

April 10, 2018

City of Franklin Attn: Nick Fuchs 9229 W Loomis Road Franklin, WI 53132

#### RE: PLANNING COMMISSION EVERGREEN PARK ESTATES

Franklin APR 102018

City Development

Dear Nick,

As you are aware, we have submitted our final plat application for Evergreen Park Estates. We are in receipt of staff and Aldw. Wilhelm's comments from the review conducted. Below, please find our responses to your recommendations / conditions.

#### STAFF COMMENTS

#### 1. Section 15-7.0603 Requirements of UDO

### A. Declaration of Restrictions and Protective Covenants

Enclosed is a copy of our proposed Covenants and Restrictions for Evergreen Park Estates.

#### B. Conservation Easement

A copy has been submitted with the final plat. An additional copy was also dropped off at the engineering department. A PDF file of the conservation easement was also emailed.

### C. Wisconsin Non-Profit Membership

Due to the number of lots and no common area, we are proposing no homeowners association.

#### D. Purpose and City Attorney Review

We understand the review process by the City Attorney.

#### 2. Partial Platting

#### E. Partial Platting / Phase

We are platting a portion of the approved preliminary plat, as allowed per UDO 15-9-0305E, with common council approval. The final plat will be identified as a "phase" of the approved preliminary plat. No changes have been made to the portion we are platting from the approved preliminary plat.

### "A Builder of Quality Homes & Developments"

9244 West Grandview Court • Franklin, WI 53132 • Phone: 414.529.0958 • Fax: 414.529.4032

# <u>Development Agreement</u> We accept and will deposit funds for city trees.

#### 4. Conservation Easement

We followed the template that was provided from the City of Franklin, and has been submitted. Please advise if changes to this is recommended.

#### 5. NRPP

This property does not fall under the guidelines set forth by the UDO to designate a protected area, however, please see number 7.

#### 6. Individual Lot Conservation Easements

We would prefer to install conservation easement signage on the applicable lots. Please advise if there is preferred language to be printed on the signage.

 <u>20 Foot No Build</u> We will revise the language as specified on final plat.

#### 8. Trail Connection

This was not discussed or included in or during the preliminary plat approval and is not desirable to the developer or potential buyers.

### 9. Outlot 1 Ownership

We are proposing that Outlot 1 be deeded to the City of Franklin OR to the adjacent owner of Lot 4.

10. <u>Watermark</u> If not currently included on the plat, will be added at the final plat.

#### 11. Floodplain Conservancy District

If not currently included on the plat, will be added at the final plat.

#### ENGINEERING COMMENTS

- 1. <u>Technical Review</u> All technical corrections will be made per engineering specifications
- 2. Conservation Easement

A copy has been submitted with the final plat. An additional copy was also dropped off at the engineering department. A PDF file of the conservation easement was also emailed.

3. AutoCad

Will be submitted prior to recording of final plat.

4. Engineering Note

We agree with engineering comment, and will work with engineering department upon building permits.

#### ALDW. WILHELM COMMENTS

- 1. <u>Match legal descriptions of conservation easements</u> All legal descriptions will be checked for accuracy.
- 2. <u>Removal of Outlots 2 & 3</u>

We are platting a portion of the approved preliminary plat, as allowed per UDO 15-9-0305E, with common council approval. The final plat will be identified as a "phase" of the approved preliminary plat. No changes have been made to the portion we are platting from the approved preliminary plat.

#### 3. Trail / Connection Request

This was not discussed or included in or during the preliminary plat approval and is not desirable to the developer or potential buyers.

### 4. Winterhaven Lot 8 Owner Desires Buffer

It is our desire that homeowners will work together to create a mutual agreed landscape privacy. Unfortunately, the current buffer on site is infested with buck thorn and other invasive species and may not be desirable to the future buyer / homeowner of Lot 1. We do not intend to remove the buffer prior to the sale of Lot 1.

## 5. Preliminary Plat Resolutions

No major changes to the approved resolution.

We are not intending to make changes to the submitted final plat, therefore please add us to the April 19<sup>th</sup>, 2018 Planning Commission agenda. Our engineer has submitted the required copies with the Final Plat Application, however should you want some additional copies, he is happy to provide them to you.

Sincerely,

Rick J. Przybyla President Creative Homes, Inc.



Construction Minded | Value Sensitive | Civil Engineers

19435 W. CAPITOL DRIVE . SUITE L05 . BROOKFIELD, WI . 53045

PHONE: (262) 781-9005 www.onesourceconsult.com

March 9, 2018

City of Franklin 9229 W. Loomis Road Franklin, WI 53132

Re: Evergreen Park Estates – Disposition of Preliminary Plat Resolution Requirements

One Source Consulting in conjunction with Creative Homes, Inc. has reviewed City of Franklin Common Council Resolution No. 2018-7346 conditionally approving the preliminary plat for Evergreen Park Estates subdivision dated February 6, 2018.

1<sup>st</sup> Whereas Technical Correction

• (Lot sizes range in size from 30,108 square feet to 43,405 square feet) The range of lot sizes varies from 22,102 square feet to 43,504 square feet.

Conditions:

 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. *The exterior boundary of the final plat includes only that part of the preliminary*

plat comprising Lots 1-4 and Outlot 1 (south of Evergreen Street) as permitting in UDO 15-9.0305.E – Plat Phasing. The final plat will be reviewed by the City of Franklin, Milwaukee County and Wisconsin DOA – Plat Review staff and all review comments will be resolved 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.

Creative Homes, Inc. acknowledges this condition without objection.

3. Creative Homes, Inc., successors and assigns and any developer of the Evergreen Park Estates 4 lot single-family residential subdivision development 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 Evergreen Park Estates 5 lot single-family residential subdivision development, 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. *Creative Homes, Inc. acknowledges this condition without objection.*  4. The approval granted hereunder is conditional upon Rick J. Przybyla, President of Creative Homes, Inc. and the Evergreen Park Estates 5 lot single-family residential subdivision development project for the property located at approximately 7501 South 49th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.

No response necessary. The final plat is being submitted as a 5 lot subdivision (4 buildable lots and 1 outlot)

- The Evergreen Park Estates 5 lot single-family residential subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.
   Creative Homes, Inc. acknowledges this condition without objection.
- 6. Final grading, erosion control, and drainage plans, incorporating protection of the existing tree line on the east side of the subject property north of Evergreen Street and all protected natural resource features, shall be reviewed and approved by the Engineering Department and the Department of City Development prior to recording the Final Plat.

One Source Consulting has contacted the City of Franklin Engineering Department regarding this condition. A master grading plan will be prepared for the 4 buildable lots for the convenience of the Engineering Department in the review of building permit applications. No grading is anticipated to occur prior to construction of the individual homes on Lots 1-4. Tree preservation fencing will be installed along the east side of Lot 3 prior to issuance of a building permit by Creative Homes, Inc. or Builder and/or Owner of said lot.

- 7. Notwithstanding any prior filings of concept plans or maps, or prior Preliminary Plats for the Lot 5 land area on the subject Preliminary Plat, or discussions by the developer with the City or others with regard thereto, and any depiction of a future right-of-way for West Marquette Avenue, no approvals whatsoever have been granted and no understanding or consensus has been reached by or with the City during the preliminary plat application process, with regard to any plans for the potential future development and use(s) upon the Lot 5 land area. *Creative Homes, Inc. acknowledges this condition without objection.*
- 8. The applicant shall revise the Site Intensity Calculations, the Natural Resource Protection Plan, and the plat to correctly identify and include the FC Floodplain Conservancy District and wetland located south of Evergreen Street, and to correctly identify the amount, if any, of protected woodlands, for staff review and approval prior to submittal of a Final Plat. *Creative Homes, Inc. acknowledges this condition without objection and will submit updated Site Intensity Calculations in conjunction with the Final Plat.*
- 9. A written conservation easement document shall be reviewed and approved by

the Common Council and recorded with the Milwaukee County Register of Deeds at the time of the recording of the Final Plat. The Conservation Easements shall include all wetland setbacks. The preliminary plat "Conservation Easement Restrictions" notes shall be amended to include the Unified Development Ordinance restrictions applicable to wetland setbacks.

Creative Homes, Inc. acknowledges this condition without objection. A draft conservation easement was submitted with the Preliminary Plat and will be submitted with the Final Plat.

- Where a conservation easement exists on an individual lot, the applicant shall mark the location of the conservation easement onsite utilizing signage or boulders.
   Creative Homes, Inc. acknowledges this condition without objection and will install boulders or conservation area signs prior to lot sale.
- 11. Any proposed subdivision monument sign(s) shall require a Subdivision Monument Sign Application, subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department. *Creative Homes, Inc. acknowledges this condition without objection. At this time, a monument sign is not anticipated.*
- 12. The applicant shall place orange protective construction fencing outside the dripline of the large Oak tree near the park entrance on the north side of Evergreen Street, and along all protected natural resource features, prior to issuance of a Grading Permit. *Creative Homes, Inc. acknowledges this condition without objection. The orange protective construction fencing will be shown in the master grading plan and installed prior to lot sale by Creative Homes, Inc. or Builder and/or Owner of said lot.*
- All minor technical corrections, including but not limited to lot and outlot numbering, and legal descriptions shall be rectified prior to recording of the Final Plat.

Creative Homes, Inc. acknowledges this condition without objection.

14. The lands within the Preliminary Plat include lands specially benefitted and specially assessed for the installation of sanitary sewer, water main, sanitary sewer laterals, water main laterals, and the extension of a public street including curb and gutter associated with Evergreen Street pursuant to Resolution No. 2014-7001 as amended by Resolution No. 2016-7211. The applicant has paid in full outstanding assessments associated with two of the subject lots, and the outstanding assessments associated with the remaining two subject lots shall be due and paid in full upon the sale, transfer, or other conveyance of the subject lots, or this Resolution shall be null and void.

Creative Homes, Inc. acknowledges this condition without objection.

15. Final storm water plans, including consideration of appropriate maintenance

costs assignable to the developer for the developer's impacts upon the existing tributary storm water pond, shall be reviewed and approved by the Engineering Department prior to recording of the Final Plat.

Creative Homes, Inc. acknowledges this condition and has requested clarification from the Engineering Department as to the maintenance cost impact fee. It is noted that the lands (east ½ of Lot 2 & all of Lot 3) tributary to the Pleasant View Park stormwater pond were included in the City of Franklin prepared and approved stormwater management plan without notice being provided to owners of adjacent tributary lands that they may be subject to impact fees or special assessment.

16. The applicant shall install all required street trees pursuant to the City of Franklin Design Standards and Construction Specifications and pertinent City regulations. *Creative Homes, Inc. acknowledges this condition and will deposit with the City of Franklin \$3000 for future City Street Trees. The City is expected to install after home construction or at their discretion.* 

<u>Respectfully,</u> ONE SOURCE CONSULTING, LLC

Craig Donze, PE Principal

From:	Craig Donze			
То:	Nick Fuchs			
Cc:	Rick Pryzbyla (rickprzybyla@hotmail.com); Nicole Watson; Kristen Wilhelm (External); Ronnie Asuncion			
Subject:	Evergreen Park Estates Final Plat - Technical Comments Response			
Date:	Wednesday, April 11, 2018 8:29:17 AM			

The following is a response to the technical comments associated with the final plat previously submitted for your consideration:

#### DEPARTMENT OF CITY DEVELOPMENT

- 7. Staff recommends that the "20FT NO BUILD AREA" note on Lot 3 be revised as follows: "20FT NO BUILD AREA FOR TREE PRESERVATION PURPOSES" Change was made as requested.
- 10. Please label the Ordinary High Watermark as "approximate" since it was not determined or verified by the WDNR.

Recent changes to State Statute allow professional land surveyors to make determinations as to the location of the ordinary high water marks. The WDNR must still make navigability determinations.

• 11. Please include the Floodplain Conservancy District on the plat. The floodplain is fully contained within Outlot 1 which is being encumbered by a conservation easement in it's entirety.

#### ENGINEERING DEPARTMENT

Sheet 1 of 2; indicate the document number, the date when the road was dedicated (Warranty Deed, Doc#10277006, Recorded, July 31, 2013), check the area (2.4486?) of the dedicated Road, and show the coordinates of the two reference monuments.
 The final plat dedicates Evergreen Street in its entirety, since the Clerk was unable to locate a record of the land purchased by the referenced warranty deed in the City's files. Reference to the deed is therefore not necessary.

Grid coordinates have been added to the PLSS corners used as the basis of bearings.

• Sheet 2 of 2; change the Mayor's name to Stephen instead of Steve, and remove the duplicate line of Mayor's signature.

The correction was made as requested. Please note the City's website lists the mayor's name as previously shown.

Craig Donze, PE One Source Consulting | Principal 19435 W. Capitol Drive, Suite L05 Brookfield, WI 53045 P 262-781-9005 | M 262-364-7515 www.onesourceconsult.com



April 3, 2018

City of Franklin Attn: Ronnie Asuncion 9229 W Loomis Road Franklin, WI 53132

RE: EVERGREEN PARK ESTATES WE ENERGIES SERVICES

Dear Ronnie,

This letter is being written per our conversation last week regarding the underground WE Energies service location at our new development of Evergreen Park Estates.

We are kindly requesting that the location of the underground WE Energies services be located to the front of the lots, rather than the rear. This is due to several factors, including the uniqueness of the development consisting of only 4 lots, as well as the complexity of natural resources and wetlands that are located adjacent to these lots.

We would be including a requirement within the Declaration of Restrictions that would require lot owners to incorporate landscaping around the WE Energies pedestal to soften its appearance.

Should you have any questions feel free to contact me at 414-529-0958.

Thank you for your cooperation with this matter.

Sincerely,

Rich ( Rick J. Przybyla

Owner / President Creative Homes, Inc.

Franklin APR 1 0 2018 City Development

"A Builder of Quality Homes & Developments" 9244 West Grandview Court • Franklin, WI 53132 • Phone: 414.529.0958 • Fax: 414.529.4032



# **EVERGREEN PARK ESTATES**

PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

### LEGAL DESCRIPTION

BEING UNPLATTED LANDS LYING WITHIN AND BEING A PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN. SAID LANDS ARE BOUNDED AND DESCRIBED AS FOLLOWS;

COMMENCING AT A FOUND CONCRETE MONUMENT WITH BRASS CAP MARKING THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF AFORESAID SECTION 11; THENCE N 00°04'46" E, A DISTANCE OF 2656.92 FEET ALONG THE WEST LINE OF THE SOUTHEAST1/4 OF SAID SECTION 11 TO A FOUND CONCRETE MONUMENT WITH BRASS CAP MARKING THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF AFORESAID SECTION 11; THENCE N 87°47'45" E, A DISTANCE OF 868.82 FEET ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 11 TO FOUND 3/4" IRON ROD; THENCE S00°18'28"W, A DISTANCE OF 66.04 FEET TO FOUND 3/4" IRON ROD; THENCE N 87°47'45" E, A DISTANCE OF 439.96 FEET TO FOUND 3/4" IRON ROD; THENCE S00°00'32"W, A DISTANCE OF 1524.14 FEET TO THE POINT OF BEGINNNG OF THE LANDS HERINAFTER DESCRIBED; THENCE CONTINUING S00°00'32"W, A DISTANCE OF 629.08 FEET TO A FOUND 1" IRON PIPE; THENCE S87°40'43"W, A DISTANCE OF 168.85 FEET TO A POINT; THENCE S87°30'55"W, A DISTANCE OF 120.02 FEET TO A FOUND 2" IRON PIPE; THENCE S87°30'51"W, A DISTANCE OF 217.99 FEET TO A FOUND 2" IRON PIPE; THENCE N 00°00'35"E, A DISTANCE OF 460.22 FEET TO A POINT; THENCE S89°59'25"E, A DISTANCE OF 131.33 FEET TO A POINT; THENCE S16°50'05"E, A DISTANCE OF 56.98 FEET TO A POINT; THENCE S01°46'47"W, A DISTANCE OF 50.69 FEET TO A POINT; THENCE S10°01'38"W, A DISTANCE OF 82.25 FEET TO A POINT; THENCE S23°44'07"E, A DISTANCE OF 36.85 FEET TO A POINT; THENCE S42°34'39"E, A DISTANCE OF 18.29 FEET TO A POINT; THENCE N87°28'07"E, A DISTANCE OF 26.62 FEET TO A FOUND 3/4" IRON ROD AND POINT OF CURVATURE; THENCE A DISTANCE OF 81.29 FEET ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE NORTH, WHOSE RADIUS IS 120.00 FEET AND WHOSE CHORD BEARS N68°03'39.5"E, A DISTANCE OF 79.75 FEET TO A FOUND 3/4" IRON ROD AND POINT OF TANGENCY; THENCE N48°39'12"E ALONG SAID NORTH LINE, A DISTANCE OF 20.62 FEET TO A POINT; THENCE NO0°43'09"E, A DISTANCE OF 23.67 FEET TO A POINT; THENCE N13°35'17"W, A DISTANCE OF 58.10 FEET TO A POINT; THENCE N08°16'02"W, A DISTANCE OF 22.47 FEET TO A POINT; THENCE N03°02'10"W, A DISTANCE OF 40.92 FEET TO A POINT; THENCE N14°39'42"W, A DISTANCE OF 42.52 FEET TO A POINT; THENCE N33°22'37"E, A DISTANCE OF 14.34 FEET TO A POINT; THENCE N02°29'08"E, A DISTANCE OF 47.59 FEET TO A POINT; THENCE N33°23'34"W, A DISTANCE OF 106.91 FEET TO A POINT; THENCE N28°40'55"E, A DISTANCE OF 52.52 FEET TO A POINT; THENCE S89°59'23"E A DISTANCE OF 284.43 FEET TO THE POINT OF BEGINNING. SAID DESCRIBED LANDS CONTAINING 252,931 S.F. (5.8065 ACRES), MORE OR LESS OF LAND, INCLUDING LANDS TO BE DEDICATED AS WEST EVERGREEN STREET FOR PUBLIC ROAD PURPOSES AS SHOWN. LANDS TO BE DEDICATED CONTAIN 33,236 S.F. (2.4486 ACRES), MORE OR LESS OF LAND. NET AREA REMAINING CONTAINS 219,695 S.F. (5.0435 ACRES), MORE OR LESS OF LAND.

#### SURVEYORS CERTIFICATE

I HAVE SURVEYED THE ABOVE PROPERTY AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THE ABOVE MAP IS A TRUE AND CORRECT REPRESENTATION OF ALL EXISTING LAND DIVISIONS AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL STRUCTURES THEREON, FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY." I FURTHER CERTIFY THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE CITY OF FRANKLIN LAND DIVISION AND ZONING ORDINANCES IN PREPARING SAID MAP.

DATED THIS 2nd DAY OF MARCH, 2018 AT WALES, WI.

<u>SURVEYOR</u>: JAMES R BEATY, RLS 1834 HORIZON LAND DEVELOPMENT SERVICES, LLC W313 S2562 PENNY LN WALES, WI 53183 www.horizonlanddevelopmentservices.com

CITY OF FRANKLIN COMMON COUNCIL APPROVAL CERTIFICATE:

Resolved, that the plat of EVERGREEN PARK ESTATES, part of the southwest 1/4 of the southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin., Creative Homes, Inc., owner, having been approved by the City of Franklin Common Council, being the same is hereby approved and the dedications shown hereon accepted by the Common Council of the City of Franklin on this \_\_\_\_\_ day of \_\_\_\_\_\_, 2018.

Date \_\_\_\_\_ Approved

Stephen Olson, Mayor

I hereby certify that the foregoing is a copy of a resolution adopted by the COMMON COUNCIL of the CITY OF FRANKLIN, Wisconsin on \_\_\_\_\_\_, 2018 which action becomes effective upon receipt of approval of all other \_\_\_\_\_\_ agencies and is satisfied as of this \_\_\_\_\_ day of \_\_\_\_\_\_, 2018.

Sandra L. Wesolowski, City Clerk

#### CERTIFICATE OF CITY TREASURER:

, 2018

### STATE OF WISCONSIN) WAUKESHA COUNTY) SS

I, Paul Rotzenberg, being the duly elected qualified and acting City Treasurer of the City of Franklin, do hereby certify that in accordance with the records in my office, there are no unpaid taxes or unpaid special assessments as of the \_\_\_\_\_ day of , 2018 on any of the land included in the plat of EVERGREEN PARK ESTATES.

\_\_\_\_\_

(Date)

Paul Rotzenberg, City Treasurer

COUNTY TREASURER'S CERTIFICATE:

STATE OF WISCONSIN) MILWAUKEE COUNTY) SS

I, David Cullen, being the duly elected, qualified and acting treasurer of the County of Milwaukee, do hereby certify that the

JAMES R. BEATY PLS-1834

CONSIA

JAMANS R.

BEATY

S-1834

WALES,

#### CORPORATE OWNER'S CERTIFICATE OF DEDICATION:

Creative Homes, Inc., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this plat to be surveyed, divided, mapped, and dedicated as represented on this plat. Creative Homes, Inc. does further certify that this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

#### **OBJECTING AGENCIES**

WISCONSIN DEPARTMENT OF ADMINISTRATION - PLAT REVIEW

### APPROVING AGENCIES

#### CITY OF FRANKLIN

IN WITNESS WHEREOF, the said Creative Homes, Inc. has caused these presents to be signed by Rick J. Przybyla, its president, and Nicole M. Watson, its Secretary, at Franklin Wisconsin, and its corporate seal to be hereunto affixed on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

#### In the presence of:

Creative Homes, Inc. (Corp

(Corporate Seal)

Rick J. Przybyla, President Nicole M. Watson, Secretary

### STATE OF WISCONSIN)

MILWAUKEE COUNTY) SS

Personally came before me this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 2018, Rick J. Przybyla, President, and Nicole M. Watson, Secretaryof the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such President and Secretary of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority. Notary Public, , Wisconsin

Notary Public, \_\_\_\_\_, Wisconsin My commission expires \_\_\_\_\_. (Notary Seal)

#### **BASEMENT RESTRICTION**

Although all lots in the Subdivision have been reviewed and approved for development with single-family residential use in accordance with Section 236 Wisconsin Statutes, some lots may contain soil conditions which, due to the possible presence of groundwater near the surface, may require soil engineering and foundation design with regard to basement construction. It is recommended that either a licensed professional engineer or other soils expert design a basement and foundation which will be suitable to withstand the various problems associated with saturated soil conditions on basement walls or floors or that special measures be taken. Soil conditions should be subject to each owners special investigation prior to construction and no specific representation is made herein.

#### **CONSERVATION EASEMENT RESTRICTIONS**

Those areas of land which are identified as Conservation Easements of this subdivision plat shall be subject to the following restrictions:

- 1. Grading and filling shall be prohibited.
- 2. The removal of topsoil or other earthen materials shall be prohibited.
- 3. The removal or destruction of any vegetative cover. i.e., trees, shrubs, grasses, etc., shall be prohibited with the exception of the removal of dead, diseased or dying vegetation at the discretion of landowner, or silvicultural thinning upon the approval of a naturalist and the approval of the City of Franklin.
- 4. Grazing by domesticated animals, i.e., horses, cows, etc., shall be prohibited.
- 5. The introduction of plant material not indigenous to the existing environment of the natural area shall be prohibited.

6. Ponds may be permitted subject to the approval of the municipality in which they are located and, if applicable, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.

7. Developer or successor to work with the City of Franklin to ensure UDO codes and or City Ordinances are complied with regarding the treeline along existing Lot 8 of Winterhaven Subdivision.

# records in my office show no unredeemed tax sales and no unpaid taxes or special assessments as of the \_\_\_\_\_ day of \_\_\_\_\_, 2018 affecting the lands included in the plat of EVERGREEN PARK ESTATES.

\_\_\_\_\_, 2018 anecu

(Date) David Cullen, Treasurer

LINE TABLE LINE LENGTH BEARING L46 56.98 S16°50'05"E L47 50.69 S01°46'47"W L48 82.25 S10°01'38"W 36.85 L49 S23°44'07"E L50 18.29 S42°34'39"E L51 26.62 N87°28'07"E L52 20.62 N48°39'12"E L53 23.67 N00°43'09"E L54 58.10 N13°35'17"W L55 22.47 N08°16'02"W L56 40.92 N03°02'10"W L57 42.52 N14°39'42"W L58 14.34 N33°22'37"E L59 47.59 N02°29'08"E L60 106.91 N33°23'34"W L61 52.52 N28°40'55"E L68 20.49 S89°59'23"E L69 7.29 S12°34'20"W L70 43.32 S28°40'55"W L71 101.35 S33°23'34"E L72 59.59 S02°29'08"W L73 10.95 S33°22'37"W L74 35.65 S14°39'42"E L75 42.05 S03°02'10"E L76 20.63 S08°16'02"E L77 59.68 S13°35'17"E L78 8.13 S00°43'09"W L79 26.94 S48°39'12"W L80 26.13 S87°28'07"W L81 4.80 N42°34'39"W L82 46.23 N23°44'07"W L83 86.88 N10°01'38"E L84 45.97 N01°46'47"E L85 47.98 N16°50'05"W L86 16.14 N45°43'22"W L87 29.04 S89°59'25"E

CURVE TABLE						
CURVE	ARC	RADIUS	CHORD	CHORD BRG	DELTA ANGLE	TANGENT
C2	101.62'	150.00'	99.69'	N68°03'39.5"E	38°48'55"	52.85
C3	121.94'	180.00'	119.62'	N68°03'39.5"E	38°48'55"	63.41
C4	81.29'	120.00'	79.75'	S68°03'39.5"W	38°48'55"	42.28
C5	101.62'	150.00'	99.69'	S68°03'39.5"W	38°48'55"	52.85
C6	121.94'	180.00'	119.62'	S68°03'39.5"W	38°48'55"	63.41
C7	41.82'	180.00'	41.73'	S55°18'34.0"W	13°18'44"	21.01
C8	80.12'	180.00'	79.46'	S74°43'01.5"W	25°30'11"	40.73

#### ZONING DATA / SETBACKS

Existing Zoning : R-6, FW Proposed Zoning: R-6, Suburban Single-Family Residential, FW Minimum Lot Area=11,000 Sq. Ft. Minimum Lot Width at Setback Line = 90 Feet Minimum Lot Width at Setback Line (Corner Lot) = 100 Feet Minimum Front Yard Setback = 30 Feet Minimum Side Yard Setback = 10 Feet/ 19 Feet Corner Minimum Rear Yard Setback = 30 Feet Minimum Wetland Buffer = 30 Feet Minimum Wetland Setback = 50 Feet Minimum Shore Setback = 75 Feet

MAIN CURVE TABLE - EXTERIOR								
CURVE	ARC	RADIUS	CHORD	CHORD BRG	DELTA ANGLE	TANGENT	TANGENT BRG 1	TANGENT BRG 2
C1	81.29'	120.00'	79.75'	N68°03'39.5"E	38°48'55"	42.28	N87°28'07"E	N48°39'12"E

#### THIS INSTRUMENT DRAFTED BY JAMES R. BEATY PLS 1834 PAGE 2 OF 2

### 🎜 CITY OF FRANKLIN 🏾 🇊

### **REPORT TO THE PLAN COMMISSION**

Meeting of April 19, 2018

### **Right-of-Way Vacation**

**RECOMMENDATION:** Department of City Development staff recommends approval of the Right-of-Way Vacation.

Project Name:	Mills Hotel Wyoming right-of-way vacation request
Project Address:	City ROW
Applicant:	Mills Hotel Wyoming LLC
Agent:	Dan Szczap, Bear Development, LLC
Property Owner:	Mills Hotel Wyoming LLC
Current Zoning:	R-3 Suburban/Estate Single-Family Residence District and R-8 Multiple-Family Residence District
2025 Comprehensive Plan	Transportation
Use of Surrounding Properties:	S. 116 <sup>th</sup> Street right-of-way, single-family residential and commercial to the north, single-family and agricultural land to the south and west and vacant WisDOT owned land to the east
Applicant Action Requested:	Approval of the requested ROW Vacation Application

### **Project Description**

On March 8, 2018, the applicant, Mills Hotel Wyoming, LLC, submitted a Right-of-Way Vacation Application requesting to vacate approximately 0.1664 acre (7,248 square feet) of City of Franklin right-of-way which extends south from West Ryan Road to West Loomis Road between properties located at 11607 West Ryan Road and 11533 West Ryan Road bearing Tax Key Nos. 891-9989-004 and 892-9997-000, respectively.

The right-of-way is a 50-foot wide unimproved section of S. 116<sup>th</sup> Street, which would allow South 116<sup>th</sup> Street to extend south of West Ryan Road and connect to West Loomis Road, opposed to ending at West Ryan Road as it currently does today.

The applicant owns the property to the west of the existing right-of-way (11607 W. Ryan Road) and the Wisconsin Department of Transportation owns the abutting property to the east (11533 W. Ryan Road). The applicant is requesting that the full extent of the right-of-way be combined with their property to the west.

The attached application and materials further details the request and illustrates the location of the subject right-of-way.

### **Process/Next Steps**

At the April 2, 2018 meeting, the Common Council approved a motion "to refer the right-of-way vacation which extends south of West Ryan Road to West Loomis Road between properties located at 11607 West Ryan Road and 11533 West Ryan Road bearing Tax Key Nos. 891-9989-004 and 892-9997-000, respectively, to the April 19, 2018 meeting of the Plan Commission for a recommendation."

Following Plan Commission recommendation, the Common Council will commence proceedings by introducing the draft resolution and setting a public hearing date. The Common Council will then hold the public hearing and ultimately approve or deny the request.

#### **Staff Recommendation**

Department of City Development staff recommends approval of the Right-of-Way Vacation.

#### CITY OF FRANKLIN

#### RESOLUTION NO. 2018-\_\_\_\_

### A RESOLUTION TO VACATE APPROXIMATELY 0.1664 ACRE OF RIGHT-OF-WAY WHICH EXTENDS ALONG SOUTH 116TH STREET, DIRECTLY SOUTH OF 116TH STREET, SOUTH OF WEST RYAN ROAD AND WEST OF LOOMIS ROAD, ADJACENT TO PROPERTY LOCATED AT 11607 WEST RYAN ROAD BEARING TAX KEY NO. 891-9989-004 AND 11533 WEST RYAN ROAD BEARING TAX KEY NO. 892-9997-000

WHEREAS, the Common Council of the City of Franklin finds that the public interest requires that approximately 0.1664 acre of right-of-way which extends along South 116th Street, directly south of 116th Street, south of West Ryan Road and west of Loomis Road, adjacent to property located at 11607 West Ryan Road bearing Tax Key No. 891-9989-004 (Mills Hotel Wyoming, LLC, owner) and 11533 West Ryan Road bearing Tax Key No. 892-9997-000 (Wisconsin Department of Transportation, owner) be discontinued, pursuant to Wis. Stat. § 66.1003(4); and

WHEREAS, such portion of the approximately 0.1664 of right-of-way which extends along South 116th Street, directly south of 116th Street, south of West Ryan Road and west of Loomis Road, adjacent to property located at 11607 West Ryan Road bearing Tax Key No. 891-9989-004 (Mills Hotel Wyoming, LLC, owner) and 11533 West Ryan Road bearing Tax Key No. 892-9997-000 (Wisconsin Department of Transportation, owner) is more particularly described upon Exhibit A and C annexed hereto and the map annexed hereto as Exhibit B; and

WHEREAS, notice of pendency of proceedings to vacate the subject property was submitted to the Office of the Register of Deeds for Milwaukee County on \_\_\_\_\_\_, 2018, by way of a copy of this Resolution as introduced, for recording as may be required pursuant to Wis. Stat. § 840.11; and

WHEREAS, this Resolution was first introduced before the Common Council of the City of Franklin at its regular meeting on May 1, 2018; and

WHEREAS, the Common Council scheduled a Public Hearing upon this Resolution pursuant to Wis. Stat. § 66.1003(4)(b) for June 19, 2018; with notice of such hearing being published as a Class III notice in the Official City Newspaper, with the first publication date being May 30, 2018; and

WHEREAS, a Public Hearing as so duly noticed having been held on June 19, 2018, before the Common Council of the City of Franklin, and a report having been received from the Plan Commission, upon all of the foregoing pursuant to law, the Common Council

### MILLS HOTEL WYOMING, LLC – STREET RIGHT-OF-WAY VACATION RESOLUTION NO. 2018-\_\_\_\_ Page 2

having been so informed and having made its determinations.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that pursuant to the authority vested in the Common Council by Wis. Stat. § 66.1003(4)(b), that the portion of the approximately 0.1664 acre of right-of-way which extends along South 116th Street, directly south of 116th Street, south of West Ryan Road and west of Loomis Road, adjacent to property located at 11607 West Ryan Road bearing Tax Key No. 891-9989-004 (Mills Hotel Wyoming, LLC, owner) and 11533 West Ryan Road bearing Tax Key No. 892-9997-000 (Wisconsin Department of Transportation, owner) as described upon Exhibit A, Exhibit B and Exhibit C annexed hereto and incorporated herein, be and the same is hereby discontinued and vacated.

BE IT FURTHER RESOLVED, that the City Clerk be and the same is hereby directed to record a copy of this Resolution with the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_\_, 2018.

APPROVED:

ATTEST:

Stephen R. Olson, Mayor

Sandra L. Wesolowski, City Clerk

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 2018.

**APPROVED**:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk
AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_



### 116th & Ryan Road ROW: Right of Way Vacation



### Planning Department (414) 425-4024



NORTH 2017 Aerial Photo

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





March 7, 2018

Mr. Nick Fuchs Principal Planner City of Franklin 9229 W. Loomis Road Franklin, WI 53132

Dear Mr. Fuchs:

Mills Hotel Wyoming, LLC is pleased to submit this letter and the enclosed submittal materials as formal application for Right of Way Vacation for a the existing 116<sup>th</sup> Street Right of Way, south of W. Ryan Road. Bear Development is acting on behalf of the owner of record, Mills Wyoming Hotel, LLC.

#### **Project Summary**

Mills Wyoming Hotel, LLC is the owner of record of approximately 164 acres of land in the City of Franklin. The vast majority of the property is south of Ryan Road and west of Loomis Road and is not subject to this petition.

The property in question, consists of 7248 square feet and is located on the south side of W. Ryan Road, directly south of the improved 116<sup>th</sup> Street, west of Loomis Road. The property is existing right of way and is currently vacant and unimproved.

Mills Hotel Wyoming, LLC is the record owner of the adjacent property, which consists of 4.75 acres with frontage on both W. Ryan Road and STH 36. Mills Hotel Wyoming is respectfully requesting the City of Franklin to consider vacating the 116<sup>th</sup> right of way and to allow the property to be attached/included to Parcel 9989 004.

Based on discussions with City Staff and the Wisconsin Department of Transportation, the alignment and connection to STH 36 is not feasible and the extension of 116<sup>th</sup> Street is not planned. The WDOT (adjacent landowner to the east) has further indicated that they have no interest in the acquisition of the property in question.

The Mills property (directly west) is encumbered by an existing 100' wide ATC overhead electric transmission easement that essentially bisects the property. The easement makes it extremely difficult to redevelop the property. The addition of the

Franklin MAR 0.8 2018 City Development 116<sup>th</sup> right of way, would provide additional lands to create a viable property, and thus add taxable land to the City of Franklin. Because there are not viable, future plans for the improvement of 116<sup>th</sup> Street, and eventual connection to STH 36, the requested vacation is reasonable.

We look forward to discussing this request with City Staff in further detail. Should you have any questions regarding this request, please do not hesitate to contact me. I can be reached at (262) 842-0556 or by email, <u>dan@beardevelopment.com</u>

Thank you for your time and consideration.

Sincerely,

promp

Daniel Szczap Bear Development, LLC

Cc: Stephen C. Mills S.R. Mills





#### LEGAL DESCRIPTION – 116<sup>th</sup> Street Vacation

#### February 13, 2018

Part of the Northeast 1/4 of the Northwest 1/4 and part of the Northwest 1/4 of the Northeast 1/4 all in Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, which is bounded and described as follows: Commencing at the Northeast corner of said Northwest 1/4 Section; thence South 00%%D34'43" East along the East line of said Northwest 1/4 Section a distance of 45.00 feet to a point on the South line of West Ryan Road and the point of beginning of the lands hereinafter described; thence South 89%%D44'26" East along said South line 25.00 feet to a point on the East line of South 116th Street; thence South 00%%D34'43" East along said East line 116.80 feet to a point on the North line of West Loomis Road - (S.T.H. "36"); thence South 41%%D23'51" West along said North line 74.76 feet to a point on the West line of South 116th Street and the East line of Parcel 2 of Certified Survey Map No. 3104; thence North 00%%D34'43" West along said West line 173.19 feet to a point on the South line of West Ryan Road; thence South 89%%D31'45" East along said South line 25.00 feet to a point on the South line 173.19 feet to a point on the South line of West Ryan Road; thence South 89%%D31'45" East along said South line 25.00 feet to the point of beginning.

Containing 7,248 square feet or 0.1664 acres of land.

Franklin MAR 0.8 2018 City Development

414-224-8068



#### ALTA/ACSM LAND TITLE SURVEY

des items 1, 2, 3, 4.6(a), 8(b), 7(a), 7(b)

Franklin MAR 08 2018 **City Development** 

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Franklin MAR 0.8 2018 City Development

Planning Department Franklin, Wisconsin 53132 MAR 08 2018 Email: generalplanning@franklinwi.gov 9229 West Loomis Road

Phone: (414) 425-4024 Fax: (414) 427-7691 Web Site: www.franklinwi.gov

**Gity Development** 

Franklin

Date of Application:

### **RIGHT-OF-WAY VACATION APPLICATION**

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

City of Franklin

Applicant (Full Legal Name[s]): Name: Stephen C. Mills	Applicant is Represented by (contact person) (Full Legal Name[s]): Name: Daniel Szczap		
Company: Mills Hotel Wyoming, LLC	Company: Bear Development, LLC		
Mailing Address: 4011 80th Street	Mailing Address: 4011 80th Street		
City / State: Kenosha,, WI Zip: 53142	City / State: Kenosha, WI Zip: 53142		
Phone: (262) 842-0556	Phone: (262) 842-0556		
Email Address: dan@beardevelopment.com	Email Address: dan@beardevelopment.com		
Project Property Information:			
Property Address: Vacant Property,	Tax Key Nos: None Assigned, existing Right of Way		
Property Owner(s): City of Franklin	Tax key Nos:		
	Existing Zoning: R8 ad R3		
Mailing Address: 9229 West Loomis Road	Existing Zoning: No ad Ro Existing Use: Vacant Right of Way, Adjacent to Residential		
City / State: Franklin, WI Zip: 53132			
Email Address:	Proposed Use: Commercial		
a bill arthur thank of her says have	Future Land Use Identification: Right of Way		
*The 2025 Comprehensive Master Plan Future Land Use Map	is available at: http://www.franklinwi.gov/Home/ResourcesDocuments/Maps.htm		
Right-of-Way Vacation Application submittals for review must inclu	ide and be accompanied by the following:		
This Application form accurately completed with original signatu	re(s). Facsimiles and copies will not be accepted.		
Application Filing Fee, payable to City of Franklin: \$1	125		
Legal Description for the subject property (WORD.doc or compatible)	tible format).		
Seven (7) complete collated sets of Application materials to inclu	ide:		
One (1) original and six (6) copies of a written Project Summing			
이 방법은 것이 아니는 것은 것이 가지 않는 것이 가지 않는 것이 없다.			
Seven (7) copies of a Plat of Survey of the area to be vacated	l, drawn to scale (at least 11" x 14").		
Email (or CD ROM) with all plans/submittal materials. Plans must	t 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.		
	d by Common Council for review by the Plan Commission.		
<ul> <li>Common Council will set a Public Hearing date, take fin</li> </ul>	al action, and record the document of approval with Milwaukee County Register of Deeds.		
of applicant's and property owner(s)' knowledge; (2) the applicant and the applicant and property owner(s) agree that any approvals based on issued building permits or other type of permits, may be revoked with execution of this application, the property owner(s) authorize the City of	ts and other information submitted as part of this application are true and correct to the best property owner(s) has/have read and understand all information in this application; and (3) n representations made by them in this Application and its submittal, and any subsequently out notice if there is a breach of such representation(s) or any condition(s) of approval. By Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 tion is under review. The property owner(s) grant this authorization even if the property has		
그 같은 상태에 가지 않는 것 같은 것 같	usiness is an LLC, or from the President or Vice President if the business is a corporation. A applicant's signature below, and a signed property owner's authorization letter may be n one, all of the owners of the property must sign this Application).		
De menber	-Auntflying		
Signature - Property Owner Chills, MENDOR	Signature-Applicant J-SZEZAR, PRORELT MANAGEN		
Name & Title (PRINT) Date: 2-7-2018	Name & Title (PRINT) Date: 3/7/2018		
Cristenheer			
Signature-Property Owner GLEN E. MOPPEON CITY ENTONCES	Signature - Applicant's Representative		
Name & Title (PRINT)	Name & Title (PRINT)		
Date: 3-12-2018	Date:		