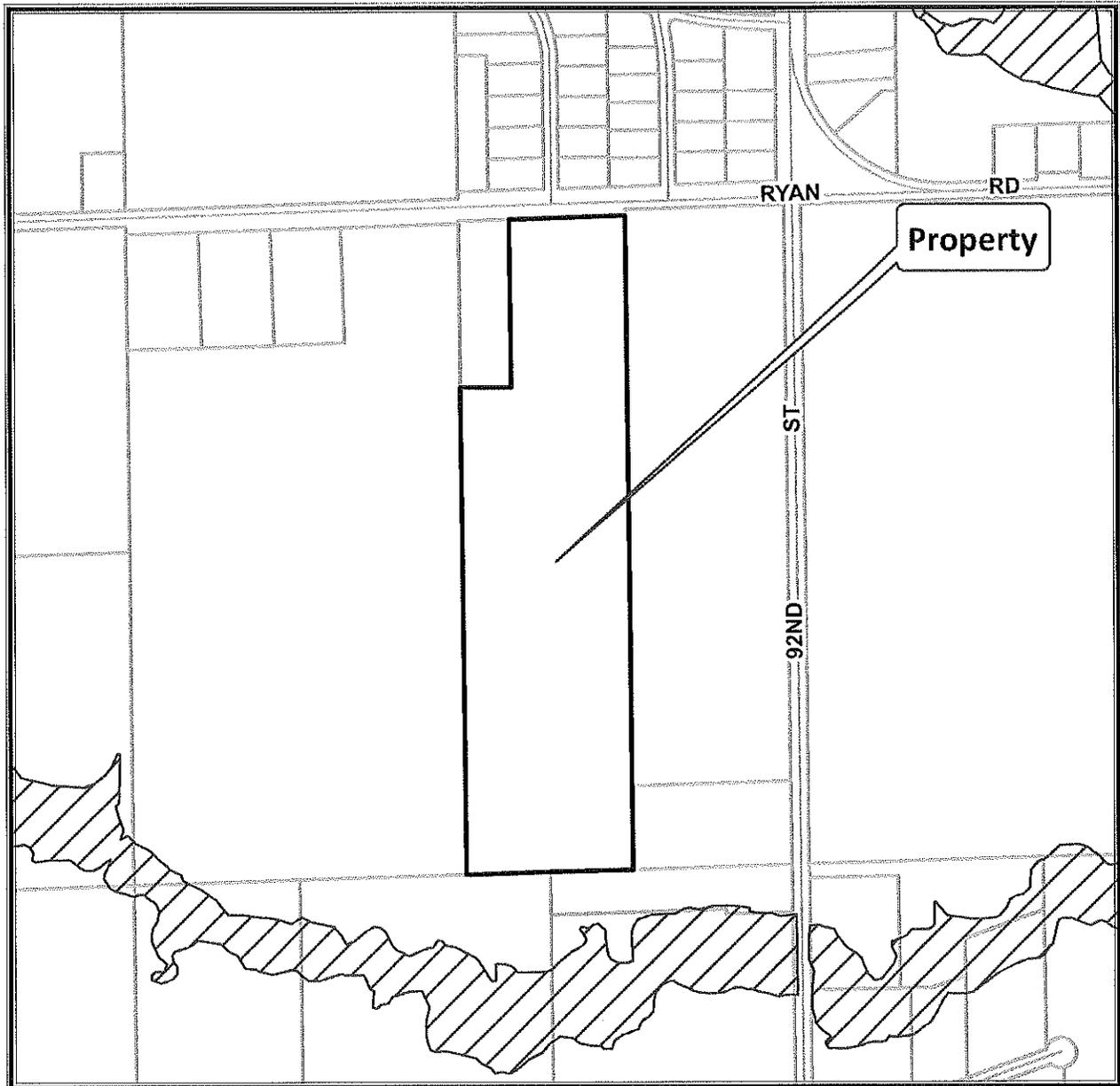


2019 Aerial Photo

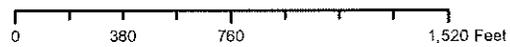
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



9533 W. Ryan Road
TKN: 894 9998 002



Planning Department
(414) 425-4024



2019 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.

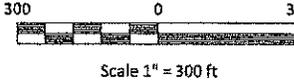
CERTIFIED SURVEY MAP No. _____

Being a redivision of Lot 2, Certified Survey Map No. 7363, being a part of the West one-half of the East one-half of the Northeast Quarter of Section 29, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

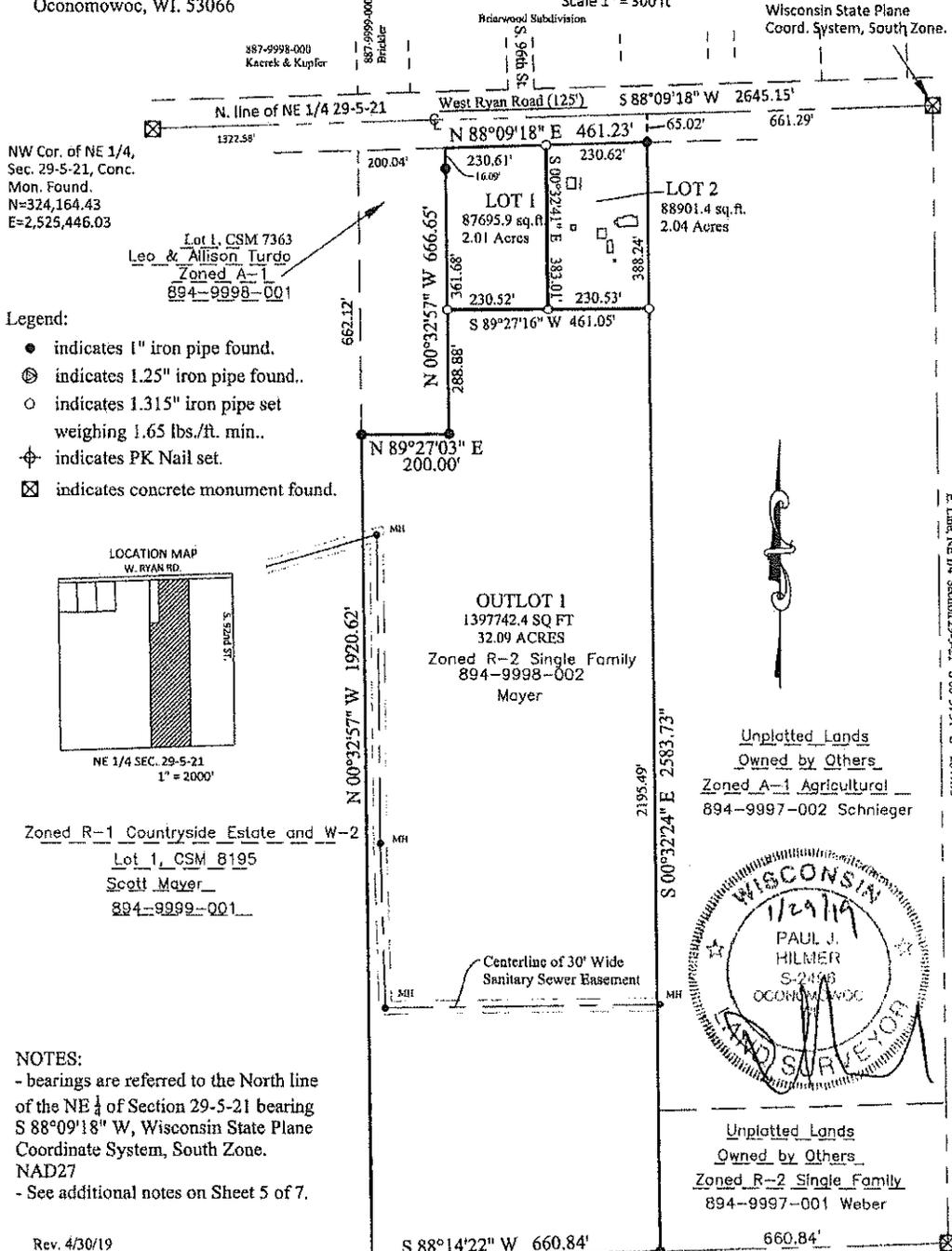
Prepared By:
Hilmer & Associates, LLC
Paul J. Hilmer, PLS
W217 Vista Dr.
Oconomowoc, WI. 53066

Prepared For:
Scott A. Mayer
9733 W. Ryan Rd.
Franklin, WI. 53132

Lot Detail



NE Cor. of NE 1/4, Sec. 29-5-21, Conc. Mon. Found
N=324,249.59
E=2,528,089.65
Benchmark Elev. 777.46
Wisconsin State Plane
Coord. System, South Zone.

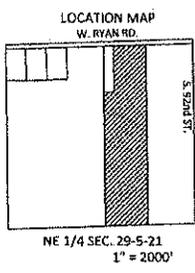


NW Cor. of NE 1/4, Sec. 29-5-21, Conc. Mon. Found.
N=324,164.43
E=2,525,446.03

Lot 1, CSM 7363
Leo & Allison Turdo
Zoned A-1
894-9998-001

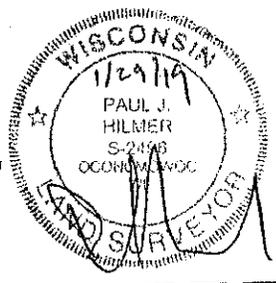
Legend:

- indicates 1" iron pipe found.
- ⊙ indicates 1.25" iron pipe found.
- indicates 1.315" iron pipe set weighing 1.65 lbs./ft. min..
- ⊕ indicates PK Nail set.
- ⊗ indicates concrete monument found.



Zoned R-1 Countryside Estate and W-2
Lot 1, CSM 8195
Scott Mayer
894-9999-001

Unplotted Lands
Owned by Others
Zoned A-1 Agricultural
894-9997-002 Schnieger



Unplotted Lands
Owned by Others
Zoned R-2 Single Family
894-9997-001 Weber

NOTES:

- bearings are referred to the North line of the NE 1/4 of Section 29-5-21 bearing S 88°09'18" W, Wisconsin State Plane Coordinate System, South Zone. NAD27
- See additional notes on Sheet 5 of 7.

Rev. 4/30/19
Rev. 4/28/19

Rev. 2/14/19 936-9997-000 Hinkel S. line NE 1/4 SEC 29-5-21 S 88°14'22" W 2643.37' 936-9995-000 Mudgett

This instrument drafted by Paul J. Hilmer

936-9996-000 Aker

Sheet 1 of 7 sheets.

CERTIFIED SURVEY MAP No. _____

Being a redivision of Lot 2, Certified Survey Map No. 7363, being a part of the West one-half of the East one-half of the Northeast Quarter of Section 29, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

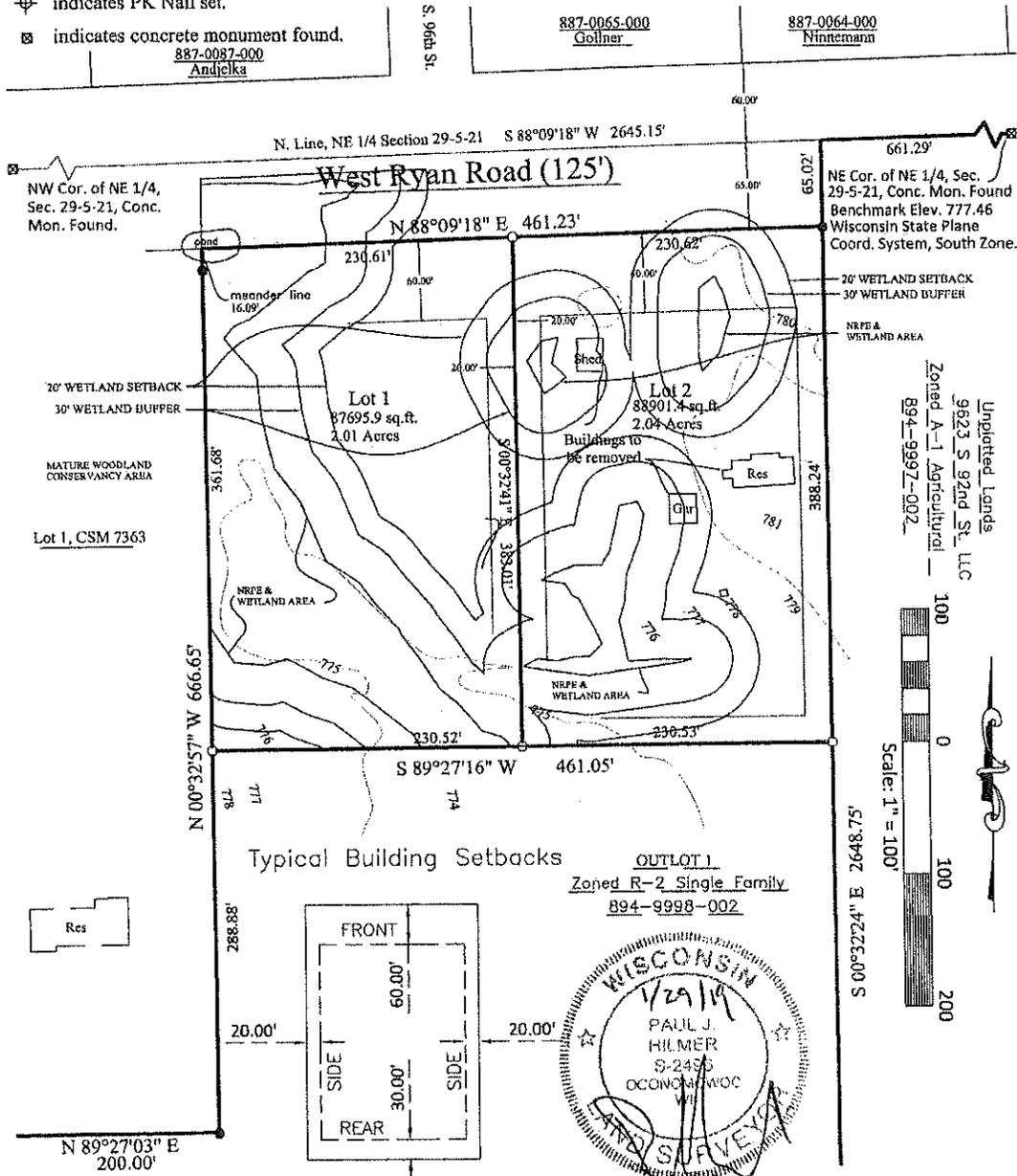
Legend:

- indicates 1" iron pipe found.
- ⊙ indicates 1.25" iron pipe found..
- indicates 1.315" iron pipe set weighing 1.65 lbs./ft. min..
- ⊕ indicates PK Nail set.
- ⊠ indicates concrete monument found.
887-0087-000
Andjelka

NOTE:

- Wetland/NRPE data provided by Graef, delineation and descriptions are by separate document.

Lot Detail



NOTES:

- Bearings are referred to the North Line of the Northeast Quarter of Section 29-5-21 as S 88°09'18" W, Wisconsin State Plane Coordinates, South Zone. NAD27.
- See Sheet 5 of 7 for additional notes.

CERTIFIED SURVEY MAP No. _____

Being a redivision of Lot 2, Certified Survey Map No. 7363, being a part of the West one-half of the East one-half of the Northeast Quarter of Section 29, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.
NATURAL RESOURCES PROTECTION EASEMENT

Prepared By:
Hilmer & Associates, LLC
Paul J. Hilmer, PLS
W217 Vista Dr.
Oconomowoc, WI. 53066

Prepared For:
Scott A. Mayer
9733 W. Ryan Rd.
Franklin, WI. 53132

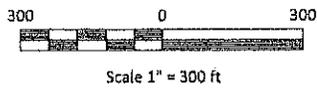
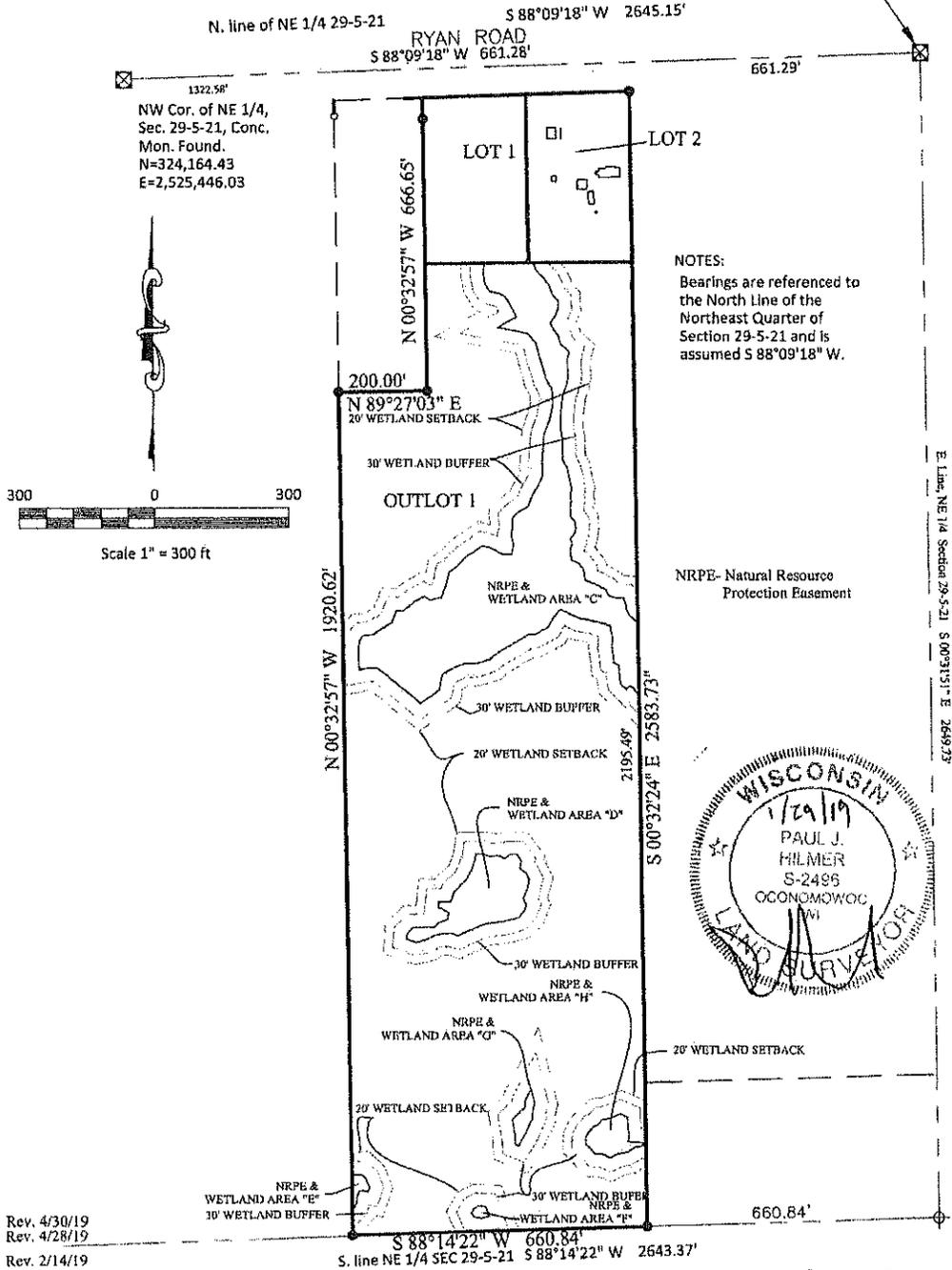
Wetland/NRPE Detail



Scale 1" = 300 ft

Briarwood Subdivision

NE Cor. of NE 1/4, Sec. 29-5-21, Conc. Mon. Found
N=324,249.59
E=2,528,089.65
Benchmark Elev. 777.46
Wisconsin State Plane
Coord. System, South Zone.



Rev. 4/30/19
Rev. 4/28/19
Rev. 2/14/19

This instrument drafted by Paul J. Hilmer

CERTIFIED SURVEY MAP No. _____

Being a redivision of Lot 2, Certified Survey Map No. 7363, being a part of the West one-half of the East one-half of the Northeast Quarter of Section 29, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

SURVEYORS CERTIFICATE

State of Wisconsin)
County of Jefferson) SS

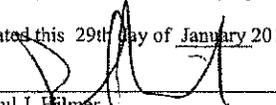
I, Paul J. Hilmer, surveyor, do hereby certify: That I have surveyed, divided and mapped a redivision of Lot 2, Certified Survey Map No. 7363, being a part of the West one-half of the East one-half of the Northeast Quarter of Section 29, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.
Said lands containing 1574339.5 square feet or 36.14 Acres of land.

That I have made such survey and map by the direction of Scott A. Mayer, owner of said land.

That such map is a correct representation of all exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the subdivision regulations of the City of Franklin in surveying and mapping the same.

Dated this 29th day of January 2019.


Paul J. Hilmer
Professional Land Surveyor # 2496
Hilmer & Associates, LLC



NOTES:

- The contours have been traced from Milwaukee County GIS mapping system.
- The Outlot 1 Wetland location, Mature Woodland Conservancy Area and Natural resource Protection Easement have all been derived from Certified Survey Map No. 7363 dated January 30th, 2004, Lots 1 and 2 per Graef dated April 15, 2019.
- All buildings on Lot 2 shall be removed.

CERTIFIED SURVEY MAP No. _____

Being a redivision of Lot 2, Certified Survey Map No. 7363, being a part of the West one-half of the East one-half of the Northeast Quarter of Section 29, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

OWNER'S CERTIFICATE

As owner, I hereby certify that I have caused the land described on this map to be surveyed, divided and mapped as represented on this map. I also certify that this map is required by Chapter 236.34 of the Wisconsin Statutes and the Subdivision Regulations of the City of Franklin and must be submitted to the following for approval:

1) City of Franklin

Witness the hand and seal of said owner this _____ day of _____, 20____.

Scott A. Mayer, Owner

State of Wisconsin)
_____ Wisconsin) SS

Personally came before me this _____ day of _____, 20____ Scott A. Mayer, owner, to me known to be the person whom executed the foregoing instrument and acknowledged the same.

(Notary seal) _____
Notary Public, _____, Wisconsin.
My commission expires _____.

CONSENT OF CORPORATE MORTGAGEE

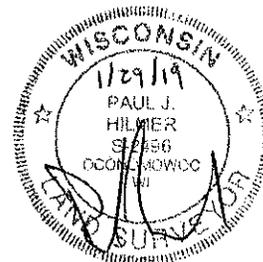
_____, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing and mapping of the land described on this map, and does hereby consent to the above certificate of _____, owners.

IN WITNESS WHEREOF, the said _____, has caused these presents to be signed by _____, its _____, and countersigned by _____, its _____, at _____, Wisconsin, and its corporate seal to be hereunto affixed this _____, day of _____, 20____.

In the presence of _____ (Corporate seal)
Corporate name _____ Countersigned _____

State of Wisconsin)
_____ County) SS
Personally came before me this _____ day of _____, 20____, _____, and _____, of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

(Notary Seal) _____
Notary Public, _____, Wisconsin.
My commission expires _____.



CERTIFIED SURVEY MAP No. _____

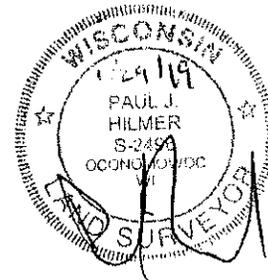
Being a redivision of Lot 2, Certified Survey Map No. 7363, being a part of the West one-half of the East one-half of the Northeast Quarter of Section 29, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

COMMON COUNCIL APPROVAL

Approved and accepted by the Common Council of the City of Franklin, by Resolution No. _____
on this _____, day of _____, 2018.

STEVE OLSON - MAYOR

SANDY WESOŁOWSKI - CLERK



WANASEK, SCHOLZE, LUDWIG, EKES & GORN, S.C.

ATTORNEYS AT LAW

133 SOUTH PINE STREET
POST OFFICE BOX 717
BURLINGTON, WISCONSIN 53105-0717

BRIAN R. WANASEK
RICHARD SCHOLZE
PETER J. LUDWIG
BRETT A. EKES
JENNIFER M. GORN

TELEPHONE: (262) 763-8185
FACSIMILE: (262) 763-2493
E-MAIL: jgorn@btownlaw.com

April 29, 2019

City of Franklin Planning Department
Attn: Ben Kohout
9229 West Loomis Road
Franklin, WI 53132

In re: Scott and Suzanne Mayer
Certified Survey Map (CSM) Application
9533 W. Ryan Road, Franklin, WI 53132

Dear Mr. Kohout:

This correspondence is in response to the Staff Comments issued on March 21, 2019, in response to my client, Scott Mayer's, request of approval of a Certified Survey Map relative to his property located at 9533 W. Ryan Road, Franklin, WI 53132. Our response is as follows.

Regarding comment number one, a new Wetland Delineation was completed by certified delineator Dave Meyer of Wetland & Waterway Consulting, LLC, on or about April 23, 2019. Mr. Meyer, in conjunction with Graef, produced a wetland map detailing the updated delineation. The report takes some time to complete and will be done sometime around the end of May. I will provide a copy to the City as soon as it is available. That being said, I believe the City's interest is primarily in the map, which has been completed and is attached hereto. Please note, this map was provided to the surveyor, Paul Hilmer, who has updated the CSM with the new wetland information. A revised CSM is enclosed which incorporates the updated delineation map. Also, based on the updated delineation, Graef updated its National Resource protection plan, which is also enclosed for your review.

As for comment number two, we are willing to provide conservation easements for the wetlands and mature woodlands on proposed Lot 1 and 2. I would suggest, however, that this be accomplished in the form of a deed restriction which we would execute and record upon approval of the proposed CSM.

Comment number three, regarding connection to public sanitary sewer and water supply facilities remains the only matter in which our positions seem conflicting. It remains our position that these services are not "available" as the cost to connect to said services is unreasonable. In support of our waiver request, please see the attached memos from Graef detailing the approximated cost of connection. Regarding the water issue, connecting to the nearest three sites would cost approximately \$800,000, \$950,000, or \$1,200,000, depending on which connection site was chosen. Given that the planned development is nothing more than two single family homes, this cost is unreasonable. As such, it is my understanding that the Board of Water Commissioners supports our request for a waiver of the water connection. Also, be advised there is already a private well onsite which could serve both lots. Regarding the sewer connection, the nearest connection point is under the road at 96th and Ryan Road. Connection to this site is unrealistic as it is cost prohibitive. Connection would require boaring down under Ryan Road, and running sewer main approximately 180 feet (calculated to lot line of proposed Lot 1 and Lot 2, where the lots meet), and approximately 440 additional feet to reach the proposed structure on proposed Lot 2. The cost estimate on connection would thus be roughly \$175,000 for both lots, plus the additional connection fees imposed by the City. Similarly, the cost to connect to the Ryan Creek Interceptor is also unreasonable, as it requires installing approximately 650 feet of sewer main at a cost of \$150,000.00, plus connection fees. These costs are far in excess of what is reasonable for the development of two residential homes, and if connection is required would ultimately result in no development taking place on the relevant land as to do so would be cost prohibitive. Alternately, we propose that the City grant a waiver for these two proposed lots so that some development may occur, thereby furthering the City's CMP, with the understanding that these lots be connected to public water and sewer at such a time as it is reasonably available.

I have no response on comment number four, other than to note that, to date, I have not received any comments from the Milwaukee County Register of Deeds.

As to comment number five, I am aware of the City's Comprehensive Master Plan and assure you that we have made every effort possible to conform to it. My client is doing nothing to hinder further development of the relevant property, and while there is no imminent plan to develop that land, all necessary provisions will be put in place so that the land may be developed in the future. For example, rather than apply to have the property re-zoned to R1, my client chose to keep the property zoned R2 so as to leave the land available for future residential development. My client is also willing to re-zone his current R1 property to R2 and combine the proposed Outlot 1 with his adjoining property at 9733 Ryan Road. Importantly, on account of his efforts to comply with the CMP by not pursuing the re-zoning of the proposed lots to R1, my client now requires a waiver for the connection to City sewer and water. Should the waiver be granted, my client understands that the lots will need to connect to public sewer and water when it is reasonably available. Also, based on the City's CMP, my client has agreed to reserve a 60-foot-wide roadway through his property, as illustrated in exhibit in the attached conceptual subdivision plan. The proposed roadway leads back to Outlot 1, which could, in the future, be home to a new subdivision. Please note, this document also illustrates potential additional residential development outside of the proposed lots. Based on the foregoing, it is clear that my client is aware of and appreciates the City's CMP, and is taking all reasonable steps to provide for the

additional development and division of the relevant area in the future.

Regarding comment number six, we acknowledge that Outlot 1 is currently landlocked. However, as stated above, we are willing to reserve a roadway through the Mayers property as shown in the conceptual drawing. Moreover, my client is willing to put a deed restriction on the Outlot either preventing its development without City approval and/or permanently attaching it to the Mayers property at 9733 Ryan Road, which, again, they are willing to re-zone to R2.

Comments seven, eight, nine, and ten are acknowledged and we have no comment and/or objection.

Regarding comment number eleven, Paul Hilmer, surveyor, has verified that the meander line distance along the West line of proposed Lot 1 is in fact 16.09.

As for comment number twelve, the easement was recorded on January 30, 2004, as Document No. 8724494 with the Milwaukee County Register of Deeds.

In response to comments number thirteen and fourteen, please see my response above relative to comment number three.

We have no comment on, nor objection to, comment number fifteen.

Regarding comment number sixteen, we again respectfully request that the City grant us a waiver of connection to public water and public sewer based on the information contained herein. Further, please know that we do have the endorsement of at least one Franklin Alderman, that being John Nelson. Additionally, it is my understanding that, after discussion of the matter at the April 16, 2019, Board of Water Commissioners meeting, that the Board is recommending a waiver of the connection to public water, based on the substantial and unreasonable connection cost.

If you have any questions or concerns, please contact me at your convenience.

Sincerely,

WANASEK, SCHOLZE, LUDWIG, EKES & GORN S.C.

/s/ Jennifer M. Gorn

Jennifer M. Gorn

Delimitation
and Buffer
Back
Tour

W-RYAN I



Lot 1
2.02 Ac

Lot 2
2.04 Ac

Outlot
32.07 Ac

Notes:
1. Wetland delin
April 24, 2019 b
wetland delinea
2. Dead and off
surveyed.



One Honey Creek Corporate Center
125 South 84th Street, Suite 401
Milwaukee, WI 53214-1470
414 / 259 1500
414 / 259 0037 fax
www.graef-usa.com

o c o n s u l t i n g / e n v i r o n m e n t a l / w a t e r

April 29th, 2019

Jennifer Gorn
Wanasek, Scholza, Ludwig, Ekes & Gorn, S.C.
133 South Pine Street
Burlington, WI 53105

SUBJECT: Natural Resource Protection Plan Summary
9533 W Ryan Road
Franklin, Wisconsin 53132

Dear Jennifer:

GRAEF was retained by Wanasek, Scholza, Ludwig, Ekes & Gorn, S.C. to prepare a Natural Resources Protection Plan (NRPP) for parcel # 8949998002 located at 9533 W. Ryan Road, Franklin WI. The focus of the NRPP was a 36 acres parcel, proposed to be divided into three lots. Lots 1 and 2 will be located at the northern section of the parcel, approximately two acres each. The remaining 34 acres will be left as an undeveloped outlot.

On February 1, 2019, Alison Kuhne, GRAEF environmental scientist, performed a field reconnaissance, temperature was 20° F with approximately 16-inches of snow cover. At the time of the reconnaissance, four large willow trees were identified and classified in poor condition within the boundaries of Lot 1. Shrub areas surrounding these willows were composed of some invasive buckthorn, with the majority of the diameters being less than three inches. Forested areas on Lot 1 did not consist of woodlands, mature or young. The surface water/pond located in the northwest corner of Lot 1 was deemed non-navigable by the DNR in 2003 (attached). Wetlands were delineated on April 23rd and 26th by DNR assured delineator, Dave Meyer, Lot 1 consisted of 0.619 acres of wetland (W-1) and 0.499 acres of wetland buffer. Associated wetland setbacks are shown on the NRPP Map.

In the area of Lot 2, 0.403 acres of mature woodland grove were identified during the site reconnaissance. Preservation requires 70% protection of mature woodland groves, and 0.282 acres will need to be protected to meet the standard. Lot 2 included 0.135 acres of wetland (W-2 through W-4) and 0.686 acres of wetland buffer. Associated wetland setbacks are shown on the NRPP Map.

Dead and offsite trees were not surveyed or included on the NRPP map. Natural resources were not field surveyed on the proposed undeveloped outlot. In the event of further land division or development of the outlot in the future, a complete NRPP with field surveys would be required.

The NRPP Map and 2003 DNR field visit are attached for your reference.

2019-0024.00



collaborate / formulate / innovate

Please contact me at Alison.Kuhne@graef-usa.com or (414) 266-9299 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Alison Kuhne".

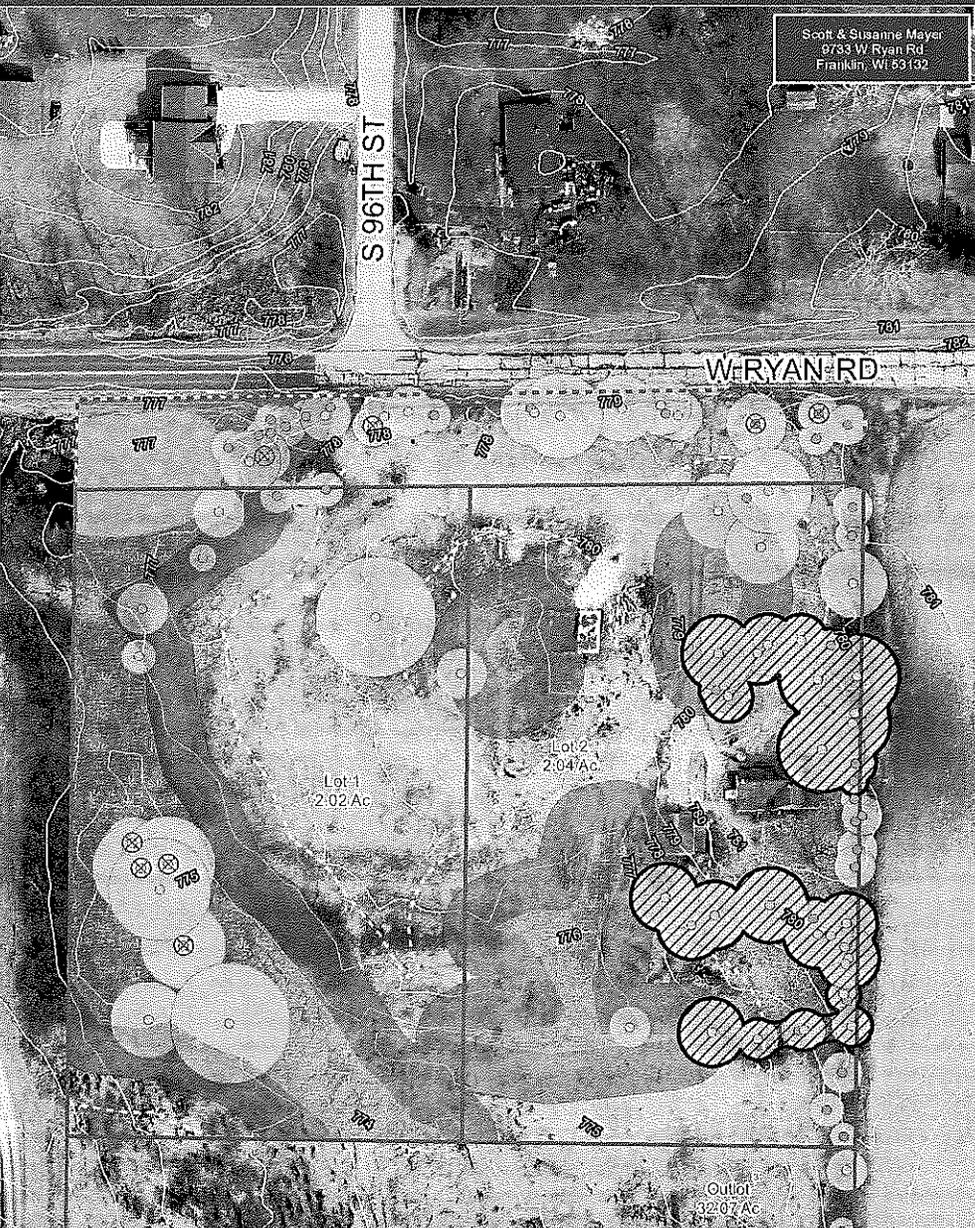
Alison Kuhne
Environmental Scientist

Enclosed: Natural Resource Protection Plan Map
2003 DNR Site Report

Scott & Susanne Mayer
 6783 W. Ryan Rd.
 Franklin, WI 53132

Legend

- Tree: Poor Condition
- Tree: Diameter > 12"
- Tree: Diameter 8"-12"
- Mature Woodland Grove
- Study Area
- Offsite Study Area
- Tree Canopy
- Wetland Delineation
- 30' Wetland Buffer
- 20' Setback
- Ditch
- 1-Ft Contour
- Pond



Resource Protection Land - Lot 1

Natural Resource Feature	Protection Standard Based Upon Zoning Ordinance Type (Determine if required from Table A-4.040 for the type of zoning district in which it is located)	Acres of Land in Resource Feature	Acres of Land Required to be Protected	Acres of Land to be Impacted	Acres of Land Required to be Mitigated
Steep Slopes					
10-15%	0	0.5	0.4	0.000	0.000
20-30%	0.5	0.75	0.7	0.000	0.000
30%	0.5	0.5	0.5	0.000	0.000
Wood Study & Forest					
Woodland	0.5	0.7	0.7	0.000	0.000
Yard	0.5	0.5	0.5	0.000	0.000
Lake & Ponds	1	1	1	0.000	0.000
Shoreline	1	1	1	0.000	0.000
Shore Buffer	1	1	1	0.000	0.000
Floodplain/Woodlands	1	1	1	0.000	0.000
Wetland Buffers	1	1	1	0.000	0.000
Wetlands & Streambed Wetlands	1	1	1	0.000	0.000
Ditches	1	1	1	0.000	0.000
Total Resource Protection Land (Total Acres of Land in Resource Required to be Protected)			1.15		

Resource Protection Land - Lot 2

Natural Resource Feature	Protection Standard Based Upon Zoning Ordinance Type (Determine if required from Table A-4.040 for the type of zoning district in which it is located)	Acres of Land in Resource Feature	Acres of Land Required to be Protected	Acres of Land to be Impacted	Acres of Land Required to be Mitigated
Steep Slopes					
10-15%	0	0.5	0.4	0.000	0.000
20-30%	0.5	0.75	0.7	0.000	0.000
30%	0.5	0.5	0.5	0.000	0.000
Wood Study & Forest					
Woodland	0.5	0.7	0.7	0.000	0.000
Yard	0.5	0.5	0.5	0.000	0.000
Lake & Ponds	1	1	1	0.000	0.000
Shoreline	1	1	1	0.000	0.000
Shore Buffer	1	1	1	0.000	0.000
Floodplain/Woodlands	1	1	1	0.000	0.000
Wetland Buffers	1	1	1	0.000	0.000
Wetlands & Streambed Wetlands	1	1	1	0.000	0.000
Ditches	1	1	1	0.000	0.000
Total Resource Protection Land (Total Acres of Land in Resource Required to be Protected)			1.15		

Site Infiltration - Lot 1

Step	Calculation	Value
Step 1	Calculate Minimum Required On-Site Open Space	2.01 acres
	Table Base Site Area	2.01 acres
	Multiply by minimum open space Ratio (OSR)	4.00
	Equals Minimum Required On-Site Open Space	0.00 acres
	Calculate Net Buildable Site Area	
	Table Base Site Area	2.01 acres
Step 2	Calculate 20' Resource Protection Land or minimum required on-site open space	1.15 acres
	Equals Net Buildable Site Area	0.81 acres
	Calculate Maximum Net Density Yield of Site	
	Table Base Site Area	2.01 acres
	Multiply by maximum net density (ND)	4.00
	Equals Maximum Net Density Yield of Site	0.50 D.U.s
	Calculate Maximum Gross Density Yield of Site	
	Table Base Site Area	2.01 acres
	Multiply by Maximum Gross Density (GD)	0.50
	Equals Maximum Gross Density Yield of Site	1.00 D.U.s
Step 3	Take lowest of maximum net density yield of site or maximum gross density yield of site	0.50 D.U.s

Site Infiltration - Lot 2

Step	Calculation	Value
Step 1	Calculate Minimum Required On-Site Open Space	2.01 acres
	Table Base Site Area	2.01 acres
	Multiply by minimum open space Ratio (OSR)	4.00
	Equals Minimum Required On-Site Open Space	0.00 acres
	Calculate Net Buildable Site Area	
	Table Base Site Area	2.01 acres
Step 2	Calculate 20' Resource Protection Land or minimum required on-site open space	1.15 acres
	Equals Net Buildable Site Area	0.91
	Calculate Maximum Net Density Yield of Site	
	Table Base Site Area	2.01 acres
	Multiply by maximum net density (ND)	4.00
	Equals Maximum Net Density Yield of Site	0.50 D.U.s
	Calculate Maximum Gross Density Yield of Site	
	Table Base Site Area	2.01 acres
	Multiply by Maximum Gross Density (GD)	0.50
	Equals Maximum Gross Density Yield of Site	1.00 D.U.s
Step 3	Take lowest of maximum net density yield of site or maximum gross density yield of site	0.50 D.U.s

Notes:

1. Wetland delineation completed on April 24, 2018 by WDNR assured wetland delineator David Meyer.
2. Dead and offsite trees were not surveyed.
3. A Natural Resource Survey was not completed for Outlet 3. In the event of further land division or development of a parcel beneath with any such Natural Resource Feature a complete NRPP with field surveys is required for said parcel.

Date Created: 02-12-2019
 Date Revised: 04-29-2019

NATURAL RESOURCE PROTECTION PLAN

9533 W RYAN RD.

CITY OF FRANKLIN
 MILWAUKEE COUNTY, WISCONSIN

FIGURE 1

GRÄEF



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Milwaukee Service Center
2300 N Dr. Martin Luther King Jr. Dr.
Box 12436
Milwaukee, Wisconsin 53212
Telephone 414-263-8500
FAX 414-263-8716

January 16, 2003

Robert Jurasinski
21375 Mary Lynn Dr.
Brookfield, WI 53045

Dear Mr. Jurasinski:

On January 9, 2003 I conducted a site investigation at your property at 9533 W. Ryan Rd. Also described as being located in the SE ¼ of the SE ¼ of Section 29, T5N R21E in the City of Franklin, Milwaukee County. The purpose of the site investigation was to determine the navigability of an unnamed tributary to Ryan Creek. This tributary drains from the northwest to the southeast through the property, and eventually converges with Ryan Creek.

From the information I gathered on site and from Department records, the waterway in question is a natural waterway draining a large portion of the land adjacent to your property. As the waterway flows through the northern portion of your property it is characterized as a shallow swale, which is fairly diffuse as it flows through the wetland.

The Department did not investigate the entire property during this site investigation but concentrated on the northern portion of the property where you propose to build a single family home. You mentioned during my site visit with you that sometime in the future you may want to develop the remaining 40 acres of the property. Should you decide to pursue those plans, a wetland delineation will be necessary for the entire site and the Department must conduct a site investigation to determine if this unnamed tributary to Ryan Creek becomes navigable as it flows through your property. I have included with this letter a copy of a map, which outlines the portion of the property, which I looked at with you on January 9, 2003. This determination is only valid for this portion of the property.

However, due to the circumstances found in the northern portion of the site and the historical information gathered, the Department has determined that the unnamed tributary in question does not meet the State definition of navigable as it flows through the proposed single family lot. Our determination was based on the following field information.

- The width of this waterway ranges from 4 to 8 inches just south of Ryan Rd. and would generally not meet Department guidance for the width required for navigation.

Despite the waterway being non-navigable, certain permits from the Department may still be necessary for the proposed development. Should the proposed development involve any disturbance to this waterway, a Chapter 30 permit may be required, depending upon the proposed plans for your project.

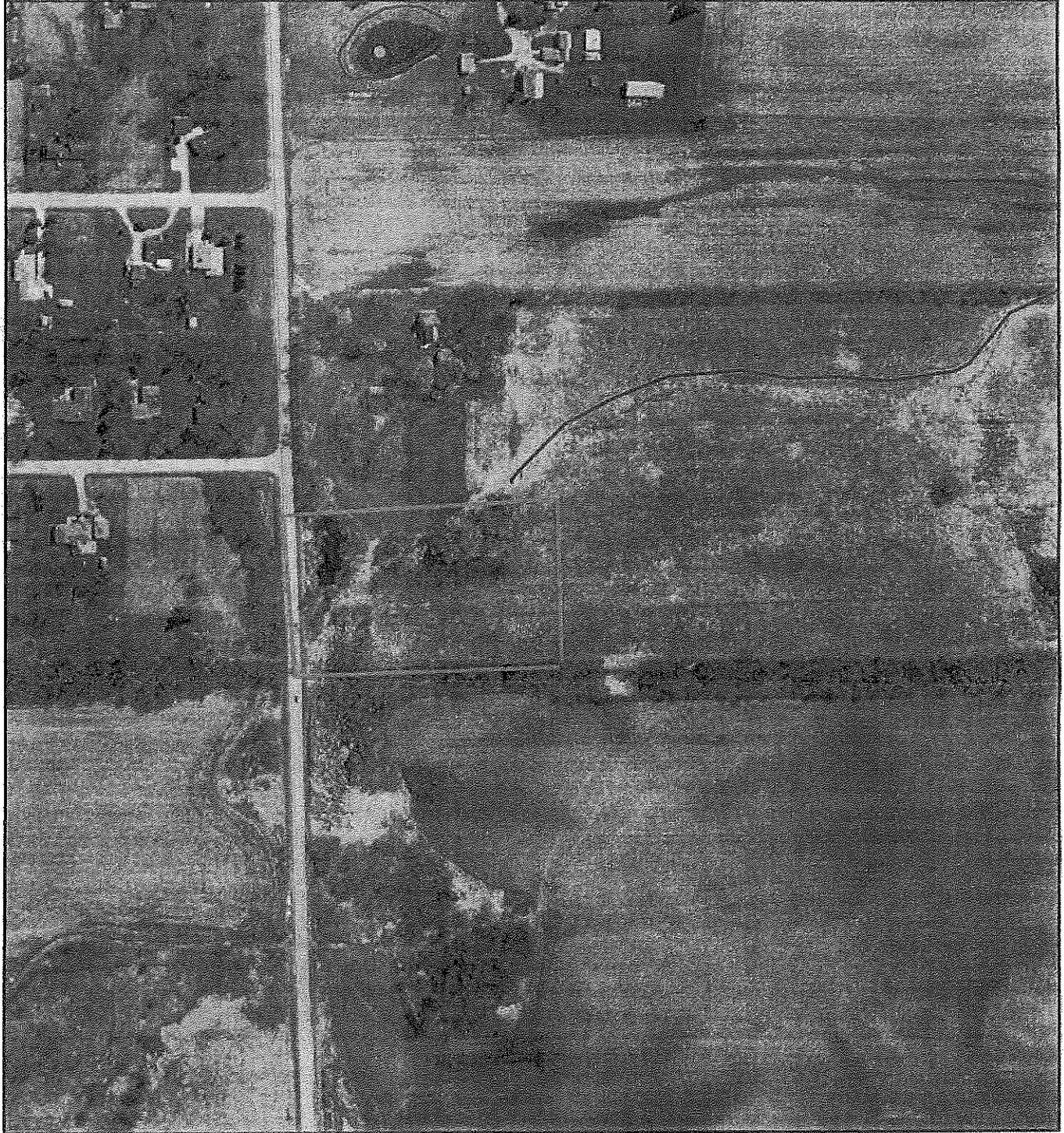
I have included a pamphlet with this letter, which describes how the Department conducts navigability determinations. Should you have any questions please feel free to contact me at 414-263-8522.

Sincerely,

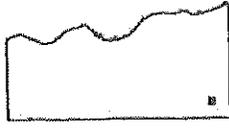
Heidi Hopkins
Water Management Specialist

CC: City of Franklin; Howard Ecklund-ACOE

Jurasinski



Thinned Larcnet Sections
Hydrolines.shp
Milwaukee_wetland_point.shp



0 0.02 0.04 Miles

12903

The data shown on this map have been obtained from various sources, and are of varying age, reliability and resolution. This map is not intended to be used for navigation, nor is this map an authoritative source of information about legal land ownership or public access. Users of this map should confirm the ownership of land through other means in order to avoid trespassing. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map.

Map Creator:
Wisconsin DNR

January 16, 2003



One Honey Creek Corporate Center
125 South 84th Street, Suite 401
Milwaukee, WI 53214-1470
414 / 259 1500
414 / 259 0037 fax
www.graef-usa.com

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MEMORANDUM

TO: Jennifer M. Gorn, Wanasek, Scholze, Ludwig, Ekes & Gorn, S.C.

FROM: Derek Bushman, P.E.

DATE: April 16, 2019

SUBJECT: Scott and Suzanne Mayer CSM Application – Public Sewer and Water Feasibility

Public Sanitary Sewer Connection Feasibility

The city of Franklin's local sanitary sewer system can be accessed at the intersection of Ryan Rd. and S 96th St., approximately 180 feet from the intersection of lot 1 and 2 at Ryan Rd. City as-built plans show the closest manhole to the site is approximately 11 feet deep. Using WDNR NR110 minimum design guidelines (180' of 8" sanitary sewer at 0.3% slope) the site would have sufficient depth for sanitary sewer service to be constructed anywhere within lot 1 and 2. Our initial opinion of probable cost for sanitary service construction from the site is approximately \$50,000.

The property at 9533 W. Ryan Rd. is within MMSD service area boundary. All City of Franklin local sewers within the MMSD service area are upstream of MMSD's treatment facilities and are subject to MMSD regulations. It is unclear at this time if MMSD permits private on-site waste treatment within its service area. If private onsite treatment facilities are permitted a discharge permit may be required through the state of Wisconsin and any solid waste generated would have to be hauled to MMSD facilities.

Although there is a MMSD interceptor sewer running through Outlot 1, connecting a private sanitary service to this sewer may not be permitted. MMSD rules state a connection may be made only if a local sewer is not available at reasonable cost (Ch. 2.207(3)). As previously stated, Franklin's local sanitary system is accessible approximately 180 feet from Lot 1 and 2 at Ryan Rd. If connection to the MMSD interceptor sewer were permitted, significant infrastructure would have to be constructed including approximately 650 feet of sewer main, multiple manhole structures, and a metering pit and equipment. Initial estimate for the sewer and structures only could be approximately \$150K. Metering equipment would be additional to this.

Public Water Service Feasibility



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The city of Franklin does not currently have a water main on Ryan Rd. west of St. Martins Rd. Three potential water sources identified for connection would be at the 9100 block of S. 92nd St., 8035 W. Ryan Rd., and at the intersection of Ryan Rd. and 112th St. (future construction). Our opinion of probable cost for construction of water main only from these potential sources would be \$800K, \$950K, and \$1.2M.

D.B.

X:\ML\2019\20190024\Project_Information\Correspondence\memo

cc: File



MEMORANDUM

TO: Jennifer M. Gorn, WANASEK, SCHOLZE, LUDWIG, EKES & GORN, S.C.

FROM: Brian Schneider, P.E.

DATE: April 29, 2019

SUBJECT: Sanitary Sewer Feasibility Study, 9533 W. Ryan road, Franklin, Wisconsin

The closest existing city manhole for a potential connection to the site is at 96th St. and Ryan Rd. This manhole is 11.03' deep (777.55 Rim and 766.52 invert). If a sanitary sewer would be placed from the southeastern corner of Lot 2, it would be approximately 620 feet to the manhole and would require 1.86' of vertical drop from the proposed structure to city manhole (620' @ 0.3% slope). Assuming the existing city manhole and proposed structure on Lot 2 have the same elevation at grade (based on topographic survey), this would put the sanitary connection at the proposed structure 9.17' below grade. This would provide sufficient depth for a structure with typical 7' to 8' basement to flow to the city sewer via gravity. Our opinion of probable cost to connect from this location would be approximately \$150,000.

Please contact me at 414-266-9284 if you have any questions.

BWS: bws

\\gasnet.gasai.com\all\Multi\Share\AllProj\ML\2019\20190024\Project_Information\Correspondence\letter\Sanitary Sewer Memo Ryan Road, Franklin 4-29-19.docx

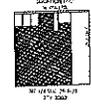
Being a continuation of Lot 1, Certified Survey Map No. 8105 and a part of Lot 2, Certified Survey Map No. 7343 being a part of the Northwest, Southeast, Northeast and Southwest Quarters of Section 29, Twp 3 North, Range 23 East, City of Littleton, Jefferson County, Wisconsin.

NOTES:
 - Bearings are referred to the North line of the 185-foot Section 29-33 bearing N 88° 04' 18" E, Wisconsin State Plane Coordinate System, North Zone, NAD83.
 - This is a not certified layout only, made for the purpose of fulfilling the process of a Certified Survey Map review. Any future development of the property shall be subject to review by all applicable ordinances.

- Legend
- indicates 1" iron pipe found
 - ⊙ indicates 1.25" iron pipe found
 - indicates 1.315" iron pipe of weighing 1.65 lbs./ft. min.
 - ◆ indicates PIS Nail set
 - ▨ indicates concrete structure found

Prepared for:
 Scott A. Hilmer
 9733 W. Ryan Rd.
 Franklin, WI 53131

Prepared by:
 Hilmer & Associates, LLC
 Paul J. Hilmer, PLS
 10307 1st St. N.
 Minneapolis, MN 55412



10307 1st St. N., Suite 100, Minneapolis, MN 55412
 Phone: 763-561-5901 Fax: 763-561-5235 Email: hilmer@hilmer.com

PLS
 10307 1st St. N., Suite 100, Minneapolis, MN 55412
 Phone: 763-561-5901 Fax: 763-561-5235 Email: hilmer@hilmer.com

Original Date:
 10/15/2014
 10/15/2014

Original Date:
 10/15/2014
 10/15/2014

PLS
 10307 1st St. N., Suite 100, Minneapolis, MN 55412
 Phone: 763-561-5901 Fax: 763-561-5235 Email: hilmer@hilmer.com

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 10307 1st St. N., Suite 100, Minneapolis, MN 55412
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One Honey Creek Corporate Center
125 South 84th Street, Suite 401
Milwaukee, WI 53214-1470
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www.graef-usa.com

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April 29th, 2019

Jennifer Gorn
Wanasek, Scholza, Ludwig, Ekes & Gorn, S.C.
133 South Pine Street
Burlington, WI 53105

SUBJECT: Natural Resource Protection Plan Summary
9533 W Ryan Road
Franklin, Wisconsin 53132

Dear Jennifer:

GRAEF was retained by Wanasek, Scholza, Ludwig, Ekes & Gorn, S.C. to prepare a Natural Resources Protection Plan (NRPP) for parcel # 8949998002 located at 9533 W. Ryan Road, Franklin WI. The focus of the NRPP was a 36 acres parcel, proposed to be divided into three lots. Lots 1 and 2 will be located at the northern section of the parcel, approximately two acres each. The remaining 34 acres will be left as an undeveloped outlot.

On February 1, 2019, Alison Kuhne, GRAEF environmental scientist, performed a field reconnaissance, temperature was 20° F with approximately 16-inches of snow cover. At the time of the reconnaissance, four large willow trees were identified and classified in poor condition within the boundaries of Lot 1. Shrub areas surrounding these willows were composed of some invasive buckthorn, with the majority of the diameters being less than three inches. Forested areas on Lot 1 did not consist of woodlands, mature or young. The surface water/pond located in the northwest corner of Lot 1 was deemed non-navigable by the DNR in 2003 (attached). Wetlands were delineated on April 23rd and 26th by DNR assured delineator, Dave Meyer, Lot 1 consisted of 0.619 acres of wetland (W-1) and 0.499 acres of wetland buffer. Associated wetland setbacks are shown on the NRPP Map.

In the area of Lot 2, 0.403 acres of mature woodland grove were identified during the site reconnaissance. Preservation requires 70% protection of mature woodland groves, and 0.282 acres will need to be protected to meet the standard. Lot 2 included 0.135 acres of wetland (W-2 through W-4) and 0.686 acres of wetland buffer. Associated wetland setbacks are shown on the NRPP Map.

Dead and offsite trees were not surveyed or included on the NRPP map. Natural resources were not field surveyed on the proposed undeveloped outlot. In the event of further land division or development of the outlot in the future, a complete NRPP with field surveys would be required.

The NRPP Map and 2003 DNR field visit are attached for your reference.

2019-0024.00

Franklin

APR 30 2019

City Development



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Please contact me at Alison.Kuhne@graef-usa.com or (414) 266-9299 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Alison Kuhne".

Alison Kuhne
Environmental Scientist

Enclosed: Natural Resource Protection Plan Map
2003 DNR Site Report

NATURAL RESOURCE PROTECTION PLAN

9533 W RYAN RD.

CITY OF FRANKLIN
MILWAUKEE COUNTY, WISCONSIN



1 in = 70 ft

Notes:
1. Wetland delineation completed on April 24, 2019 by WDNR assessor and wetland delineator David Meyer.
2. Dead and oaks trees were not surveyed.
3. A Natural Resource Survey was not completed for Outlot 3. In the event of further land division or development of a parcel herein with any such Natural Resource Feature, a complete NRFP with field surveys is required for said parcel.
Date Created: 02-12-2019
Date Revised: 04-29-2019

Table 1: Wetland Delineation Data

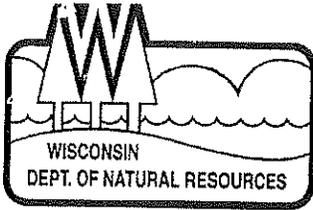
Step	Area (Acres)	Area (sq ft)							
Step 1	2.77	119,100	119,100	119,100	119,100	119,100	119,100	119,100	119,100
Step 2	1.22	52,700	52,700	52,700	52,700	52,700	52,700	52,700	52,700
Step 3	0.91	38,700	38,700	38,700	38,700	38,700	38,700	38,700	38,700
Step 4	0.03	1,260	1,260	1,260	1,260	1,260	1,260	1,260	1,260
Step 5	0.00	0	0	0	0	0	0	0	0
Step 6	0.00	0	0	0	0	0	0	0	0
Step 7	0.00	0	0	0	0	0	0	0	0
Step 8	0.00	0	0	0	0	0	0	0	0
Step 9	0.00	0	0	0	0	0	0	0	0
Step 10	0.00	0	0	0	0	0	0	0	0
Step 11	0.00	0	0	0	0	0	0	0	0
Step 12	0.00	0	0	0	0	0	0	0	0
Step 13	0.00	0	0	0	0	0	0	0	0
Step 14	0.00	0	0	0	0	0	0	0	0
Step 15	0.00	0	0	0	0	0	0	0	0
Step 16	0.00	0	0	0	0	0	0	0	0
Step 17	0.00	0	0	0	0	0	0	0	0
Step 18	0.00	0	0	0	0	0	0	0	0
Step 19	0.00	0	0	0	0	0	0	0	0
Step 20	0.00	0	0	0	0	0	0	0	0
Step 21	0.00	0	0	0	0	0	0	0	0
Step 22	0.00	0	0	0	0	0	0	0	0
Step 23	0.00	0	0	0	0	0	0	0	0
Step 24	0.00	0	0	0	0	0	0	0	0
Step 25	0.00	0	0	0	0	0	0	0	0
Step 26	0.00	0	0	0	0	0	0	0	0
Step 27	0.00	0	0	0	0	0	0	0	0
Step 28	0.00	0	0	0	0	0	0	0	0
Step 29	0.00	0	0	0	0	0	0	0	0
Step 30	0.00	0	0	0	0	0	0	0	0
Step 31	0.00	0	0	0	0	0	0	0	0
Step 32	0.00	0	0	0	0	0	0	0	0
Step 33	0.00	0	0	0	0	0	0	0	0
Step 34	0.00	0	0	0	0	0	0	0	0
Step 35	0.00	0	0	0	0	0	0	0	0
Step 36	0.00	0	0	0	0	0	0	0	0
Step 37	0.00	0	0	0	0	0	0	0	0
Step 38	0.00	0	0	0	0	0	0	0	0
Step 39	0.00	0	0	0	0	0	0	0	0
Step 40	0.00	0	0	0	0	0	0	0	0
Step 41	0.00	0	0	0	0	0	0	0	0
Step 42	0.00	0	0	0	0	0	0	0	0
Step 43	0.00	0	0	0	0	0	0	0	0
Step 44	0.00	0	0	0	0	0	0	0	0
Step 45	0.00	0	0	0	0	0	0	0	0
Step 46	0.00	0	0	0	0	0	0	0	0
Step 47	0.00	0	0	0	0	0	0	0	0
Step 48	0.00	0	0	0	0	0	0	0	0
Step 49	0.00	0	0	0	0	0	0	0	0
Step 50	0.00	0	0	0	0	0	0	0	0

Table 2: Wetland Delineation Data

Step	Area (Acres)	Area (sq ft)							
Step 1	2.77	119,100	119,100	119,100	119,100	119,100	119,100	119,100	119,100
Step 2	1.22	52,700	52,700	52,700	52,700	52,700	52,700	52,700	52,700
Step 3	0.91	38,700	38,700	38,700	38,700	38,700	38,700	38,700	38,700
Step 4	0.03	1,260	1,260	1,260	1,260	1,260	1,260	1,260	1,260
Step 5	0.00	0	0	0	0	0	0	0	0
Step 6	0.00	0	0	0	0	0	0	0	0
Step 7	0.00	0	0	0	0	0	0	0	0
Step 8	0.00	0	0	0	0	0	0	0	0
Step 9	0.00	0	0	0	0	0	0	0	0
Step 10	0.00	0	0	0	0	0	0	0	0
Step 11	0.00	0	0	0	0	0	0	0	0
Step 12	0.00	0	0	0	0	0	0	0	0
Step 13	0.00	0	0	0	0	0	0	0	0
Step 14	0.00	0	0	0	0	0	0	0	0
Step 15	0.00	0	0	0	0	0	0	0	0
Step 16	0.00	0	0	0	0	0	0	0	0
Step 17	0.00	0	0	0	0	0	0	0	0
Step 18	0.00	0	0	0	0	0	0	0	0
Step 19	0.00	0	0	0	0	0	0	0	0
Step 20	0.00	0	0	0	0	0	0	0	0
Step 21	0.00	0	0	0	0	0	0	0	0
Step 22	0.00	0	0	0	0	0	0	0	0
Step 23	0.00	0	0	0	0	0	0	0	0
Step 24	0.00	0	0	0	0	0	0	0	0
Step 25	0.00	0	0	0	0	0	0	0	0
Step 26	0.00	0	0	0	0	0	0	0	0
Step 27	0.00	0	0	0	0	0	0	0	0
Step 28	0.00	0	0	0	0	0	0	0	0
Step 29	0.00	0	0	0	0	0	0	0	0
Step 30	0.00	0	0	0	0	0	0	0	0
Step 31	0.00	0	0	0	0	0	0	0	0
Step 32	0.00	0	0	0	0	0	0	0	0
Step 33	0.00	0	0	0	0	0	0	0	0
Step 34	0.00	0	0	0	0	0	0	0	0
Step 35	0.00	0	0	0	0	0	0	0	0
Step 36	0.00	0	0	0	0	0	0	0	0
Step 37	0.00	0	0	0	0	0	0	0	0
Step 38	0.00	0	0	0	0	0	0	0	0
Step 39	0.00	0	0	0	0	0	0	0	0
Step 40	0.00	0	0	0	0	0	0	0	0
Step 41	0.00	0	0	0	0	0	0	0	0
Step 42	0.00	0	0	0	0	0	0	0	0
Step 43	0.00	0	0	0	0	0	0	0	0
Step 44	0.00	0	0	0	0	0	0	0	0
Step 45	0.00	0	0	0	0	0	0	0	0
Step 46	0.00	0	0	0	0	0	0	0	0
Step 47	0.00	0	0	0	0	0	0	0	0
Step 48	0.00	0	0	0	0	0	0	0	0
Step 49	0.00	0	0	0	0	0	0	0	0
Step 50	0.00	0	0	0	0	0	0	0	0



Soil & Susanna Mayer
9733 W Ryan Rd
Franklin, WI 53132



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Milwaukee Service Center
2300 N Dr. Martin Luther King Jr. Dr.
Box 12436
Milwaukee, Wisconsin 53212
Telephone 414-263-8500
FAX 414-263-8716

January 16, 2003

Robert Jurasinski
21375 Mary Lynn Dr.
Brookfield, WI 53045

Dear Mr. Jurasinski:

On January 9, 2003 I conducted a site investigation at your property at 9533 W. Ryan Rd. Also described as being located in the SE ¼ of the SE ¼ of Section 29, T5N R21E in the City of Franklin, Milwaukee County. The purpose of the site investigation was to determine the navigability of an unnamed tributary to Ryan Creek. This tributary drains from the northwest to the southeast through the property, and eventually converges with Ryan Creek.

From the information I gathered on site and from Department records, the waterway in question is a natural waterway draining a large portion of the land adjacent to your property. As the waterway flows through the northern portion of your property it is characterized as a shallow swale, which is fairly diffuse as it flows through the wetland.

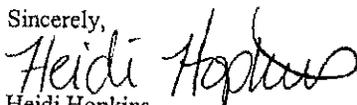
The Department did not investigate the entire property during this site investigation but concentrated on the northern portion of the property where you propose to build a single family home. You mentioned during my site visit with you that sometime in the future you may want to develop the remaining 40 acres of the property. Should you decide to pursue those plans, a wetland delineation will be necessary for the entire site and the Department must conduct a site investigation to determine if this unnamed tributary to Ryan Creek becomes navigable as it flows through your property. I have included with this letter a copy of a map, which outlines the portion of the property, which I looked at with you on January 9, 2003. This determination is only valid for this portion of the property.

However, due to the circumstances found in the northern portion of the site and the historical information gathered, the Department has determined that the unnamed tributary in question does not meet the State definition of navigable as it flows through the proposed single family lot. Our determination was based on the following field information.

- The width of this waterway ranges from 4 to 8 inches just south of Ryan Rd. and would generally not meet Department guidance for the width required for navigation.

Despite the waterway being non-navigable, certain permits from the Department may still be necessary for the proposed development. Should the proposed development involve any disturbance to this waterway, a Chapter 30 permit may be required, depending upon the proposed plans for your project.

I have included a pamphlet with this letter, which describes how the Department conducts navigability determinations. Should you have any questions please feel free to contact me at 414-263-8522.

Sincerely,

Heidi Hopkins
Water Management Specialist

CC: City of Franklin; Howard Ecklund-ACOE

Franklin

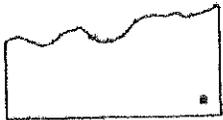
APR 30 2019

City Development

Jurasinski



Thinned Larchnet Sections
Hydrolines.shp
Milwaukee_wetland_point.shp



0 0.02 0.04 Miles

1:2903

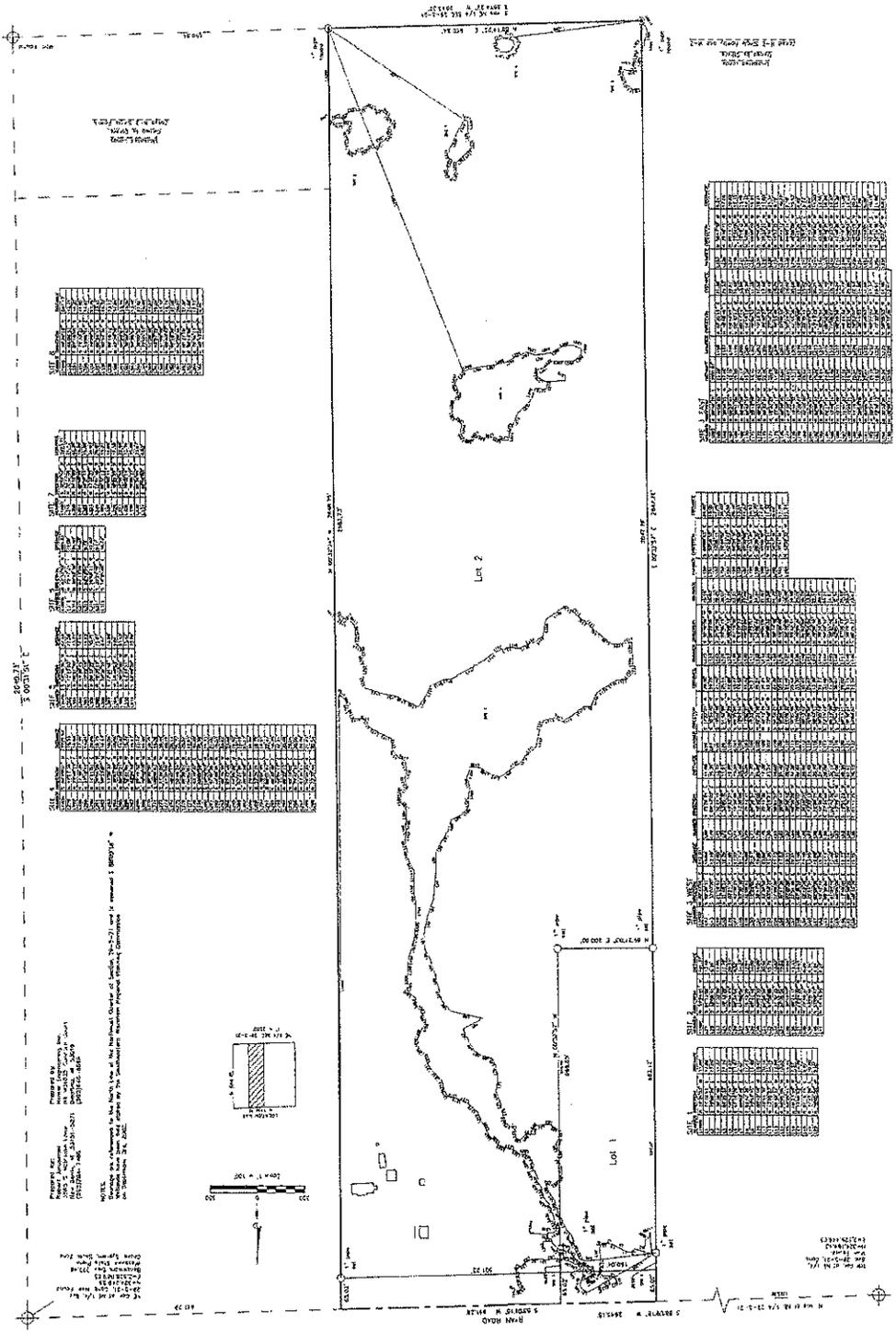
The data shown on this map have been obtained from various sources, and are of varying age, reliability and resolution. This map is not intended to be used for navigation, nor is this map an authoritative source of information about legal land ownership or public access. Users of this map should confirm the ownership of land through other means in order to avoid trespassing. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or quality of the information displayed on this map.

Map Creator:
Wisconsin DNR

January 16, 2003

SHILMER ENGINEERING, INC.

ENGINEERING • PERCOLATION TESTING • LAND SURVEYING •
 15 NOTES CONCORD COURT • BELLEVILLE, WISCONSIN 53515-2777 • (414) 846-8668 • FROM MINNESOTA 612-6668 • FAX: (414) 846-2522 •



Project: [Blank]	Client: [Blank]
Date: [Blank]	Scale: [Blank]
Drawn by: [Blank]	Checked by: [Blank]
Project No: [Blank]	Sheet No: [Blank]

SHILMER ENGINEERING, INC.
 15 NOTES CONCORD COURT
 BELLEVILLE, WISCONSIN 53515-2777
 (414) 846-8668



<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">5/21/19</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (MATT TALBOT RECOVERY SERVICES, INC., APPLICANT) (9132 SOUTH 92ND STREET)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>6.13.</i></p>

At its April 4, 2019, meeting the Plan Commission recommended with conditions the approval of a 2-lot certified survey map, such map being part of the Northwest 1/4 of the Southwest 1/4 of Section 21, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 9132 South 92nd Street, bearing Tax Key No. 886-9987-000, Matt Talbot Recovery Services, Inc., applicant.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2019-_____, a resolution conditionally approving a 2 lot certified survey map, such map being part of the Northwest 1/4 of the Southwest 1/4 of Section 21, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin. (Matt Talbot Recovery Services, Inc., applicant) (9132 South 92nd Street).

RESOLUTION NO. 2019-_____

A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED
SURVEY MAP, BEING PART OF THE NORTHWEST 1/4 OF THE
SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 21 EAST,
CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN
(MATT TALBOT RECOVERY SERVICES, INC., APPLICANT)
(9132 SOUTH 92ND STREET)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being part of the Northwest 1/4 of the Southwest 1/4 of Section 21, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 9132 South 92nd Street, bearing Tax Key No. 886-9987-000, Matt Talbot Recovery Services, Inc., applicant; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed certified survey map is appropriate for approval pursuant to law upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by Matt Talbot Recovery Services, Inc., as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. Each and any easement shown on the Certified Survey Map shall be the subject of separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or

MATT TALBOT RECOVERY SERVICES, INC. – CERTIFIED SURVEY MAP
RESOLUTION NO. 2019-_____

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designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.

4. Matt Talbot Recovery Services, Inc., successors and assigns, and any developer of the Matt Talbot Recovery Services, Inc. 2 lot certified survey map project, 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, 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.
5. The approval granted hereunder is conditional upon Matt Talbot Recovery Services, Inc. and the 2 lot certified survey map project for the property located at 9132 South 92nd 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.
6. The applicant shall revise the Certified Survey Map to state that Lot 2 will be served by public sanitary sewer service, for Department of City Development review and approval prior to recording of the Certified Survey Map.
7. The Development Agreement for Matt Talbot Recovery Services, Inc. Public Water Main Extension Development made and entered into on May 14, 2015, recorded on May 2, 2016, in the Office of the Register of Deeds for Milwaukee County, Wisconsin, as Document No. 10559958, is applicable to the entirety of the property as described therein and within this Resolution, and provides in part within Paragraph 17 that the "Common Council at its meeting on May 14, 2015, following a recommendation from the Board of Water Commissioners, granted developer's request to not be required to fully extend the public water main, in consideration of developer's agreement that the subject property in its entirety shall be subject to the payment of a special assessment for any future extension of the subject water main. The approval granted hereunder is conditional upon *Matt Talbot Recovery Services, Inc., successors and assigns and any owner of the property*, entering into an agreement with the City providing for the private development of the water main, with City payment of costs for upsizing the main from 8 inches to 16 inches to accommodate future growth along West Ryan Road, the other applicable standard City development agreement terms and conditions applicable to water main development, and the dedication thereof to the City, and providing that *in the event of*

MATT TALBOT RECOVERY SERVICES, INC. – CERTIFIED SURVEY MAP
RESOLUTION NO. 2019-_____

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any such future water extension, agreement and consent is had and made by the property owner to the payment of a special assessment resulting therefrom, notice of hearing is waived, and that no future land division of the property may result in any amount of non-payment, with payment of such special assessment to be made timely as provided pursuant to the Municipal Code and the Wisconsin Statutes, as amended from time to time. The agreement shall be prepared by the City Attorney and executed by the property owner, the Mayor and the City Clerk and shall be recorded in the Office of the Register of Deeds for Milwaukee County prior to the issuance of a building permit.” This Agreement is intended to fulfill the aforesaid condition.” [emphasis added] All of the property within the Certified Survey Map conditionally approved under this Resolution, including, but not limited to Lot 2, is subject to the aforesaid Agreement, which runs with the land. Matt Talbot Recovery Services, Inc., successors and assigns and any owner of the property, including, but not limited to Lot 2, has and have waived special assessment notice and hearing requirements and has and have agreed to the payment of any special assessment to be made timely upon any future public water extension. The City Clerk shall obtain the recording of this Resolution in the Office of the Register of Deeds for Milwaukee County prior to the issuance of a building permit for Lot 2.

8. The applicant shall apply for a Rezoning from the City to remove the existing C-1 Conservancy District zoning district, prior to recording of the Certified Survey Map. If said rezoning is approved, the applicant shall revise and record the Certified Survey Map according to City procedures and requirements.
9. The applicant shall place a note on the face of the Certified Survey Map indicating that hydric soils and a high groundwater table are present, and that special construction methods or designs may be appropriate, particularly if a house with a basement is desired, for Department of City Development review and approval prior to recording of the subject Certified Survey Map.

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owner, Matt Talbot Recovery Services, Inc., be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to

MATT TALBOT RECOVERY SERVICES, INC. – CERTIFIED SURVEY MAP
RESOLUTION NO. 2019-_____

Page 4

obtain the recording of the Certified Survey Map, certified by owner, Matt Talbot Recovery Services, Inc., with the Office of the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of April 4, 2019

Certified Survey Map

RECOMMENDATION: City Development Staff recommends approval of the proposed Certified Survey Map, subject to the conditions in the draft resolution.

Project Name:	Matt Talbot Recovery Services, Inc. Certified Survey Map (CSM)
Project Address:	9132 South 92 nd Street
Applicant:	Matt Talbot Recovery Services, Inc.
Owners (property):	Matt Talbot Recovery Services, Inc.
Current Zoning:	R-3 Suburban/Estate Single Family Residence District
2025 Future Land Use:	Areas of Natural Resource Features
Use of Surrounding Properties:	Single-family residential to the north, south and west and vacant commercial land to the east
Applicant Action Requested:	Recommendation of approval of the Certified Survey Map

Introduction:

Please note:

- Staff recommendations are *underlined, in italics* and are included in the draft resolution.
- Staff suggestions are underlined and are not included in the draft resolution.

The subject CSM started with an original application for a Certified Survey Map filed with the City on August 16, 2016. Since that time, there have been numerous extensions requested by the City and granted by the applicant to continue the review of the CSM. Of note, there was consideration given by the applicant on meeting the natural resource compliance component of the City which resulted in the current CSM under consideration, date stamped March 25, 2019.

A copy of the Staff Comments dated March 11, 2019, and applicant responses dated March 22, 2019, are attached, and provide additional information pertaining to staff's recommendations.

Project Description and Analysis:**Certified Survey Map**

The subject property consists of the Matt Talbot Recovery Services, Inc. Community Based Residential Facility (CBRF). The majority of the property is vacant land and encompasses protected natural resource features. The applicant is proposing to divide the property into two lots. Lot 1 has an area of approximately 13.056-acres, has an existing access from S. 92nd Street, and encompasses the existing Matt Talbot facility. Lot 2 has an area of approximately 2.252-acres, is located on the east side of S. 92nd Street approximately 100 feet south of the intersection

of S. 92nd Street and W. Briarwood Drive, and contains both vacant developable land and protected natural resource features.

Public sewer is immediately adjacent to S. 92nd St. and the applicant is intending to connect.

With regard to water service, please note Condition No. 5 of Resolution 2015-011 (below), which approved the Site Plan for the Matt Talbot Recovery Services, Inc. CBRF and pertains to this matter:

“The extension of public water main required for this project was authorized to not be extended along the entire western lot line of the property abutting South 92nd Street to the southern boundary of the property, contrary to City past practice, upon the findings that the location, shape, contour, vegetation and proposed development area(s) of the lot were unique, and that the proposed use as a community based residential facility to serve the disabled was a basis, in conjunction with the unique lot, to provide a reasonable accommodation by way of deferring developer’s responsibility to provide for the full extension of public water main. The Common Council at its meeting on May 14, 2015, following a recommendation from the Board of Water Commissioners, granted developer’s request to not be required to fully extend the public water main, in consideration of developer’s agreement that the subject property in its entirety shall be subject to the payment of a special assessment for any future extension of the subject water main. The approval granted hereunder is conditional upon Matt Talbot Recovery Services, Inc., successors and assigns and any owner of the property, entering into an agreement with the City providing for the private development of the water main, with City payment of costs for upsizing the main from 8 inches to 16 inches to accommodate future growth along West Ryan Road, the other applicable standard City development agreement terms and conditions applicable to water main development, and the dedication thereof to the City, and providing that in the event of any such future water extension, agreement and consent is had and made by the property owner to the payment of a special assessment resulting therefrom, notice of hearing is waived, and that no future land division of the property may result in any amount of non-payment, with payment of such special assessment to be made timely as provided pursuant to the Municipal Code and the Wisconsin Statutes, as amended from time to time. The agreement shall be prepared by the City Attorney and executed by the property owner, the Mayor and the City Clerk and shall be recorded in the Office of the Register of Deeds for Milwaukee County prior to the issuance of a building permit.”

In addition, the Board of Water Commissioner’s at their December 19, 2017 meeting moved to “recommend to Common Council to require Matt Talbot to extend the water main to the lot line.” However, the applicant has once again indicated they wish the Common Council to waive the requirement for the water main extension, and the requirement to connect Lot 2 to public water service. Staff recommends that the applicant shall revise the CSM to state that Lot 2 will be served by both public sewer and water service for Department of City Development review and approval prior to recording of the CSM. Staff further recommends that the water main be extended to the south property boundary of lot 2 prior to issuance of an Occupancy Permit.

The property consists of R-3 Residence District zoning as well as C-1 Conservancy District zoning. As the C-1 Conservancy District is no longer utilized by the City (see Section 15-1.0111 below), staff recommends that the applicant shall apply for a Rezoning Application to remove the existing C-1 Conservancy District zoning, prior to recording the Certified Survey Map. If rezoned, the information on the CSM shall be revised accordingly. The applicant has indicated they do not intend to file for a rezoning application at this time.

Staff suggests the applicant revise the CSM to place all protected natural resource features within Outlots, and that signage or boulders be utilized to mark the location of the conservation easement boundary within Lot 2.

Natural Resource Protection Plan

On February 11, 2019, the City received a Natural Resource Protection Plan from Excel Engineering, with information dated March 6, 2015. However, this report contains outdated information that was utilized in the initial Matt Talbot Site Plan submittal in March of 2015.

Persuant to condition #7 of Site Plan Resolution No. 2015-011, an updated Natural Resource Protection Plan, prepared by GRAEF and dated November 2016, was prepared. That information has been appropriately depicted on the proposed CSM. The applicant has provided a letter from the Wisconsin Department of Natural Resources, dated November 23, 2016, that concurs with the wetland boundaries as delineated by GRAEF.

A proposed single family home site upon Lot 2 would also be located on hydric soils, as indicated by the Wisconsin DNR on-line Viewer, which may lead to atypical construction methods to accommodate them. Staff recommends that the applicant shall place a note on the face of the CSM indicating that hydric soils and a high groundwater tables are present, and that special construction methods or designs may be appropriate, particularly if a house with a basement is desired, for Department of City Development review and approval prior to recording of the subject Certified Survey Map.

Staff suggests that the applicant utilize signage or boulders to mark the location of the conservation easement boundary on the individual lots.

Staff Recommendation:

City Development Staff recommends approval of the proposed Certified Survey Map, subject to the conditions in the draft resolution.

City of Franklin
Department of City Development

Date: March 11, 2019

To: Karl Rajani, Matt Talbot Recovery Services, Inc.
Lisa Kleiner Wood, Davis & Kuelthau, S.C.

From: Department of City Development Staff

RE: Matt Talbot Recovery Services, Inc. Certified Survey Map – Staff Comments

Please be advised that City Staff has conducted its second review of the above application for the property located at 9132 South 92nd Street. Department comments are as follows for the Certified Survey Map Application resubmitted by Lisa Van Handel and City file-stamped on February 11, 2019.

Department of City Development

Certified Survey Map

1. Please graphically indicate and dimension the 30-Foot Wetland Buffer and 50-Foot Wetland Setback on the face of the CSM per Section 15-7.0702-B of the UDO.
2. Please indicate the existing zoning and zoning boundary lines of all parcels, lots or outlots proposed to be created by the Certified Survey Map per Section 15-7.0702-M of the UDO. Specifically, please graphically depict the C-1 Conservancy District boundary on the face of the CSM.
3. Staff still recommends the applicant apply for a rezoning to remove the existing C-1 Conservancy District zoning, prior to recording the Certified Survey Map. If rezoned, the zoning information on the CSM shall be revised accordingly.
4. Please submit a project summary with your Plan Commission submittal.
5. Please state in the project summary whether or not you are proposing to extend the water main to the southern lot line as part of the proposed CSM.
6. Is the proposed “residential home” planned as a single-family dwelling? Please clarify in a revised project summary.
7. Staff recommends that as much conservation easement areas as possible be located within outlots, opposed to the individual lots.
8. Staff recommends that signage or boulders be utilized to mark the location of the conservation easement boundary within the individual lots, particularly Lot 2.
9. Please include full size (24” x 36”) colored copies of the Natural Resource Protection Plan (sheet C1.4) with your Plan Commission submittal. The copy in your resubmittal materials is 11” x 17” and black and white.
10. Wetland Setbacks are not addressed within the 2015 NRPP provided. Please note this protected resource feature carries a 100% protection standard. It appears a driveway is intended to access proposed Lot 2 between the conservation easement areas along S. 92nd Street. However, it doesn’t appear this can be accomplished without impacting the wetland setback associated with Wetland A. A Natural

Resource Special Exception may be required. Staff recommends submitting a revised NRPP that includes Wetland Setback data within Table 15-3.0503.

11. The Wetland Delineation Report indicates the mapped soil type for the developable portion of Proposed Lot 2 is Elliot Silt Loam (EsA). It also mentions a high water table as an indicator for Wetlands A and B, both of which are on Lot 2. Based on the soils data, are there any restrictions for a basement for a future single-family home on proposed Lot 2? Has a soil boring been done on proposed Lot 2?
12. Staff recommends the extension of public water facilities to serve Lot 2 of the proposed CSM. Please note Condition No. 5 of Resolution 2015-011 (below), which approved the Site Plan for the Matt Talbot Recovery Services, Inc. CBRF.

The extension of public water main required for this project was authorized to not be extended along the entire western lot line of the property abutting South 92nd Street to the southern boundary of the property, contrary to City past practice, upon the findings that the location, shape, contour, vegetation and proposed development area(s) of the lot were unique, and that the proposed use as a community based residential facility to serve the disabled was a basis, in conjunction with the unique lot, to provide a reasonable accommodation by way of deferring developer's responsibility to provide for the full extension of public water main. The Common Council at its meeting on May 14, 2015, following a recommendation from the Board of Water Commissioners, granted developer's request to not be required to fully extend the public water main, in consideration of developer's agreement that the subject property in its entirety shall be subject to the payment of a special assessment for any future extension of the subject water main. The approval granted hereunder is conditional upon Matt Talbot Recovery Services, Inc., successors and assigns and any owner of the property, entering into an agreement with the City providing for the private development of the water main, with City payment of costs for upsizing the main from 8 inches to 16 inches to accommodate future growth along West Ryan Road, the other applicable standard City development agreement terms and conditions applicable to water main development, and the dedication thereof to the City, and providing that in the event of any such future water extension, agreement and consent is had and made by the property owner to the payment of a special assessment resulting therefrom, notice of hearing is waived, and that no future land division of the property may result in any amount of non-payment, with payment of such special assessment to be made timely as provided pursuant to the Municipal Code and the Wisconsin Statutes, as amended from time to time. The agreement shall be prepared by the City Attorney and executed by the property owner, the Mayor and the City Clerk and shall be recorded in the Office of the Register of Deeds for Milwaukee County prior to the issuance of a building permit.

Engineering Staff Comments

- Must resolve comments from Milwaukee County.
- Must request a waiver allowing the developer to **not** extend the water main to the southern lot line, or must extend the water main to the southern lot line and include the oversizing costs in a developer's agreement pursuant to Municipal Code Section 207-23 Water Extension.

To request a waiver:

1. (Preferred) obtain endorsement of at least one Franklin Alderman
 2. (Required) submit a written request to City Engineer / Utility Manager (on letterhead or email) with details of the request and circumstances that warrant a variance
 3. City Engineer / Utility manager will review the waiver and place on agenda for the Board of Water Commissioners
 4. The Board of Water Commissioners will consider the request and make a recommendation to the Common Council
 5. The Common Council will consider the recommendation and the request and make a determination.
- On page 4 of 5, change the Mayor's name from Steve to Stephen.

Fire Department Staff Comments

The fire department has no comments/concerns regarding the CSM proposed for this location.

Police Department Staff Comments

The Franklin Police Department has reviewed the application for 9132 S 92nd Street. The Police Department has no issues with this request.

Milwaukee County Comments

Milwaukee County Register of Deeds Office comments are attached for your review.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 3-28-19]

RESOLUTION NO. 2019-_____

A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED
SURVEY MAP, BEING PART OF THE NORTHWEST 1/4 OF THE
SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 21 EAST,
CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN
(MATT TALBOT RECOVERY SERVICES, INC., APPLICANT)
(9132 SOUTH 92ND STREET)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being part of the Northwest 1/4 of the Southwest 1/4 of Section 21, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 9132 South 92nd Street, bearing Tax Key No. 886-9987-000, Matt Talbot Recovery Services, Inc., applicant; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed certified survey map is appropriate for approval pursuant to law upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by Matt Talbot Recovery Services, Inc., as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. Each and any easement shown on the Certified Survey Map shall be the subject of separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or

MATT TALBOT RECOVERY SERVICES, INC. – CERTIFIED SURVEY MAP
RESOLUTION NO. 2019-_____

Page 2

designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.

4. Matt Talbot Recovery Services, Inc., successors and assigns, and any developer of the Matt Talbot Recovery Services, Inc. 2 lot certified survey map project, 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, 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.
5. The approval granted hereunder is conditional upon Matt Talbot Recovery Services, Inc. and the 2 lot certified survey map project for the property located at 9132 South 92nd 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.
6. The applicant shall revise the Certified Survey Map to state that Lot 2 will be served by both public sewer and public water service, for Department of City Development review and approval prior to recording of the Certified Survey Map.
7. The applicant shall extend the water service main to the south property boundary of Lot 2 prior to issuance of an Occupancy Permit.
8. The applicant shall apply for a Rezoning from the City to remove the existing C-1 Conservancy District zoning district, prior to recording of the Certified Survey Map. If said rezoning is approved, the applicant shall revise and record the Certified Survey Map according to City procedures and requirements.
9. The applicant shall place a note on the face of the Certified Survey Map indicating that hydric soils and a high groundwater table are present, and that special construction methods or designs may be appropriate, particularly if a house with a basement is desired, for Department of City Development review and approval prior to recording of the subject Certified Survey Map.

MATT TALBOT RECOVERY SERVICES, INC. – CERTIFIED SURVEY MAP
RESOLUTION NO. 2019-_____

Page 3

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owner, Matt Talbot Recovery Services, Inc., be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owner, Matt Talbot Recovery Services, Inc., with the Office of the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

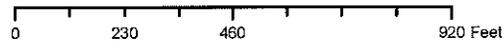
AYES _____ NOES _____ ABSENT _____



9132 S. 92nd Street
TKN: 886 9987 000



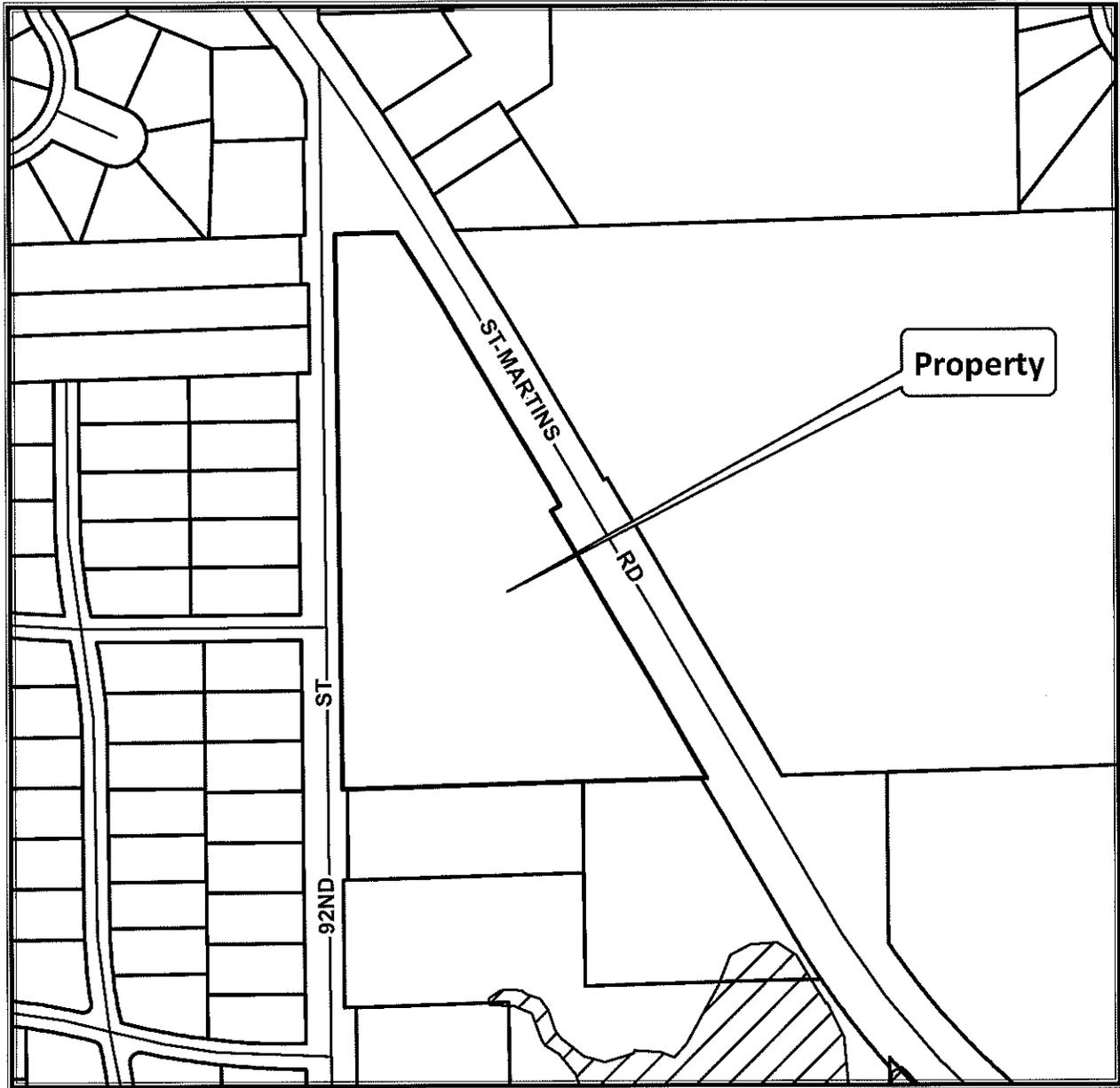
Planning Department
(414) 425-4024



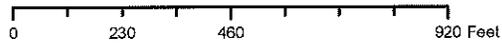
2017 Aerial Photo

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.

9132 S. 92nd Street
TKN: 886 9987 000



Planning Department
(414) 425-4024



2017 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.



March 22, 2019

City of Franklin
Planning Department
9229 West Loomis Road
Franklin, WI 53132

RE: CSM Summary

Matt Talbot Recovery Services, Inc, owner of a 16.52 acre parcel of land within the City of Franklin, is proposing to subdivide the subject property by submitting a Certified Survey Map. The subject property is located at 9132 S 92nd Street and is described by Tax Key No. 88699870000. The majority of the property is zoned R-3 and a small portion of the subject property is zoned C-1. The owner is proposing to subdivide the single 16.52 acre parcel into 2 smaller parcels. Proposed Lot 1 would be 13.06 acres in size and would contain the existing home. Proposed Lot 2 would be 2.25 acres in size. Lot 2 is being created to facilitate a future single-family residential dwelling. In addition to creating 2 parcels, this CSM will also dedicate the East 40 feet of S. 92nd Street to the public for street purposes.

Please reference the attached Certified Survey Map for proposed lot layout.

Thank you for your consideration.

Excel Engineering, Inc.
Ryan Wilgreen, P.L.S.
Senior Survey Project Manager



March 22, 2019

Attn: Orrin Sumwalt

RE: Matt Talbot Recovery Services, Inc. – Certified Survey Map

The revised CSM has been completed and is included with additional supporting documentation to address the City of Franklin comments dated March 11, 2019. Responses to the comments are noted below:

Department of City Development

Certified Survey Map

1. Please graphically indicate and dimension the 30-Foot Wetland Buffer and 50-Foot Wetland Setback on the face of the CSM per Section 15-7.0702-B of the UDO.
 - **Wetland setbacks have been added to the CSM.**
2. Please indicate the existing zoning and zoning boundary lines of all parcels, lots or outlots proposed to be created by the Certified Survey Map per Section 15- 7.0702-M of the UDO. Specifically, please graphically depict the C-1 Conservancy District boundary on the face of the CSM.
 - **C-1 district has been added to the CSM.**
3. Staff still recommends the applicant apply for a rezoning to remove the existing C-1 Conservancy District zoning, prior to recording the Certified Survey Map. If rezoned, the zoning information on the CSM shall be revised accordingly.
 - **Will not be rezoning at this time.**
4. Please submit a project summary with your Plan Commission submittal.
 - **See attached.**
5. Please state in the project summary whether or not you are proposing to extend the water main to the southern lot line as part of the proposed CSM.
 - **Will not be extending water main to the south lot line.**
6. Is the proposed “residential home” planned as a single-family dwelling? Please clarify in a revised project summary.
 - **Yes, a single-family dwelling.**
7. Staff recommends that as much conservation easement areas as possible be located within outlots, opposed to the individual lots.
 - **Will not be creating outlots for the conservations easement areas. These areas are already defined by the easement.**
8. Staff recommends that signage or boulders be utilized to mark the location of the conservation easement boundary within the individual lots, particularly Lot 2.
 - **Markers will not be placed at the boundaries of the easement.**

9. Please include full size (24" x 36") colored copies of the Natural Resource Protection Plan (sheet C1.4) with your Plan Commission submittal. The copy in your resubmittal materials is 11" x 17" and black and white.
 - See attached.
10. Wetland Setbacks are not addressed within the 2015 NRPP provided. Please note this protected resource feature carries a 100% protection standard. It appears a driveway is intended to access proposed Lot 2 between the conservation easement areas along S. 92nd Street. However, it doesn't appear this can be accomplished without impacting the wetland setback associated with Wetland A. A Natural Resource Special Exception may be required. Staff recommends submitting a revised NRPP that includes Wetland Setback data within Table 15-3.0503.
 - A revised NRPP can be submitted in the future as part of the building permit process prior to construction.
11. The Wetland Delineation Report indicates the mapped soil type for the developable portion of Proposed Lot 2 is Elliot Silt Loam (EsA). It also mentions a high water table as an indicator for Wetlands A and B, both of which are on Lot 2. Based on the soils data, are there any restrictions for a basement for a future single-family home on proposed Lot 2? Has a soil boring been done on proposed Lot 2?
 - No soil borings have been completed as we are only dividing the land at this point.
12. Staff recommends the extension of public water facilities to serve Lot 2 of the proposed CSM. Please note Condition No. 5 of Resolution 2015-011 (below), which approved the Site Plan for the Matt Talbot Recovery Services, Inc. CBRF.

The extension of public water main required for this project was authorized to not be extended along the entire western lot line of the property abutting South 92nd Street to the southern boundary of the property, contrary to City past practice, upon the findings that the location, shape, contour, vegetation and proposed development area(s) of the lot were unique, and that the proposed use as a community based residential facility to serve the disabled was a basis, in conjunction with the unique lot, to provide a reasonable accommodation by way of deferring developer's responsibility to provide for the full extension of public water main. The Common Council at its meeting on May 14, 2015, following a recommendation from the Board of Water Commissioners, granted developer's request to not be required to fully extend the public water main, in consideration of developer's agreement that the subject property in its entirety shall be subject to the payment of a special assessment for any future extension of the subject water main. The approval granted hereunder is conditional upon Matt Talbot Recovery Services, Inc., successors and assigns and any owner of the property, entering into an agreement with the City providing for the private development of the water main, with City payment of costs for upsizing the main from 8 inches to 16 inches to accommodate future growth along West Ryan Road, the other applicable standard City development agreement terms and conditions applicable to water main development, and the dedication thereof to the City, and providing that in the event of any such future water extension, agreement and consent is had and made by the property owner to the payment of a special

assessment resulting therefrom, notice of hearing is waived, and that no future land division of the property may result in any amount of non-payment, with payment of such special assessment to be made timely as provided pursuant to the Municipal Code and the Wisconsin Statutes, as amended from time to time. The agreement shall be prepared by the City Attorney and executed by the property owner, the Mayor and the City Clerk and shall be recorded in the Office of the Register of Deeds for Milwaukee County prior to the issuance of a building permit.

- If a special assessment is required, the owner has agreed to pay the appropriate share.

Engineering Staff Comments

- Must resolve comments from Milwaukee County.
 - The Register of Deeds comments from November 21, 2017 have been addressed. Surveyor did not receive updated comments as part of this review.
- Must request a waiver allowing the developer to **not** extend the water main to the southern lot line or must extend the water main to the southern lot line and include the oversizing costs in a developer's agreement pursuant to Municipal Code Section 207-23 Water Extension.
 - Joel Dietl indicated in his August 27, 2018 email as follows: "If the applicant does not want to provide public water to the new lot, they would need to mention that in a revised CSM submittal and specifically note that they would like to remove or revise condition #5 of Site Plan Resolution 2015-011 (which submittal should also address the other issues identified by the Staff Comments). This revised submittal would then be reviewed by staff and forwarded on to the Plan Commission for a recommendation. It would then be forwarded to the Common Council for a final decision. Planning Department staff would recommend that the "request for extension of public water" be at the same Common Council meeting as the Council consideration of the CSM. At this time, no date has been proposed for that Council meeting, as the applicant has not yet submitted a revised Certified Survey Map for staff review and Plan Commission recommendation."

Therefore, no further action is required.

To request a waiver:

- (Preferred) obtain endorsement of at least one Franklin Alderman
- (Required) submit a written request to City Engineer / Utility Manager (on letterhead or email) with details of the request and circumstances that warrant a variance
- City Engineer / Utility manager will review the waiver and place on agenda for the Board of Water Commissioners
- The Board of Water Commissioners will consider the request and make a

recommendation to the Common Council

- The Common Council will consider the recommendation and the request and make a determination.
- On page 4 of 5, change the Mayor's name from Steve to Stephen.
 - Mayor's name has been changed on the CSM

Fire Department Staff Comments

The fire department has no comments/concerns regarding the CSM proposed for this location.

Police Department Staff Comments

The Franklin Police Department has reviewed the application for 9132 S 92nd Street. The Police Department has no issues with this request.

Milwaukee County Comments

Milwaukee County Register of Deeds Office comments are attached for your review.

- The Register of Deeds comments from November 21, 2017 have been addressed. Surveyor did not receive updated comments as part of this review.



DAVIS | KUELTHAU
CITY OF FRANKLIN
attorneys at law

2018 JUL -2 AM 11:37

June 29, 2018

City of Franklin
Board of Water Commissioners and Plan Commission
9229 W Loomis Road
Franklin, WI 53132

Re: Request for exemption from water extension

To Whom It May Concern,

I represent Matt Talbot Recovery Services, Inc. ("Matt Talbot"), the owner of the parcel located at 9132 S. 92nd Street, Franklin, WI (tax key no. 886 9987 000). Currently water has been extended to the approximate location of the house. As you may recall, water was needed to as a result of a required fire suppression system. My client's cost to install the water main was approximately \$115,590 plus inspection fees of \$28,488 for a total of \$144,078. Matt Talbot would like to subdivide the property for the purpose of constructing a single family home on the new lot. The single family home will not require a fire suppression system and will only need a well for water to service the needs of a typical single family dwelling.

At the time that the water main was installed to the current home, it was estimated that extending the water all the way to the property line would be an additional \$125,965 (in 2015 costs). This additional cost was cost prohibitive, and is still cost prohibitive. A single family home cannot be constructed with an additional cost of \$125,965 for the extension of a water main alone.

Therefore, we are hereby requesting that the Board of Water Commissioners and Plan Commission consider this a request to waive the requirement set forth in Franklin Ordinance 15-3,0203(A)(3) and allow for the subdivision of the Property as set forth in the attached proposed certified survey map, without further extension of the water main.

In the event that the City elects to install a water main for all parcels in the area, the new parcel would still be obligated to pay the assessment (and the parcel cannot object to the assessment as agreed upon between Matt Talbot and the City in the Development Agreement dated November 25, 2015).

and providing that in the event of any such future water extension, agreement and consent is had and made by the property owner to the payment of a special assessment resulting therefrom, notice of hearing is waived, and that no future land division of the property may result in any amount of non-payment, with payment of such special assessment to be made solely as provided pursuant to the Municipal Code and the Wisconsin Statutes, as amended from time to time. The agreement shall be prepared by the City

Please contact me to discuss the above and place this matter on the agenda for the Board of Water Commissions and Plan Commission.

Very truly yours,

Davis & Kuelthau, s.c.

Lisa Kleiner Wood

cc: Matt Talbot Recovery Services, Inc.

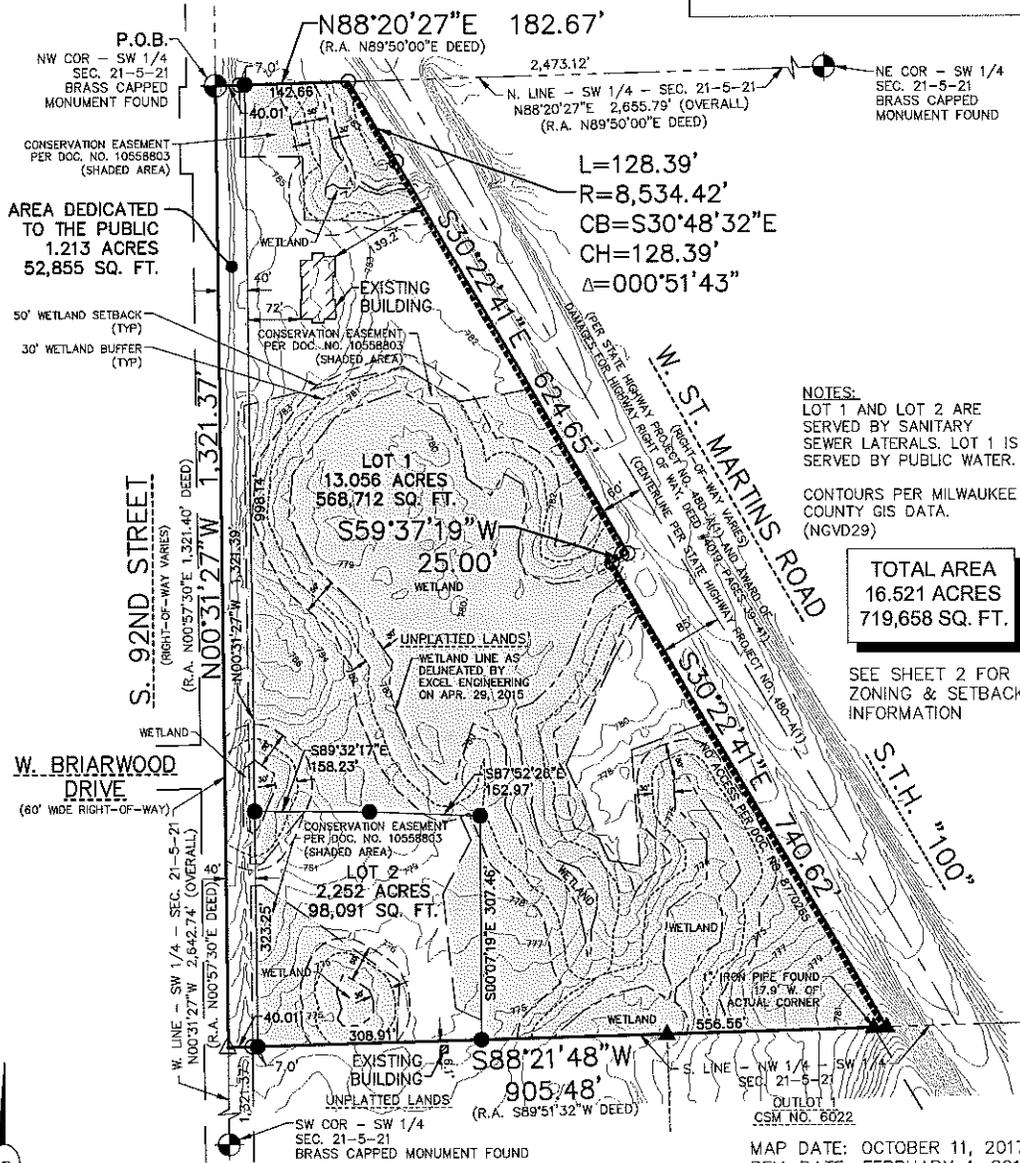
Phone 414.276.0200 Direct 414.223.1416 Fax 414.278.3616
111 E. Kilbourn Avenue Suite 1400, Milwaukee, WI 53202
lkwood@dkattorneys.com

N:\DOCS\185406\00003\13401334

BROOKFIELD | GREEN BAY | MILWAUKEE
www.dkattorneys.com

CERTIFIED SURVEY MAP NO. _____

FOR
MATT TALBOT RECOVERY SERVICES, INC.
 PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4,
 SECTION 21, TOWNSHIP 5 NORTH, RANGE 21 EAST,
 CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



L=128.39'
 R=8,534.42'
 CB=S30°48'32"E
 CH=128.39'
 Δ=000°51'43"

TOTAL AREA
 16.521 ACRES
 719,658 SQ. FT.

SEE SHEET 2 FOR ZONING & SETBACK INFORMATION

NOTES:
 LOT 1 AND LOT 2 ARE SERVED BY SANITARY SEWER LATERALS. LOT 1 IS SERVED BY PUBLIC WATER.

CONTOURS PER MILWAUKEE COUNTY GIS DATA. (NGVD29)

MAP DATE: OCTOBER 11, 2017
 REV. DATE: FEBRUARY 4, 2019
 MARCH 19, 2019

OWNER:
 MATT TALBOT RECOVERY SERVICES, INC.
 4650 S. HOWELL AVENUE
 MILWAUKEE, WI 53207

SHEET 1 OF 5 SHEETS



Excel ENGINEERING Inc. SURVEYING GROUP

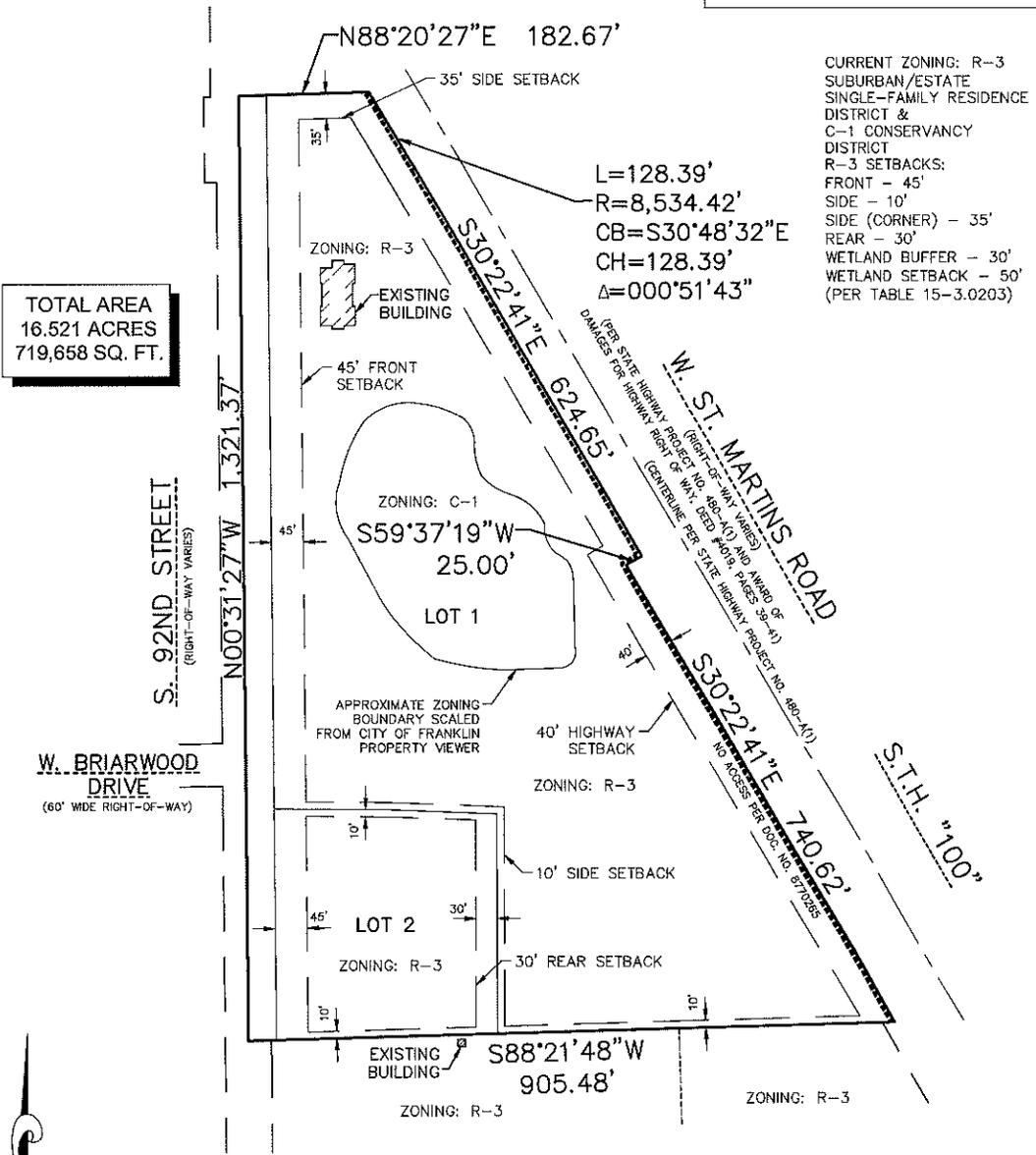
Always a Better Plan

100 CAMELOT DRIVE
 FOND DU LAC, WI 54935
 PHONE: (920) 926-9830
 FAX: (920) 926-9801

PROJECT NO. 1746560

CERTIFIED SURVEY MAP NO.

FOR
MATT TALBOT RECOVERY SERVICES, INC.
 PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4,
 SECTION 21, TOWNSHIP 5 NORTH, RANGE 21 EAST,
 CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



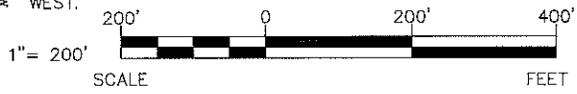
CURRENT ZONING: R-3
 SUBURBAN/ESTATE
 SINGLE-FAMILY RESIDENCE
 DISTRICT &
 C-1 CONSERVANCY
 DISTRICT
 R-3 SETBACKS:
 FRONT - 45'
 SIDE - 10'
 SIDE (CORNER) - 35'
 REAR - 30'
 WETLAND BUFFER - 30'
 WETLAND SETBACK - 50'
 (PER TABLE 15-3.0203)

OWNER:
 MATT TALBOT RECOVERY SERVICES, INC.
 4650 S. HOWELL AVENUE
 MILWAUKEE, WI 53207

SHEET 2 OF 5 SHEETS



NORTH POINT REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE. THE WEST LINE OF THE SOUTHWEST QUARTER HAS A BEARING OF NORTH 00°-31'-27" WEST.



EXCEL ENGINEERING Inc. SURVEYING GROUP
 PROJECT NO. 1746560

Always a Better Plan
 100 CAMELOT DRIVE
 FOND DU LAC, WI 54935
 PHONE: (920) 926-9800
 FAX: (920) 926-9901

CERTIFIED SURVEY MAP NO. _____

PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4,
SECTION 21, TOWNSHIP 5 NORTH, RANGE 21 EAST,
CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, Ryan Wilgreen, Professional Land Surveyor, hereby certify:

That I have surveyed, divided and mapped a parcel of land described below.

That I have made such Certified Survey under the direction of Matt Talbot Recovery Services, Inc. bounded and described as follows:

Part of the Northwest 1/4 of the Southwest 1/4 of Section 21, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin being more particularly described as follows:

Beginning at the Northwest corner of the Southwest 1/4, said Section 21; thence North 88°-20'-27" East along the North line of said Southwest 1/4, a distance of 182.67 feet to the West right-of-way line of West St. Martins Road per State Highway Project No. 480-A(1) Right of way Plans; thence Southeasterly 128.39 feet along said right-of-way line on a curve to the right having a radius of 8,534.42 feet, the chord of said curve bears South 30°-48'-32" East, a chord distance of 128.39 feet; thence South 30°-22'-41" East along said right-of-way line, a distance of 624.65 feet; thence South 59°-37'-19" West along said right-of-way line, a distance of 25.00 feet; thence South 30°-22'-41" East along said right-of-way line, a distance of 740.62 feet to the South line of the Northwest 1/4 of the Southwest 1/4 of said Section 21; thence South 88°-21'-48" West along said South line, a distance of 905.48 feet to the West line of the Southwest 1/4 of said Section 21; thence North 00°-31'-27" West along said West line, a distance of 1,321.37 feet to the point of beginning and containing 16.521 acres (719,658 sq. ft) of land more or less.

That such is a correct representation of all the exterior boundaries of the land surveyed and the subdivision thereof made.

That I have fully complied with the provisions of Section 236.34 of the Wisconsin Statutes and the City of Franklin Unified Development Ordinance, in surveying, dividing and mapping the same.

Ryan Wilgreen, P.L.S. No. S-2647
ryan.w@excelengineer.com
Excel Engineering, Inc.
Fond du Lac, Wisconsin 54935
Project Number: 1746560

CERTIFIED SURVEY MAP NO. _____

PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4,
SECTION 21, TOWNSHIP 5 NORTH, RANGE 21 EAST,
CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

OWNER'S CERTIFICATE

Matt Talbot Recovery Services, Inc., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as Owner does hereby certify that said corporation caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

Matt Talbot Recovery Services, Inc. does further certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

1. City of Franklin

WITNESS the hand and seal of said owner this _____ day of _____, 2019.

Matt Talbot Recovery Services, Inc.

Karl Rajani, Registered Agent

STATE OF _____)
_____ COUNTY)SS

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

Notary Public, _____ County, ____
My Commission Expires: _____

CITY OF FRANKLIN COMMON COUNCIL

Approved and dedication accepted by the Common Council of the City of Franklin by Resolution No. _____ signed on this _____ day of _____, 2019.

Stephen Olson, Mayor

Sandra L. Wesolowski, City Clerk

CERTIFIED SURVEY MAP NO. _____

PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4,
SECTION 21, TOWNSHIP 5 NORTH, RANGE 21 EAST,
CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

CONSENT OF CORPORATE MORTGAGEE

_____, a _____ Corporation, Mortgagee of the land described and represented on this map, does hereby consent to the surveying, dividing, mapping and dedication of said land, and does hereby consent to the certificate of the owner. In witness whereof, the said _____, has caused these presents to be signed by _____, its _____ (Title), and by _____, its _____ (Title), at _____, _____, and it's Corporate Seal to be hereunto affixed, on this _____ day of _____, 2019.

In the Presence of:

(Print) (Title)

(Print) (Title)

STATE OF _____)
_____ COUNTY) ss

Personally came before me this _____ day of _____, 2019, the above named _____ and _____, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, _____, _____
My commission expires: _____

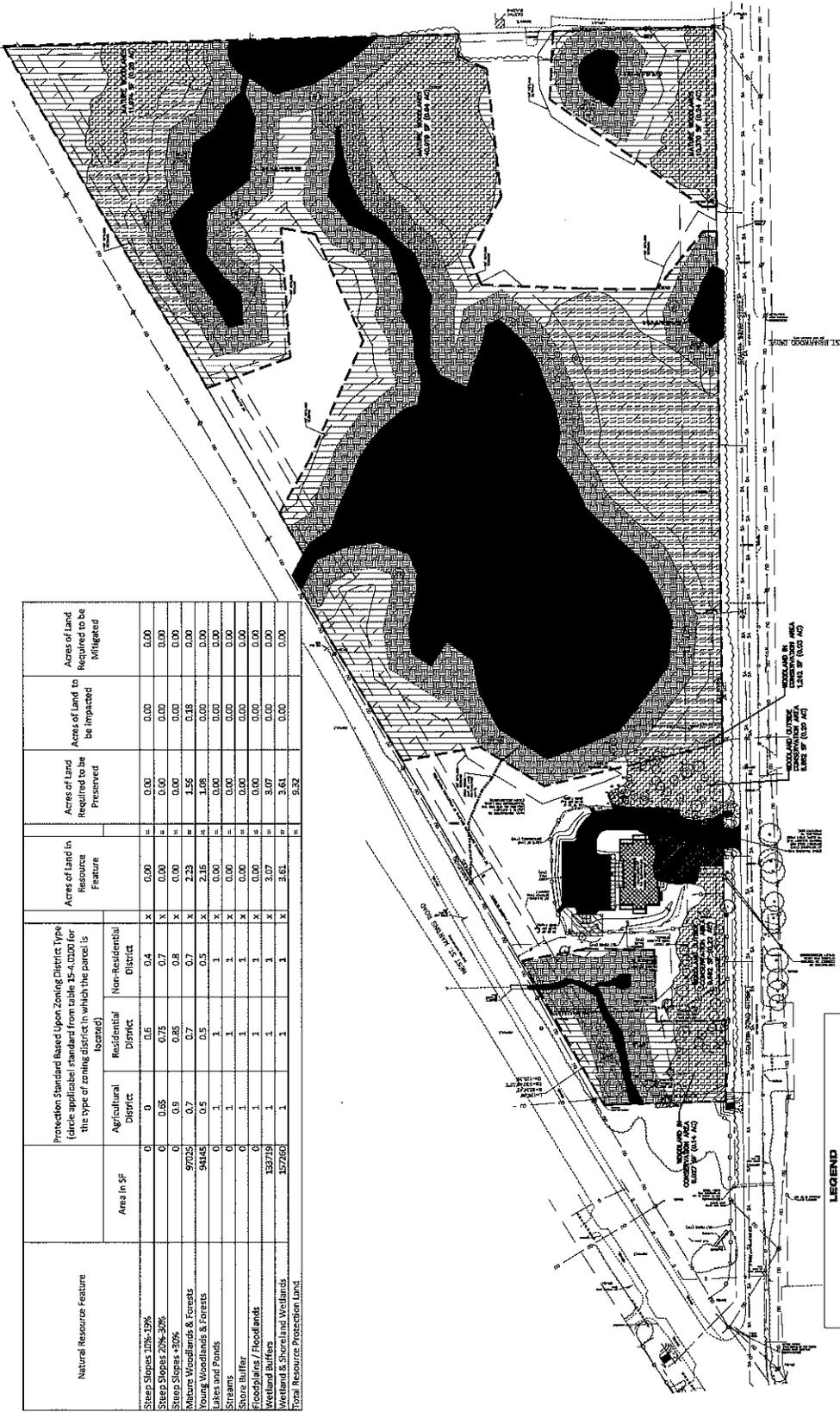


FIGURE 2
NATURAL RESOURCES PROTECTION PLAN
ISSUED FOR CONSTRUCTION

1" = 80' SCALE
NORTH

Natural Resource Feature	Area in SF		Protection Standard Based Upon Zoning District Type (date applicable standard from table 15-4.000 for the type of zoning district in which the parcel is located)		Acres of Land in Resource Feature		Acres of Land Required to be Preserved	Acres of Land to be Impacted	Acres of Land Required to be Mitigated
	Agricultural District	Residential District	Non-Residential District	Residential District	Non-Residential District				
Steep Slopes 20%-19%	0	0.6	0.4	X	0.00	=	0.00	0.00	0.00
Steep Slopes 20%-30%	0	0.65	0.7	X	0.00	=	0.00	0.00	0.00
Steep Slopes >30%	0	0.9	0.85	X	0.00	=	0.00	0.00	0.00
Mature Woodlands & Forests	97035	0.7	0.7	X	2.23	=	1.55	0.18	0.00
Young Woodlands & Forests	94145	0.5	0.5	X	2.15	=	1.68	0.00	0.00
Lakes and Ponds	0	1	1	X	0.00	=	0.00	0.00	0.00
Streams	0	1	1	X	0.00	=	0.00	0.00	0.00
Shore Buffer	0	1	1	X	0.00	=	0.00	0.00	0.00
Floodplains / Floodways	0	1	1	X	0.00	=	0.00	0.00	0.00
Wetland Buffers	133719	1	1	X	3.07	=	3.07	0.00	0.00
Wetland & Shoreland Wetlands	157759	1	1	X	3.61	=	3.61	0.00	0.00
Total Resource Protection Land						=	9.32		

LEGEND

- YOUNG WOODLANDS
- MATURE WOODLANDS
- MATURE WETLANDS IMPACT AREA (SEE NOTES)
- WETLAND BUFFER
- DEGRADED WETLANDS
- CONSERVATION DAMAGED AREA

NOTES:
SEE RHP REPORT DATED 5-11-2015 FOR ADDITIONAL INFORMATION AS REQUIRED.
SEE WETLAND CALCULATION REPORT FOR ADDITIONAL INFORMATION AS REQUIRED.