

<p>APPROVAL</p> <p><i>W</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>August 4, 2020</p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p>A Resolution to Amend A Resolution in Ratification of A Proclamation Declaring A Public Health Emergency In Response To The Coronavirus Disease 2019 (Covid-19), As Amended, to Extend the Time Period of the Public Health Emergency Until January 5, 2021 and to Allow for Citizen Comment Submitted in Writing to be Read into the Record</p>	<p>ITEM NUMBER</p> <p><i>G.5.</i></p>

A copy of the above-entitled Resolution is annexed hereto.

COUNCIL ACTION REQUESTED

A motion to adopt A Resolution to Amend A Resolution in Ratification of A Proclamation Declaring A Public Health Emergency In Response To The Coronavirus Disease 2019 (Covid-19), As Amended, to Extend the Time Period of the Public Health Emergency Until January 5, 2021 and to Allow for Citizen Comment Submitted in Writing to be Read into the Record.

RESOLUTION NO. 2020-_____

A RESOLUTION TO AMEND A RESOLUTION IN RATIFICATION OF A
PROCLAMATION DECLARING A PUBLIC HEALTH EMERGENCY
IN RESPONSE TO THE CORONAVIRUS DISEASE 2019 (COVID-19), AS AMENDED, TO
EXTEND THE TIME PERIOD OF THE PUBLIC HEALTH EMERGENCY UNTIL
JANUARY 5, 2021 AND TO ALLOW FOR CITIZEN COMMENT SUBMITTED IN
WRITING TO BE READ INTO THE RECORD

WHEREAS, the Mayor issued a Proclamation Declaring a Public Health Emergency on March 16, 2020, which was ratified and confirmed by the Common Council by Resolution No. 2020-7605 on March 17, 2020, as amended by the Common Council by Resolution No. 2020-7609 on March 24, 2020, Resolution No. 2020-7615 on April 21, 2020, and by Resolution No. 2020-7628 on May 28, 2020; and

WHEREAS, while recognizing that Wisconsin Department of Health Services issued Emergency Orders and COVID-19 Public Health Plan for Milwaukee County Order #1 are no longer in effect, the Common Council substantially recognizes that a Public Health Emergency continues to exist; and

WHEREAS, under this continuing Public Health Emergency, the Common Council strongly urges all to follow the public health recommendations and guidelines of the Franklin Health Department, the Wisconsin Department of Health Services, the World Health Organization, the United States Department of Health and Human Services and the Centers for Disease Control and Prevention.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the March 16, 2020 Proclamation Declaring a Public Health Emergency, and Resolution No. 2020-7605 adopted by the Common Council on March 17, 2020 incorporating same, as amended by the Common Council by Resolution No. 2020-7609 on March 24, 2020, Resolution No. 2020-7615 adopted by the Common Council on April 21, 2020, Resolution No. 2020-7628 adopted by the Common Council on May 28, 2020, and by Resolution No. 2020-7641 adopted by the Common Council on July 7, 2020, be and the same is hereby amended to provide and declare that the duration of the Public Health Emergency is hereby extended to January 5, 2021 at 11:59 p.m., and to allow for Citizen Comment submitted in writing to be read into the Record, subject to any future amendments by way of Proclamation or Resolution as may be declared or adopted by the Mayor and/or the Common Council, respectively.

BE IT FURTHER RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the aforesaid Proclamation and Resolution, as amended, be and the same is hereby specifically amended to provide that "Citizens may provide written comments upon any City related subject matter, except for a matter which is the subject of a public hearing,

to the Clerk's Office and/or an elected official, which comments may then be read into the record during a Citizen Comment Period of a Common Council meeting, provided such written comments are received at least 24 hours prior to the publicly noticed meeting commencement time."

BE IT FINALLY RESOLVED, that all of the Declarations and Resolveds in the aforesaid Proclamation and Resolutions, not pertaining to the time of duration of the Public Health Emergency and Citizen Comments as amended hereunder, shall remain in full force and effect.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2020.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2020.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

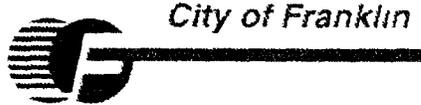
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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>SLW</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">08/04/20</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">AN ORDINANCE TO AMEND §15-3.0423 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 18 (FRANKLIN BUSINESS PARK) TO AMEND SECTION 13.(10) OF ORDINANCE NO. 93-1279, i.e., §15-3.0423(10), TO ALLOW THE COMMUNITY DEVELOPMENT AUTHORITY TO WAIVE DRIVEWAY SETBACKS FROM INTERIOR LOT LINES OF A PROPERTY ZONED PLANNED DEVELOPMENT DISTRICT NO. 18 WHEN ABUTTING A NEWLY CREATED BY CERTIFIED SURVEY MAP PROPERTY ZONED PLANNED DEVELOPMENT DISTRICT NO. 18 AND THE PROPERTIES SHARE AN EXISTING DRIVEWAY</p> <p style="text-align: center;">(JOHN J. MALLOY, MANAGING MEMBER OF WISCONSIN COMMERCIAL 2015, LLC) (AT 9750 SOUTH OAKWOOD PARK DRIVE)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G. 6.</i></p>

On July 23, 2020, the Plan Commission and the Community Development Authority (CDA) have recommended approval of this Planned Development District (PDD) major amendment at their respective meetings, to allow the CDA to waive driveway setbacks from interior lot lines.

COUNCIL ACTION REQUESTED

A motion to adopt Ordinance 2020-_____, to amend §15-3.0423 of the Unified Development Ordinance Planned Development District No. 18 (Franklin Business Park) to amend Section 13.(10) of Ordinance No. 93-1279, i.e., §15-3.0423(10), to allow the Community Development Authority to waive driveway setbacks from interior lot lines of a property zoned Planned Development District No. 18 when abutting a newly created by Certified Survey Map property zoned Planned Development District No. 18 and the properties share an existing driveway (at 9750 South Oakwood Park Drive).



Date of Application 06/10/2020

PLANNED DEVELOPMENT DISTRICT (PDD) APPLICATION

Complete, accurate and specific information must be entered **Please Print**

<p>Applicant (Full Legal Name[s]) Name <u>John J Malloy</u> Company <u>Wisconsin Commercial 2015 LLC</u> Mailing Address <u>757 N Broadway Suite 700</u> City / State <u>Milwaukee WI</u> Zip <u>53202</u> Phone <u>(414) 588 4363</u> Email Address <u>jmalloy12855@gmail.com</u></p> <p>Project Property Information Property Address <u>9750 S Oakwood Park Drive</u> Property Owner(s) <u>Wisconsin Commercial 2015 LLC</u> Mailing Address <u>757 N Broadway Suite 700</u> City / State <u>Milwaukee WI</u> Zip <u>53202</u> Email Address <u>jmalloy12855@gmail.com</u></p>	<p>Applicant is Represented by (contact person)(Full Legal Name[s]) Name <u>Christopher Carr</u> Company <u>The Sigma Group</u> Mailing Address <u>1300 W Canal Street</u> City / State <u>Milwaukee WI</u> Zip <u>53202</u> Phone <u>(414) 643-4163</u> Email Address <u>ccarr@thesigmagroup.com</u></p> <p>Tax Key Nos <u>900 0010 005</u> Existing Zoning <u>PDD#18</u> Existing Use <u>Office, Industrial & Commercial Mixed Use</u> Proposed Use <u>Office Industrial & Commercial Mixed Use</u> Future Land Use Identification <u>Office Industrial & Commercial Mixed Use</u></p>
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*The 2025 Comprehensive Master Plan Future Land Use Map is available at <http://www.franklinwi.gov/Home/Resources/Documents/Maps.htm>

PDD submittals for review must include and be accompanied by the following

- This Application form accurately completed with original signature(s) Facsimiles and copies will not be accepted
- Application Filing Fee, payable to City of Franklin
 - \$6000, PDD-New
 - \$3500, PDD Major Amendment
 - \$500, PDD Minor Amendment
- Legal Description for the subject property (WORD doc or compatible format)
- Seven (7) complete collated sets of Application materials to include
 - One (1) original and six (6) copies of a written Project Summary, (description of the proposed development of the property to include the proposal's intent, impacts, and consistency with the Comprehensive Master Plan, any new building construction and site work, interior/exterior building modifications or additions to be made to property site improvement costs, estimate of project value and any other information that is available)
 - Three (3) **folded full size**, drawn to scale copies (at least 24" x 36") of the Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, etc (See Sections 15-7 0101, 15 7 0301, and 15 5 0402 of the UDO for information that must be denoted or included with each respective plan)
 - Four (4) **folded reduced** size (11"x17") copies of the Site Plan package
 - One colored copy (11"x17") of the building elevations if applicable
 - One copy of the Site Intensity and Capacity Calculations, if applicable (see Division 15 3 0500 of the UDO)
 - Three copies of the Natural Resource Protection Plan report, if applicable (see Section 15-4 0102 and 15-7 0201 of the UDO)
 - Email (or CD ROM) with all plans/submittal materials *Plans must be submitted in both Adobe PDF and AutoCAD compatible format (where applicable)*

- Upon receipt of a complete submittal, staff review will be conducted within ten business days
- PDD and Major PDD Amendment requests require Plan Commission review a public hearing, and Common Council approval
- Minor PDD Amendment requests require Plan Commission review and Common Council approval

The applicant and property owner(s) hereby certify that (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge (2) the applicant and property owner(s) has/have read and understand all information in this application and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7 00 a m and 7 00 p m daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis Stat §943 13

(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).

Signature Property Owner
John J Malloy Managing Member
 Name & Title (PRINT) _____
 Date 06/10/2020

Signature Applicant
John J Malloy Managing Member
 Name & Title (PRINT) _____
 Date 06/10/2020

Signature _____
 Name & Title (PRINT) _____
 Date _____

Signature _____
 Name & Title (PRINT) _____
 Date _____

ORDINANCE NO 2020-_____

AN ORDINANCE TO AMEND §15-3.0423 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO 18 (FRANKLIN BUSINESS PARK) TO AMEND SECTION 13.(10) OF ORDINANCE NO. 93-1279, *ie*, §15-3.0423(10), TO ALLOW THE COMMUNITY DEVELOPMENT AUTHORITY TO WAIVE DRIVEWAY SETBACKS FROM INTERIOR LOT LINES OF A PROPERTY ZONED PLANNED DEVELOPMENT DISTRICT NO. 18 WHEN ABUTTING A NEWLY CREATED BY CERTIFIED SURVEY MAP PROPERTY ZONED PLANNED DEVELOPMENT DISTRICT NO 18 AND THE PROPERTIES SHARE AN EXISTING DRIVEWAY (JOHN J. MALLOY, MANAGING MEMBER OF WISCONSIN COMMERCIAL 2015, LLC) (AT 9750 SOUTH OAKWOOD PARK DRIVE)

WHEREAS, §15-3 0423 of the Unified Development Ordinance provides for and regulates Planned Development District No. 18 (Franklin Business Park), same having been created by Ordinance No 93-1279 and later amended by Ordinance Nos 1997-1437, 2000-1627, 2003-1743, 2005-1851, 2012-2094 and 2015-2196; and

WHEREAS, Planned Development District No. 18 (Franklin Business Park) currently includes those lands legally described as follows:

PARCEL 3 OF CERTIFIED SURVEY MAP NO 6566, RECORDED SEPTEMBER 29, 1998, AS DOCUMENT NO 7607434, IN THE NE 1/4 AND SE 1/4 OF THE NE 1/4 OF SECTION 26, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN Tax Key No 900-0010-005, and

WHEREAS, John J. Malloy, managing member of Wisconsin Commercial 2015, LLC, having petitioned for a further amendment to Planned Development District No 18 (Franklin Business Park) to allow the Community Development Authority to waive driveway setbacks from interior lot lines of a property zoned Planned Development District No 18 when abutting another newly created by certified survey map property zoned Planned Development District No. 18 and the properties share an existing driveway [this application is in conjunction with a proposed Certified Survey Map to subdivide the property at 9750 South Oakwood Park Drive into two separate lots application], and

WHEREAS, the subject petition was before the Community Development Authority on July 23, 2020, the Authority having recommended approval thereof to

the Common Council in conjunction with its and the Plan Commission's conditional approval of a Certified Survey Map for the Wisconsin Commercial 2015, LLC driveway setbacks from interior lot lines and land division project, and

WHEREAS, the City of Franklin Plan Commission on the 23rd day of July, 2020, having reviewed the proposed amendment to Planned Development District No 18 and thereafter having recommended to the Common Council that the proposed amendment be approved subject to the conditions and restrictions included herewith, and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Community Development Authority and Plan Commission and having determined that the proposed amendment to Planned Development District No. 18 (Franklin Business Park) is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will serve to further orderly growth and development and promote the health, safety and welfare of the Community

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

SECTION 1 §15-3.0423 Planned Development District No. 18 (Franklin Business Park) of the Unified Development Ordinance of the City of Franklin is hereby amended to add the following as a separate paragraph at the end of the Subsection (10) existing text.

"The driveway setback "Not abutting a public right-of-way provisions of Subsection (10) herein shall not apply to abutting properties which have been divided by an approved by the City certified survey map, which abutting properties share an existing driveway improvement upon the property to be divided, depicted upon the certified survey map as approved, with an approximately equal area of such existing driveway being located on each of the abutting properties. Additionally, the driveway setback "Abutting any public right-of-way", "Abutting Franklin Drive" and "Abutting West Ryan Road" provisions of Subsection (10) herein, respectively, as applicable to the subject aforesaid abutting properties, shall not apply to the aforesaid abutting properties in the area of the shared existing driveway improvement where it enters a public right-of-way. The aforesaid existing driveway setback non-applicability provisions

are subject to the approval thereof by way of the issuance of a waiver of the stated Subsection (10) provisions by the Community Development Authority, upon its review and recommendation process of the subject certified survey map, and any site and building plan(s) applicable thereto. Any final approval by the Common Council of the subject certified survey map, additionally following the review and recommendation of the Plan Commission, shall be conditioned upon the execution and recording of a shared driveway easement binding the owner(s) of the aforesaid abutting properties, respective heirs, successors and assigns "

SECTION 2. All other applicable terms and provisions of §15-3 0423 Planned Development District No 18 (Franklin Business Park) not inconsistent with the terms of this Ordinance, and the Unified Development Ordinance of the City of Franklin, as amended from time to time, shall apply to the Wisconsin Commercial 2015, LLC driveway setbacks from interior lot lines and land division project and property(ies) currently both located at 9750 South Oakwood Park Drive, and all Planned Development District No 18 (Franklin Business Park) properties, and all terms and provisions of §15-3 0423 Planned Development District No. 18 (Franklin Business Park) as existing immediately prior to the adoption of this Ordinance and not amended by this Ordinance, shall remain in full force and effect

SECTION 3 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 4. All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed

SECTION 5. 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 _____ day of _____, 2020, by Alderman _____

Passed and adopted at a regular meeting of the Common Council of the City of

ORDINANCE NO 2020-_____
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Franklin this _____ day of _____, 2020

APPROVED

Stephen R Olson, Mayor

ATTEST

Sandra L Wesolowski, City Clerk

AYES __ NOES __ ABSENT __

REPORT TO THE PLAN COMMISSION

Meeting of July 23, 2020

PLANNED DEVELOPMENT DISTRICT AMENDMENT AND CERTIFIED SURVEY MAP

RECOMMENDATION: City Development Staff recommends approval of the Planned Development District and Certified Survey Map applications for property located at 9720- 9750 S Oakwood Park Drive

Project Name:	Wisconsin Commercial 2015, LLC Planned Development District Amendment (major) and Certified Survey Map
Project Address/Tax Key:	9750 S Oakwood Park Drive/900 0010 005
Property Owner:	Wisconsin Commercial 2015, LLC
Applicant:	Wisconsin Commercial 2015, LLC
Current Zoning:	Planned Development District No 18
2025 Comprehensive Plan:	Commercial
Action Requested:	Recommendation of approval of the proposed PDD Amendment Application and Certified Survey Map

PROJECT DESCRIPTION/ANALYSIS

The applicant filed a Planned Development District Amendment and Certified Survey Map requesting to subdivide the property located at 9750 S Oakwood Park Drive

The proposed Certified Survey Map subdivides the existing parcel into two separate lots. The property is proposed to be divided in half with Lot 1 having an area of 3.876 acres and Lot 2 having an area of 3.874 acres.

The property is currently developed with two buildings that share an access and loading area. The applicant is proposing the land division in order to sell the southern parcel, Lot 2.

PDD No. 18 currently requires a 15-foot parking and driveway setback from property lines that are not abutting a public right-of-way¹. The CSM results in driveway and parking setbacks that cross the proposed property line (i.e. a zero foot setback). Therefore, the CSM application was filed concurrently with a PDD Amendment Application that would allow the CDA to waive driveway and parking setbacks from interior property lines.

More specifically, the applicant is requesting to amend Section 15-3.0423 of the Unified Development Ordinance Planned Development District No. 18 (Franklin Business Park) to amend Section 13 (10) of Ordinance No. 93-1279 to insert the language below at the end of the "Parking and Driveway Setbacks" section:

"The driveway setback "Not abutting a public right-of-way provisions of Subsection (10) herein shall not apply to abutting properties which have been divided by an approved by the City certified survey map, which abutting properties share an existing driveway improvement upon the property to be divided, depicted upon the certified survey map as approved (see Section 1 of attached draft Ordinance for full text)

¹ One side yard may be less than 15 feet if that side yard is at least 10 feet and both side yards together are at least 30 feet.

Note there are no exterior site or building changes proposed. In addition, each building and lot conform to current PDD No. 18 standards, except for the driveway and parking lot setback as discussed above.

It can also be noted that similar language to waive building and parking setbacks from interior property lines can be found in the B-3 Community Business District and the OL-2 General Business Overlay District.

RECOMMENDATION

A motion to determine the proposed amendment to Planned Development District No. 10 to be a major amendment.

A motion to recommend approval of the Planned Development District Amendment.

A motion to recommend approval of the Certified Survey Map, subject to the approval of the concurrently submitted Planned Development District Amendment Application and recording of the cross-access easement with the Milwaukee County Register of Deeds.

City of Franklin
Department of City Development

Date: June 29, 2020

To: John J Malloy. Wisconsin Commercial 2015, LLC

From: Department of City Development Staff

RE: Applications for Major Planned Development District (PDD) amendment and Certified Survey Map (CSM) – 9720-9750 Oakwood Park Drive

Below are comments and recommendations for the proposed Planned Development District Amendment and Certified Survey Map submitted by Wisconsin Commercial 2015, LLC for property located at 9720-9750 S Oakwood Park Drive.

Department of City Development comments

1. Per Section 15-7 0702 of the UDO, please show correctly on the face of the CSM, in addition to the information required by § 236 34 of the Wisconsin Statutes, the following
 - a. **Owner, Subdivider, Land Surveyor.** Name and address of the owner, Subdivider, and Land Surveyor
 - b. **Existing Zoning.** The Certified Survey Map shall indicate on its face the current zoning and zoning boundary lines of all parcels, lots or outlots proposed to be created by the Certified Survey Map.
2. Please confirm that the Land/Building Ratio requirement of the PDD No. 18 (below) is met

“No more than 75 percent of any site shall be covered with buildings, surface pavement or other covering materials which are impervious to surface water absorption.”
3. Please provide a draft copy of the shared drive/cross-access easement.
4. Per the Declaration of Protective Covenants for Franklin Business Park section 21 Right to Re-Subdivide, a re-subdivision shall not be permitted without prior approval by the Association and the CDA. Approval e-mail received on June 25, 2020.

Engineering Department comments

- 5 *The proposed PDD Amendment must be approved first before the approval of this proposal*
- 6 *Prepare water main easement for the existing hydrants within the property for the City of Franklin to take over for its maintenance The easement must be submitted for the City s review and approval This easement should also be depicted on this proposal*
- 7 *Must resolve any technical issues identified by the Milwaukee County*
- 8 *There is a private storm drainage system between the two buildings They need to show that on the proposed certified survey map Please send us a copy of the maintenance agreement of the storm drainage system*

Regulo Martinez-Montilva

From: Joe A Bukovich <jbukovich@pointre.com>
Sent: Wednesday, July 15, 2020 2:20 PM
To: Regulo Martinez-Montilva
Cc: Heath Eddy, Jesse Wesolowski
Subject: RE: Franklin Business Park Association

Follow Up Flag: Follow up
Flag Status: Completed

Dear Regulo,

The Review Board has no objection to amending the PDD per the planning recommendation attached to your original email.

Thank you,
Joe

Joseph A. Bukovich, P.E.
Vice President Development
MLG Capital
19000 W. Bluemound Road
Brookfield, WI 53045
(262) 424-5997 (mobile)
(414) 908-9157 (fax)



From: Regulo Martinez-Montilva <RMartinez-Montilva@franklinwi.gov>
Sent: Wednesday, July 15, 2020 8:51 AM
To: Joe A Bukovich <jbukovich@pointre.com>
Cc: Heath Eddy <HEddy@franklinwi.gov>; Jesse Wesolowski <jweslaw@aol.com>
Subject: FW: Franklin Business Park Association

Good morning Joe,

Per your e-mail below, the Review Board has no comments about the CSM for 9720-9750 S Oakwood Park Drive. However, the e-mail is silent about the concurrent Planned Development District (PDD) amendment, do you have any comments about the proposed amendment? See attached report (bottom of page 1) for proposed language and additional information.

Thank you,
Régulo Martínez-Montilva, AICP
Associate Planner - Department of City Development
City of Franklin
9229 W Loomis Road

Franklin, WI 53132

Phone (414) 425-4024 / 427-7564
RMartinez.Montilva@franklinwi.gov



From: John Malloy <jmalloy12855@gmail.com>
Sent: Thursday, June 25, 2020 4 07 PM
To: Regulo Martinez-Montilva <RMartinez-Montilva@franklinwi.gov>
Subject: Fwd: Franklin Business Park Association

Regulo, please see below for approval from the Association

Thanks

John

----- Forwarded message -----

From: Joe A Bukovich <jbukovich@pointre.com>
Date: Thu, Jun 25, 2020 at 11 05 AM
Subject: RE: Franklin Business Park Association
To: John Malloy <jmalloy12855@gmail.com>
CC: Barry S Chavin <Barry.Chavin@ngkf.com>

Good Morning John,

On behalf of the Franklin Business Park Association Review Board, please accept this email as the Boards's approval to subdivide Parcel 3 of CSM No 6566 in accordance with the attached draft csm

Thank you,

Joe

Joseph A. Bukovich, P.E.

Vice President Development

MLG Capital

19000 W Bluemound Road

Brookfield, WI 53045

(262) 424-5997 (mobile)

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APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 08/04/20
REPORTS & RECOMMENDATIONS	<p style="text-align: center;">A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING PARCEL 3 OF CERTIFIED SURVEY MAP NO. 6566, RECORDED SEPTEMBER 29, 1998, AS DOCUMENT NO. 7607434, IN THE NE 1/4 AND SE 1/4 OF THE NE 1/4 OF SECTION 26, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN</p> <p style="text-align: center;">(WISCONSIN COMMERCIAL 2015, LLC) (9750 SOUTH OAKWOOD PARK DRIVE)</p>	ITEM NUMBER 6.7.

On July 23, 2020, the Plan Commission and the Community Development Authority (CDA) have recommended approval of this Certified Survey Map (CSM) at their respective meetings, conditioned upon the adoption of an ordinance to amend the Planned Development District No. 18 (Franklin Business Park), section 13.(10) of Ordinance No. 93-1279, to allow the CDA to waive driveway setbacks from interior lot lines.

Additionally, the CDA carried the following motion to waive the interior parking setbacks:

A motion to provide that upon its review and recommendation of approval of the certified survey map application of Wisconsin Commercial 2015, LLC, the Authority hereby waives the applicable setbacks requirements provisions of §15-3.0423 Subsection (10) Planned Development District No. 18 of the Unified Development Ordinance, to allow for the division and development of the land to be divided by the certified survey map, subject to the approval by the Common Council of the Planned Development District No. 18 Subsection (10) Ordinance Amendment and the Certified Survey Map applications before the Authority at this meeting.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution 2020-_____, conditionally approving a 2 lot certified survey map, being parcel 3 of certified survey map no. 6566, recorded September 29, 1998, as document no. 7607434, in the NE 1/4 and SE 1/4 of the NE 1/4 of Section 26, Town 5 North, Range 21 East, City of Franklin, County of Milwaukee, State of Wisconsin (Wisconsin Commercial 2015, LLC) (9750 South Oakwood Park Drive).

RESOLUTION NO. 2020-_____

A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING PARCEL 3 OF CERTIFIED SURVEY MAP NO. 6566, RECORDED SEPTEMBER 29, 1998, AS DOCUMENT NO. 7607434, IN THE NE 1/4 AND SE 1/4 OF THE NE 1/4 OF SECTION 26, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN
(WISCONSIN COMMERCIAL 2015, LLC)
(9750 SOUTH OAKWOOD PARK DRIVE)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being Parcel 3 of Certified Survey Map No. 6566, recorded September 29, 1998, as Document No. 7607434, in the NE 1/4 and SE 1/4 of the NE 1/4 of Section 26, Town 5 North, Range 21 East, City of Franklin, County of Milwaukee, State of Wisconsin, more specifically, of the property located at 9750 South Oakwood Park Drive, bearing Tax Key No. 900-0010-005, Wisconsin Commercial 2015, LLC, applicant; said certified survey map having been reviewed by the City Plan Commission and the Community Development Authority and the Plan Commission and the Community Development Authority having recommended approval thereof pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan Commission and Community Development Authority 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 Wisconsin Commercial 2015, LLC, 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.

WISCONSIN COMMERCIAL 2015, LLC – CERTIFIED SURVEY MAP
RESOLUTION NO. 2020-_____

Page 2

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 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. Wisconsin Commercial 2015, LLC, successors and assigns and any developer of the 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, for the 2 lot certified survey map project, 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 Wisconsin Commercial 2015, LLC and the 2 lot certified survey map project for the property located at 9750 South Oakwood Park Drive: (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 approval granted hereunder is conditional upon the adoption of an ordinance to amend §15-3.0423 of the Unified Development Ordinance Planned Development District No. 18 (Franklin Business Park) to amend section 13.(10) of Ordinance No. 93-1279, i.e., §15-3.0423(10), to allow the Community Development Authority to waive driveway setbacks from interior lot lines of a property zoned Planned Development District No. 18 when abutting a newly created by Certified Survey Map property zoned Planned Development District No. 18 and the properties share an existing driveway.
7. The applicant shall submit a written shared driveway easement, for City staff review and Common Council approval. The shared driveway easement shall be recorded with the Milwaukee County Register of Deeds Office concurrently with recording of the Certified Survey Map.
8. The applicant shall address and satisfy the Engineering Department comments in staff memorandum dated June 29, 2020, for Engineering Department review and approval, prior to the recording of the Certified Survey Map.

WISCONSIN COMMERCIAL 2015, LLC – CERTIFIED SURVEY MAP
RESOLUTION NO. 2020-_____

Page 3

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owner, Wisconsin Commercial LLC, 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, Wisconsin Commercial LLC, 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 _____, 2020.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2020.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

REPORT TO THE PLAN COMMISSION

Meeting of July 23, 2020

PLANNED DEVELOPMENT DISTRICT AMENDMENT AND CERTIFIED SURVEY MAP

RECOMMENDATION: City Development Staff recommends approval of the Planned Development District and Certified Survey Map applications for property located at 9720- 9750 S Oakwood Park Drive

Project Name:	Wisconsin Commercial 2015, LLC Planned Development District Amendment (major) and Certified Survey Map
Project Address/Tax Key:	9750 S Oakwood Park Drive/900 0010 005
Property Owner:	Wisconsin Commercial 2015, LLC
Applicant:	Wisconsin Commercial 2015, LLC
Current Zoning:	Planned Development District No 18
2025 Comprehensive Plan:	Commercial
Action Requested:	Recommendation of approval of the proposed PDD Amendment Application and Certified Survey Map

PROJECT DESCRIPTION/ANALYSIS

The applicant filed a Planned Development District Amendment and Certified Survey Map requesting to subdivide the property located at 9750 S Oakwood Park Drive

The proposed Certified Survey Map subdivides the existing parcel into two separate lots. The property is proposed to be divided in half with Lot 1 having an area of 3.876 acres and Lot 2 having an area of 3.874 acres.

The property is currently developed with two buildings that share an access and loading area. The applicant is proposing the land division in order to sell the southern parcel, Lot 2.

PDD No. 18 currently requires a 15-foot parking and driveway setback from property lines that are not abutting a public right-of-way¹. The CSM results in driveway and parking setbacks that cross the proposed property line (i.e. a zero foot setback). Therefore, the CSM application was filed concurrently with a PDD Amendment Application that would allow the CDA to waive driveway and parking setbacks from interior property lines.

More specifically, the applicant is requesting to amend Section 15-3.0423 of the Unified Development Ordinance Planned Development District No. 18 (Franklin Business Park) to amend Section 13 (10) of Ordinance No. 93-1279 to insert the language below at the end of the "Parking and Driveway Setbacks" section:

"The driveway setback "Not abutting a public right-of-way provisions of Subsection (10) herein shall not apply to abutting properties which have been divided by an approved by the City certified survey map, which abutting properties share an existing driveway improvement upon the property to be divided, depicted upon the certified survey map as approved (see Section 1 of attached draft Ordinance for full text)

¹ One side yard may be less than 15 feet if that side yard is at least 10 feet and both side yards together are at least 30 feet

Note there are no exterior site or building changes proposed. In addition, each building and lot conform to current PDD No. 18 standards, except for the driveway and parking lot setback as discussed above.

It can also be noted that similar language to waive building and parking setbacks from interior property lines can be found in the B-3 Community Business District and the OL-2 General Business Overlay District.

RECOMMENDATION

A motion to determine the proposed amendment to Planned Development District No. 10 to be a major amendment.

A motion to recommend approval of the Planned Development District Amendment.

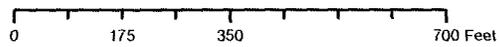
A motion to recommend approval of the Certified Survey Map, subject to the approval of the concurrently submitted Planned Development District Amendment Application and recording of the cross-access easement with the Milwaukee County Register of Deeds.



9750 S. Oakwood Park Dr.
TKN: 900 0010 005



Planning Department
(414) 425-4024

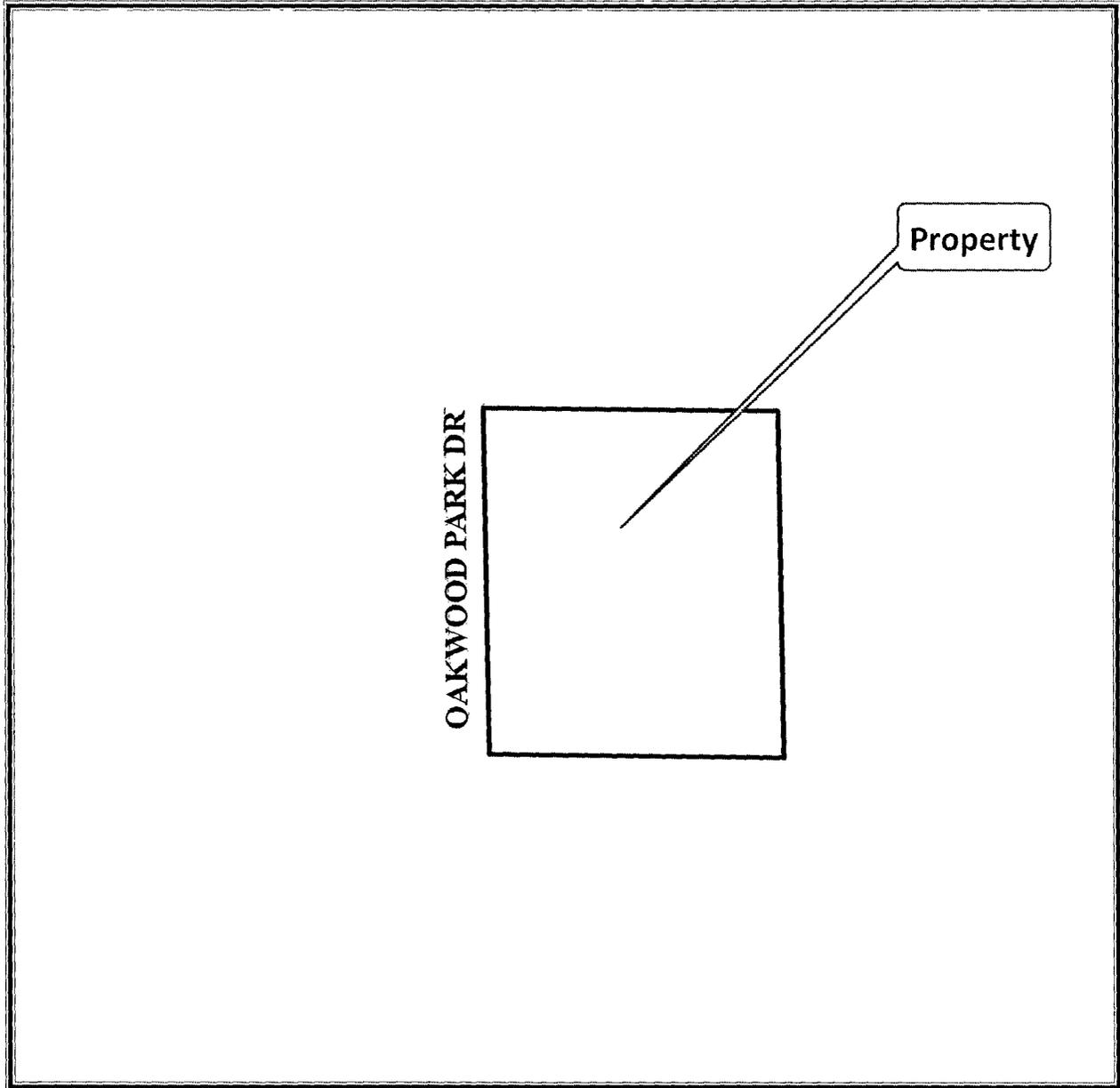


2017 Aerial Photo

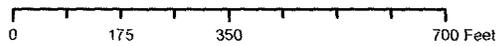
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal engineering or surveying purposes.



9750 S. Oakwood Park Dr.
TKN: 900 0010 005



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.

Regulo Martinez-Montilva

From: John Malloy <jmalloy12855@gmail.com>
Sent: Wednesday, July 8, 2020 3:21 PM
To: Regulo Martinez-Montilva
Cc: Heath Eddy, Gail Olsen, Chavin, Barry, Christopher Carr; Adam J. Tutaj
Subject: Re: Staff comments - Major PDD amendment and CSM / 9720-9750 S Oakwood Park Dr
Attachments: CSM REVISED.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Regulo, attached is the revised CSM, reflecting the changes requested by the Department of City Development in comment 1 in your correspondence dated June 29, 2020. In addition, in response to comment 2, our engineering firm has confirmed that the Land/Building Ratio requirement of the PDD No. 18 is met, i.e. no more than 75% of the site is covered with buildings, surface pavement or other covering materials which are impervious to surface water absorption. Our counsel is putting the finishing touches on the draft of the shared drive/cross-access easement, and I will share that with you as soon as it is available.

In regards to the Engineering Department comments, we will provide a water main easement that follows the template provided by the City. While we have the location of the hydrants on the survey, we do not have records of the water main. Can the City provide plans and/or locate the water main in the field in order for us to create the exhibits?

Thanks

John

On Mon, Jun 29, 2020 at 11:29 AM Regulo Martinez-Montilva <RMartinez_Montilva@franklinwi.gov> wrote

John,

I have attached staff comments regarding your Major Planned Development District (PDD) amendment and Certified Survey Map (CSM) applications. These applications are tentatively scheduled for the July 23, 2020, Plan Commission and Community Development Authority meetings; and August 4, Common Council meeting. The Department of City Development prepares packets for each meeting, so the applicant needs to submit revised application materials as follows:

- Plan Commission meeting, please submit 12 paper copies and 1 electronic copy by July 13
- Community Development Authority (CDA), please submit 12 paper copies by July 13
- Common Council meeting, resubmittal not required

Plans should be folded to 8.5" x 11". Plan Commission meets at 7:00 p.m., CDA at 6:00 p.m. and Common Council at 6:30 p.m.

Feel free to call me if you have questions.

Regards,

Régulo Martínez-Montilva, AICP

Associate Planner - Department of City Development

City of Franklin

9229 W Loomis Road

Franklin, WI 53132

Phone (414) 425-4024 / 427-7564

RMartinez_Montilva@franklinwi.gov



--

John J. Malloy

Managing Member

Wisconsin Commercial 2015 LLC

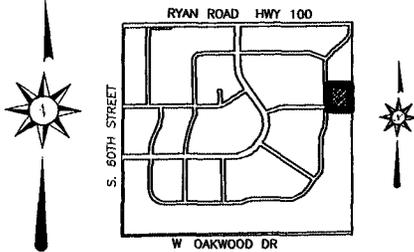
(414) 588-4363

jmalloy12855@gmail.com

CERTIFIED SURVEY MAP NO. _____

PARCEL 3 OF CERTIFIED SURVEY MAP NO 6566 RECORDED SEPTEMBER 29 1998 AS DOCUMENT NO 7607434 IN THE NE 1/4 AND SE 1/4 OF THE NE 1/4 OF SECTION 26 TOWN 5 NORTH RANGE 21 EAST CITY OF FRANKLIN COUNTY OF MILWAUKEE STATE OF WISCONSIN

VICINITY MAP



PROPERTY INFORMATION
 ADDRESS 9720-9750 S OAKWOOD PARK DR
 EXISTING ZONING PDD NO 18

LAND SURVEYOR
 BAIBA M ROZITE
 THE SIGMA GROUP
 1300 W CANAL ST
 MILWAUKEE WI 53233

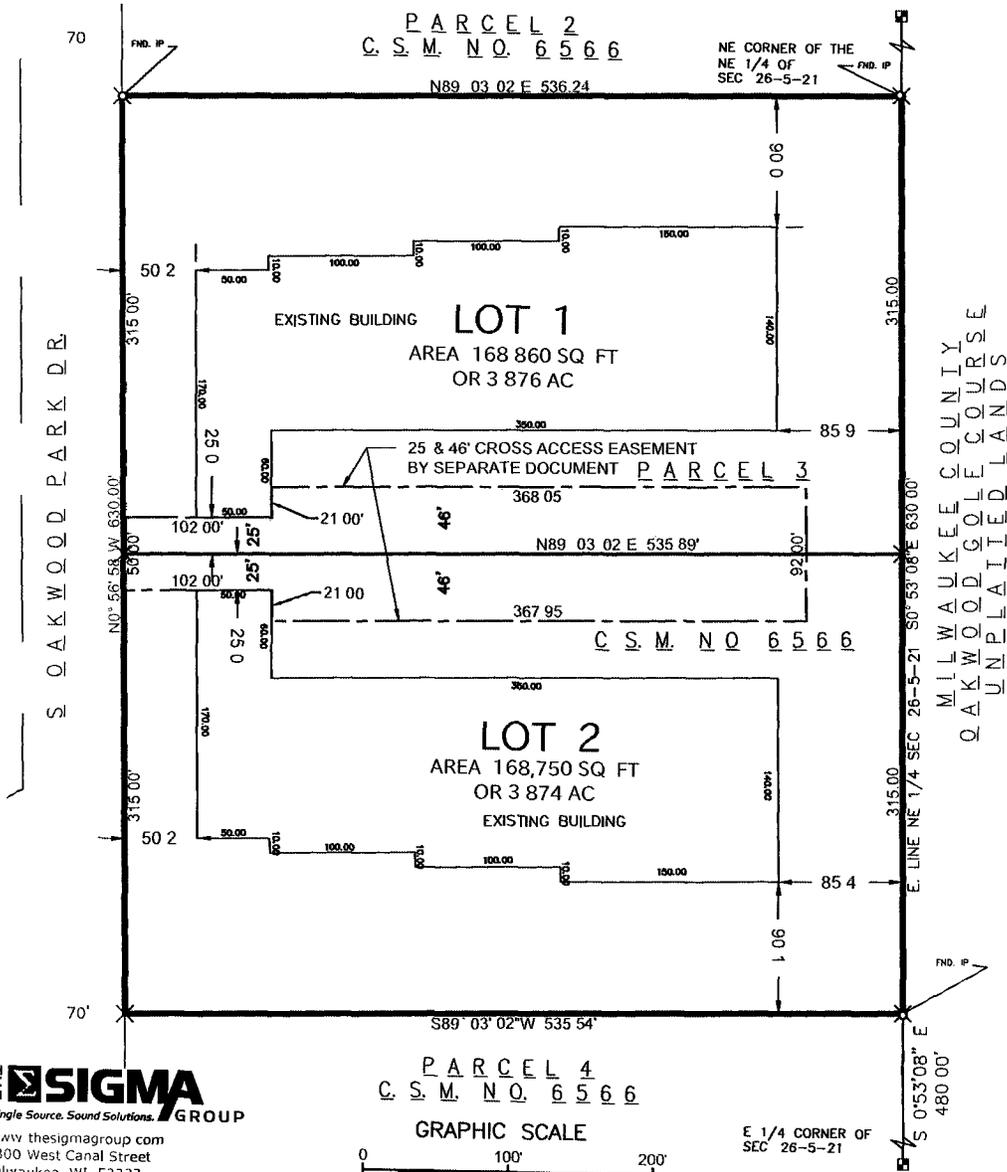
LEGEND & NOTES

- INDICATES FOUND 1 DIAM IRON PIPE
- INDICATES SET 3/4 DIAM REBAR 18 LONG WEIGHING 1 50 LBS/LIN FT

BEARINGS REFERENCED THE WISCONSIN STATE PLANE COORDINATE SYSTEM WITH THE EAST LINE OF THE NE 1/4 OF SEC 26-5 21 ASSUMED TO BEAR N 0 53 08 W AS PUBLISHED BY SEWRPC NAD 1927

EXISTING EASEMENTS AND SETBACKS SHOWN ON SHEET 2

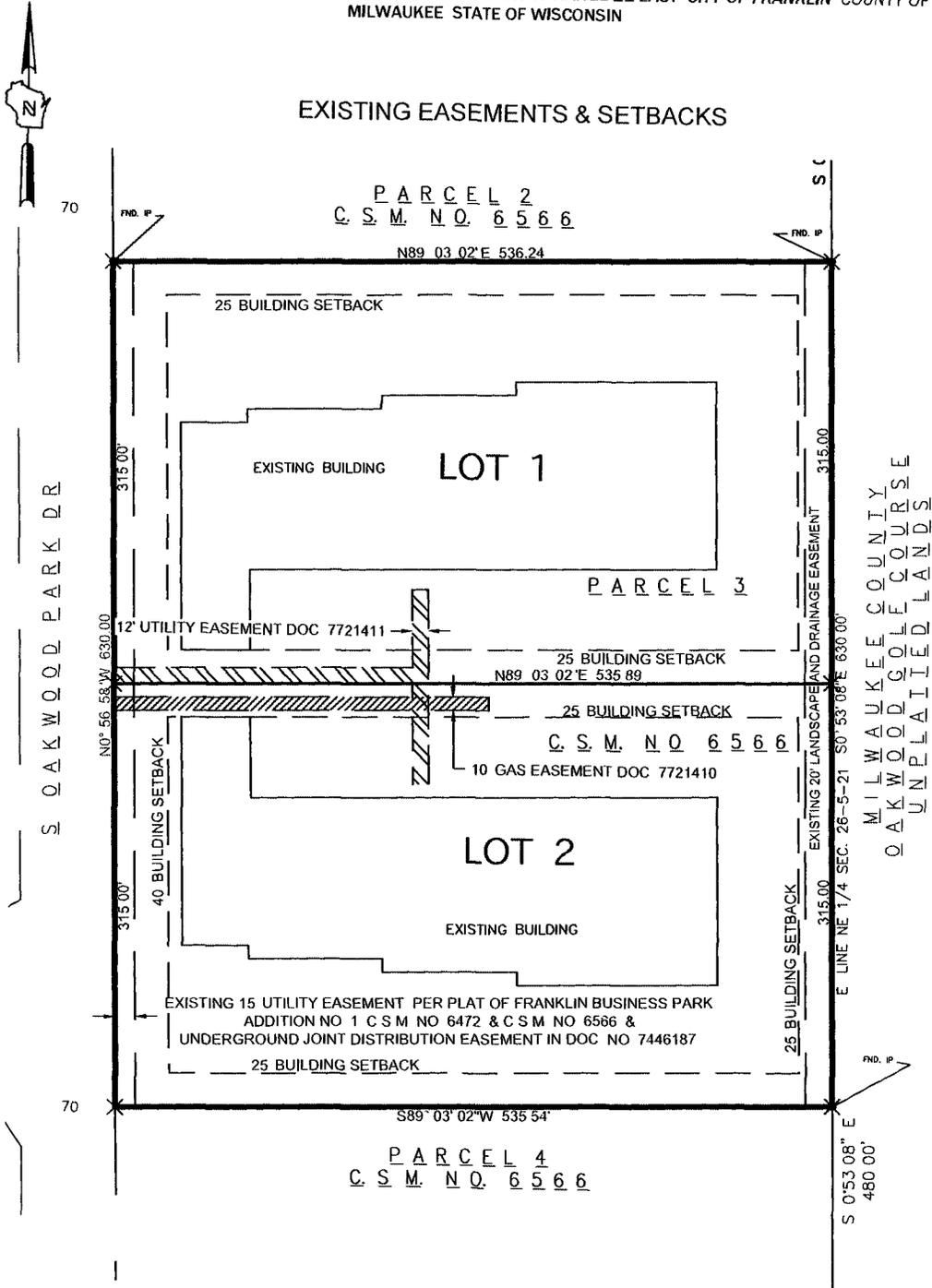
OWNER/SUBDIVIDER
 WISCONSIN COMMERCIAL LLC
 757 N BROADWAY STE 700
 MILWAUKEE WI 53202



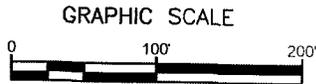
THE SIGMA GROUP
 Single Source. Sound Solutions.
 www.thisigmagroup.com
 1300 West Canal Street
 Milwaukee WI 53233
 Phone 414 643 4200
 Fax 414-643 4210

CERTIFIED SURVEY MAP NO. _____

PARCEL 3 OF CERTIFIED SURVEY MAP NO 6566 RECORDED SEPTEMBER 29 1998 AS DOCUMENT NO 7607434 IN THE NE 1/4 AND SE 1/4 OF THE NE 1/4 OF SECTION 26 TOWN 5 NORTH RANGE 21 EAST CITY OF FRANKLIN COUNTY OF MILWAUKEE STATE OF WISCONSIN



THE SIGMA GROUP
 Single Source. Sound Solutions.
 www.thesigmagroup.com
 1300 West Canal Street
 Milwaukee WI 53233
 Phone 414 643 4200
 Fax 414 643 4210



CERTIFIED SURVEY MAP NO. _____

PARCEL 3 OF CERTIFIED SURVEY MAP NO 6566 RECORDED SEPTEMBER 29 1998 AS DOCUMENT NO 7607434 IN THE NE 1/4 AND SE 1/4 OF THE NE 1/4 OF SECTION 26 TOWN 5 NORTH RANGE 21 EAST CITY OF FRANKLIN COUNTY OF MILWAUKEE STATE OF WISCONSIN

MORTGAGEE'S CERTIFICATE OF CONSENT

TOWN BANK, N A A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF _____, MORTGAGEE OF THE HEREIN DESCRIBED LAND DOES HEREBY CONSENT TO THE SURVEYING DIVIDING AND MAPPING OF THE LAND AS REPRESENTED ON THIS MAP AND DOES HEREBY CONSENT TO THE ABOVE CERTIFICATE OF WISCONSIN COMMERCIAL 2015 LLC OWNER

IN WITNESS WHEREOF THE SAID TOWN BANK HAS CAUSED THESE PRESENTS TO BE SIGNED BY _____, ITS _____, THIS ____ DAY OF _____, 20____

SIGNATURE

STATE OF WISCONSIN)

)SS

MILWAUKEE COUNTY)

PERSONALLY CAME BEFORE ME THIS ____ DAY OF _____, 20____ TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND TO ME KNOWN TO BE THE _____ OF TOWN BANK AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT BY ITS AUTHORITY

(SEAL) NOTARY PUBLIC STATE OF WISCONSIN

MY COMMISSION EXPIRES _____

**WISCONSIN COMMERCIAL 2015, LLC
PROJECT SUMMARY
JUNE 2020**

Wisconsin Commercial, LLC is the owner of the property at 9720-9750 S. Oakwood Park Drive in Franklin, WI ("Property"), having acquired the Property in April 2007. Wisconsin Commercial 2015 LLC is the sole Member of Wisconsin Commercial, LLC. The Property resides within the boundaries of Planned Development District No. 18 ("PDD No. 18").

The Property is comprised of two mirror-image buildings, each approximately 54,400 SF in size. The North Building is located at 9720 S. Oakwood Park Drive, and the South Building is located at 9750 S. Oakwood Drive. Each building has its own parking lot accessible off Oakwood Park Drive: the North Building's parking lot to the north side of that building, and the South Building's parking lot to the south side of that building. The buildings share a truck court in between the two buildings.

In early 2020, a potential Buyer contacted the Broker for Wisconsin Commercial, LLC, indicating that they needed up to 40,000 SF of contiguous space to relocate warehouse and distribution operations currently maintained elsewhere in the City of Milwaukee. The Buyer, a regional distributor of passenger and light truck tires, as well as agricultural, industrial and specialty tires, indicated that their strong preference was to own the building they would occupy. After touring properties throughout the metro Milwaukee area, they concluded that the South Building best met its needs.

Wisconsin Commercial 2015, LLC and the Buyer have a fully-executed Offer To Purchase ("OTP") for the South Building that contemplates that the Property would be split down the middle of the truck court that is between the North and South Buildings. The result would be that each building would retain its separate parking lot, with the truck court being shared subject to an easement entered into by the parties on or before closing of the sale. The easement will address, among other things, City of Franklin prohibitions on outdoor storage and the like. A new Certified Survey Map would be completed by The Sigma Group for purposes of separating the parcels into two. **When the parcels are split in the middle of the truck court, we will end up with 0' pavement setback on the interior line in this location.**

Representatives of Wisconsin Commercial 2015, LLC have been in contact with City of Franklin Planning Department since the OTP was executed and, along with a representative of The Sigma Group, participated in a pre-application conference call on June 8, 2020.

City of Franklin Department of City Development

Date: June 29, 2020

To: John J. Malloy, Wisconsin Commercial 2015, LLC

From: Department of City Development Staff

RE: Applications for Major Planned Development District (PDD) amendment and Certified Survey Map (CSM) – 9720-9750 Oakwood Park Drive

Below are comments and recommendations for the proposed Planned Development District Amendment and Certified Survey Map submitted by Wisconsin Commercial 2015, LLC for property located at 9720-9750 S Oakwood Park Drive.

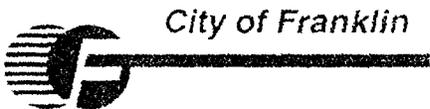
Department of City Development comments

- 1 Per Section 15-7 0702 of the UDO, please show correctly on the face of the CSM, in addition to the information required by § 236.34 of the Wisconsin Statutes, the following
 - a. **Owner, Subdivider, Land Surveyor.** Name and address of the owner, Subdivider, and Land Surveyor
 - b. **Existing Zoning.** The Certified Survey Map shall indicate on its face the current zoning and zoning boundary lines of all parcels, lots or outlots proposed to be created by the Certified Survey Map.
2. Please confirm that the Land/Building Ratio requirement of the PDD No. 18 (below) is met

“No more than 75 percent of any site shall be covered with buildings, surface pavement or other covering materials which are impervious to surface water absorption.”
3. Please provide a draft copy of the shared drive/cross-access easement
4. Per the Declaration of Protective Covenants for Franklin Business Park section 21 Right to Re-Subdivide, a re-subdivision shall not be permitted without prior approval by the Association and the CDA. Approval e-mail received on June 25, 2020.

Engineering Department comments

- 5 *The proposed PDD Amendment must be approved first before the approval of this proposal*
- 6 *Prepare water main easement for the existing hydrants within the property for the City of Franklin to take over for its maintenance The easement must be submitted for the City's review and approval This easement should also be depicted on this proposal*
- 7 *Must resolve any technical issues identified by the Milwaukee County*
- 8 *There is a private storm drainage system between the two buildings They need to show that on the proposed certified survey map Please send us a copy of the maintenance agreement of the storm drainage system*



Date of Application 06/10/2020

CERTIFIED SURVEY MAP (CSM) APPLICATION

Complete, accurate and specific information must be entered Please Print.

Applicant (Full Legal Name[s])
 Name John J Malloy
 Company Wisconsin Commercial 2015 LLC
 Mailing Address 757 N Broadway Suite 700
 City / State Milwaukee, WI Zip 53202
 Phone (414) 588-4363
 Email Address jmalloy12855@gmail.com

Applicant is Represented by (contact person)(Full Legal Name[s])
 Name Christopher Carr
 Company The Sigma Group
 Mailing Address 1300 W Canal Street
 City / State Milwaukee, WI Zip 53202
 Phone (414) 643 4163
 Email Address ccarr@thesigmagroup.com

Project Property Information
 Property Address 9720-9750 Oakwood Drive
 Property Owner(s) Wisconsin Commercial 2015 LLC
 Mailing Address 757 N Broadway Suite 700
 City / State Milwaukee, WI Zip 53202
 Email Address jmalloy12855@gmail.com

Tax Key Nos 900-0010-005
 Existing Zoning PDD#18
 Existing Use Office, Industrial & Commercial Mixed Use
 Proposed Use Office Industrial & Commercial Mixed Use
 CMP Land Use Identification _____

*The 2025 Comprehensive Master Plan Future Land Use Map is available at <http://www.franklinwi.gov/Home/Resources/Documents/Maps.htm>

Certified Survey Maps shall be prepared as provided in § 236 34 (1m) (c) Wis. Stats. and Division 15-7.0700 of the Unified Development Ordinance.

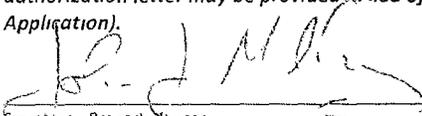
Certified Survey Map submittals for review must include and be accompanied by the following:

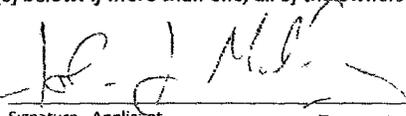
- Milwaukee County Review Fee, payable to Milwaukee County Register of Deeds \$75
 - Two (2) original map copies for Milwaukee County review, prepared at 8-1/2" wide by 14" long on durable white paper
- This Application form accurately completed with original signature(s) Facsimiles and copies will not be accepted
- Application Filing Fee, payable to City of Franklin \$1,500
- Seven (7) complete sets of Application materials, for City of Franklin review to include
 - Project Summary *a written detailed description of the project* One (1) original and six (6) copies
 - Map Copies One (1) original map copy and six (6) map copies prepared at 8 1/2" wide by 14" long and must be clearly legible
- As may be required, seven (7) copies of a "Natural Resource Protection Plan and "Landscape Plan" for any landscape bufferyard easement areas
- If applicable, three (3) copies of the Natural Resource Protection report (see Division 15-9 0309D of the UDO)
- If applicable, one copy of the Site Intensity and Capacity Calculations (see Division 15-3 0500 of the UDO)
- Email (or CD ROM) with all plans and submittal materials in Adobe PDF *(May be waived by City Planner)*

- Upon receipt of a complete submittal, staff review will be conducted within ten business days
- All Certified Survey Map requests require Plan Commission review and Common Council approval
- All Certified Survey Map requests shall comply with Chapter 236 of the Wisconsin State Statutes

The applicant and property owner(s) hereby certify that (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge, (2) the applicant and property owner(s) has/have read and understand all information in this application, and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7 00 a m and 7 00 p m daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis Stat §943 13

(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).


 Signature Property Owner
John J Malloy Managing Member
 Name & Title (PR NT)
 Date 06/10/2020


 Signature Applicant
John J Malloy Managing Member
 Name & Title (PRINT)
 Date 06/10/2020

Signature Property Owner
 Name & Title (PRINT)
 Date _____

Signature Applicant's Representative
 Name & Title (PRINT)
 Date _____

7/13/2020

Gmail RE Franklin Business Park Association

M .

RE: Franklin Business Park Association

Joe A Bukovich <jbukovich@pointre.com>
To: John Malloy <jmalloy12855@gmail.com>
Cc: "Barry S. Chavin" <Barry.Chavin@ngkf.com>

Good Morning John

On behalf of the Franklin Business Park Association Review Board please accept this email as the Board's approval to subdivide Parcel 3 of CSM No. 6566 in

Thank you

Joe

Joseph A. Bukovich P.E.

Vice President Development

MLG Capital

19000 W Bluemound Road

Brookfield, WI 53045

(262) 424-5997 (mobile)

(414) 908-9157 (fax)

 **MLG Capital**
Real Estate Investments

From: John Malloy <jmalloy12855@gmail.com>
Sent: Wednesday, June 24, 2020, 2:09 PM
To: Joe A Bukovich <jbukovich@pointre.com>; Joe A Bukovich <jbukovich@pointre.com>
Cc: Barry S. Chavin <Barry.Chavin@ngkf.com>
Subject: Re: Franklin Business Park Association

Joe thanks for taking time to talk this afternoon about our Building sale in Franklin. Attached to this e-mail is the Project Summary and the CSM. Please take any questions. Otherwise, please indicate the Association's approval of our plan.

<https://mail.google.com/mail/u/0?ik=332b6a0b89&view=pt&search=all&permmsgid=msg-f%3A1670487633124003522&simpl=msg-f%3A1670487633124003>

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APPROVAL 	REQUEST FOR COUNCIL ACTION	MTG. DATE August 4, 2020
Reports & Recommendations	STATUS OF W. MARQUETTE AVENUE ROAD EXTENSION BETWEEN S. 49TH STREET AND S. 51ST STREET	ITEM NO. 6.8.

BACKGROUND

On March 17, 2020, Common Council moved to “...prepare the necessary documents to receive developers’ donations for the road right-of-way and engineering specifications for W Marquette Avenue and to advertise for bids for a competitive public works project, along with an alternate bid for adding water and sewer ” All voted aye Motion carried

The developments are the Oak Ridge Subdivision (11.88 acre parcel owned by Walter R. Hablewitz- TKN 759 9981 010) and Pleasant View Estates (27.01 acre parcel owned by Creative Homes Inc- TKN 788 9981 003). Staff contacted the adjacent developers and their representatives on Wednesday, March 18, 2020, outlining needs from the developers.

There was a conference call with the developers on April 6, 2020. Staff has followed up with Lynch Engineering, who was hired and working in cooperation with both developments, on multiple occasions. To summarize the status, this issue is at a standstill because the City and the developers do not have an agreement outlined to allow the City to accept donations for the road right-of-way and bidding documents. At issue is the City’s lack of direction on assessments to the developers for the completion of the project.

Staff cannot proceed as directed by Common Council. Guidance on plan to assess, or not to assess, is needed.

ANALYSIS

Although there are variations that may be negotiated, there are essentially three options that would result in the construction of W. Marquette Avenue:

1. The developer(s) construct the project as part of their development project(s) as with most other new roads constructed in Franklin.
2. The City constructs the project with minimal assistance (donations of the right-of-way and the engineering plans) from the adjacent developers.
3. The City constructs the project and special assesses the benefitted properties.
4. Some variation of the above three options.

Option 1 is not elaborated in this Council Action. This has been discussed at many previous Common Council meetings. Historically, the City has usually noted that “the City does not build these roads.” Upon research, there are exceptions.

Recently, W. Evergreen Street road and utility infrastructure was constructed to facilitate development of Pleasant View Park. In 2014, a decision was made to defer assessment to the adjacent landowner until the property developed (which occurred in 2016).

Attached is an undated (presumably circa 1979) 7-page report from Jack Bennett, P.E.- City Engineer to the Franklin Finance Committee on the topic of Special Assessments for Street Reconstruction. The document states that “...the City of Franklin has no policy for the assessment of reconstruction of street projects, but does have an assessment policy for the construction of new roadways... included such projects as S 35th Street, S 29th Street, South 33rd Street, and West Central Avenue...” Staff has not yet been able to locate Engineer’s Reports for the referenced streets. A phone conversation with Mr. Bennett confirmed this practice and noted that properties were also assessed when a road was improved from a rural section to a curb and gutter section. Staff found three instances where properties were assessed for concrete curb and gutter and concrete driveway approaches.

Option 2 assumes that right-of-way and engineering will be donated to the City. For the purposes of this Council Action, Staff has not developed a cost estimate. Attached is a quote that Lynch Engineering obtained from Wanasek Corporation in April 2019 that will be assumed to be close enough for a discussion and all should acknowledge that the plans and a firm quote should be finalized before any numbers are used for final evaluation. Staff has not compared the plans with the quote but herein is assumed that all prices are for public work in the proposed W. Marquette Avenue right-of-way only.

Below are calculations assuming that land is donated, design engineering is donated, and storm drainage issues are incorporated within the two developments. Note that if both developments are not constructed at the same time as the road, City, MMSD, and DNR requirements will necessitate separate storm water management design and construction for the road alone. (* denotes assumed budget)

\$434,770.00	Grading (road and sidewalk work- see note below)
\$193,070.00	Sanitary sewer
\$142,345.00	Water main (does not include water main to loop to the east)
\$83,323.90	*Water main to the east for looping
\$104,125.00	Storm sewer (assumes that developments occur at the same time)
\$957,633.90	Sub-total Project Costs
\$143,645.09	*15% Construction contingency
\$165,191.85	*15% Inspection
\$1,266,470.84	Total Project Costs (Option 2)

Note- all options could consider that the City explore park impact fees to pay for the sidewalk. It is unclear how much the sidewalk portion was part of Wanasek’s quote.

This Option 2 could be fully born by the City, or a negotiated agreement with the developers (Option 4).

Option 3 assumes that the City must budget all items. Both developers have indicated to Staff that they are hesitant to donate real estate and other services if they will also be assessed for the improvements. This option would include land acquisition sufficient to address storm water retention/detention needs. (* denotes assumed budget)

\$957,633.90	Sub-total from Option 1 Construction
\$200,000.00	*Additional work needed for storm retention/detention
\$173,645.09	15% Construction contingency
<hr/>	
\$1,331,278.99	Subtotal project costs
\$199,691.85	*15% Engineering
\$199,691.85	*15% Inspection
\$140,000.00	*Land acquisition (4 acres @ \$35k/acre)
<hr/>	
\$1,870,662.68	Total Project Costs (Option 3)

Option 3 would include consideration of special assessment. Wisconsin Statute §66.0701 "...city may, by ordinance, provide that the cost of installing or constructing any public work or improvement shall be charged in whole or in part to the property benefited, and make an assessment against the property benefited in the manner that the governing body determines. Franklin municipal code §207-15.B also uses may language.

In Franklin, an Engineer's Report is required and both State Statutes and Franklin Municipal Code provide broad guidance on how the benefit may be attributed to property owners. Franklin Code further specifies that the amount to be assessed "*shall be apportioned among the individual parcels in the manner designated by the City Council*" [§207-15.G]. Furthermore "...accomplish a fair and equitable assessment" [§207-15.J] language is specified. §207-15R discusses maximum rates for utilities when front foot basis is used, but no maximum assessments are mentioned if other methods are employed.

Both developers have expressed a desire that if the City desires to assess, only proposed lots fronting the improvements in their subdivision plats should be assessed and have also expressed an opinion that the proper assessment should not exceed \$40,000 per developer. Staff contends that both subdivisions need this infrastructure to facilitate the whole and complete development of each subdivision. \$80,000 [\$40k x 2 developers] represents less than 5% of the total project costs and is not representative of the relative need for each subdivision. Staff would not support this limited assessment in the Engineer's Report.

The enclosed exhibits illustrate which properties should be assessed for water, sewer, and roads. Properties already served by existing infrastructure are not assessed for newly constructed infrastructure.

For the potable water system, the cost of the project was interpolated from the Wanasek bid to be extended to the end of the existing water main at the end of the school property. The entire water main would be about 1,300 feet and considering the interpolation of a project to extend to the school property, the water system portion of the total project cost is approximately \$337,000, or about \$260/LF (or \$130/LF/side). The 2020 maximum assessment rate for water is \$121.42/LF/side. Since this assessment would include two existing single-family parcels, Staff recommends that the potable water system be assessed upon a front foot basis. Per §207-15.R(2), the balance of the costs would be financed by the water connection fee fund.

For the sanitary sewer, and storm sewer/retention basin systems, the potential assessments are from the two developable lands. Staff contends that regardless of acreage and frontage, each development has equal need for this infrastructure sewer so the costs should be split 50/50 amongst the two developments.

This road should be improved to the western property line of Pleasant View Elementary School. (PV). There has been much discussion regarding PV's need for the road connection. The issue of

road impact fees would reduce the City cost approximately 6% related to the future student growth at the school. The PV representatives have stated that they have no need for this road extension.

With the exception of two residential lots that are on private wells, Staff does not believe that existing residential homes benefit from the construction of new infrastructure as they are already served by water, sewer, and road. For the remaining land to be developed as subdivisions, Staff considered methods of allocating percentages based on frontage length of adjacent land and acres for development. Staff supports that each development equally needing the infrastructure is a “fair and equitable” method.

Below is a table that summarizes a first pass at allocation of assessments for each property owner. If assessments are the desired option, an engineering consultant will be needed to fully develop plans and construction estimates for a City project. Staff would provide a similar analysis in the Engineer’s Report.

Property	Potable Water		Sanitary Sewer		Storm Sewer / Retention		Road		Total per Property
	Footage	Cost	%	Cost	%	Cost	%	Cost	
Hablewitz	750	\$91,065	50%	\$144,319.83	50%	\$279,833	47%	\$321,941	\$837,159
Koplinski	140	\$16,999							\$16,999
Hamrick	300	\$36,426							\$36,426
Creative Homes	1100	\$133,562	50%	\$144,319.83	50%	\$279,833	47%	\$321,941	\$879,656
Franklin School							6%	\$41,099	\$41,099
Franklin City		\$59,323							\$59,323
Total Component Cost		\$337,375		\$288,639.65		\$559,666		\$684,981	\$1,870,662

To defend a decision to assess or not assess for these improvements, the Common Council must be able to answer the question, **“Does the City install/pay for new roads/infrastructure as part of our normal business process?”** Franklin has historically assessed for utilities unless it met defined criteria for exceptions as outlined in the municipal code- which is not applicable here. As for roads, there have been limited previous assessments for roadways, and the known examples are listed in discussion for Option 1.

If the answer to the above question is **“no,”** then it would be very hard for the Council to change course now and go with Option 2, and then change back to its standard policy/practice. Unless, of course, Council would like to change its policy/practice and begin paying for all of the new roads/infrastructure needed for new development, which would be very expensive. On the other hand, if the answer is **“yes,”** where one can say that the City typically pays for these improvements, then asking the developers to do so in just this case would again be selective and the City would likely not be successful in that effort.

Option 4 assumes that the City and the Developers negotiate an agreement. One example may be Option 2 where the City agrees to participate with \$XXX,XXX. This option could also be Option 3 where the City will finance \$XXX,XXX and special assess the remainder of the improvements.

Historically, Franklin has only required partial recovery of the costs when the City desired something greater than needed for the benefited properties- i.e. over size, greater depth, extra wide, across undevelopable lands, etc. In this situation, the public utilities are the minimum size, the street would be the minimum required for a residential development, and there is no adjacent undevelopable land due to wetlands or other natural resources.

OPTIONS

- A. Direct Staff to proceed with Option 1- require developers to pay for and construct infrastructure. If the Common Council prefers to continue on with past policies and practices, Option 1 should be selected.
- B. Direct Staff to proceed with Option 2- agree to pay for improvements and only ask developers for donation of engineering design and right-of-way. If Common Council would like to change course from the overwhelmingly majority of past practices, and be responsible for funding future developer needed improvements/infrastructure, this option should be selected.
- C. Direct Staff to proceed with Option 3- plan to conduct this project as a City project and direct Staff to solicit a separate design firm for the work. If Common Council is willing to fund the project up front and get paid back over time, through the special assessment process, Option 3 should be selected.
- D. Direct Staff to implement Option 4 by a combination of methods. Development of roadways and infrastructure is not something that the City can jump back and forth on with regard to funding. It is believed that communities may change methods once and it might be defensible, but flipping back and forth is not defensible.

FISCAL NOTE

There is a combined \$750,000 in the 2020 Budget for W. Marquette Avenue from S. 51st Street, through S. 49th Street, to Pleasant View School.

The Road Impact Fees study, currently under development, is considering that Pleasant View Elementary School has a current enrollment of 510 and has a building capacity of 540 students (almost 6% future growth). That would result in \$26,100 [6% of the \$435,000 in road costs above

A budget amendment would be required to authorize the \$1,875,000 in total costs [increase the appropriation by \$1,125,000] – which would require Finance input to identify the additional funding.

If desired, Staff can research applicability of impact fees to pay for the sidewalk section.

RECOMMENDATION

(Option A) Direct Staff to work with developers as they plan and pay for infrastructure related to their developments.

Engineering Department: GEM

TO: FRANKLIN FINANCE COMMITTEE

FROM: JOHN M. BENNETT, P.E., CITY ENGINEER

SUBJECT: PRELIMINARY REPORT ON SPECIAL ASSESSMENTS FOR STREET RECONSTRUCTION.

Gentlemen:

Pursuant to the request of the Chairman of the Finance Committee regarding the possibility of special assessing the cost of roadway reconstruction of State Trunk Highway (S.T.H.) 100 and other future reconstruction projects, please be advised that the Franklin Engineering Department has investigated the policies of other communities relative to special assessments and is submitting the following comments for review by the Finance Committee.

At the present time, the City of Franklin has no policy for the assessment of reconstruction street projects, but does have an assessment policy for the construction of new roadways. New roads have been assessed in the past and have included such projects as South 35th St., South 29th St., South 33rd St. and West Central Ave. The City has not assessed reconstruction street projects with the major recent example being that of West Drexel Ave. The difference between a reconstruction street project and a new construction street project is that a reconstruction project would include construction work on a street that is considered a fully accepted street where new construction would include construction work on newly acquired right-of-way or in existing rights-of-way where the street was not improved with a hard driving surface.

I. Other Communities' Assessment Policies

While the Franklin Engineering Department has not made an extensive survey of the assessment policies of other communities, we have looked into two communities that do special assess road reconstruction projects. A brief description of the City of Milwaukee and the City of Janesville assessment policies for road reconstruction are as follows:

A. City of Milwaukee Assessment Policy

Each year the City of Milwaukee sets an assessment rate for new construction and reconstruction projects based on the average rate of the construction cost for the following year. The special assessment rate for 1979 has been established as follows:

<u>Improvements</u>	<u>1 & 2 Family Lots</u>	<u>All Other Lots</u>
8" Pavement	\$22.00/ft.	\$24.00/ft.
Curb & Gutter	5.25/ft.	5.25/ft.
Storm Sewer	8.00/ft.	8.00/ft.

The City of Milwaukee bases their assessment rate on a complex formula, but as I understand their procedure, the assessment rate is set to reflect the cost of a local residential street and the City of Milwaukee general fund picks up the costs above the special assessment costs. The City of Milwaukee no longer uses an area assessment charge, although they still have the procedure on their books. The area charge was only used for what they call a "street opening" or the construction of a new access to an area which was obtained through property acquisition.

B. City of Janesville Assessment Policy

The City of Janesville has a very simple assessment policy which has been in effect for over ten years. Their assessment policy calls for a maximum assessment of 1/2 the cost of a 36 foot face to face street for all residential uses and a maximum assessment of 1/2 the cost of a 52 foot face to face street for all commercial and industrial properties. If the assessment cost is less than the above, the actual assessment costs would be used. If the construction cost on such as a major highway is greater than the above, the City picks up the cost above the assessment rate.

II. Recommended Method of Special Assessment for City of Franklin Reconstruction Projects

The method of special assessment used by the City of Janesville appears to be best suited for consideration by the City of Franklin. It appears logical that property owners should pay an assessment equal to the cost of a minor street just as the property owner that purchases a new lot in a subdivision, in fact, must pay for the cost of the street when the lot is purchased. It also appears logical that commercial, industrial and multifamily uses will benefit to a higher degree due to the reconstruction of a roadway as they produce more traffic.

Using the Janesville method of special assessment and adapting their method to the City of Franklin would involve the determination of the width of a minor street and the width of a collector street to be used for the calculation of the maximum assessment rate. The City of Franklin municipal code defines the width of a local and collector street as 28 feet and 40 feet respectively. Therefore, the City of Franklin could use the Janesville method of special assessment by using the 28 foot width for a minor street and 40 foot width for a collector street. Also, it is recommended that the portion of the City of Milwaukee assessment policy be used regarding the definition of single-family and two-family versus all other uses instead of the Janesville policy of residential uses versus non-residential uses as the Milwaukee policy will shift a higher rate to the multi-family zoned lands.

While the above recommended policies are very general and other items such as corner lot consideration, double frontage and other exceptions must be addressed, the above recommendations will give a starting point for the consideration of an assessment policy.

III. Calculation of Assessment Cost for 1979

In order to apply the above recommended assessment policy to see how the policy would effect proposed projects under consideration by the City, it is necessary to determine the assessment rate for 1979. The following are the assumptions and calculations for the maximum assessment rates for a local and collector street. The cost calculations for a local street would be used to determine the maximum assessment rate for all other uses except single-family and two-family lots.

The following is the Engineering Department estimate for the 1979 cost of the construction of a local and collection system. The cost estimates are based only on the cost of the roadway surface and all other items of construction such as grading and shouldering have not been included in the cost estimate as they may vary from project to project.

A. Local Street Assessment Rate to Be Used for Single-Family and Two-Family Uses

1. Local street Assessment Rate - Roadways without curb and gutter - Roadway width 24 feet-subdivision construction standards.

Stone - \$1.76/sq. yd. x 2.67 sq. yd./ft.	=	\$4.70
Asphalt - \$6.30/sq.yd. x 2.67 sq.yd./ft.	=	\$16.82
		<hr/>
Total		\$21.52

\$21.52 per running foot or \$10.76 per front foot.

2. Local Street Assessment Rate - Roadways with curb and gutter - Roadway width face to face 28 feet - Sub-division construction standards.

Stone - \$1.76/sq.yd. x 2.67 sq.yd./ft.	=	\$4.70
Asphalt - \$6.30/sq.yd. x 2.67 sq.yd./ft.	=	16.82
Curb & Gutter - \$5.50 per ft. x 2	=	11.00
		<hr/>
Total		\$32.52

\$32.52 per running foot or \$16.26 per front foot

B. Collector Street Assessment Rate to Be Used for All Other Uses than Single-Family and Two-Family Uses.

1. Collector Street Assessment Rate - Roadways without curb and gutter - Roadway width 36 Feet - subdivision construction standards.

Stone - \$1.76/sq.yd. x 4 sq.yd./ft.	=	\$7.04
Asphalt - \$6.30/sq.yd. x 4 sq.yd./ft.	=	25.20
		<hr/>
Total		\$32.24

\$32.24 per running foot or \$16.12 per front foot.

2. Collector Street Assessment Rate - Roadways with curb and gutter - Roadway width 40 feet face to face - Subdivision construction standards.

Stone - \$1.76/sq.yd. x 4 sq.yd./ft. = \$7.04

Asphalt - \$6.30/sq.yd. x 4 sq.yd./ft.= 25.20

Curb & Gutter - \$5.50 per ft. x 2 = 11.00

Total \$43.24

\$43.24 per running foot or \$21.62 per front foot.

IV. Calculation of the Assessment Return for the Reconstruction of S.T.H. 100

A. Assumptions

Assume that a special assessment ordinance would be created based on the above recommendation and that the 1979 construction rates would be used for the calculation of the assessments. Also, assume that no assessment would be collected for lots fronting on the service drives which parallel S.T.H. 100.

B. Calculation of Assessment Return from Frontage of All Single-Family and Duplex Lots at the Rate of the Local Street Rate and all Other Uses at the Rate of a Collector Street.

The construction of S.T.H. 100 from West Colldge Ave. to Phyllis Lane will be reconstructed with curb and gutter and said section is calculated at a curb and gutter assessment rate. The remaining section of S.T.H. 100 will not have curb and gutter installed and the assessment rate does not include the calculation for curb and gutter.

1. Single-family and two-family frontage between West College Ave. and W. Phyllis Lane where curb and gutter will be installed:

2600 front footage x \$16.26/ft. = \$42,276

2. All other frontage except single-family and two-family between W. College Ave. and W. Phyllis Lane where curb and gutter will be installed:

5350 front footage x \$21.62/ft. = \$115,667

3. Single-family and two-family frontage between a point north of W. Church St. to a point south of W. Church St. where no curb and gutter will be installed:

2585 front footage x \$10.76/ft. = \$27,815

Total = \$185,758

C. Summary of S.T.H. 100 Project Cost as Estimated by the State Division of Highways

City of Franklin share of project cost	\$328,750
Assessment return as calculated above	185,757
City of Franklin's cost after assessment return	<u>\$142,993</u>

D. In addition to the above, the City could assess a portion of the storm sewer costs in the portion of S.T.H. 100 in which storm sewer is installed between W. College Ave. and W. Phyllis Lane. The State Division of Highways has calculated that \$25,000 of the storm sewer cost is for off road drainage; therefore, the City will have to pay 100% of the \$25,000 in addition to 15 percent of the remaining storm sewer cost. The total cost for all storm sewer costs are included in the \$328,750 estimate. Listed below are two alternative methods that may be considered for assessment of the storm sewer costs for S.T.H. 100.

1. Assess the storm sewer costs at the same rate as the City of Milwaukee assesses for storm sewer - \$8.00 per front foot. There is no question that this is a lower rate than the actual storm sewer cost within an average subdivision street. The assessment return at \$8.00 per front foot for the section of S.T.H. 100 that has storm sewer installed is as follows:

$$7950 \text{ front feet} \times \$8.00/\text{ft.} = \$63,600$$

If storm sewer is assessed at \$8.00 per front foot, the City of Franklin's cost of the reconstruction of S.T.H. 100 would be as follows:

City's share of project cost	\$328,750
Assessment return for roadway assessment	185,757
Assessment return for storm sewer assessment	63,600
City of Franklin's cost after assessment returns	<u>\$ 79,393</u>

2. Assess only the cost of the \$25,000 of road drainage. While the City's cost of the storm system will be more than the \$25,000 as the City must pay 15 percent of the cost of the remaining storm sewer, the City could justify only assessing the cost of the \$25,000 off-road system drainage. The assessment rate for the off-road system drainage would be as follows:

$$\$25,000/7950 \text{ front feet} = \$3.14/\text{front foot}$$

If the storm sewer is assessed at \$3.14 per front foot, the City's cost of the reconstruction of S.T.H. 100 would be as follows:

City's share of project cost	\$328,750
Assessment return for roadway assessment	185,757
Assessment return for storm sewer assessment	25,000
City's cost after assessment return	<u>\$117,993</u>

V. Calculation of the Assessment Return for the Reconstruction of South 68th Street Between West Rawson Avenue and West Drexel Avenue

In order to provide an example of how a reconstruction assessment policy might effect a local reconstruction street project, the Franklin Engineering Department has selected South 68th Street between West Rawson Avenue and West Drexel Avenue as an example. Due to extensive grading required for the reconstruction of S. 68th St. and the amount of double frontage lots, it appears that S. 68th St. would be a good example of how a maximum reconstruction would function. The following are the calculations required to determine the assessment return:

- A. Assessable frontage assuming that double frontage lots within the subdivisions would not be assessed - 8070 feet.
- B. Assessment rate for single-family and two-family with no curb and gutter - \$10.76/ft.
- C. Assessment return:
8070 front feet x \$10.76/ft. \$86,833
- D. Estimated cost of reconstruction cost of S. 68th St. between W. Rawson Av. and W. Drexel Av. 150,000
- E. Project cost to the City after assessment return \$63,167

The use of the special assessment policy on S. 68th St. would reduce the City's cost from \$150,000 to \$63,167 as the difference in cost would be picked up through the special assessment charge. The effect of the special assessment policy would vary for each street improvement with some reconstruction projects being self-supporting. The recommended assessment policy would have a direct correlation between the required improvements within an improved subdivision. Unimproved lots located on existing streets within the City have historically sold for much less than improved lots within an improved subdivision. Therefore, it appears logical that the cost of street improvements should be passed on to the owners of unimproved lots which will offset the lower initial investment of the unimproved lot.

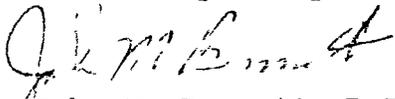
VI. Assessment of Improvements Benefitting Only Individual Properties

It is recommended that all improvements that would not be considered a direct public benefit such as driveway culvert and driveway approaches would be assessed as 100 percent of the cost if installed by public contract. This policy could be incorporated into the special assessment ordinance.

VII. Summary

In summary, the above is a preliminary report on the general policies for the development of a special assessment policy. If the Finance Committee or the Common Council wishes to proceed further with the assessment policy, it will be necessary to work out the detailed procedures as how to handle double frontage lots, corner lots, non-conforming uses and other circumstances that should be covered by the assessment policy. Please advise, if you wish the Franklin Engineering Department to proceed with the detailed development.

Yours very truly,



John M. Bennett, P.E.
City Engineer

JMB:nc

REPORT ON SPECIAL ASSESSMENTS

WEST AIRWAYS AVENUE
CURB & GUTTER & DRIVWAY APPROACHES

JUNE 3, 2002

The Common Council of the City of Franklin directed the Franklin Engineering Department to prepare the Report on Special Assessments for the concrete curb and gutter and concrete driveway approach portion of the reconstruction of West airways Avenue from east of S. 60th Street to east of S. 57th Street as included in Resolution 2002-5325 adopted May 21, 2002, which resolution described the portion of the streets in which improvements are to be installed.

Herewith is the report, consisting of Schedules A through D, attached.

CITY OF FRANKLIN

Ronald J. Romeis, P.E.
Assistant City Engineer

REPORT ON SPECIAL ASSESSMENTS

SOUTH 57TH STREET

CURB & GUTTER & DRIVWAY APPROACHES

MAY 18, 2004

The Common Council of the City of Franklin directed the Franklin Engineering Department to prepare the Report on Special Assessments for the concrete curb and gutter and concrete driveway approach portion of the reconstruction of South 57th Street from W. Airways Avenue to W. Franklin Drive as included in Resolution 2004-5698 adopted May 4, 2004, which resolution described the portion of the streets in which improvements are to be installed.

Herewith is the report, consisting of Schedules A through D, attached.

CITY OF FRANKLIN

Ronald J. Romeis, P.E.
Assistant City Engineer

REPORT ON SPECIAL ASSESSMENTS

S. 51st STREET

W. RAWSON AVENUE TO A POINT 1300 FEET NORTH

PROJECT NO. 2007-R101

NOVEMBER, 2008

The Common Council of the City of Franklin directed the City Engineer to prepare the Report on Special Assessments for the reconstruction including medians and drives requiring grading and the installation of concrete curb and gutter, sidewalks and bituminous pavement as included in Resolution No. 2008 – 6502 adopted on December 2, 2008.

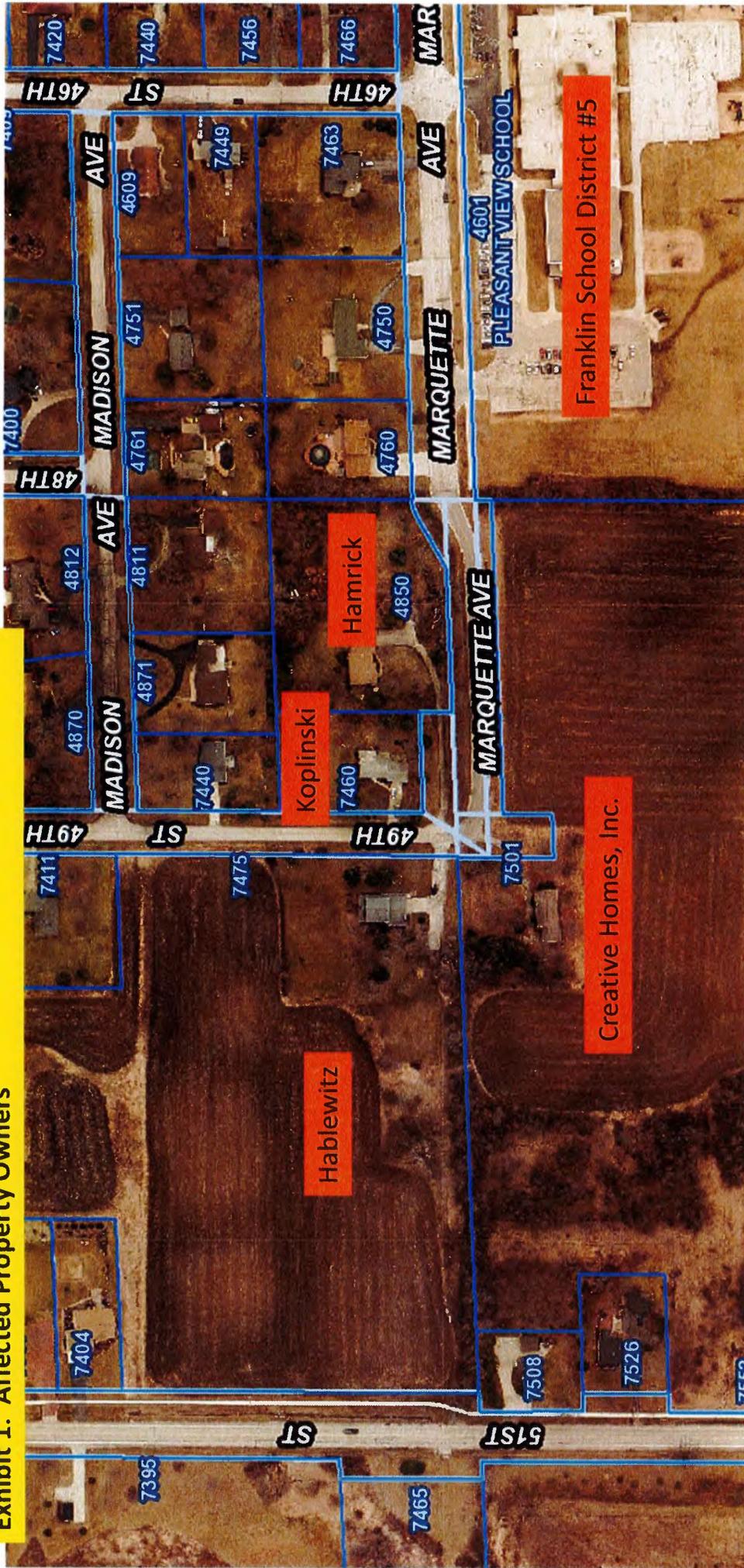
Herewith is the report, consisting of Schedules A through D.

John M. Bennett, P.E.

City Engineer

Date

**Contemplated Special Assessments for Marquette Avenue Infrastructure
Exhibit 1. Affected Property Owners**



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APPROVAL <i>All</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE August 4, 2020
REPORTS AND RECOMMENDATIONS	RESOLUTION TO ISSUE A CHANGE ORDER 03 FOR PLEASANT VIEW PARK PAVILION (4901 W. EVERGREEN STREET) IN THE AMOUNT OF \$8,186.06	ITEM NUMBER <i>G.9.</i>

BACKGROUND

On June 18, 2019, Common Council awarded a contract to Ray Stadler Construction Co. in the amount of \$544,000 for the construction of the Pleasant View Pavilion in Pleasant View Park- 4901 W. Evergreen Street. The project is a lump-sum construction project. On August 20, 2019, a Change Order No. 1 was issued for \$19,117.06 to incorporate some concrete work. Change Order No. 2 was issued for locks and miscellaneous code revision requirements for \$6,407.47.

During a final punch list inspection, Staff noted some needed changes. These changes were not in the plans and will require an additional cost.

ANALYSIS

The changes are related to downspouts (to accommodate underground drainage), snow rail systems, additional guttering, and weather-stripping around the overhead doors. Staff has discussed the changes with the architect and is comfortable that it is best to ask the contractor to make the changes for the increased cost of \$8,186.06.

OPTIONS

- A. Authorize the full amount for a change order; or
- B. Refer to Staff with additional direction.

FISCAL NOTE

Finance recommends that the required \$8,200 be appropriated from the 2020 park land appropriation.

COUNCIL ACTION REQUESTED

(Option A). Resolution 2020-_____ a resolution to issue a Change Order 03 for Pleasant View Park Pavilion (4901 W. Evergreen Street) in the amount of \$8,186.06.

Engineering: GEM

RESOLUTION NO. 2020 - _____

RESOLUTION TO ISSUE A CHANGE ORDER 03
FOR PLEASANT VIEW PARK PAVILION (4901 W. EVERGREEN STREET)
IN THE AMOUNT OF \$8,186.06

WHEREAS, the Common Council awarded a lump sum contract on June 18, 2019, to Ray Stadler Construction Co. for the construction of the Pleasant View Pavilion in Pleasant View Park-4901 W. Evergreen Street (Project 2019-3) in the amount of \$544,000; and

WHEREAS, the Common Council previously authorized Change Order No. 1 and No. 2 to bring the project total to \$569,524.53; and

WHEREAS, additional weather-stripping, gutters, downspouts, and ice guards are needed that were not included in the initial design; and

WHEREAS, Staff has reviewed the changes with the project architect;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that the Mayor and City Clerk are authorized and directed to execute Change Order 03 to increase the total contract amount by \$8,186.06 to \$577,710.59.

Introduced at a regular meeting of the Common Council of the City of Franklin this ___th day of _____, 2020 by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this ___th day of _____ 2020.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

CHANGE ORDER
CITY OF FRANKLIN
DEPARTMENT OF ENGINEERING

Change Order No: 03

Dated: August 4, 2020

PROJECT NAME Pleasant View Pavilion in Pleasant View Park

PROJECT LOCATION 4901 W. Evergreen Street

CONTRACTOR: Ray Stadler Construction Co.

Contract For _____

Nature of the Changes:

- Install additional weather-stripping, gutters, downspouts, and ice guards

These changes result in the following adjustment of Contract Price and Contract Time: (CITY CONTRACT ONLY)

Original Contract Price \$ 544,000

Contract price prior to this Change Order \$ 569,524.53

Net Increase resulting from this Change Order \$ 8,186.06 (+)

Current contract price including this Change Order \$ 577,710.59

Net (Increase/Decrease) in time resulting from this Change Order Increase 0 calendar days

The above changes are Approved by:

Mayor

City Clerk

Contractor:

By: Stephen R Olson

By: Sandra L. Wesolowski

By: _____

Date: _____

Date: _____

Date: _____

Director of Finance & Treasurer

City Attorney

By: Paul Rotzenberg

By: Jesse A. Wesolowski

Date: _____

Date: _____

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<p style="text-align: center;">APPROVAL</p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE 08/04/20</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE TO OPERATE A MEGA MEDIA XCHANGE STORE, WITH THE ADDITION OF A GAMING LOUNGE, LOCATED AT 6544 SOUTH LOVERS LANE ROAD (GARDEN PLAZA SHOPPING CENTER)</p> <p style="text-align: center;">(ROBERT A. SETTECASE, OWNER OF MMX3 LLC (MEGA MEDIA XCHANGE), APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER G.10.</p>

At the July 23, 2020, regular meeting, the Plan Commission carried a motion to recommend approval of a Resolution imposing conditions and restrictions for the approval of a Special Use for used merchandise store under the Standard Industrial Classification (SIC) No. 5932 upon property located at 6544 S. Lovers Lane Road.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution 2020-_____, imposing conditions and restrictions for the approval of a special use to operate a Mega Media Xchange store, with the addition of a gaming lounge, located at 6544 South Lovers Lane Road (Garden Plaza shopping center) (Robert A. Settecase, owner of MMX3 LLC (Mega Media Xchange), applicant).

RESOLUTION NO 2020-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A SPECIAL USE TO OPERATE A MEGA
MEDIA XCHANGE STORE, WITH THE ADDITION OF A GAMING
LOUNGE, LOCATED AT 6544 SOUTH LOVERS LANE ROAD
(GARDEN PLAZA SHOPPING CENTER)
(ROBERT A SETTECASE, OWNER OF MMX3 LLC
(MEGA MEDIA XCHANGE), APPLICANT)

WHEREAS, Robert A Settecase, owner of MMX3 LLC (Mega Media Xchange), having petitioned the City of Franklin for the approval of a Special Use within a B-3 Community Business District under Standard Industrial Classification Title No. 5932 "Used Merchandise Stores", to allow for a Mega Media Xchange movies, video games and electronics buy/sell/rental store (with the addition of a gaming lounge to this Franklin location, in which customers will rent gaming computers and systems in an interactive environment serving food and non-alcoholic beverages) use, with hours of operation from 10.00 a m to 9 00 p m , Monday through Saturday, and 11:00 a m to 7.00 p.m. on Sundays, upon property located at 6544 South Lovers Lane Road (Garden Plaza Shopping Center), bearing Tax Key No 705-8997-004, more particularly described as follows.

Parcel No. 2, Certified Survey Map No 5375, being a re-division of Parcel No 1 of CSM No 3247, Outlot 2 of Whitnal Edge Subdivision, and unplatted lands in the Northwest 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 5, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin, as recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin on February 15, 1990 at Reel 2420, Image 890 to 893 inclusive, as Document No 6354945, and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9 0103D of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 23rd day of July, 2020, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3 0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan, that it will not have an undue adverse impact upon adjoining property, that it will not interfere with the development of neighboring property, that it will be served adequately by essential public facilities and services, that it will not cause undue traffic congestion, and that it will not result in damage to property of significant importance to nature, history or the like, and

ROBERT A SETTECASE, OWNER OF MMX3 LLC (MEGA MEDIA XCHANGE) –
SPECIAL USE
RESOLUTION NO 2020-_____
Page 2

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3 0701 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Robert A Settecase, owner of MMX3 LLC (Mega Media Xchange), for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions

1. That this Special Use is approved only for the use of the subject property by Robert A Settecase, owner of MMX3 LLC (Mega Media Xchange), successors and assigns, as a movies, video games and electronics buy/sell/rental store (with the addition of a gaming lounge) use, which shall be developed in substantial compliance with, and operated and maintained by Robert A Settecase, owner of MMX3 LLC (Mega Media Xchange), pursuant to those plans City file-stamped May 22, 2020 and annexed hereto and incorporated herein as Exhibit A
- 2 Robert A Settecase, owner of MMX3 LLC (Mega Media Xchange), successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the movies, video games and electronics buy/sell/rental store (with the addition of a gaming lounge) use, 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
- 3 The approval granted hereunder is conditional upon Robert A Settecase, owner of MMX3 LLC (Mega Media Xchange) and the movies, video games and electronics buy/sell/rental store (with the addition of a gaming lounge) use for the property located at 6544 South Lovers Lane Road (Garden Plaza Shopping Center) (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances, and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval
- 4 All signage shall comply with the requirements of Chapter 210 of the Municipal Code and must receive a Sign Permit from the Inspection Services Department prior to installation.

ROBERT A SETTECASE, OWNER OF MMX3 LLC (MEGA MEDIA XCHANGE) –
SPECIAL USE
RESOLUTION NO 2020-_____

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- 5 The applicant shall obtain all necessary approvals from the Health Department prior to the operation of food and beverage services

BE IT FURTHER RESOLVED, that in the event Robert A Settecase, owner of MMX3 LLC (Mega Media Xchange), successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special

Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9 0502 thereof and §1-19 of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500 00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9 0103 of the Unified Development Ordinance

BE IT FURTHER RESOLVED, pursuant to §15-9 0103G of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use

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

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2020

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2020.

ROBERT A SETTECASE, OWNER OF MMX3 LLC (MEGA MEDIA XCHANGE) –
SPECIAL USE
RESOLUTION NO 2020-_____

Page 4

APPROVED

Stephen R Olson, Mayor

ATTEST

Sandra L Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

REPORT TO THE PLAN COMMISSION

Meeting of July 23, 2020

Special Use

RECOMMENDATION: City Development Staff recommends approval of this Special Use application for Mega Media Xchange at 5444 S Lover Lane Rd for Used Merchandise Stores (SIC No. 5932)

Project Name: Mega Media Xchange
Project Address: 6544 S Lovers Lane Rd
Property Owner: Hartland Meadows, LLC
Applicant: Robert Allen Settecasse, Mega Media Xchange (MMX3 LLC)
Zoning: B-3 Community Business District

Use of Surrounding Properties: This property is located within a strip-mall type shopping center development, with surrounding stores including an Anytime Fitness, Kumon Math and Reading Center, and Budget Blinds. To the east there are several residential developments, and to the west, north, and south there are several car dealerships, a gas station, and a hardware store.

Applicant Action Requested: Approval of a Special Use Permit

INTRODUCTION:

Mega Media Xchange is a regional business that buys and sells used movies, video games, and electronics. They have been in business since 1997 and currently operates three locations, including on the east side of Milwaukee (N. Farwell Ave), in Greenfield (Layton Ave), and in Brookfield (Bluemound Rd)

Their newly proposed Franklin location at 6544 S Lovers Lane Rd in the Garden Plaza shopping center will also include a gaming lounge, in which customers will rent gaming computers and systems in an interactive environment. Mega Media Xchange also plans to serve pizza and non-alcoholic beverages.

The new location in Franklin will operate Monday-Saturday from 10:00 am to 9:00 pm and Sundays from 11:00 am to 7:00 pm

PROJECT DESCRIPTION AND ANALYSIS:

The proposed location of Mega Media Xchange in Franklin at 6544 S Lovers Lane Rd falls within the B-3 Community Business District zoning district. Used merchandise stores may be allowed by Special Use permit in the B-3 district and are classified under the Standard Industrial Classification (SIC) No. 5932:

5932 Used Merchandise Stores

This industry includes stores primarily engaged in the retail sale of used merchandise, antiques, and secondhand goods, such as clothing and shoes; furniture; books and rare manuscripts; musical instruments; office furniture; phonographs and phonograph records; and store fixtures and equipment. This industry also includes pawnshops

Mega Media Xchange has submitted a substantially complete application for a special use permit, allowing for Section § 15-3 0701 of the Unified Development Ordinance sets out the General Standards for Special Uses. The applicant has submitted responses to each of those standards, asserting that there will be no undue adverse impact or interference with surrounding development as a result of this special use, and that the use will provide adequate public facilities. The applicant asserts that there will be no undue traffic congestion, no destruction of significant features, and that the business will comply with all standards.

The applicant also states that there will be a public benefit to Mega Media Xchange's presence in Franklin. "The city of Franklin does not have a business like Mega Media and it will serve as a family entertainment destination to save the customer money from purchasing items new and providing a service to customers that want to sell [their] unwanted items."

The intent of the B-3 district is to accommodate the needs of a much larger customer population that served by the B-1 Neighborhood Shopping District, to provide for a relatively large grouping of establishments, and to provide for an arrangement of retail trade establishments that are compatible in function and operation. Staff believes that this special use is in harmony with the intent of this zoning district.

UDO Section § 15-3 0703 Detailed Standards for Special Uses in Nonresidential Districts does NOT apply to this project, as the proposed special use is not one of the specified special uses in this section.

STAFF RECOMMENDATION:

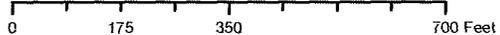
The Department of City Development staff recommends approval of this application for Special Use.

As the applicant is not proposing exterior modifications to the property beyond a new sign (to be permitted separately), a Site Plan amendment is not required at this time. Finally, staff also would like to remind the applicant that a permit to serve food and beverages will be needed from the health department, information has already been provided to the applicant regarding this requirement.

6544 S. Lovers Lane Rd.
TKN: 705 8997 004



Planning Department
(414) 425-4024

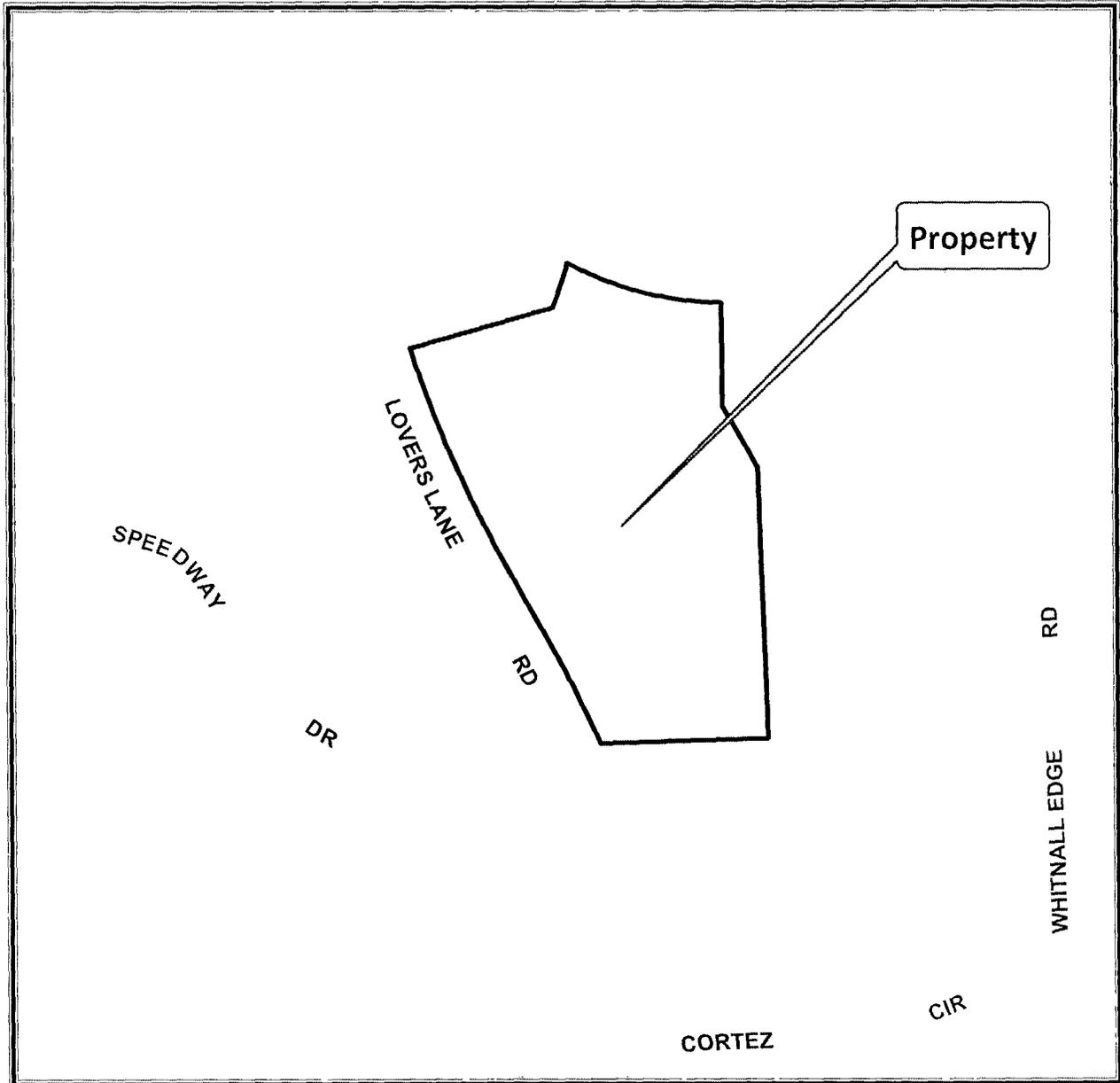


2017 Aerial Photo

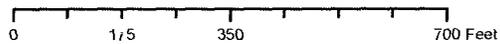
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal engineering or surveying purposes.



6544 S. Lovers Lane Rd.
TKN: 705 8997 004



Planning Department
(414) 425-4024



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.



2017 Aerial Photo

City of Franklin
Department of City Development

Date June 23, 2020
To Robert Allen Settecasse, Mega Media Xchange (MMX3 LLC)
From Department of City Development Staff
RE Special Use – Mega Media Xchange – 6544 S Lovers Lane Rd

Please be advised that City Staff has reviewed the above application for the Special Use Permit for Mega Media Xchange at 6544 S Lovers Lane Road. The application was received and filed on May 26, 2020, following a consultation with the applicant at the beginning of May.

Mega Media Exchange buys and sells games and electronics, and at the Franklin location will also rent gaming equipment and provide an interactive environment serving food and drinks. Used merchandise stores are allowed only by Special Use Permit in the B-3 Community Business District and are classified under the Standard Industrial Classification (SIS) No. 5932.

The application is substantially complete, and the proposed special use appears to meet the General Standards for Special Uses as defined in UDO § 15-3 0701. Staff comments are as follows:

Department of City Development

- The application states that the Project Summary should include a description of any new building construction and site work, interior/exterior modifications or additions to be made to the property, as well as site improvement costs. This information is missing from the project summary. Please include this information in a re-submitted project summary so that Department of City Development staff can determine if a site plan amendment would be needed for this project.
- The operator would need to have a food license to serve pizza at this location, please contact the Health Department to obtain the appropriate license.
- A license from the Clerk's Office may be required, please call 414-425-7500 for more information.
- New signage requires a separate permit from the Inspection Services Department.
- For information about required building permits, please contact the Inspection Services Department.

Engineering Department Staff Comments

No comments

Fire Department Staff Comments

The fire department has no comments/concerns at this time.

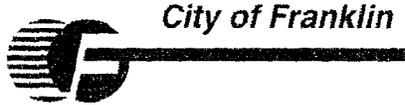
Mega Media Xchange Project Summary

Mega Media Xchange buys and sells movies, video games, and electronics. Also, Mega Media will be adding a gaming lounge to its Franklin location in which customers will rent gaming computers and systems in a interactive environment serving pizza and non-alcoholic beverages. The only work being done inside the space is painting the interior walls. Mega Media has been in business for 23 years since 1997 with three current locations.

Franklin

JUL 13 2020

City Development



Date of Application 05 19 2020

SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION

*Complete, accurate and specific information must be entered **Please Print***

<p>Applicant (Full Legal Name[s]) Name <u>Robert Allen Settecase</u> Company <u>Mega Media Xchange</u> Mailing Address <u>1709 N Farwell Ave</u> City / State <u>Milwaukee WI</u> Zip <u>53202</u> Phone <u>4147453889</u> Email Address <u>robmmx@gmail.com</u></p> <p>Project Property Information Property Address <u>6544 S Lovers Lane Rd Franklin WI</u> Property Owner(s) <u>Hartland Meadows LLC</u> PO Box <u>61</u> Mailing Address _____ City / State <u>Elm Grove WI</u> Zip <u>53132</u> Email Address <u>jinvestmentinc@aol.com</u></p>	<p>Applicant is Represented by (contact person)(Full Legal Name[s]) Name _____ Company _____ Mailing Address _____ City / State _____ Zip _____ Phone _____ Email Address _____</p> <p>Tax Key Nos <u>705 8997 004</u> Existing Zoning <u>B 3</u> Existing Use <u>Amusement Center</u> Proposed Use <u>2nd hand dealers license gaming lounge</u> Future Land Use Identification <u>commercial</u></p>
<p>*The 2025 Comprehensive Master Plan <u>Future Land Use Map</u> is available at http://www.franklinwi.gov/Home/Resources/Documents/Maps.htm</p>	

Special Use/Special Use Amendment submittals for review must include and be accompanied by the following

This Application form accurately completed with original signature(s) Facsimiles and copies will not be accepted

Application Filing Fee payable to City of Franklin \$1000 Special Use Amendment
 \$1500, New Special Use over 4,000 square feet \$750, New Special Use under 4,000 square feet

Legal Description for the subject property (WORD doc or compatible format)

One copy of a response to the General Standards, Special Standards (if applicable), and Considerations found in Section 15 3 0701(A), (B), and (C) of the Unified Development Ordinance available at www.franklinwi.gov

Seven (7) complete **collated** sets of Application materials to include

One (1) original and six (6) copies of a written Project Summary including description of any new building construction and site work, interior/exterior building modifications or additions to be made to property, site improvement costs, estimate of project value and any other information that is available)

Three (3) folded full size, drawn to scale copies (at least 24" x 36) of the Site Plan/Site Plan Amendment package (The submittal should include only those plans/items as set forth in Section 17 7 0101, 15 7 0301 and 15 5 0402 of the Unified Development Ordinance that are impacted by the development (e.g., Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, etc.)

Four (4) folded reduced size (11"x17") copies of the Site Plan/Site Plan Amendment package

One colored copy (11"x17") of the building elevations, if applicable

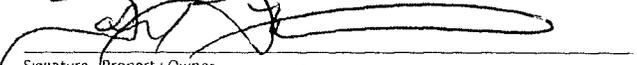
Three copies of the Natural Resource Protection Plan and report, if applicable (see Section 15-4 0102 & 15 7 0201 of the UDO)

Email (or CD ROM) with all plans/submittal materials Plans must be submitted in both Adobe PDF and AutoCAD compatible format (where applicable)

- *Upon receipt of a complete submittal staff review will be conducted within ten business days
- *Special Use/Special Use Amendment requests require Plan Commission review a Public Hearing and Common Council approval

The applicant and property owner(s) hereby certify that (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s) knowledge (2) the applicant and property owner(s) has/have read and understand all information in this application, and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal and any subsequently issued building permits or other type of permits may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7 00 a m and 7 00 p m daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis Stat §943 13

(The applicant's signature must be from a Managing Member if the business is an LLC, or from the President or Vice President if the business is a corporation. A signed applicant's authorization letter may be provided in lieu of the applicant's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application.)


 Signature Property Owner
Robert A. Settecase
 Name & Title (PRINT)
 Date 5/22/20

 Signature Property Owner
 Name & Title (PRINT)
 Date _____


 Signature Applicant
Robert Settecase
 Name & Title (PRINT)
 Date 5.22.20

 Signature Applicant's Representative
 Name & Title (PRINT)
 Date MAY 22 2020

EXHIBIT A
LEGAL DESCRIPTION OF THE SHOPPING CENTER

PARCEL No 1 and No 2,

Parcels 1 and 2 of Certified Survey Map No 5375 recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin, on February 15, 1990 in Volume 2420 of Certified Survey Maps, at page 890, as Document No 6354945, being a re-division of Parcel 1 of Certified Survey Map No 3247, Outlot 2 of Whitnall Edge Subdivision and unplatted lands in the Northwest ¼ and the Southwest ¼ of the Northwest ¼ of Section 5, Township 5 North, Range 21 East Said lands being in the City of Franklin, County of Milwaukee, State of Wisconsin

PARCEL No 2,

CERTIFIED SURVEY MAP NO 5375, BEING A RE-DIVISION OF PARCEL NO 1 OF C S M NO 3247, OUTLOT 2 OF WHITNAL EDGE SUBDIVISION, AND UNPLATTED LANDS IN THE NORTHWEST ¼ AND THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 5, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, as recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin on February 15, 1990 at reel 2420, Image 890 to 893 inclusive, as Document No 6354945

Tax Key No , for Parcel No , 1 705-8997-003

Tax Key No , for Parcel No , 2 705-8997-004

Franklin
MAY 22 2020
City Development

DIVISION 15-3.0700 SPECIAL USE STANDARDS AND REGULATIONS

SECTION 15-3.0701 GENERAL STANDARDS FOR SPECIAL USES

A. ***General Standards.*** No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following

1 **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof

Response: Mega Media Xchange has always been a good neighbor in the city it is located and plans to follow the city of Franklin regulations it has set forth.

2. **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood

Response: My current three locations have never had adverse effects on any adjacent properties and that will not change with the new location.

3 **No Interference with Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations

Response: My current three locations have never interfered with surrounding development and that will not change with the new location.

4 **Adequate Public Facilities.** The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities

Response. The space has all these items addressed and it will stay that way if I occupy the space.

5 **No Traffic Congestion.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Appropriate measures will be taken to provide ingress and egress so designed as to minimize traffic

congestion in the public streets

Response: The current space has plenty of parking and my customer base visits the store consistently throughout the day.

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

Response: This does not apply as it is an existing space with no outside alterations besides a sign.

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

Response: Mega Media will conform with all rules and regulations for the city of Franklin.

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

Response: Mega Media will conform with all rules and regulations for all special standards for the city of Franklin.

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

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

Response: The city of Franklin does not have a business like Mega Media and it will serve as a family entertainment destination to save the customer money from purchasing items new and providing a service to customers that want to sell their unwanted items.

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

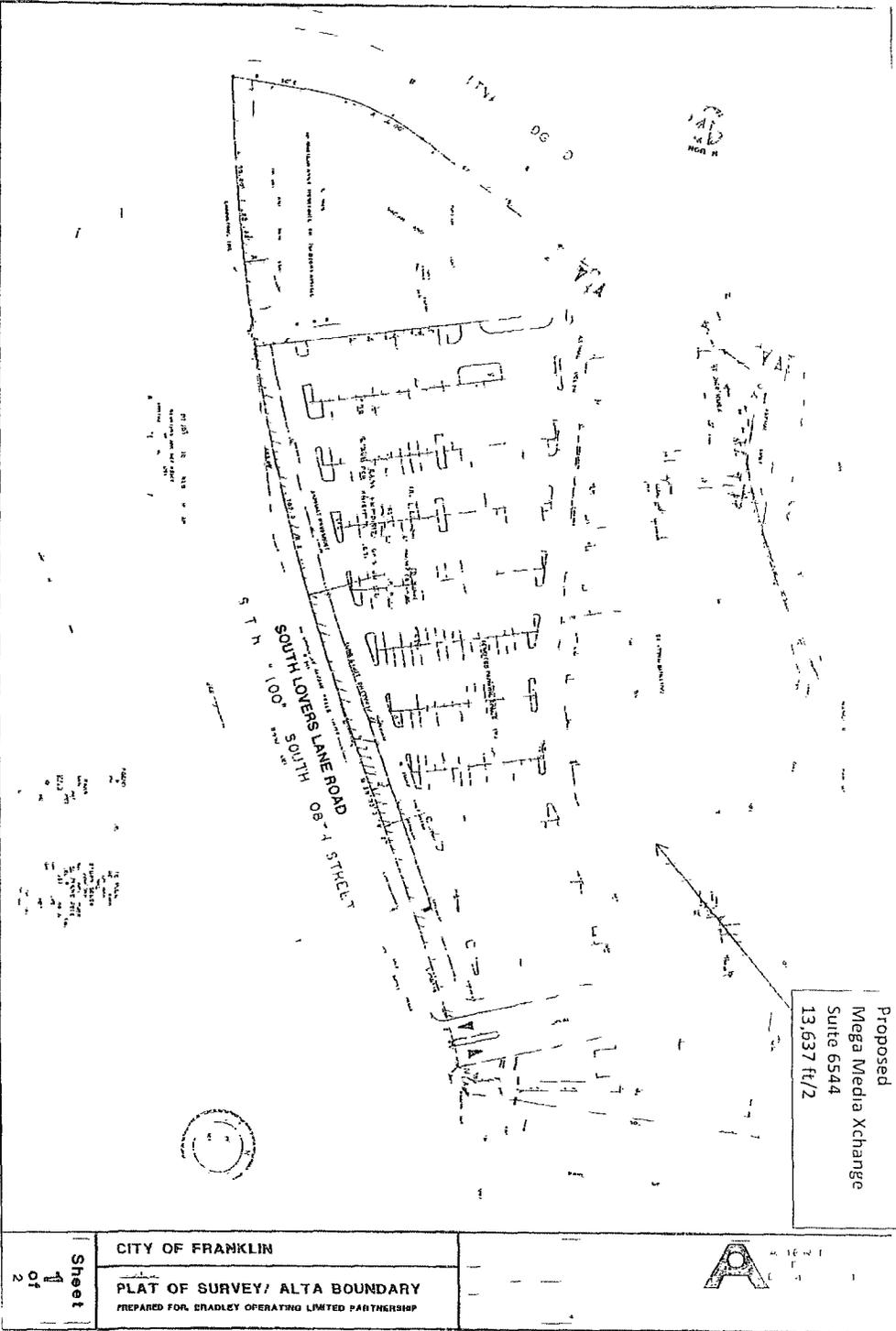
Response: Mega Media has had a location in Brookfield since 1998 with the same landlord and is only considering this location because of the relationship they have with the landlord.

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

Response: Mega Media has always had only positive affects with it's current locations for 23 years and this will not change with a new location.

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

Response: Mega Media is the only store that offers what it has and will not affect other stores in Franklin.



Proposed
 Mega Media Exchange
 Suite 6544
 13,637 ft²

CITY OF FRANKLIN
 PLAT OF SURVEY/ ALTA BOUNDARY
 PREPARED FOR BRADLEY OPERATING LIMITED PARTNERSHIP

Sheet
 1
 of
 2



Franklin
 City Development

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;">///</p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">08/04/20</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE APPROVAL OF A CERTIFIED SURVEY MAP FOR SCOTT A. MAYER AND SUSANNE MAYER AT 9533 W RYAN ROAD</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.11.</p>

City Development staff recommends approval of a resolution authorizing certain officials to accept a conservation easement for and as part of the approval of a Certified Survey Map for Scott A. Mayer and Susanne Mayer at 9533 W Ryan Road subject to technical corrections by the City Attorney.

On July 7, 2020, the applicant submitted a conservation easement for Common Council approval to comply with condition No. 7 of the Certified Survey Map Resolution No. 2019-7493:

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.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2020-_____, authorizing certain officials to accept a conservation easement for and as part of the approval of a Certified Survey Map for Scott A. Mayer and Susanne Mayer at 9533 W Ryan Road, subject to technical corrections by the City Attorney.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RM [7-28-2020]

RESOLUTION NO. 2020-_____

RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A
CONSERVATION EASEMENT FOR AND AS PART OF THE APPROVAL OF A
CERTIFIED SURVEY MAP FOR SCOTT A. MAYER AND SUSANNE MAYER AT
9533 W RYAN ROAD

WHEREAS, the Common Council having approved Certified Survey Map No. 9163 upon the application of Scott A. Mayer and Susanne Mayer, on May 21, 2019, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the mature woodlands, wetlands, wetland buffers and setbacks, on the site; and

WHEREAS, §15-7.0702.P of the Unified Development Ordinance requires the submission of a Conservation Easement and Natural Resource Protection Plan in the Certified Survey Map review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for a Certified Survey Map; and

WHEREAS, the City Engineering Department, Department of City Development and the Office of the City Attorney having reviewed the proposed Conservation Easement and having recommended approval thereof to the Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement submitted by Scott A. Mayer and Susanne Mayer, in the form and content as annexed hereto, be and the same is hereby approved, subject to technical corrections by the City Attorney; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

BE IT FURTHER RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of the Conservation Easement 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 _____, 2020.

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A
CONSERVATION EASEMENT
SCOTT A. MAYER AND SUSANNE MAYER
RESOLUTION NO. 2020- _____

Page 2

Passed and adopted at a regular meeting of the Common Council of the City of
Franklin this _____ day of _____, 2020.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

CONSERVATION EASEMENT

Reserved for Recording

Name and Return Address
City of Franklin
c/o City Clerk
9229 West Loomis Road
Franklin WI 53132

894-9998-002
Parcel Identification Number(s)

CONSERVATION EASEMENT

9533 West Ryan Road

This Conservation easement is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin hereinafter referred to as "Grantee," and Scott A. Mayer and Susanne Mayer hereinafter referred to as "Grantor" and shall become effective upon the recording of this Grant of Conservation Easement, together with the Acceptance following with the Office of the Register of Deeds for Milwaukee County, pursuant to §700.40(2)(b) of the Wisconsin Statutes

WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property located within the City of Franklin Milwaukee County Wisconsin described as Certified Survey Map No. 9163 being a redivision of Lot 2, Certified Survey Map No. 7363 being a part of the West 1/2 of the East 1/2 of the Northeast Quarter of Section 29, Township 5 North Range 21 East, as recorded in DOC #10910841, recorded with the Milwaukee County Register of Deeds, on September 26, 2019 and as described in Exhibit A attached hereto. Only those portions of Lot 1 and Lot 2 of said property which lay within the boundaries of Lot 1 and or Lot 2 and contain mature woodland grove and delineated wetlands as identified in the metes and bounds description in Exhibit B Legal Description of Conservation Easement, attached hereto are hereby made protected property as set forth herein.

WHEREAS the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including without limitation mature woodlands, young woodlands, ponds, streams, floodplains, floodways, floodlands, shore buffers, wetland buffers, wetland setbacks, wetlands and shoreland wetlands and referred to in

Exhibit B - Legal Description of Conservation Easement to be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems and

WHEREAS Grantee is a holder as contemplated by §700.40(1)(b)1 of the Wisconsin Statutes whose purposes include while exercising regulatory authority granted to it *inter alia* under §62.23 and §236.45 of the Wisconsin Statutes the conservation of land natural areas open space and water areas and

WHEREAS, the Grantor and Grantee by the conveyance to the Grantee of the conservation easement on, over and across the protected property desire to conserve the natural values thereof and prevent the use or development of the protected property for any purpose or in any manner inconsistent with the terms of this conservation easement and

WHEREAS the Grantee is willing to accept this conservation easement subject to the reservations and to the covenants terms conditions and restrictions set out herein and imposed hereby

NOW THEREFORE, the Grantor for and in consideration of the foregoing recitations and of the mutual covenants terms, conditions, and restrictions subsequently contained and as an absolute and unconditional dedication does hereby grant and convey unto the Grantee a conservation easement in perpetuity on over and across the protected property

Grantee's rights hereunder shall consist solely of the following

- 1 To view the protected property in its natural, scenic and open condition
- 2 To enforce by proceeding at law or in equity the covenants subsequently set forth, including and in addition to all other enforcement proceedings, proceedings to obtain all penalties and remedies set forth under Division 15-9.0500 of the Unified Development Ordinance of the City of Franklin, as amended from time to time any violation of the covenants subsequently set forth being and constituting a violation of such Unified Development Ordinance as amended from time to time or such local applicable ordinance as may be later adopted or in effect to enforce such covenants or the purposes for which they are made, it being agreed that there shall be no waiver or forfeiture of the Grantee's right to insure compliance with the covenants and conditions of this grant by reason of any prior failure to act, and
- 3 To enter the protected property at all reasonable times for the purpose of inspecting the protected property to determine if the Grantor is complying with the covenants and conditions of this grant

And in furtherance of the foregoing affirmative rights of the Grantee, the Grantor makes the following covenants which shall run with and bind the protected property in perpetuity namely that on over or across the protected property the Grantor without the prior consent of the Grantee shall not

- 1 Construct or place buildings or any structure,
- 2 Construct or make any improvements, unless notwithstanding Covenant 1 above, the improvement is specifically and previously approved by the Common Council of the City of Franklin upon the advice of such other persons entities and agencies as it may elect, such improvements as may be so approved being intended to enhance the resource value of the protected property to the environment or the public and including, but not limited to animal and bird feeding stations park benches the removal of animal blockage of natural drainage or other occurring blockage of natural drainage and the like,
- 3 Excavate dredge grade mine, drill or change the topography of the land or its natural condition in any manner including any cutting or removal of vegetation, except for the removal of dead or diseased trees
- 4 Conduct any filling, dumping, or depositing of any material whatsoever, including but not limited to soil yard waste or other landscape materials, ashes, garbage or debris
- 5 Plant any vegetation not native to the protected property or not typical wetland vegetation
- 6 Operate snowmobiles dune buggies, motorcycles all-terrain vehicles or any other types of motorized vehicles

To have and to hold this conservation easement unto the Grantee forever Except as expressly limited herein, the Grantor reserves all rights as owner of the protected property including but not limited to, the right to use the protected property for all purposes not inconsistent with this grant Grantor shall also have the right pursuant to Division 15-4.0102(2)(d) of the Unified Development Ordinance of the City of Franklin to remove up to thirty percent (30%) of the mature woodlands at Grantor's discretion Grantor shall be responsible for the payment of all general property taxes levied assessed or accruing against the protected property pursuant to law

The covenants terms conditions and restrictions set forth in this grant shall be binding upon the Grantor and the Grantee and their respective agents personal representatives heirs successors and assigns and shall constitute servitudes running with the protected property in perpetuity This grant may not be amended except by a writing executed and delivered by Grantor

and Grantee or their respective personal representatives heirs, successors and assigns Notices to the parties shall be personally delivered or mailed by U S Mail registered mail return receipt requested as follows

To Grantor
Scott A Mayer and Susanne Mayer
9733 Ryan Road
Franklin, WI 53132

To Grantee
City of Franklin
Office of the City Clerk
9229 W Loomis Road
Franklin Wisconsin 53132

In witness whereof, the grantor has set its hand and seals this on this date of _____ 2020

By _____
Scott A Mayer

By _____
Susanne Mayer

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

This instrument was acknowledged before me on the ___ day of _____ 2020 by Scott A Mayer and Susanne Mayer

To me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said Scott A Mayer and Susanne Mayer owners

Notary Public

My commission expires _____

Acceptance

The undersigned does hereby consent to and accepts the Conservation Easement granted and conveyed to it under and pursuant to the foregoing Grant of Conservation Easement In consideration of the making of such Grant Of Conservation Easement the undersigned agrees that this acceptance shall be binding upon the undersigned and its successors and assigns and that the restrictions imposed upon the protected property may only be released or waived in writing by the Common Council of the City of Franklin, as contemplated by §236.293 of the Wisconsin Statutes

In witness whereof the undersigned has executed and delivered this acceptance on the _____ day of _____ 2020

CITY OF FRANKLIN

By _____
Stephen R Olson Mayor

By _____
Sandra L Wesolowski City Clerk

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

Personally came before me this day of 2020 the above named Stephen R. Olson Mayor and Sandra L. Wesolowski City Clerk of the above named municipal corporation City of Franklin to me known to be such Mayor and City Clerk of said municipal corporation and acknowledged that they executed the foregoing instrument as such officers as the Deed of said municipal corporation by its authority and pursuant to Resolution No adopted by its Common Council on the day of , 2020

Notary Public

My commission expires _

This instrument was drafted by the City of Franklin

Approved as to contents

Regulo Martinez-Montilva, Associate Planner
Department of City Development

Date _

Approved as to form only

Jesse A. Wesolowski
City Attorney

Date _

CERTIFIED SURVEY MAP No. 9163

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

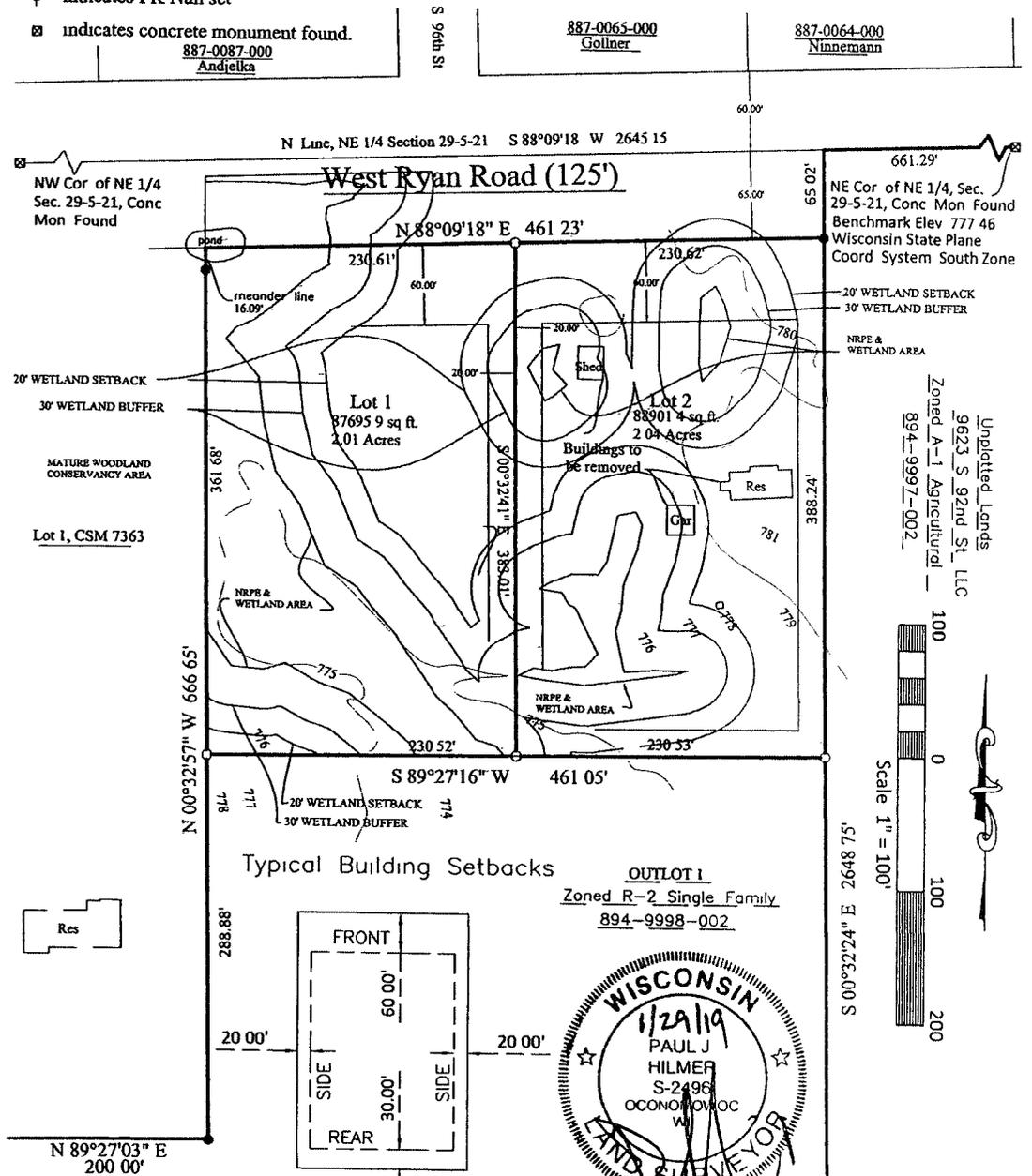
Legend

- indicates 1" iron pipe found
- ⊙ indicates 1 25" iron pipe found.
- indicates 1 3/5" iron pipe set weighing 1 65 lbs./ft. min.
- ⊕ indicates PK Nail set
- ⊠ indicates concrete monument found.

NOTE

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

Lot Detail

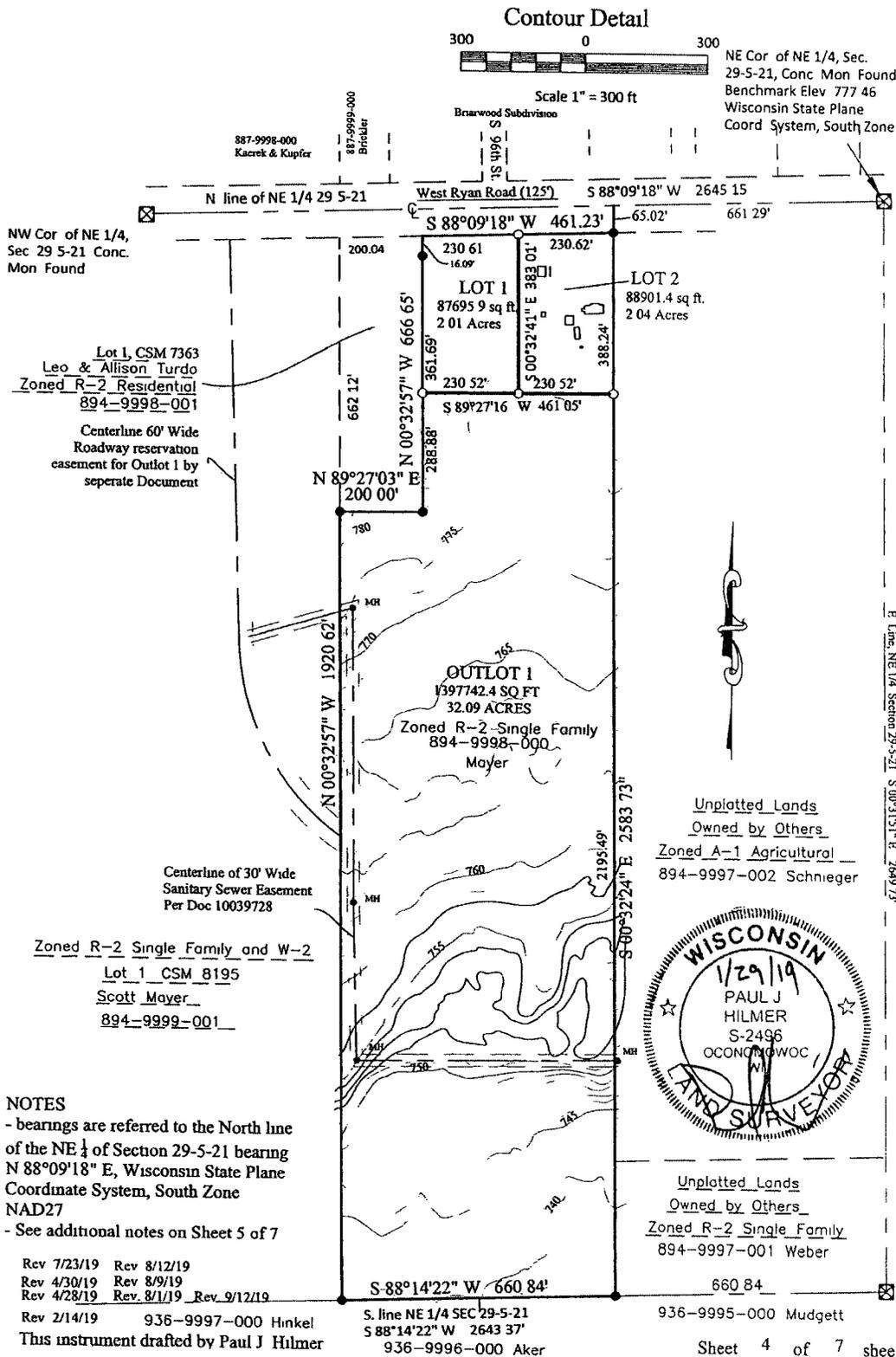


NOTES

- 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 9163

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



CERTIFIED SURVEY MAP No. 9163

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

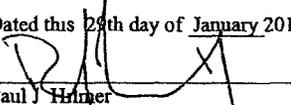
I, Paul J Hilmer, surveyor, do hereby certify That I have surveyed, divided and mapped a redivision of Lot 2, Certified Survey Map No 7363, being a part of the West one-half of the East one-half of the Northeast Quarter of Section 29, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin
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 an 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 9163

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 owners, We hereby certify that we have caused the land described on this map to be surveyed, divided and mapped as represented on this map We 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 19th day of August, 2019

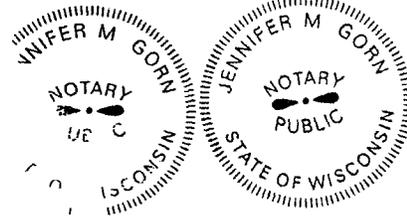
[Signature]
Scott Mayer, Owner

[Signature]
Susanne Mayer, Owner

State of Wisconsin) Milwaukee Wisconsin) SS

Personally came before me this 19th day of August, 2019 Scott and Susanne Mayer, Owners, to me known to be the persons whom executed the foregoing instrument and acknowledged the same

(Notary seal) Jennifer M Gorn
Notary Public, Milwaukee, Wisconsin
My commission expires never



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____

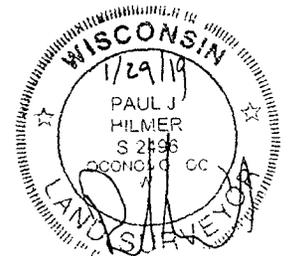
In the presence of
Corporate name _____

Countersigned _____ (Corporate seal)

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. 9163

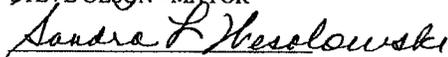
Being a redivision of Lot 2, Certified Survey Map No. 7363, being a part of the West one-half of the East one-half of the Northeast Quarter of Section 29, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

COMMON COUNCIL APPROVAL

Approved and accepted by the Common Council of the City of Franklin, by Resolution No. 2019-7493
on this 21ST, day of MAY, 2019



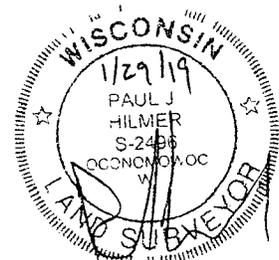
STEVE OLSON - MAYOR



SANDRA L. WESOLOWSKI - CLERK



DOC. # 10910841
RECORDED
09/26/2019 10:39 AM
ISRAEL RAMON
REGISTER OF DEEDS
MILWAUKEE COUNTY, WI
AMOUNT 30.00



Rev 4/30/19 Rev 8/9/19
Rev 4/28/19 Rev 8/1/19
Rev 2/14/19 Rev 7/23/19 Rev 8/12/19

This instrument drafted by Paul J Hilmer

Sheet 7 of 7 sheets

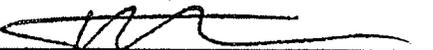
STATE OF WISCONSIN

MILWAUKEE COUNTY

I, the undersigned Register of Deeds of Milwaukee
County hereby certify that this document is a true
and correct copy of the original on file or record in
my office. Witness my hand and official seal this

SEP 26 2019

Date



Israel Ramon

Legend

- Tree Pool 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
- - - 111 Contour
- ▭ Pond

Scott & Susanne Mayer
 8733 W Ryan Rd
 Plainville, WI 53132



EXHIBIT
B

- Dates:**
1. Wetland delineation completed on April 24, 2019 by WBIHQ assisted wetland delineator David Meyer
 2. Dead and offsite trees were not surveyed
 3. A Natural Resource Canopy map not completed for Gullion 3. In the event of further land delineation development of a natural resource map using Natural Resource Feature is complete NRFP with field survey is required for said parcel
- Date Created: 02-12-2019
 Date Revised: 04-29-2019

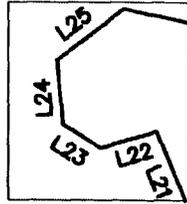


NATURAL RESOURCE PROTECTION PLAN

9533 W RYAN RD.
 CITY OF FRANKLIN
 MILWAUKEE COUNTY, WISCONSIN

FIGURE 1

GRÄEF



DETAIL 'A'
NTS

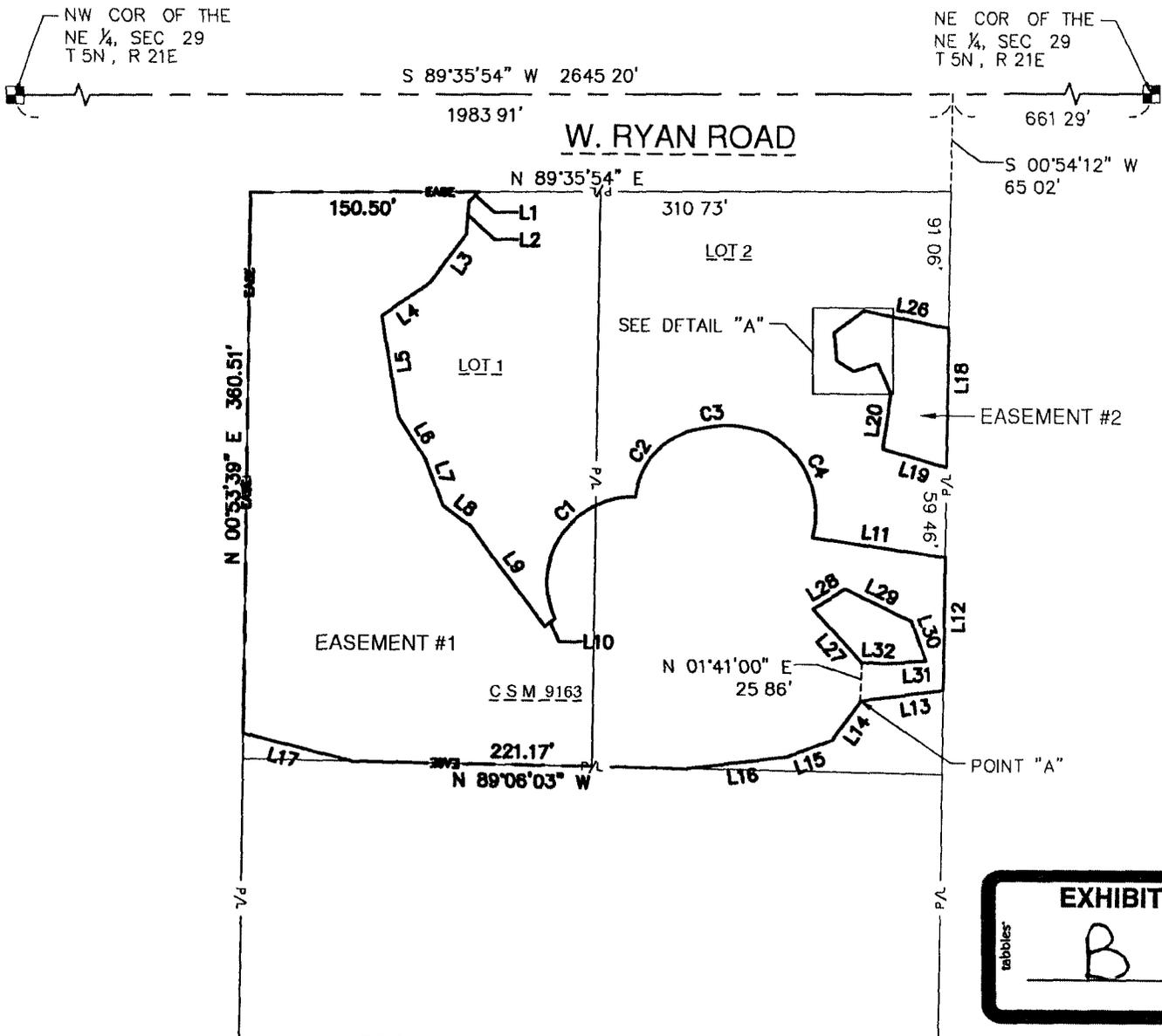
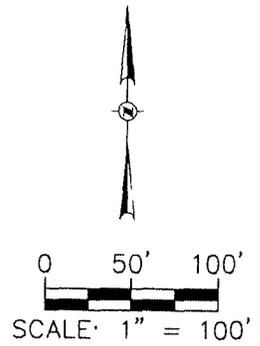


EXHIBIT
B



PROJECT NUMBER 20190024 00
 DATE 05/29/2020
 SCALE 1 = 100'
 REFERENCE SHEET

PROJECT TITLE RYAN ROAD CONSERVATION
 EASEMENT
 SHEET TITLE EXHIBIT

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	9 52'	S45°07'18"W
L2	21 03'	S03°59'10"W
L3	40 55'	S36°11'03"W
L4	39 40'	S55°10'05"W
L5	68 59'	S09°14'28"E
L6	32.67'	S32°31'48"E
L7	33 23'	S21°04'02"E
L8	21 99'	S53°19'08"E
L9	83.41'	S36°30'47"E
L10	8 31'	N50°51'35"E
L11	88.38'	S81°58'44"E
L12	88.40'	S00°54'12"W
L13	55 02'	S81°55'37"W
L14	31 93'	S35°14'46"W
L15	32.73'	S69°03'03"W
L16	65 60'	S82°59'52"W

LINE TABLE		
LINE #	LENGTH	DIRECTION
L17	74 20'	N75°39'04"W
L18	93 18'	S00°54'12"W
L19	43 51'	N74°08'55"W
L20	37 41'	N07°44'08"E
L21	21.75'	N22°33'46"W
L22	16.94'	S72°54'11"W
L23	12 99'	N57°42'09"W
L24	18.60'	N05°15'07"W
L25	24.43'	N52°09'13"E
L26	57.35'	S78°35'57"E
L27	47.66'	N41°56'37"W
L28	25.08'	N57°24'09"E
L29	48 68'	S63°36'15"E
L30	27.70'	S20°02'53"E
L31	27.27'	S85°33'40"W
L32	15.21'	N86°56'15"W

CURVE TABLE						
CURVE #	LENGTH	RADIUS	DELTA	CHORD LENGTH	CHORD BEARING	TANGENT
C1	116 21'	57.29'	116°13'26"	97.29'	N33°18'50"E	92 08'
C2	66 58'	51 58'	73°57'46"	62 05'	N42°50'23"E	38 84'
C3	45 93'	69 55'	37°50'13"	45.10'	S86°17'31"E	23 84'
C4	80.87'	59 46'	77°55'29"	74 78'	S22°48'25"E	48 09'



PROJECT NUMBER 20190024 00
 DATE 05/29/2020
 SCALE N/A
 REFERENCE SHEET

PROJECT TITLE RYAN ROAD CONSERVATION
 EASEMENT
 SHEET TITLE EXHIBIT

LEGAL DESCRIPTION CONSERVATION EASEMENT

Easement 1

All that part of the Northeast 1/4 of the Northeast 1/4 of Section 29 Township 5 North Range 21 East in the City of Franklin Milwaukee County Wisconsin more particularly described as follows

Commencing at the Northeast corner of said Northeast 1/4

THENCE South 89°35'54" West 661.29 feet along the North line of said Northeast 1/4
THENCE South 00°54'12" West 65.02 feet to the Northeast corner of Lot 2 of Certified Survey Map numbered 9163 recorded in the office of the Register of Deeds for Waukesha County
THENCE South 89°35'34" West along the North line of said Certified Survey Map 310.73 feet to the point of beginning
THENCE South 45°07'18" West 9.52 feet
THENCE South 3°59'10" West 21.03 feet
THENCE South 36°11'03" West 40.55 feet
THENCE South 55°10'05" West 39.40 feet
THENCE South 9°14'28" East 68.59 feet
THENCE South 32°31'48" East 32.67 feet
THENCE South 21°04'02" East 33.23 feet
THENCE South 53°19'08" East 21.99 feet
THENCE South 36°30'47" East 83.41 feet
THENCE North 50°51'35" East, 8.31 feet to the beginning of a non-tangent curve concave southeasterly said curve has a radius of 57.29 feet to which a radial line bears South 65°12'07" West
THENCE northeasterly along said curve through a central angle of 116°13'26" an arc distance of 116.21 feet to the beginning of a non-tangent curve concave southeasterly said curve has a radius of 51.58 feet to which a radial line bears North 84°08'30" West
THENCE northeasterly along said curve through a central angle of 73°57'46" an arc distance of 66.58 feet to the beginning of a non-tangent curve concave southerly said curve has a radius of 69.55 feet to which a radial line bears North 15°12'37" West
THENCE easterly along said curve through a central angle of 37°50'13" an arc distance of 45.93 feet to the beginning of a non-tangent curve concave southwesterly said curve has a radius of 59.46 feet to which a radial line bears North 28°13'50" East
THENCE southeasterly along said curve through a central angle of 77°55'29" an arc distance of 80.87 feet
THENCE South 81°58'44" East 88.38 feet to the East line of said Lot 2
THENCE South 0°54'12" West along the East line of said Lot 2 88.40 feet
THENCE South 81°55'37" West 55.02 feet to a Point A
THENCE South 35°14'46" West 31.93 feet
THENCE South 69°03'03" West 32.73 feet
THENCE South 82°59'52" West 65.60 feet to the South line of said Lot 2
THENCE North 89°06'03" West along the South line of said Lot 2 and onto the South line of Lot 1 of said Certified Survey Map 221.17 feet
THENCE North 75°39'04" West 74.20 feet to the West line of said Lot 1
THENCE North 0°53'39" East along the West line of said Lot 1 360.51 feet to the North line of said Lot 1
THENCE North 89°35'54" East along the North line of said Lot 1 150.50 feet to the point of beginning

EXCEPTING therefrom the following described parcel of land

Commencing at said Point A

THENCE North 01°41'00" East 25.86 feet to the point of beginning
THENCE (1) North 41°56'37" West 47.66 feet
THENCE (2) North 57°24'09" East 25.08 feet
THENCE (3) South 63°36'15" East 48.68 feet
THENCE (4) South 20°02'53" East 27.70 feet
THENCE (5) South 85°33'40" West 27.27 feet
THENCE (6) North 86°56'15" West 15.21 feet to the point of beginning

Containing 96,538 square feet (2.126 acres) more or less



PROJECT NUMBER 20190024.00
DATE 05/29/2020
SCALE N/A
REFERENCE SHEET

PROJECT TITLE RYAN ROAD CONSERVATION
EASEMENT
SHEET TITLE EXHIBIT

3/4

LEGAL DESCRIPTION CONSERVATION EASEMENT

Easement 2

All that part of the Northeast 1/4 of the Northeast 1/4 of Section 29 Township 5 North Range 21 East in the City of Franklin Milwaukee County Wisconsin more particularly described as follows

Commencing at the Northeast corner of said Northeast 1/4

THENCE South 89°35'54" West 661.29 feet along the North line of said Northeast 1/4
THENCE South 00°54'12" West 65.02 feet to the Northeast corner of Lot 2 of Certified Survey Map numbered 9163 recorded in the office of the Register of Deeds for Waukesha County
THENCE continuing South 00°54'12" West along the East line of said Lot 2 91.06 feet to the point of beginning
THENCE continuing South 0°54'12" West along the East line of said Lot 2 93.18 feet
THENCE North 74°08'55" West 43.51 feet
THENCE North 7°44'08" East 37.41 feet,
THENCE North 22°33'46" West 21.75 feet
THENCE South 72°54'11" West 16.94 feet
THENCE North 57°42'09" West 12.99 feet
THENCE North 5°15'07" West 18.60 feet
THENCE North 52°09'13" East 24.43 feet
THENCE South 78°35'57" East 57.35 feet to the point of beginning

Containing 4.816 square feet (0.111 acres) more or less



PROJECT NUMBER 20190024.00
DATE 05/29/2020
SCALE N/A
REFERENCE SHEET

PROJECT TITLE RYAN ROAD CONSERVATION
EASEMENT
SHEET TITLE EXHIBIT

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APPROVAL 	REQUEST FOR COUNCIL ACTION	MTG. DATE August 4, 2020
Reports & Recommendations	RESOLUTION FOR GRAEF-USA, INC. TO DESIGN THE S. 116TH STREET TRAIL FOR \$150,000	ITEM NO. 012.

BACKGROUND

Earlier this year, Franklin submitted the S. 116th Street Trail for a Transportation Alternatives Program (TAP) grant. The project was not selected in the Milwaukee Metropolitan Planning Organization process and it appears that it will not be selected at the State level.

This is an important project for Franklin and Staff is bringing this to the Common Council for consideration to self-fund using Park Impact Fees with other matching City funds.

ANALYSIS

This trail would extend from W. Loomis Road / Waukesha County line vicinity along the WE Energies easement (Inner Urban Rail corridor) northeast to S 116th Street and up the west side of S. 116th Street in the WE Energies easement to the St. Martins area and connect to the current paved trail. The total length is about 2.5 miles and construction is estimated to cost \$1.5 million. This construction estimate will be updated during the design process

There are significant drainage and wetland issues, natural features, physical constraints, and many other items that must be addressed for the planning and design of this trail. Mary Beth Pettit, P.E. with GRAEF, has assisted the City in conversations with the Milwaukee County Parks Department concerning this trail and is Staff's preferred consultant for this project. Staff has reviewed the proposal and the hourly rates are in-line with other comparable engineering consultants.

The enclosed GRAEF agreement is an hourly, not-to-exceed contract that will extend through construction (2021). Staff will review invoices and compare to progress on project.

Construction documents are expected to be ready for bidding on or before February 26, 2021. Common Council may consider constructing in 2021 or later. The next TAP grant round will be in 2022. This project would be more competitive if the design documents were completed.

There are approximately \$40K of impact fees that are at the end of the holding period by the end of 2020, and another \$80K that are at the end of the holding period in the first half of 2020. This design project an excellent match for use of those funds.

FISCAL NOTE

The total project budget is assumed to be \$17 million. Trails design and construction are eligible for 71% reimbursement (\$1,065,000) from the Park Impact Fees. And the match (\$435,000) would be from landfill siting fees. The 2020 Capital Improvement Fund includes a \$285,000 appropriation for Trails, Bicycle Routes & linkages. There is sufficient funding in the Capital Improvement fund for this project's planning.

OPTIONS

- A. Authorize GRAEF to perform the planning and design for this trail. Or
- B. Refer back to Staff with further direction.

COUNCIL ACTION REQUESTED

(Option A) Resolution 2020-_____ a resolution for GRAEF-USA, Inc. to design the S. 116th Street Trail for \$150,000.

Engineering: GEM

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2020 - _____

A RESOLUTION FOR GRAEF-USA, INC. TO DESIGN THE
S. 116TH STREET TRAIL FOR \$150,000

WHEREAS, the City of Franklin has long desired to construct a trail from the W. Loomis Road / Waukesha County line vicinity along the WE Energies easement (Inner Urban Rail corridor) northeast to S. 116th Street and up the west side of S. 116th Street in the WE Energies easement to the St. Martins area and connect to a current paved trail; and

WHEREAS, Franklin has been unsuccessful in 2020 to obtain Transportation Alternatives Program (TAP) grant funding, and

WHEREAS, the City has sufficient funding available, including the accumulated Park Impact Fees to self-fund this project; and

WHEREAS, GRAEF-USA, Inc. has provided support services related to this project and is qualified to perform the services needed to assist Franklin in the development, design, permitting, and construction of the project.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, to authorize a professional services contract be executed for the design of the S. 116th Street Trail for a not-to-exceed amount of \$150,000.

Introduced at a regular meeting of the Common Council of the City of Franklin the _____ day of _____, 2020, by Alderman _____.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the _____ day of _____, 2020

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

AGREEMENT

between
the City of Franklin
and
Graef-USA Inc
For

Professional Architectural and Engineering Services

This AGREEMENT, made and entered into this ___ day of _____, between the City of Franklin, 9229 West Loomis Road, Franklin, Wisconsin 53132 (hereinafter "CLIENT") and Graef-USA Inc (hereinafter "CONSULTANT"), whose principal place of business is 275 W. Wisconsin Avenue, Suite 300, Milwaukee, WI 53203

WITNESSETH

WHEREAS, the CONSULTANT is duly qualified and experienced as a municipal services consultant and has offered services for the purposes specified in this AGREEMENT; and

WHEREAS, in the judgment of CLIENT, it is necessary and advisable to obtain the services of the CONSULTANT to provide the S. 116th Street Trail, as described in **Attachment A**;

NOW, THEREFORE, in consideration of these premises and the following mutual covenants, terms, and conditions, CLIENT and CONSULTANT agree as follows:

- A. This AGREEMENT may only be amended by written instrument signed by both CLIENT and CONSULTANT

I. BASIC SERVICES AND AGREEMENT ADMINISTRATION

- A CONSULTANT shall provide services to CLIENT for the S 116th Street Trail Project, as described in CONSULTANT's proposal to CLIENT dated July 29, 2020, annexed hereto and incorporated herein as **Attachment A**.
- B CONSULTANT shall serve as CLIENT's professional representative in matters to which this AGREEMENT applies. CONSULTANT may employ the services of outside consultants and subCONSULTANTS when deemed necessary by CONSULTANT to complete work under this AGREEMENT following approval by CLIENT
- C CONSULTANT is an independent CONSULTANT and all persons furnishing services hereunder are employees of, or independent subCONSULTANTS to, CONSULTANT and not of CLIENT. All obligations under the Federal Insurance Contribution Act (FICA), the Federal Unemployment Tax Act (FUTA), and income tax withholding are the responsibility of CONSULTANT as employer. CLIENT understands that express AGREEMENTS may exist between CONSULTANT and its employees regarding extra work, competition, and nondisclosure
- D During the term of this AGREEMENT and throughout the period of performance of any resultant AGREEMENT, including extensions, modifications, or additions

thereto, and for a period of one (1) year from the conclusion of such activity, the parties hereto agree that neither shall solicit for employment any technical or professional employees of the other without the prior written approval of the other party.

II. FEES AND PAYMENTS

CLIENT agrees to pay CONSULTANT, for and in consideration of the performance of Basic Services further described in **Attachment A**, for a time and materials as a time and material contract with a not-to-exceed fee of **\$150,000.00**, subject to the terms detailed below:

- A CONSULTANT may bill CLIENT and be paid for all work satisfactorily completed hereunder on a monthly basis. CLIENT agrees to pay CONSULTANT's invoice within 30 days of invoice date for all approved work
- B Total price will not exceed budget of **\$150,000.00**. For services rendered, monthly invoices will include a report that clearly states the hours and type of work completed and the fee earned during the month being invoiced, plus reimbursable expenses
- C In consideration of the faithful performance of this AGREEMENT, the CONSULTANT will not exceed the fee for Basic Services and expenses without written authorization from CLIENT to perform work over and above that described in the original AGREEMENT
- D Should CLIENT find deficiencies in work performed or reported, it will notify CONSULTANT in writing within thirty (30) days of receipt of invoice and related report and the CONSULTANT will remedy the deficiencies within thirty (30) days of receiving CLIENT's review. This subsection shall not be construed to be a limitation of any rights or remedies otherwise available to CLIENT.

III. MODIFICATION AND ADDITIONAL SERVICES

- A CLIENT may, in writing, request changes in the Basic Services required to be performed by CONSULTANT and require a specification of incremental or decremental costs prior to change order agreement under this AGREEMENT. Upon acceptance of the request of such changes, CONSULTANT shall submit a "Change Order Request Form" to CLIENT for authorization and notice to proceed signature and return to CONSULTANT. Should any such actual changes be made, an equitable adjustment will be made to compensate CONSULTANT or reduce the fixed price, for any incremental or decremental labor or direct costs, respectively. Any claim by CONSULTANT for adjustments hereunder must be made to CLIENT in writing no later than forty-five (45) days after receipt by CONSULTANT of notice of such changes from CLIENT.

IV. ASSISTANCE AND CONTROL

- A Glen Morrow will coordinate the work of the CONSULTANT and be solely responsible for communication within the CLIENT's organization as related to all issues originating under this AGREEMENT.

B CLIENT will timely provide CONSULTANT with all available information concerning PROJECT as deemed necessary by CONSULTANT.

C CONSULTANT will appoint, subject to the approval of CLIENT, Paul R. Eiring, PE, CONSULTANT's Project Manager and other key providers of the Basic Services. Substitution of other staff may occur only with the consent of CLIENT.

V. TERMINATION

A This AGREEMENT may be terminated by CLIENT, for its convenience, for any or no reason, upon written notice to CONSULTANT. This AGREEMENT may be terminated by CONSULTANT upon thirty (30) days written notice. Upon such termination by CLIENT, CONSULTANT shall be entitled to payment of such amount as shall fairly compensate CONSULTANT for all work approved up to the date of termination, except that no amount shall be payable for any losses of revenue or profit from any source outside the scope of this AGREEMENT, including but not limited to, other actual or potential agreements for services with other parties

B. In the event that this AGREEMENT is terminated for any reason, CONSULTANT shall deliver to CLIENT all data, reports, summaries, correspondence, and other written, printed, or tabulated material pertaining in any way to Basic Services that CONSULTANT may have accumulated. Such material is to be delivered to CLIENT whether in completed form or in process CLIENT shall hold CONSULTANT harmless for any work that is incomplete due to early termination.

C The rights and remedies of CLIENT and CONSULTANT under this section are not exclusive and are in addition to any other rights and remedies provided by law or appearing in any other article of this AGREEMENT.

VI. INSURANCE

The CONSULTANT shall, during the life of the AGREEMENT, maintain insurance coverage with an authorized insurance carrier at least equal to the minimum limits set forth below:

A	Limit of General/Commercial Liability	\$1,000,000
B	Automobile Liability: Bodily Injury/Property Damage	\$1,000,000
C.	Excess Liability for General Commercial or Automobile Liability	\$10,000,000
D	Worker's Compensation and Employers' Liability	\$500,000
E	Professional Liability	\$2,000,000

Upon the execution of this AGREEMENT, CONSULTANT shall supply CLIENT with a suitable statement certifying said protection and defining the terms of the policy issued, which shall specify that such protection shall not be cancelled without thirty (30) calendar days prior notice to CLIENT, and naming CLIENT as an additional insured for General Liability.

VII. INDEMNIFICATION AND ALLOCATION OF RISK

- A To the fullest extent permitted by law, CONSULTANT shall indemnify and hold harmless CLIENT, CLIENT'S officers, directors, partners, and employees from and against costs, losses, and damages (including but not limited to reasonable fees and charges of engineers, architects, attorneys, and other professionals, and reasonable court or arbitration or other dispute resolution costs) caused solely by the negligent acts or omissions of CONSULTANT or CONSULTANT'S officers, directors, partners, employees, and consultants in the performance of CONSULTANT'S services under this AGREEMENT.
- B Nothing contained within this AGREEMENT is intended to be a waiver or estoppel of the contracting municipality CLIENT or its insurer to rely upon the limitations, defenses, and immunities contained within Wisconsin law, including those contained within Wisconsin Statutes §§ 893.80, 895.52, and 345.05. To the extent that indemnification is available and enforceable, the municipality CLIENT or its insurer shall not be liable in indemnity or contribution for an amount greater than the limits of liability for municipal claims established by Wisconsin Law.

VIII. TIME FOR COMPLETION

CONSULTANT shall commence work immediately having received a Notice to Proceed from CLIENT on or before August 5, 2020 and complete contract documents on or before February 26, 2021

IX. DISPUTES

This AGREEMENT shall be construed under and governed by the laws of the State of Wisconsin. The venue for any actions arising under this AGREEMENT shall be the Circuit Court for Milwaukee County. The prevailing party shall be awarded its actual costs of any litigation, including reasonable attorney fees.

X. RECORDS RETENTION

CONSULTANT shall maintain all records pertaining to this AGREEMENT during the term of this AGREEMENT and for a period of 3 years following its completion. Such records shall be made available by the CONSULTANT to CLIENT for inspection and copying upon request.

XI. MISCELLANEOUS PROVISIONS

- A. **Professionalism** The same degree of care, skill and diligence shall be exercised in the performance of the services as is possessed and exercised by a member of the same profession, currently practicing, under similar circumstances, and all persons providing such services under this AGREEMENT shall have such active certifications, licenses and permissions as may be required by law.
- B. **Pursuant to Law.** Notwithstanding anything to the contrary anywhere else set forth within this AGREEMENT, all services and any and all materials and/or products provided by CONSULTANT under this AGREEMENT shall be in compliance with applicable governmental laws, statutes, decisions, codes, rules, orders, and ordinances, be they Federal, State, County or Local.

- C Conflict of Interest. CONSULTANT warrants that neither it nor any of its affiliates has any financial or other personal interest that would conflict in any manner with the performance of the services under this Agreement and that neither it nor any of its affiliates will acquire directly or indirectly any such interest. CONSULTANT warrants that it will immediately notify the CLIENT if any actual or potential conflict of interest arises or becomes known to the CONSULTANT. Upon receipt of such notification, a CLIENT review and written approval is required for the CLIENT to continue to perform work under this Agreement

- D This AGREEMENT may only be amended by written instrument signed by both CLIENT and CONSULTANT

XII. CONTROLLING TERMS AND PROVISIONS

The aforesaid terms and provisions shall control over any conflicting term or provision of any CONSULTANT proposal, Attachment, Exhibit, and standard terms and provisions annexed hereto.

IN WITNESS WHEREOF, the parties have caused this AGREEMENT to be executed on the day and year first above written.

CITY OF FRANKLIN, WISCONSIN

GRAEF-USA INC.

BY _____
Stephen R. Olson, Mayor

BY  _____
PRINT NAME Paul R. Eiring

DATE _____

TITLE Vice President

BY _____
Sandra L. Wesolowski, City Clerk

DATE July 24, 2020

DATE _____

BY _____
Paul Rotzenberg, Director of Finance and Treasurer

DATE _____

APPROVED AS TO FORM

Jesse A. Wesolowski, City Attorney

DATE _____



July 29, 2020

Mr. Glen E. Morrow, PE
Deputy Director of Public Works / City Engineer
City Engineer / Director of Public Works / Utility Manager
City of Franklin
9229 W. Loomis Rd
Franklin, WI 53132

Subject: S. 116th Street Trail

Dear Mr. Morrow

Per your request, Graef-USA Inc. (GRAEF) is pleased to provide this proposal for services to the City of Franklin (Client). This proposal is for professional services for S. 116th Street Trail (Project) between W. Loomis Road and W. Swiss Street located in the City of Franklin.

The "Project" is the reconstruction of approximately 2.5 miles of trail design that would extend from W. Loomis Road / Waukesha County line vicinity along the WE Energies easement (Inner Urban Rail corridor) northeast to S. 116th Street and up the west side of S. 116th Street in the WE Energies easement to the St. Martins area and connect to the current paved trail. The "Basic Services" to be provided by Graef for the Project are Survey, Data Gathering, 30% Design Plan Development, 60% Design Plan Development, 90% Design Plan Development, and Bidding Documents & Permits, and all other services described herein other than those designated as "additional services, which Basic Services also include agency coordination, preliminary and final roadway design, and the preparation of plans, specifications, and estimates for the urban roadway.

Survey

- Perform topographic and utility survey along the 2.5 mile trail corridor needed for design of the trail
- Date, scale, legend and north arrow
- Description of ground surfaces (concrete, bituminous asphalt, grass, etc.)
- Spot elevations on an approximate 25' grid including break lines so as to accurately generate 1-foot contour intervals
- Existing ground contours
- Datum for elevations
- All existing utilities including overhead and underground, hydrants and valves for sanitary, storm, gas, water, electric and telephone with utility size and type
- Benchmarks and control points (location and description)
- Property and right-of-way lines using GIS mapping and locating property irons in the field
- Property addresses and lot front footages
- GRAEF will contact Diggers Hotline service to have underground utilities marked on the surface for our survey crew to locate. All utility markings provided by this service will be included in the drawings. GRAEF will show additional utility locations based on system mapping provided by the utilities and the Client.
- Field Investigation



Environmental Resources

- Office Review
- Field Investigation
- Wetland Report

30% Design Plan Development

- Plans will include title sheet, typical sections, alignments, 40' scale plan and profile sheets with slope intercepts, and cross sections.
- Plan details will include geometric layout and guardrail analysis.
- RW & Utility analysis.
- GRAEF shall prepare a 30% construction cost estimate.
- GRAEF shall conduct bi-weekly conference calls with the city to review design progress. (August/Sept (4))
- GRAEF will attend a 30% review meeting with the client.

60% Design Plan Development

- Plans will include title sheet, general notes, project overview, typical sections, alignments, 40' scale plan details, 40' scale plan and profiles sheets with slope intercepts, and cross sections.
- Real Estate Acquisition
 - GRAEF shall prepare easement exhibits as needed to coordinate land use for the trail.
- Public Involvement
 - GRAEF shall coordinate with the city on the time and location for a public involvement meeting for the project.
 - GRAEF (with input from the city) shall establish a list of businesses and residents to invite to the meeting. (Invites to include fire, police, and hospital stakeholders within the area)
 - GRAEF shall prepare and send meeting invitations to the meeting.
 - GRAEF shall prepare exhibits and attend the public involvement meeting. Exhibits will consider alternative access to the business park during construction.
- GRAEF shall prepare a 60% construction cost estimate.
- GRAEF shall attend two progress meetings with the Client.
- GRAEF shall conduct bi-weekly conference calls with the city to review design progress. (October/November (4))

90% Design Plan Development

- Preparation of permits and final concurrence from agencies for the project. Permits to include a Water Resources Application for Project Permits (WRAPP), Wetland Permit and Chapter 30 permit as required.
- Plans will include title sheet, general notes, typical sections, construction details using WisDOT details), alignment plans with control point information, 40' scale plan details, ADA compliant curb ramp details, 40' scale plan and profiles sheets with



slope intercepts, traffic control, detour plans, erosion control, signing, marking, earthwork summary, and cross sections.

- Traffic control/construction staging plans will be prepared for two alternatives.
 - Plans to allow s. 116th Street to remain open to traffic during construction.
- GRAEF shall prepare a 90% construction cost estimate.
- GRAEF shall conduct bi-weekly conference calls with the city to review design progress. (December (2))
- GRAEF will attend a 75% review meeting with the client
- GRAEF will attend on utility coordination meeting for the project. Meeting to be organized by GRAEF.

Bidding Documents & Permits

- GRAEF shall finalize plans incorporating all comments received on the 90% plans from the client.
- Prepare roadway drawings on 11"x 17" sheets, drawings will comprise the following items
 - Title sheet
 - General notes
 - Project overview
 - Typical sections
 - Construction details
 - Plan details and paving grades
 - Erosion control drawings
 - Permanent signing drawings
 - Pavement marking drawings
 - Construction staging typical sections
 - Construction staging drawings
 - Alignment drawings
 - Control point location drawing
 - Plan and profile drawings
 - Misc Quantity Sheets
 - Earthwork summary
 - Cross sections
 - All other information necessary to construct the road
- GRAEF will prepare the Official Notice, Special Provisions, and Proposal form. These documents will be provided to the City and the City will assemble the Manual.
- The Client will advertise the project for construction. GRAEF will provide electronic documents (plans and items of the project manual listed above) for use in the advertisement of the project.
- WisDOT pay items and clients specified SPVs will be used on the project.
- All CADD files in a format that can be provided to bidders for use in construction.

GRAEF will perform the proposed Basic Services per the following schedule

Survey	August 2020
30% Plans	September 2020
60% Plans	October 2020



75% Plans (Ready for Utilities)
90% Plans
Final Plans
Advertisement for use by Client
Let\Award

November 2020
December 2020
December 23, 2020
January 2021
Spring 2021

For this Project, it is our understanding Client will provide the following services, items and/or information

- Acquisitions of construction\right-of-entry permits as needed.
- R/W, plats, easement information for the corridor
- Record drawings for existing utilities
- Permit fees

For all Basic Services, Client agrees to compensate GRAEF as follows as a time and material contract with a not-to-exceed fee of \$150,000.00 as outlined in the attached fee estimate.

The total contract limit shall not exceed \$150,000.00 without written amendment and approval by the Client.

To accept this proposal, please sign and date the proposal and return to GRAEF. Upon receipt of an executed copy, GRAEF will commence work on the Project.

Graef-USA Inc. looks forward to providing services to City of Franklin.

Sincerely,

Graef-USA Inc.

Mary Beth Pettit, P.E.
Principal

Attachment GRAEF Fee Summary & Consultant Effort Summary



GENERAL INFORMATION	
Project Name:	S. 116th Street
Client Name	City of Franklin
Date:	7/29/20

S. 116th Street Trail, City of Franklin,

DISCIPLINE SUMMARY		
Management	36	\$6,500
Survey & ROW	226	\$25,300
Design	804	\$68,000
Storm Water	112	\$10,900
Specs, Bidding, & Permits	184	\$16,700
Meetings	100	\$12,200
Wetlands	136	\$10,400
Total Fee	1598	\$150,000

DESIGN PHASE SUMMARY		
Concept 30%	630	\$60,000
Preliminary 60%	445	\$43,000
Pre-Final 90%	471	\$42,000
Final 100%	52	\$5,000
Total Fee	1598	\$150,000

Proposed Time & Materials Fee for the Design of S 116th Street, City of Franklin

\$150,000

Total Contract, Not to Exceed Fee

\$150,000

S 116th Street, City of Franklin,

CONSULTANT EFFORT SUMMARY										
Management	36									36
Survey & ROW		46						128	52	226
Design	42			86	356		164		156	804
Storm Water	6	7		43		24	12	20		112
Specs Bidding, & Permits	10			54		96				184
Meetings	32			24			44			100
Wetlands			16		40			40	40	136
Total	126	53	16	207	396	120	220	188	248	1598