

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS  
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*  
TUESDAY, AUGUST 15, 2017 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B. 1. Citizen Comment Period.
- C. Approval of Minutes:  
Regular Common Council Meeting of August 1, 2017.
- D. Hearings.  
Public Hearing - A proposed Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to Change the Future Land Use Map Use Designation of Lot 3 of Certified Survey Map No. 8907, Property Located at 11906 and 11908 West Loomis Road, From Areas of Natural Resource Features Use and Water Use to Residential Use and Areas of Natural Resource Features Use and Water Use (Mills Hotel Wyoming, LLC, applicant). The Property which is the Subject of this Application Bears Tax Key No. 891-9989-001, Consisting of Approximately 4.55 Acres of Land. This Public Hearing is Being Held Pursuant to the Requirements of Wis. Stat. § 66.1001(4)(d).
- E. Organizational Business.  
Boards and Commission Appointments:
  - 1. Mayoral appointment of Diane L. Brunner, 7006 S. Lannonstone Court, Ald. Dist 6, Fair Commission (3 year unexpired term expiring 4/30/20).
  - 2. Alderman Nelson appointment of Doug Milinovich, 9572 W. Prairie Grass Way, Ald. Dist. 6, Board of Review (3 year unexpired term expiring 4/30/20).
  - 3. Alderwoman Wilhelm appointment of Margie Shore, 8046 S. 60th Street, Ald. Dist. 3, Quarry Monitoring Committee (3 year unexpired term expiring 5/31/20)
- F. Letters and Petitions.
- G. Reports and Recommendations:
  - 1. Donations:
    - (a) Donation from Midwest Speleo Cave (Entrance Donations) at the 2017 National Night Out in the Amount of \$287 to the Health Department for the Franklin Food Pantry.
    - (b) Donation from Franklin Lioness Club Foundation in the Amount of \$200 to the Fire Department to Fund Fire and Safety Educational Programs.
    - (c) Donation from Mark Kass and The Franklin Police Department Citizen Academy Alumni Association in the Amount of \$2,000 to the Police Department to be put toward the Police Canine Program.

2. An Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to Change the City of Franklin 2025 Future Land Use Map for Property Located at 11906 and 11908 West Loomis Road From Areas of Natural Resource Features Use and Water Use to Residential Use, Areas of Natural Resource Features Use and Water Use (Approximately 4.55 Acres) (Mills Hotel Wyoming, LLC, Applicant).
3. An Ordinance to Amend the Unified Development Ordinance (Zoning Map) to Rezone the C-1 Conservancy District Portion of Land Located Upon Lots 1, 2 and 3 of Certified Survey Map No. 8907, Located at 11906 and 11908 West Loomis Road, to R-8 Multiple-Family Residence District (Approximately 3.7271 Acres (Tax Key No. 891-9989-001)) (Mills Hotel Wyoming, LLC, Applicant).
4. A Resolution Conditionally Approving a 3 Lot Certified Survey Map, being that Part of the Southeast 1/4 of the Northeast 1/4 of Section 28, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin and Including the Dedication of Rights-of-Way for Future Roads, Including West Park Circle Way, West Park Circle and Half of the Right-of-Way of South 80th Street (Neumann Developments, Inc., Applicant) (Approximately 9733 South 76th Street).
5. A Resolution Conditionally Approving a Condominium Plat for Park Circle Condominiums at Approximately 9733 South 76th Street (Neumann Developments, Inc., Applicant).
6. Amendment to the Agreement Between Milwaukee County and the City of Franklin (Fire Department) for Continued Participation in the County-Wide Provision of Advanced Life Support (Paramedic) Services in 2019 and 2020.
7. Addendum No. 1 to the Telecommunications Service Agreement with TDS for the Police Department Telephone and Recording System.
8. Authorize staff to contract Ehlers, Inc. for up to \$17,000 to conduct additional pro forma review and financial analysis of potential changes to Tax Increment District No. 5, a district associated with the Ballpark Commons Development Proposal.
9. Request from Milwaukee County Department of Transportation for City Support of No Parking along W. College Avenue from S. 27th Street to S. 35th Street.
10. A Resolution Authorizing Certain Officials to Accept a Conservation Easement for and as Part of the Review and Approval of a Site Plan and Natural Resource Special Exception for Property Located at 8225 West Forest Hill Avenue (Franklin Public School District, Applicant).
11. A Resolution Approving Change Order No. 1 with CG Schmidt Company in the Amount of \$701 for the Construction of the Footings and Foundation for the Historical Barn Reconstruction in Lions Legend Park to Switch to Frost Depth Footings.
12. A Resolution Conditionally Approving a 3 Lot Certified Survey Map, being a division of Lot 8, Block 3, in Smolen's Rawson Manor No. 2 and the East Twenty-five Feet of the Vacated Service Road Adjoining on the West, in the Northeast 1/4 of Section 11, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (David Gudgeon, Applicant, David Gudgeon and James L. Loudon, Property Owners) (7270 South 51st Street and 5050 West Minnesota Avenue).

# Common Council Meeting Agenda

August 15, 2017

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13. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Commercial Kitchen/Home Base for a Food Truck Business Use Upon the Creative Wood Products, Inc. Property Located at 9710-9720 South 58th Street (Corrine Roszina, Owner/Operator of Zena's Cocina, LLC, Applicant).
14. A Resolution Authorizing Certain Officials to Approve a Request to Vacate an Existing Sanitary Sewer Easement at 6310 S. 108th Street.
15. Authorize the Director of Administration to Execute the Necessary Purchase Agreement and Statement-of-Work with Hartland Business Systems for Services and Equipment for the Information Technologies Network Planned Perimeter Security Project.
16. A Resolution to Amend the Civil Service System Personnel Administration Program Compensatory Time Regulation Policy.
17. *LaShun Gray v. City of Franklin*, United States District Court, Eastern District of Wisconsin, Case No. 17-CV-1057-PP. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to the subject litigation, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

## H. Licenses and Permits.

Miscellaneous Licenses from License Committee Meeting of August 15, 2017.

## I. Bills.

Request for Approval of Vouchers and Payroll.

## J. Adjournment.

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

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

## REMINDERS:

August 17	Plan Commission Meeting	7:00 p.m.
September 4	Labor Day	City Hall Closed
September 5	Common Council Meeting	6:30 p.m.
September 7	Plan Commission Meeting	7:00 p.m.

C.

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
AUGUST 1, 2017  
MINUTES

- |  |                            |   |
|--|----------------------------|---|
| ROLL CALL                                    | A.1.                       | The regular meeting of the Common Council was held on August 1, 2017 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderman Steve F. Taylor, Alderman Mike Barber and Alderman John R. Nelson. Also present were Dir. of Administration Mark Luberd, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski. |
| CITIZEN COMMENT                              | B.1.                       | Citizen comment period was opened at 6:32 p.m. and closed at 6:38 p.m.  |
| LETTER FROM GREAT WATER ALLIANCE, WAUKESHA   | B.2.                       | Mayor Olson presented a letter from Great Water Alliance, Waukesha's new water supply program, regarding field investigations to determine the most effective and efficient pipeline supply and return routes.  |
| APPROVAL OF MINUTES                          | C.                         | Alderman Barber moved to approve the minutes of the regular Common Council Meeting of July 18, 2017 as presented at this meeting. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.  |
| BOARD APPOINTMENTS                           | E.1.<br>E.2.               | Alderwoman Wilhelm moved to confirm the Mayoral appointment of Annemarie Vitas-Oklobdzija, 8631 W. Forest Hill Avenue (Ald. Dist. 1), to the Library Board for a 3-year term expiring 6/30/2020; and to confirm the Mayoral appointment of Dr. Patricia Golden, 6424 W. River Pointe Drive (Ald. Dist. 4), to the Board of Health (Medical Advisor). Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.   |
| LETTER FROM REX IDRIZI ALLOWANCE FOR POULTRY | F.                         | Alderman Dandrea moved to place on file a letter from Rex Idrizi (Cathleen Kalashian, Agent), 3137 W. Rawson Avenue, requesting allowance for poultry on property less than three acres in size. Seconded by Alderman Taylor. All voted Aye; motion carried.  |
| DONATIONS                                    | G.1.a.<br>G.1.b.<br>G.1.c. | Alderman Taylor moved to accept the following donations for 2017 National Night Out: \$100 from Connect Cell, Inc. (US Cellular); \$100 from Franklin Citizen Academy Alumni Association; \$100 from Parallel Employment Group; and \$2000 from US Bank; and accept donation from the Franklin Noon   |

Lions Club in the amount of \$200 to the Police Department to be used toward the various programs that are provided to the community; and accept donation from the Franklin Lioness Club in the amount of \$200 to the Health Department to be used for future programs. Seconded by Alderman Mayer. All voted Aye; motion carried.

CONTRACT FOR  
APPARATUS FLOOR AT  
FIRE STATION #1

- G.2. Alderman Taylor moved to authorize publication of a first-class notice of an intent to award a contract for the preparation, resurfacing, and re-lining of Fire Station 1 apparatus floor to Kevco Inc. for an amount not to exceed \$21,000 and to authorize the Mayor and Director of Clerk Services to execute a contract, subject to approval as to form by the City Attorney, for such services following publication of the notice. Seconded by Alderman Dandrea. All voted Aye; motion carried.

CONTRACT FOR POLICE  
DEPT. TELEPHONE AND  
RECORDING SYSTEM

- G.3. Alderman Taylor moved to approve contracts with TDS and Word Systems/Nice for the Police Department telephones and recording system. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2017-7289  
AWARD CONTRACT FOR  
2017 PAVEMENT  
MARKING PROGRAM

- G.4. Alderman Taylor moved to adopt Resolution No. 2017-7289, A RESOLUTION AWARDING CONTRACT TO THE LOWEST BIDDER FOR THE 2017 PAVEMENT MARKING PROGRAM IN THE CITY OF FRANKLIN. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

ORD. 2017-2287  
NO PARKING ON W.  
CREST CT. AND ON S.  
36TH ST.

- G.5. Alderman Taylor moved to adopt Ordinance No. 2017-2287, AN ORDINANCE TO ADD TO SECTION 245-5(D)(4) OF THE MUNICIPAL CODE TO ESTABLISH NO PARKING ON BOTH SIDES OF W. CREST COURT FROM S. 35TH STREET TO S. 36TH STREET, AND BOTH SIDES OF S. 36TH STREET FROM W. CREST COURT TO W. MAPLECREST COURT, AND ADD NORTH SIDE OF W. MAPLECREST DRIVE IN FRONT OF 3620 W. MAPLECREST DRIVE. Seconded by Alderman Mayer. All voted Aye; motion carried.

CONTRACT FOR  
DISPOSAL SERVICES TO  
2022

- G.6. Alderman Taylor moved to direct staff to re-negotiate with Johns Disposal for the contract for disposal services to 2022 with no change in service from the current contract. Seconded by Alderman Dandrea. All voted Aye; motion carried.

JUNE FINANCIAL REPORT

- G.7. Alderman Taylor moved to receive and place on file the June 2017 Monthly Financial Report. Seconded by Alderman Mayer. Mayor Olson vacated his seat at 7:13 p.m. and passed the gavel

to Council President Dandrea, who then chaired the meeting. Mayor Olson returned to his seat at 7:15 p.m.

On the vote to place the report on file, all voted Aye. Motion carried.

CLOSED SESSION  
INTERSTATE PARTNERS  
LLC, TID 4 DEVELOPMENT  
AGREEMENT  
JAMS IP LLC

- G.8. Alderman Taylor moved to enter closed session at 7:17 p.m. pursuant to Wis. Stat. § 19.85(1)(e), to consider the terms and negotiation of a Development Agreement with JAMS IP LLC for the Interstate Partners LLC Commercial, Light Industrial and Distribution Development on the southwest corner of South 27th Street and West Oakwood Road, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.

Upon reentering open session at 7:44 p.m., Alderman Taylor moved to approve a Tax Incremental District No. 4 Development Agreement between the City of Franklin and JAMS IP LLC (a designated Interstate Partners LLC entity, or other designee), which is to include a \$980,000 development incentive payment from the City to support the project, subject to format and content changes approved by the Economic Development Director, the City Attorney and the Director of Finance and Treasurer, and subject to the adoption of the necessary budget ordinance which is the next item on the agenda. Seconded by Alderman Dandrea. All voted Aye; motion carried.

ORD. 2017-2288  
AMEND ORD 2016-2240 TO  
APPROPRIATIONS FOR A  
DEVELOPERS  
AGREEMENT

- G.9. Alderman Taylor moved to adopt Ordinance No. 2017-2288, AN ORDINANCE TO AMEND ORDINANCE 2016-2240, AN ORDINANCE ADOPTING THE 2017 ANNUAL BUDGETS FOR TID 4 FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2017 TO PROVIDE APPROPRIATIONS FOR A DEVELOPERS AGREEMENT. Seconded by Alderman Dandrea. All voted Aye; motion carried.

LICENSES AND PERMITS

- H.1. Alderman Taylor moved to approve the following:  
Continue operation of the Toscana Restaurant upon completion of plumbing order; and  
Grant Operators' licenses to Amanda N. Julian, 2811 W. Acre Ave., Franklin, with a warning letter from the City Clerk; Kayla M. Corona, 623 Manistique Ave., South Milwaukee; Apolonia P. Kust, 10845 W. St. Martins Rd., Franklin; Pamela J. LeHouillier, 6456 W. River Pointe Dr., Franklin; David P. Lindner, 4007 W. Acre Ave.; Robert R. Martinez II, 7633 S.

Drake Ln., Franklin; Russell H. Owens, 12314 W. Woods Rd., Franklin; Christine L. Platzer, 8650 Ventena Dr., #3811, Oak Creek; Brittany J. Sime, 221 E. Oregon St., #106, Milwaukee; Shannon Smallish, 6160 S. 6th St., #W53, Milwaukee; Jeffrey F. Terp, 16430 Grace Dr., Wind Lake; Casey A. Wisniewski, 6520 Legend Ln., Wind Lake; and

Postpone to August 15, 2017, the Operators' license applications of Bianca R. Bolyn, 9801 W. Oakwood Rd., Franklin; Jody B. Isaacson, 7815 S. Scepter Dr., #25, Franklin; and Danielle N. Cooper, 3590 S. 17th St., Milwaukee; and

Deny Operator's license application of Robert M. Kriskovic, 11106 W. Forest Home Ave., based on habitual criminality substantially related to the license activity; and

Approve addition of September concert dates of September 2nd, 9th, 16th and 23rd on their Extraordinary Entertainment & Event license for The Rock Summer Concert Series; and

Grant Temporary Entertainment & Amusement license to Willey Herda American Legion Post 192 for their fishbowl game at the St. Martins Fair on 9/3/2017; and

Grant Temporary Class B Beer license to Franklin Little League for their picnic on 8/13/2017; and

Grant People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant for Root River Church for St. Martins Labor Day Permit on 9/3/17 to 9/4/17.

Seconded by Alderman Nelson. All voted Aye; motion carried.

#### VOUCHERS AND PAYROLL

- I. Alderman Barber moved to approve the following:  
City vouchers with an ending date of August 1, 2017 in the amount of \$980,311.78; Payroll dated July 21, 2017 in the amount of \$414,900.24 and payments of the various payroll deductions in the amount of \$459,917.22, plus City matching payments; and Estimated Payroll dated August 4, 2017 in the amount of \$366,000.00 and payments of the various payroll deductions in the amount of \$219,000.00, plus City matching payments; and Property tax payments and refunds with an ending date of August 1, 2017 in the amount of \$371.64. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

#### ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 7:48 p.m. Seconded by Alderman Mayer. All voted Aye; motion carried.

CITY OF FRANKLIN  
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FRANKLIN will conduct a public hearing on Tuesday, August 15, 2017, at 6:30 p.m., or as soon thereafter as the matter may be heard, in the Common Council Chambers at the Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, to hear public comment regarding a proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation of Lot 3 of Certified Survey Map No. 8907, property located at 11906 and 11908 West Loomis Road, from Areas of Natural Resource Features Use and Water Use to Residential Use and Areas of Natural Resource Features Use and Water Use (Mills Hotel Wyoming, LLC, applicant). The property which is the subject of this application bears Tax Key No. 891-9989-001, consisting of approximately 4.55 acres of land. This public hearing is being held pursuant to the requirements of Wis. Stat. § 66.1001(4)(d). The public is invited to attend the public hearing and to provide input. The proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan is available and open for inspection by the public in the Office of the City Clerk at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, during normal business hours. The proposed draft ordinance is also available and open for inspection by the public at the Franklin Public Library, 9151 West Loomis Road, Franklin, Wisconsin 53132, during normal business hours. In addition, the draft ordinance is available for review at [www.franklinwi.gov](http://www.franklinwi.gov). Any questions or comments about the proposed amendment to the Comprehensive Master Plan may be directed to Joel Dietl, City of Franklin Planning Manager, at 414-425-4024.

Dated this 5th day of July, 2017.

Sandra L. Wesolowski  
City Clerk

N.B. Class I



<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>08/15/2017</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Mayoral and Aldermanic Board and Commission Appointment</b>	<b>ITEM NUMBER</b> <b>E.</b>

1. Mayoral appointment of Diane L. Brunner, 7006 S. Lannonstone Court, Ald. Dist. 6, Fair Commission (3 year unexpired term expiring 4/30/20).
2. Alderman Nelson appointment of Doug Milinovich, 9572 W. Prairie Grass Way, Ald. Dist. 6, Board of Review (3 year unexpired term expiring 4/30/20).
3. Alderwoman Wilhelm appointment of Margie Shore, 8046 S. 60th Street, Ald. Dist. 3, Quarry Monitoring Committee (3 year unexpired term expiring 5/31/20)

### **COUNCIL ACTION**

Confirm Mayoral appointment of Diane L. Brunner, 7006 S. Lannonstone Court, Ald. Dist 6, Fair Commission (3 year unexpired term expiring 4/30/20); and

Confirm Alderman Nelson appointment of Doug Milinovich, 9572 W. Prairie Grass Way, Ald. Dist. 6, Board of Review (3 year unexpired term expiring 4/30/20); and

Confirm Alderwoman Wilhelm appointment of Margie Shore, 8046 S. 60th Street, Ald. Dist. 3, Quarry Monitoring Committee (3 year unexpired term expiring 5/31/20)

## Sandi Wesolowski

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**From:** volunteerfactsheet@franklinwi.gov  
**Sent:** Thursday, August 10, 2017 4:09 PM  
**To:** Lisa Huening; Shirley Roberts; Sandi Wesolowski  
**Subject:** Volunteer Fact Sheet

**Name:** Diane Brunner  
**PhoneNumber:** 414-801-8777  
**EmailAddress:** [brunner4001@yahoo.com](mailto:brunner4001@yahoo.com)  
**YearsasResident:** 32 years  
**Alderman:**  
**ArchitecturalBoard:** 0  
**CivicCelebrations:** 0  
**CommunityDevelopmentAuthority:** 0  
**EconomicDevelopmentCommission:** 0  
**EnvironmentalCommission:** 0  
**FinanceCommittee:** 0  
**FairCommission:** 1  
**BoardofHealth:** 0  
**FirePoliceCommission:** 0  
**ParksCommission:** 0  
**LibraryBoard:** 0  
**PlanCommission:** 0  
**PersonnelCommittee:** 0  
**BoardofReview:** 0  
**BoardofPublicWorks:** 0  
**QuarryMonitoringCommittee:** 0  
**TechnologyCommission:** 0  
**TourismCommission:** 0  
**BoardofZoning:** 0  
**WasteFacilitiesMonitoringCommittee:** 0  
**BoardWaterCommissioners:** 0  
**CompanyNameJob1:** Zoological Society of Milwaukee- Zoo Pride  
**TelephoneJob1:** 414-258-2333  
**StartDateandPositionJob1:** April 1984-Volunteer at Information desk, Guest Services, Office Help, help at night events  
**EndDateandPositionJob1:** Still volunteering  
**CompanyNameJob2:** Milwaukee General Mitchell Field Travelers aid Information desk  
**TelephoneJob2:** 414-747-5245  
**StartDateandPositionJob2:** January 2008 Volunteer  
**EndDateandPositionJob2:** Still there  
**CompanyNameJob3:** Oak Creek Franklin Joint School District

**TelephoneJob3:** 414-768-5880  
**StartDateandPositionJob3:** November 1974 Second Grade Teacher -Carrollton School  
**EndDateandPositionJob3:** June 2007 Fifth Grade Teacher-Cedar Hills School  
**Signature:** Diane L Brunner  
**Date:** 8-10-2017  
**Signature2:** Diane L Brunner  
**Date2:** 8-10-2017  
**Address:** 7006 S Lannonstone Ct  
**PriorityListing:**  
**WhyInterested:** I have an interest in the St. Martin's weekly and Labor Day fair. I would like to give to back to my community.  
**CompanyAddressJob1:** 10001W Bluemound Rd, Milwaukee, WI  
**DescriptionofDutiesJob1:** I worked at the Information Desk, Guest Services, general office help, helping at special evening events doing selling of shirts, ornaments, stuffed animals and Animal Sponsorships. I enjoy dealing with people.  
**AddressJob2:** 5200 S Howell Avenue, Milwaukee  
**DescriptionofDutiesJob2:** Volunteer at desk at least one four hour shift a week. I currently do most Sunday evenings from 5-9. I tell people what the food choices are available on their concourses, explain where the rest rooms(pet relief room, family bathroom, lactation station, outside pet relief areas), point the ATMs and U.S. Post Office box, help with needed area directions, help obtain local transportation and hotel accommodations, handle list and found items, mail prohibited items for people, work with the Sheriff's Department on suspicious items and unusual people and whatever gets asked of me.  
**AddressJob3:** 7630 S 10th Street, Oak Creek 53154  
**DescriptionofDutiesJob3:** You name it, I did it. 2 years of second grade, 1 year of fourth, 1 year of a four/five split and the rest in fifth grade. I taught reading, spelling, handwriting, language arts, math, social studies, computers, guidance and a lot of science. I was also very active on school district committees and in the teachers' union. I am in touch with many former students.  
**AdditionalExperience:** I also volunteered at the Blood Center for 9 years. I like to travel to Disney as well as faraway places like Australia, Kenya, and China. Some of my favorite travel adventures have been on cruise ships. I enjoy doing crafts like card making, crocheting, making wool flower pins and some jewelry making. I also help my friend Lori Domzil with her Wiki Woolz craft business. I am very organized. I like people watching.  
**ClientIP:** 99.8.123.126  
**SessionID:** qwmqxcg550wgdkgqvvyvub1s55  
See Current Results

## Shirley Roberts

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**From:** volunteerfactsheet@franklinwi.gov  
**Sent:** Tuesday, April 11, 2017 10:08 PM  
**To:** Lisa Huening; Shirley Roberts; Sandi Wesolowski  
**Subject:** Volunteer Fact Sheet

**Name:** Doug Milinovich  
**PhoneNumber:** 4144189469  
**EmailAddress:** [Dmilinovich@firstweber.com](mailto:Dmilinovich@firstweber.com)  
**YearsasResident:** 19  
**Alderman:** 6  
**ArchitecturalBoard:** 0  
**CivicCelebrations:** 0  
**CommunityDevelopmentAuthority:** 0  
**EconomicDevelopmentCommission:** 0  
**EnvironmentalCommission:** 0  
**FinanceCommittee:** 0  
**FairCommission:** 0  
**BoardofHealth:** 0  
**FirePoliceCommission:** 0  
**ParksCommission:** 0  
**LibraryBoard:** 0  
**PlanCommission:** 0  
**PersonnelCommittee:** 0  
**BoardofReview:** 1  
**BoardofPublicWorks:** 0  
**QuarryMonitoringCommittee:** 0  
**TechnologyCommission:** 0  
**TourismCommission:** 0  
**BoardofZoning:** 0  
**WasteFacilitiesMonitoringCommittee:** 0  
**BoardWaterCommissioners:** 0  
**CompanyNameJob1:** Doug Milinovich-First Weber Realtor  
**TelephoneJob1:** 4144189469  
**StartDateandPositionJob1:** 4/2013  
**EndDateandPositionJob1:**  
**CompanyNameJob2:** Walgreens  
**TelephoneJob2:** 4144189469  
**StartDateandPositionJob2:** 7/1989  
**EndDateandPositionJob2:** 4/2013  
**CompanyNameJob3:**

**TelephoneJob3:**  
**StartDateandPositionJob3:**  
**EndDateandPositionJob3:**  
**Signature:** Doug Milinovich  
**Date:** 4/11/2017  
**Signature2:** Doug Milinovich  
**Date2:** 4/11/2017  
**Address:** 9572 W Prairie Grass Way  
**PriorityListing:**  
**WhyInterested:** My vast knowledge of Franklin property values because of my career as a Realtor provides me an opportunity to give back to my community.  
**CompanyAddressJob1:** Numerous (most often from home office)  
**DescriptionofDutiesJob1:** Assisting the public with the purchase and sale of real estate.  
**AddressJob2:** 12700 W Wirth Wauwatosa  
**DescriptionofDutiesJob2:** Install and maintenance of electronic equipment.  
**AddressJob3:**  
**DescriptionofDutiesJob3:**  
**AdditionalExperience:** President of HOA Member of South Suburban Chamber of Commerce  
**ClientIP:** 70.92.175.116  
**SessionID:** oe455qjtoaiich450alwpm55  
See Current Results

<b>APPROVAL</b>  <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>8/15/2017</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>\$287.00 Donation from the Midwest Speleo Cave (entrance donations) at the 2017 National Night Out for the Franklin Food Pantries</b>	<b>ITEM NUMBER</b>  <i>G. I. (a)</i>

The Health Officer requests to accept a \$287.00 donation from Midwest Speleo Cave (entrance donations) from the 2017 National Night Out to be turned over to the City of Franklin food pantries.

### COUNCIL ACTION REQUESTED

A motion to accept the \$287.00 donation.

LT

<b>APPROVAL</b> <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <i>8/15/2017</i>
<b>REPORTS AND RECOMMENDATIONS</b>	<b>Donation from Franklin Lioness Club Foundation in the amount of \$200.00 to the Fire Department</b>	<b>ITEM NUMBER</b> <i>G.I.(6)</i>
<p>The Franklin Fire Department has received a donation from the Franklin Lioness Club in the amount of \$200.00. The Department relies in part on donations to fund fire and safety educational programs, as well as lifesaving medical equipment.</p>		
<p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>Request approval to accept \$200.00 donation from the Franklin Lioness Club, to be used toward funding fire prevention activities and/or equipment.</p>		

APPROVAL  <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE  <i>8/15/2017</i>
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REPORTS & RECOMMENDATIONS	DONATION TO THE FRANKLIN POLICE DEPARTMENT	ITEM NUMBER  <i>G.I.(C)</i>
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The City of Franklin Police Department has received the following donation to be put toward the Police Canine Program.

Mark Kass and The Franklin Police Department Citizen Academy Alumni Assoc.	\$2000.00
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### COUNCIL ACTION REQUESTED

Motion to accept this \$2,000.00 donation Mark Kass and the FPCAAA to be deposited into the Police Canine Donation Account.

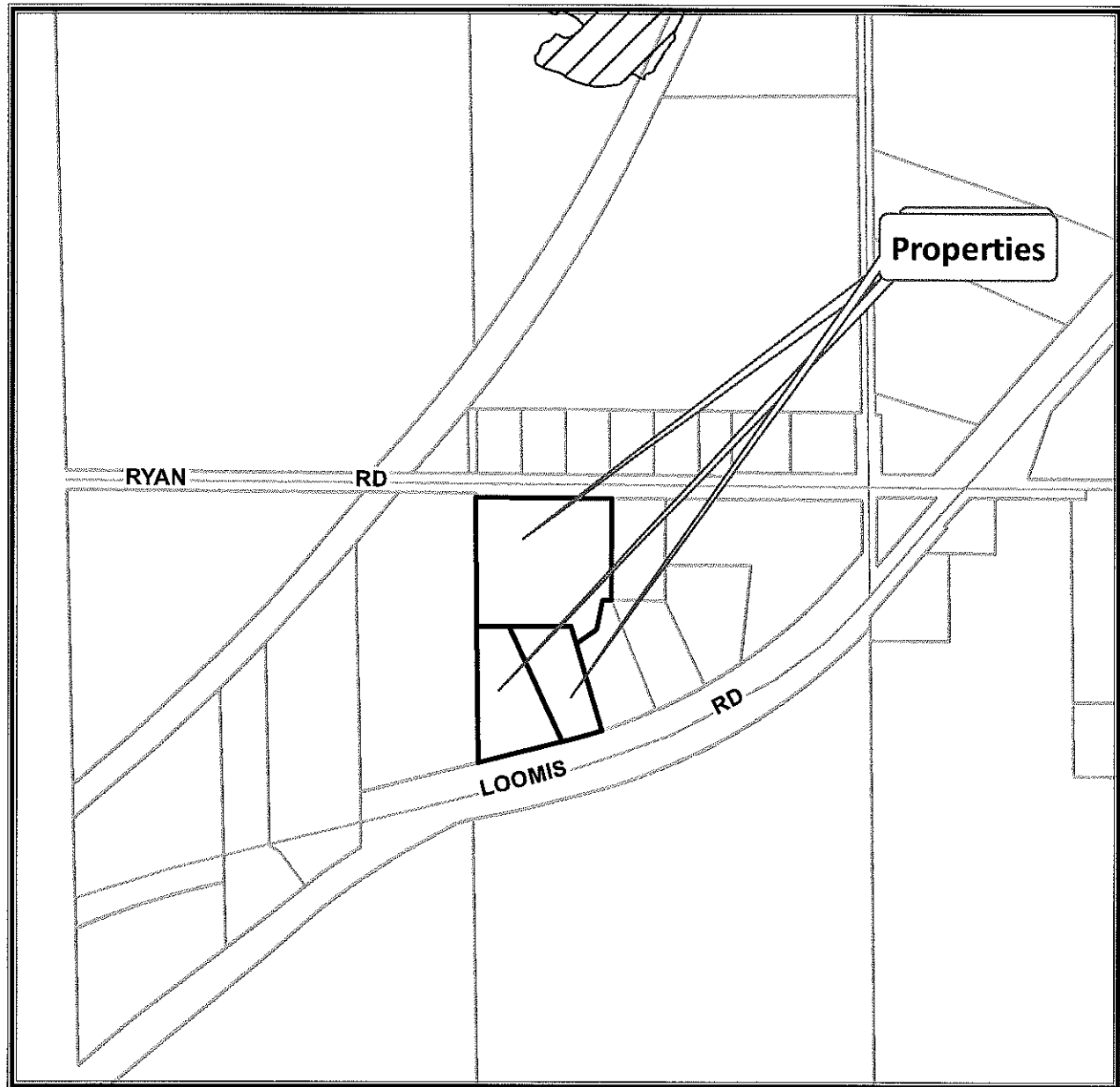


<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p>08/15/17</p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP FOR PROPERTY LOCATED AT 11906 AND 11908 WEST LOOMIS ROAD FROM AREAS OF NATURAL RESOURCE FEATURES USE AND WATER USE TO RESIDENTIAL USE, AREAS OF NATURAL RESOURCE FEATURES USE AND WATER USE (APPROXIMATELY 4.55 ACRES) (MILLS HOTEL WYOMING, LLC, APPLICANT)</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G.2.</i></p>
<p>At their August 3, 2017 meeting, the Plan Commission recommended approval of an ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for property located at 11906 and 11908 West Loomis Road from Areas of Natural Resource Features use and Water use to Residential use, Areas of Natural Features use and Water use (approximately 4.55 acres) (Mills Hotel Wyoming, LLC, Applicant).</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>A motion to adopt Ordinance 2017-_____, an ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for property located at 11906 and 11908 West Loomis Road from Areas of Natural Resource Features use and Water use to Residential use, Areas of Natural Features use and Water use (approximately 4.55 acres) (Mills Hotel Wyoming, LLC, Applicant).</p>		



11906 & 11908 & TKN 891 9003 000

TKNs: 891 9002 000, 891 9001 000 & 891 9003 000



Planning Department  
(414) 425-4024

0 325 650 1,300 Feet

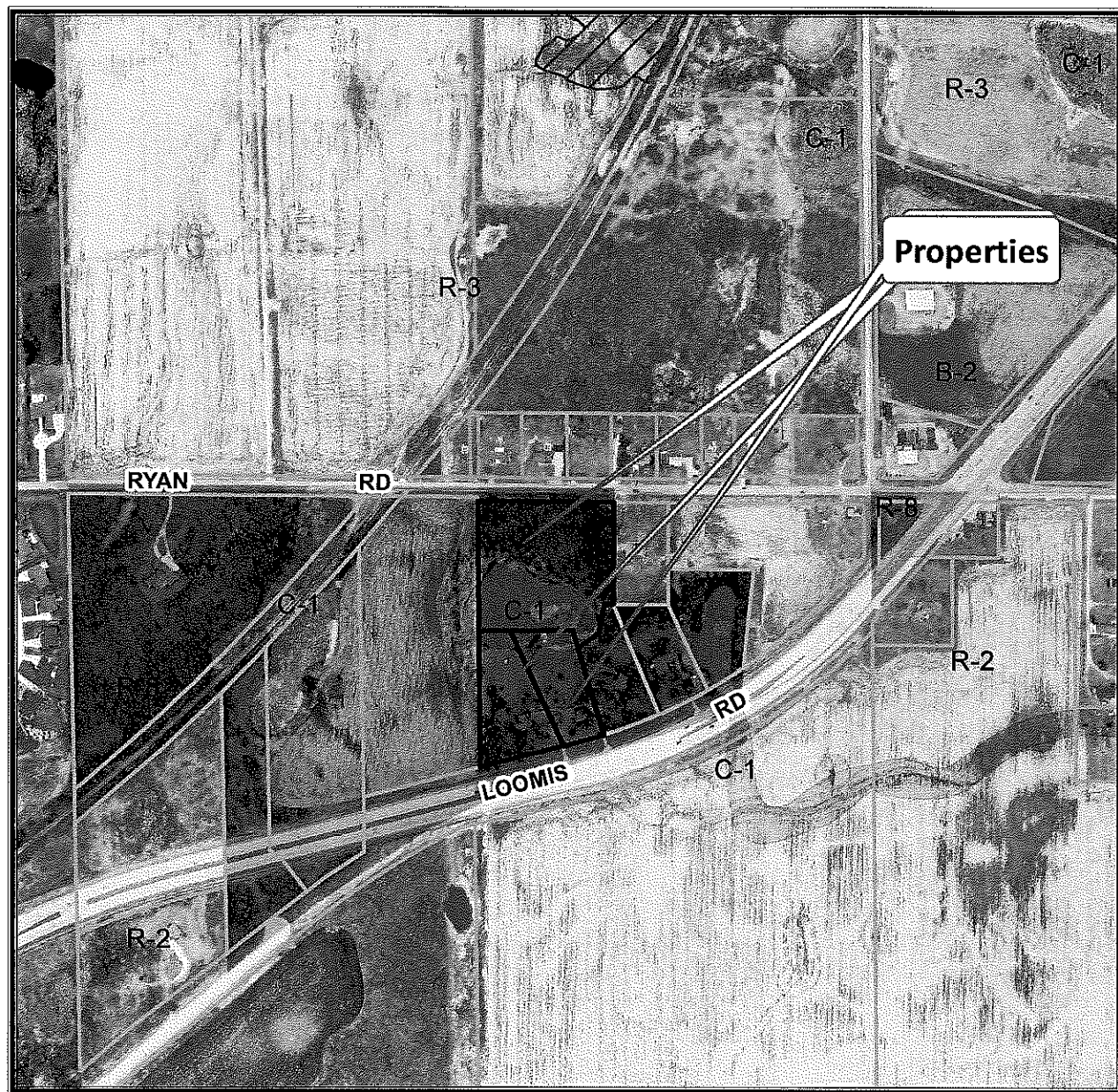
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*





11906 & 11908 & TKN 891 9003 000

TKNs: 891 9002 000, 891 9001 000 & 891 9003 000



Planning Department  
(414) 425-4024

0 325 650 1,300 Feet

*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****REPORT TO THE PLAN COMMISSION****Meeting of August 3, 2017****Rezoning and Comprehensive Master Plan Amendment**


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**RECOMMENDATION:** Department of City Development staff recommends approval of the Rezoning and Comprehensive Master Plan Amendment Applications.

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<b>Project Name:</b>	Mills Hotel Wyoming, LLC Rezoning & Comprehensive Master Plan Amendment
<b>Project Location:</b>	11906 & 11908 West Loomis Road
<b>Property Owner:</b>	Mills Hotel Wyoming, LLC
<b>Applicant:</b>	Mills Hotel Wyoming, LLC
<b>Agent:</b>	Daniel Szczap, Bear Development, LLC
<b>Current Zoning:</b>	R-8 Multiple-Family Residence District and C-1 Conservancy District
<b>2025 Comprehensive Plan:</b>	Areas of Natural Resource Features and Water
<b>Use of Surrounding Properties:</b>	Single-family residential to the north and east, vacant land zoned R-2 to the south and vacant land zoned R-8 to the west
<b>Applicant's Action Requested:</b>	Approval of the Rezoning and Comprehensive Master Plan Amendment for future single-family residential development

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**Introduction and Project Description**

On June 14, 2017 Dan Szczap of Bear Development, LLC filed a Rezoning and Comprehensive Master Plan Amendment Application for property located at approximately 11906 and 11908 W. Loomis Road. The subject applications request the following:

**Rezoning Application**

The Rezoning Application requests to rezone the C-1 District portion of land located upon Lots 1, 2 and 3 of Certified Survey Map No. 8907 (Sheet 1 attached) to R-8 Multiple-Family Residence District.

**Comprehensive Master Plan Amendment Application:**

- *Consistent with, as defined by Wisconsin State Statute, means "furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan."*

The applicant is proposing to amend the 2025 Future Land Use Map designation of Lot 3 of CSM No. 8907 from Areas of Natural Resource Features and Water to Residential, Areas of Natural Resource Features and Water. This request is consistent with the proposed Rezoning land use.

Pursuant to the prior approvals noted below, staff has no objection to the proposed rezoning and Comprehensive Master Plan Amendment.

CSM No. 8907 was approved at the February 7, 2017 Common Council meeting and recorded on April 25, 2017. The CSM created the 4.55 acre parcel south of W. Ryan Road and the two lots adjacent to W. Loomis Road, which contain existing single-family dwellings. At the July 18, 2017 Common Council meeting the applicant also received Special Use approval for development of up to three single-family residential lots upon Lot 3.

It should be noted that the Special Use approval included the two conditions below, which will be addressed by the subject applications.

1. Approval of a Rezoning Application shall be obtained, prior to the issuance of any Building Permits for the property, to rezone the C-1 District portion of the property to R-8 Multiple-Family Residence District.
2. Approval of a Comprehensive Master Plan Amendment Application shall be obtained, prior to the issuance of any Building Permits for the property, to amend the future land use from Areas of Natural Resource Features and Water to Residential, Areas of Natural Resource Features and Water.

The applicant has also submitted a Certified Survey Map to further subdivide Lot 3 into three separate parcels. That application is currently under review.

#### Natural Resource Protection Plan

The applicant provided a Wetland Delineation Report, dated March 19, 2015, from R.A. Smith National, Inc. with the submittal of CSM 8907. All three lots of that CSM consist of a portion of the pond, wetland, wetland buffer and setback and the 75-foot shore buffer.

The NRPP did not contain a detailed woodland analysis for Lot 3. Opposed to completing a tree inventory, the applicant is proposing that the entirety of the wooded area upon Lot 3 be considered Mature Woodland, which carries the greater protection standard.

Below are several conditions related to the natural resources and development of Lot 3 required as part of the Special Use approval. No Building Permits will be issued until these conditions have been satisfied.

1. Additional details related to the woodland designation and trees located onsite shall be provided, including a tree inventory conducted within 25 feet of the areas being disturbed (per Section 15-4.0102B.1. of the Unified Development Ordinance), prior to the issuance of a Building Permit.
2. Significant trees onsite shall be identified and avoided wherever possible at the discretion of the Planning Manager.
3. Revised Site Intensity and Capacity Calculations shall be submitted, for staff review and approval, following completion of the woodland analysis.

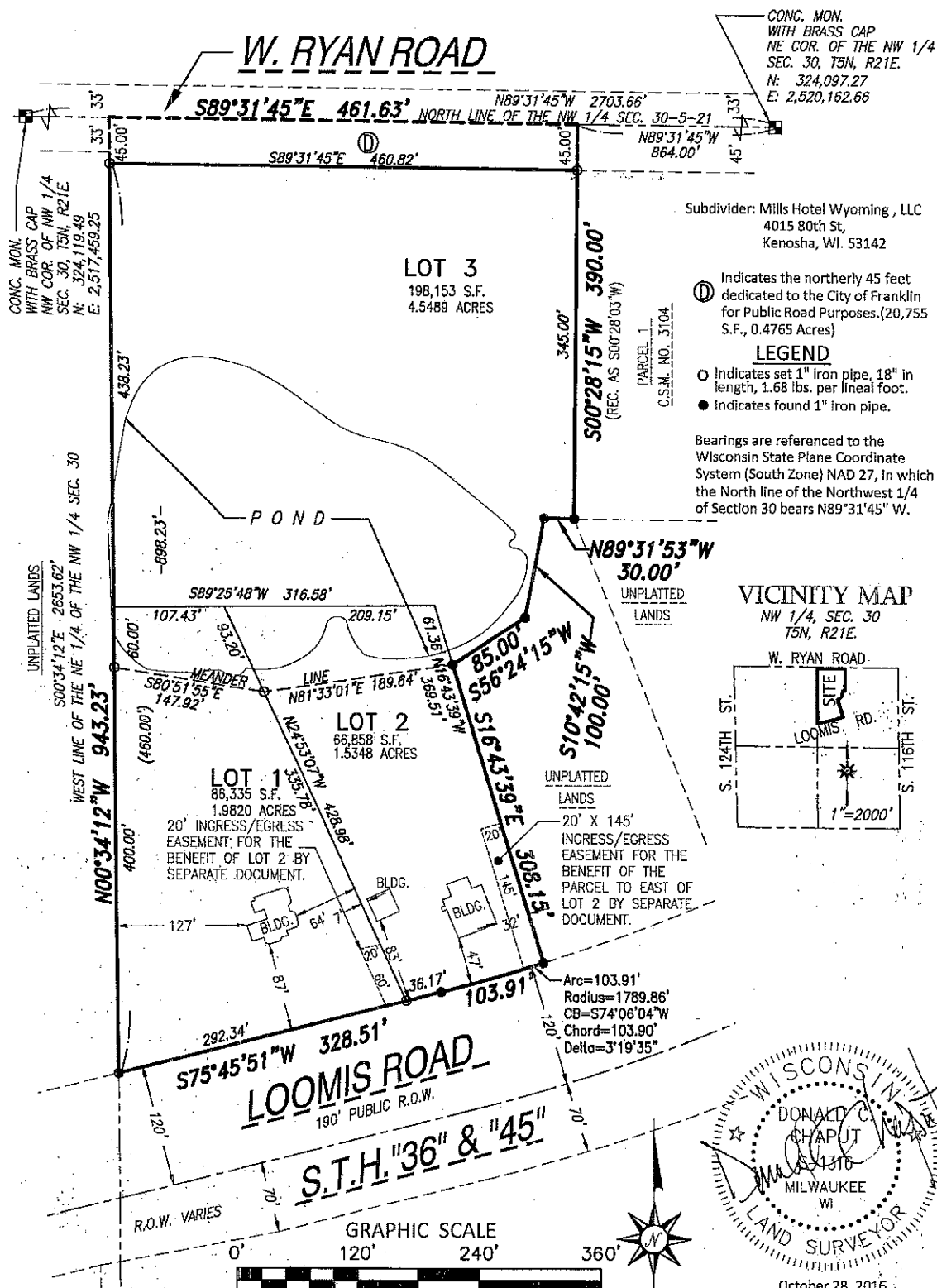
4. A Conservation Easement shall be submitted to the Common Council for review and approval and recording with Milwaukee County, prior to the issuance of a Building Permit, to protect a minimum of 70% of the mature woodland onsite (and 50% of any young woodland onsite, if identified upon further review).
5. Signage, boulders or other demarcation method as may be approved by the Planning Manager shall be utilized to mark the location of the conservation easement boundary on the property or any future individual lots that may be created.

**Staff Recommendation**

Department of City Development staff recommends approval of the Rezoning and Comprehensive Master Plan Amendment Applications.

# CERTIFIED SURVEY MAP NO. 8907

Part of the Northeast 1/4 of the Northwest 1/4 of Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.



**CHAPUT LAND SURVEYS LLC**  
234 W. FLORIDA STREET  
MILWAUKEE, WI 53204  
414-224-8068  
www.chaputlandsurveys.com

This instrument was drafted by Donald C. Chaput  
Professional Land Surveyor S-1316

**WISCONSIN**  
DONALD C. CHAPUT  
S-1316  
MILWAUKEE  
WI  
LAND SURVEYOR

October 28, 2016  
Revised: December 19, 2016  
Revised: December 22, 2016  
Revised: January 4, 2017  
Revised: March 30, 2017  
Drawing No. 2160-grb  
Sheet 1 of 5 Sheets

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

ORDINANCE NO. 2017-\_\_\_\_

AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025  
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN  
2025 FUTURE LAND USE MAP FOR PROPERTY LOCATED AT 11906 AND 11908  
WEST LOOMIS ROAD FROM AREAS OF NATURAL RESOURCE FEATURES USE  
AND WATER USE TO RESIDENTIAL USE, AREAS OF NATURAL RESOURCE  
FEATURES USE AND WATER USE  
(APPROXIMATELY 4.55 ACRES)  
(MILLS HOTEL WYOMING, LLC, APPLICANT)

---

WHEREAS, pursuant to Wis. Stat. §§ 62.23(2) and (3) and 66.1001(4), the City of Franklin is authorized to prepare and adopt and to amend a comprehensive plan as defined in Wis. Stat. §§ 66.1001(1)(a) and 66.1001(2); and

WHEREAS, Mills Hotel Wyoming, LLC has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property located at 11906 and 11908 West Loomis Road (Lot 3 of Certified Survey Map No. 8907) from Areas of Natural Resource Features Use and Water Use to Residential Use, Areas of Natural Resource Features Use and Water Use; and

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on August 3, 2017, recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for property located at 11906 and 11908 West Loomis Road (Lot 3 of Certified Survey Map No. 8907) from Areas of Natural Resource Features Use and Water Use to Residential Use, Areas of Natural Resource Features Use and Water Use; and

WHEREAS, the City of Franklin held a public hearing upon this proposed Ordinance, in compliance with the requirements of Wis. Stat. § 66.1001(4)(d); the Common Council having received input from the public at a duly noticed public hearing on August 15, 2017; and

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

SECTION 1:           The City of Franklin 2025 Comprehensive Master Plan is hereby amended to change the City of Franklin 2025 Future Land Use Map designation for property located at 11906 and 11908 West Loomis Road (Lot 3 of Certified Survey Map No. 8907) from Areas of Natural Resource Features Use and Water Use to Residential Use, Areas of



Natural Resource Features Use and Water Use. Such property is more particularly described within Resolution No. 2017 \_\_\_\_\_ of even-date herewith.

SECTION 2: 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 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: 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 \_\_\_\_\_, 2017, by Alderman \_\_\_\_\_.

Passed and adopted by a majority vote of the members-elect of the Common Council at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

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

ATTEST:

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

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



Franklin

JUL 12 2017

City Development

June 6, 2017

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

Dear Mr. Fuchs:

Bear Development is pleased to submit this letter and the enclosed submittal materials as formal application for Comprehensive Plan Amendment for property located along W. Ryan Road. The property owner is respectfully requesting reclassification from "Areas of Natural Resource Features and Water" to "Residential, Areas of Natural Resource Features and Water". Bear Development is acting on behalf of the owner of record, Mills Hotel Wyoming, LLC.

**Project Summary**

The property in question, consists of 4.55 acres and is located within Tax Parcel 891 998 9001. The property was recently divided via CSM #8907. The property in question is Lot 3 of said CSM #8907. A Conservation Easement was recently recorded which includes a portion of the property delineated as wetlands, wetland buffer and shore buffer. In accordance with City of Franklin requirements, we have completed a Natural Resource Protection Plan for the property in question.

Upon favorable hearing, Mills Hotel Wyoming, LLC intends to divide the property into estate style home sites. Each home site will be approximately 1.5 acres (approximately twice the acreage of the home sites across W. Ryan Road) and will be planned and designed to conserve much of the wooded character of the property in accordance with the Natural Resource Protection Standards set forth in the UDO. By UDO definition, much of the site is classified as Mature Woodlands, however, the site includes significant underbrush of undesirable species and dead/dying trees.

At the direction of City Planning Staff, the owner is requesting amendment of the Comprehensive Plan. No development is contemplated where significant natural resources exist, as an existing Conservation Easement prohibits any alteration to the property.

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, [dan@beardevelopment.com](mailto:dan@beardevelopment.com)

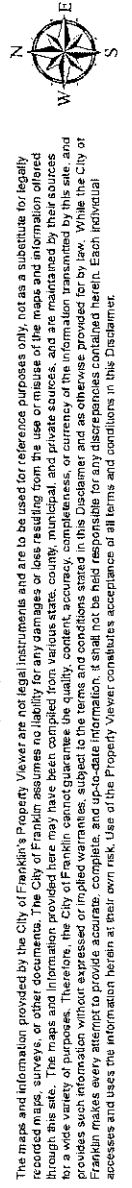
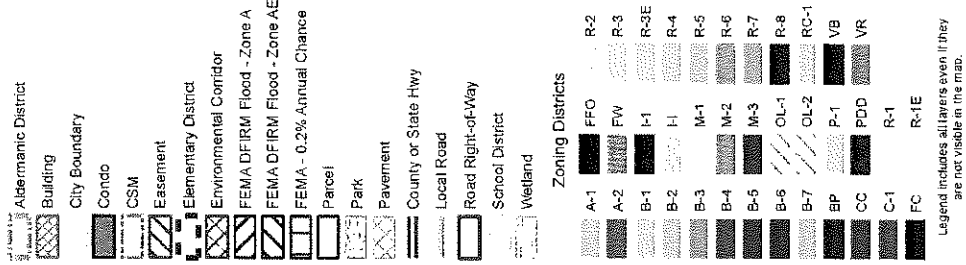
Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Szczap', with a long horizontal flourish extending to the right.

Daniel Szczap  
Bear Development, LLC

## Overview Map



<b>APPROVAL</b>  <i>Shw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>08/15/17</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE THE C-1 CONSERVANCY DISTRICT PORTION OF LAND LOCATED UPON LOTS 1, 2 AND 3 OF CERTIFIED SURVEY MAP NO. 8907, LOCATED AT 11906 AND 11908 WEST LOOMIS ROAD, TO R-8 MULTIPLE-FAMILY RESIDENCE DISTRICT (APPROXIMATELY 3.7271 ACRES (TAX KEY NO. 891-9989-001)) (MILLS HOTEL WYOMING, LLC, APPLICANT)</b>	<b>ITEM NUMBER</b>  <i>G. 3.</i>

At their August 3, 2017 meeting, following a properly noticed public hearing, the Plan Commission recommended approval of an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone the C-1 Conservancy District portion of land located upon Lots 1, 2 and 3 of Certified Survey Map No. 8907, located at 11906 and 11908 West Loomis Road, to R-8 Multiple-Family Residence District (approximately 3.7271 acres (Tax Key No. 891-9989-001)) (Mills Hotel Wyoming, LLC, Applicant).

### **COUNCIL ACTION REQUESTED**

A motion to adopt Ordinance 2017-\_\_\_\_\_, an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone the C-1 Conservancy District portion of land located upon Lots 1, 2 and 3 of Certified Survey Map No. 8907, located at 11906 and 11908 West Loomis Road, to R-8 Multiple-Family Residence District (approximately 3.7271 acres (Tax Key No. 891-9989-001)) (Mills Hotel Wyoming, LLC, Applicant).

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

ORDINANCE NO. 2017-\_\_\_\_\_

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE  
(ZONING MAP) TO REZONE THE C-1 CONSERVANCY DISTRICT PORTION  
OF LAND LOCATED UPON LOTS 1, 2 AND 3 OF CERTIFIED SURVEY MAP  
NO. 8907, LOCATED AT 11906 AND 11908 WEST LOOMIS ROAD, TO R-8  
MULTIPLE-FAMILY RESIDENCE DISTRICT  
(APPROXIMATELY 3.7271 ACRES (TAX KEY NO. 891-9989-001))  
(MILLS HOTEL WYOMING, LLC, APPLICANT)

---

WHEREAS, Mills Hotel Wyoming, LLC having petitioned for the rezoning of the C-1 Conservancy District portion of land located upon Lots 1, 2 and 3 of Certified Survey Map No. 8907 to R-8 Multiple-Family Residence District, such land being located at 11906 and 11908 West Loomis Road; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 3rd day of August, 2017, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed rezoning would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed rezoning is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and would 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:           §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for the property described below be changed from C-1 Conservancy District to R-8 Multiple-Family Residence District:

Part of Lots 1, 2 and 3 in Certified Survey Map No. 8907 in the Northeast 1/4 of the Northwest 1/4 of Section 30, Town 5 North, Range 21 East, In the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Northeast corner of the Northwest 1/4 of said Section, thence North 89°31'45" West along the North line of said 1/4 Section 864.00 feet to a point;

thence South 00°28'15" West along the West line of Parcel 1 of Certified Survey Map 3104 and its extension 354.53 feet to the point of beginning of lands hereinafter described; thence continuing thence South 00°28'15" West along said West line 35.47 feet to the Southwest corner of said Parcel 1; thence North 89°31'53" West along the South line of Lot 3 of Certified Survey Map No. 8907 a distance of 30.00 feet to a point; thence South 10°42'15" West along said South line 100.00 feet to a point; thence South 56°24'15" West along said South line 85.00 feet to a point on the East line of Lot 2 of Certified Survey Map No. 8907; thence South 16°43'39" East along said East line 59.65 feet to a point; thence South 71°53'09" West 26.21 feet to a point; thence South 84°07'55" West 30.67 feet to a point; thence South 87°05'29" West 28.31 feet to a point; thence North 82°35'43" West 27.53 feet to a point; thence North 76°14'53" West 18.11 feet to a point; thence North 63°50'58" West 3.78 feet to a point; thence South 62°19'45" West 14.92 feet to a point; thence South 71°41'35" West 23.07 feet to a point; thence South 76°43'50" West 20.00 feet to a point; thence South 83°59'34" West 12.56 feet to a point; thence South 61°12'07" West 4.34 feet to a point; thence South 75°52'10" West 22.20 feet to a point; thence South 88°54'29" West 35.55 feet to a point; thence North 56°38'20" West 5.88 feet to a point; thence North 88°20'10" West 20.51 feet to a point; thence North 74°11'53" West 4.50 feet to a point; thence North 89°18'09" West 15.90 feet to a point; thence North 83°45'46" West 16.50 feet to a point; thence North 79°23'09" West 18.17 feet to a point; thence North 67°38'10" West 11.13 feet to a point on the West line of the Northeast 1/4 of the Northwest 1/4 of Section 30; thence North 00°34'12" West along said West line 459.89 feet to a point; thence 28.83 feet along the arc of curve whose radius is 50.00 feet and whose center lies to the southwest, having a bearing of South 40°31'03" East 28.44 feet to a point; thence North 65°19'36" East 11.83 feet to a point; thence North 74°39'37" East 30.08 feet to a point; thence North 85°31'06" East 26.12 feet to a point; thence South 84°33'48" East 25.66 feet to a point; thence South 78°53'41" East 19.41 feet to a point; thence South 76°10'49" East 23.63 feet to a point; thence South 67°45'S2" East 27.83 feet to a point; thence South 60°16'21" East 3.75 feet to a point; thence North 88°04'41" East 36.27 feet to a point; thence South 51°29'11" East 65.76 feet to a point; thence South 43°02'17" East 14.69 feet to a point; thence South 27°51'17" East 11.73 feet to a point; thence South 73°50'39" East 33.41 feet to a point; thence South 65°34'16" East 23.82 feet to a point; thence South 56°35'28" East 32.44 feet to a point; thence South 52°47'06" East 13.49 feet to a point; thence South 50°27'17" East 53.06

feet to a point; thence South 50°07'18" East 28.00 feet to a point; thence South 46°05'35" East 8.93 feet to a point; thence South 50°14'54" East 16.52 feet to the point of beginning (approximately 3.7271 acres). Tax Key No. 891-9989-001.

SECTION 2: 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 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: 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 \_\_\_\_\_, 2017, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

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

ATTEST:

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

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





DEVELOPMENT

4011 80<sup>th</sup> Street, Kenosha, WI 53142  
Phone: (262) 842-0556 Fax: (262) 842-0557

June 6, 2017

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

Dear Mr. Fuchs:

Bear Development is pleased to submit this letter and the enclosed submittal materials as formal application for zoning reclassification for property currently zoned C-1. The property owner is respectfully requesting reclassification from the C-1 Conservancy District to the R-8 Residential District. Bear Development is acting on behalf of the owner of record, Mills Hotel Wyoming, LLC.

**Project Summary**

The property in question, consists of 3.7 acres and is located within Tax Parcel 891 998 9001. The property was recently divided via CSM #8907. The property in question is part of lots 1, 2 and 3 of said CSM #8907. A Conservation Easement was recently recorded which includes the entire property that is subject to the proposed zoning reclassification. In accordance with City of Franklin requirements, we have completed a Natural Resource Protection Plan for the property in question.

At the direction of City Planning Staff, the owner is requesting zoning reclassification from the C-1 Conservancy District to the R-8 Residential District. No development on the subject property is contemplated, as an existing Conservation Easement prohibits any alteration to the property.

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, [dan@beardevelopment.com](mailto:dan@beardevelopment.com)

Thank you for your time and consideration.

Sincerely,

Daniel Szczap  
Bear Development, LLC

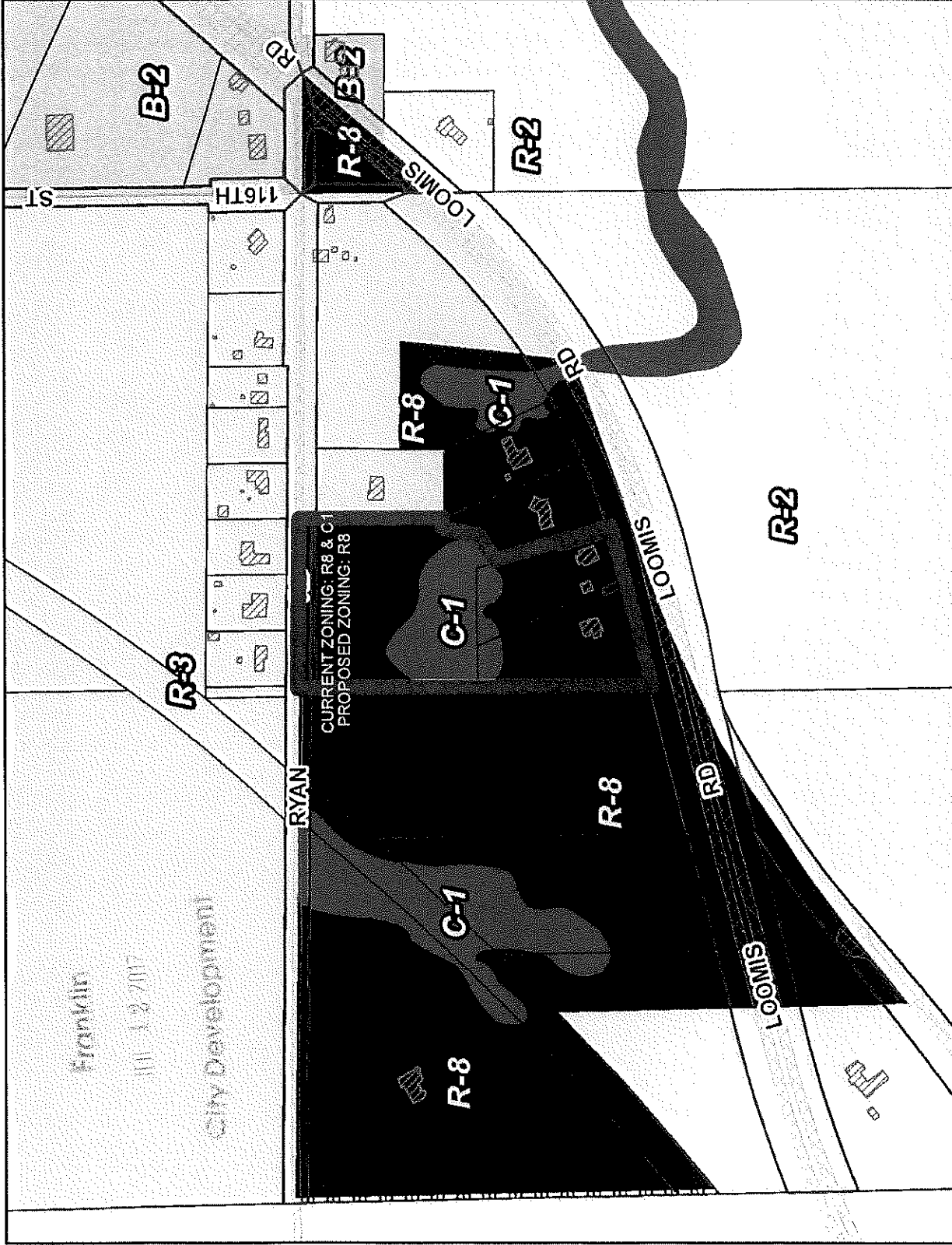
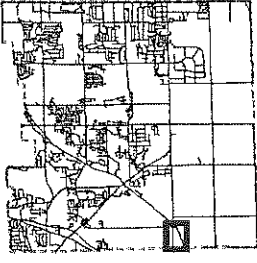
Franklin

JUN 12 2017

City Development

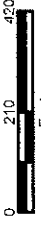
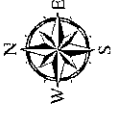
# REZONING EXHIBIT

Overview Map



(C) City of Franklin, WI

The maps and information provided by the City of Franklin's Property Viewer are not legal instruments and are to be used for reference purposes only, not as a substitute for legally recorded maps, surveys, or other documents. The City of Franklin assumes no liability for any damages or loss resulting from the use or misuse of the maps and information offered through this site. The maps and information provided here may have been compiled from various state, county, municipal, and private sources, and are maintained by their sources for a wide variety of purposes. Therefore, the City of Franklin cannot guarantee the quality, content, accuracy, completeness, or currency of the information transmitted by this site, and provides such information without expressed or implied warranties, subject to the terms and conditions stated in this Disclaimer and as otherwise provided for by law. While the City of Franklin makes every attempt to provide accurate, complete, and up-to-date information, it shall not be held responsible for any discrepancies contained herein. Each individual accesses and uses the information herein at their own risk. Use of the Property Viewer constitutes acceptance of all terms and conditions in this Disclaimer.



Map Printed: 7/11/2017

- Altdermanic District
  - Building
  - City Boundary
  - Condo
  - CSM
  - Essement
  - Elementary District
  - Environmental Corridor
  - FEMA DFIRM Flood - Zone A
  - FEMA DFIRM Flood - Zone AE
  - FEMA - 0.2% Annual Chance
  - Parcel
  - Park
  - Pavement
  - County or State Hwy
  - Local Road
  - Road Right-of-Way
  - School District
  - Wetland
- Zoning Districts
- A-1
  - A-2
  - B-1
  - B-2
  - B-3
  - B-4
  - B-5
  - B-6
  - B-7
  - R-2
  - R-3
  - R-3E
  - R-4
  - R-5
  - R-6
  - R-7
  - R-8
  - RC-1
  - OL-1
  - OL-2
  - P-1
  - P-2
  - PDD
  - VR
  - VR
  - C-1
  - R-1
  - FC
  - R-1E
- Legend includes all layers even if they are not visible in the map.

<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p>08/15/17</p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>RESOLUTION CONDITIONALLY APPROVING A 3 LOT CERTIFIED SURVEY MAP, BEING THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN AND INCLUDING THE DEDICATION OF RIGHTS-OF-WAY FOR FUTURE ROADS, INCLUDING WEST PARK CIRCLE WAY, WEST PARK CIRCLE AND HALF OF THE RIGHT-OF-WAY OF SOUTH 80TH STREET (NEUMANN DEVELOPMENTS, INC., APPLICANT) (APPROXIMATELY 9733 SOUTH 76TH STREET)</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G.4.</i></p>

At its August 3, 2017 meeting, the Plan Commission recommended approval of a resolution conditionally approving a 3 lot certified survey map, being that part of the Southeast 1/4 of the Northeast 1/4 of Section 28, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin and including the dedication of rights-of-way for future roads, including West Park Circle Way, West Park Circle and half of the right-of-way of South 80th Street (Neumann Developments, Inc., Applicant) (Approximately 9733 South 76th Street).

In addition, the Plan Commission motion recommended that West Park Circle and West Park Circle Way be dedicated and the right-of-way for South 80<sup>th</sup> Street be reserved for future street purposes. Furthermore, the Plan Commission recommended that the wetland setbacks be included within the Conservation Easement, the Certified Survey Map revised accordingly, and the Easement revised as may be necessary to accommodate the stormwater management facilities. The resolution has been revised accordingly.

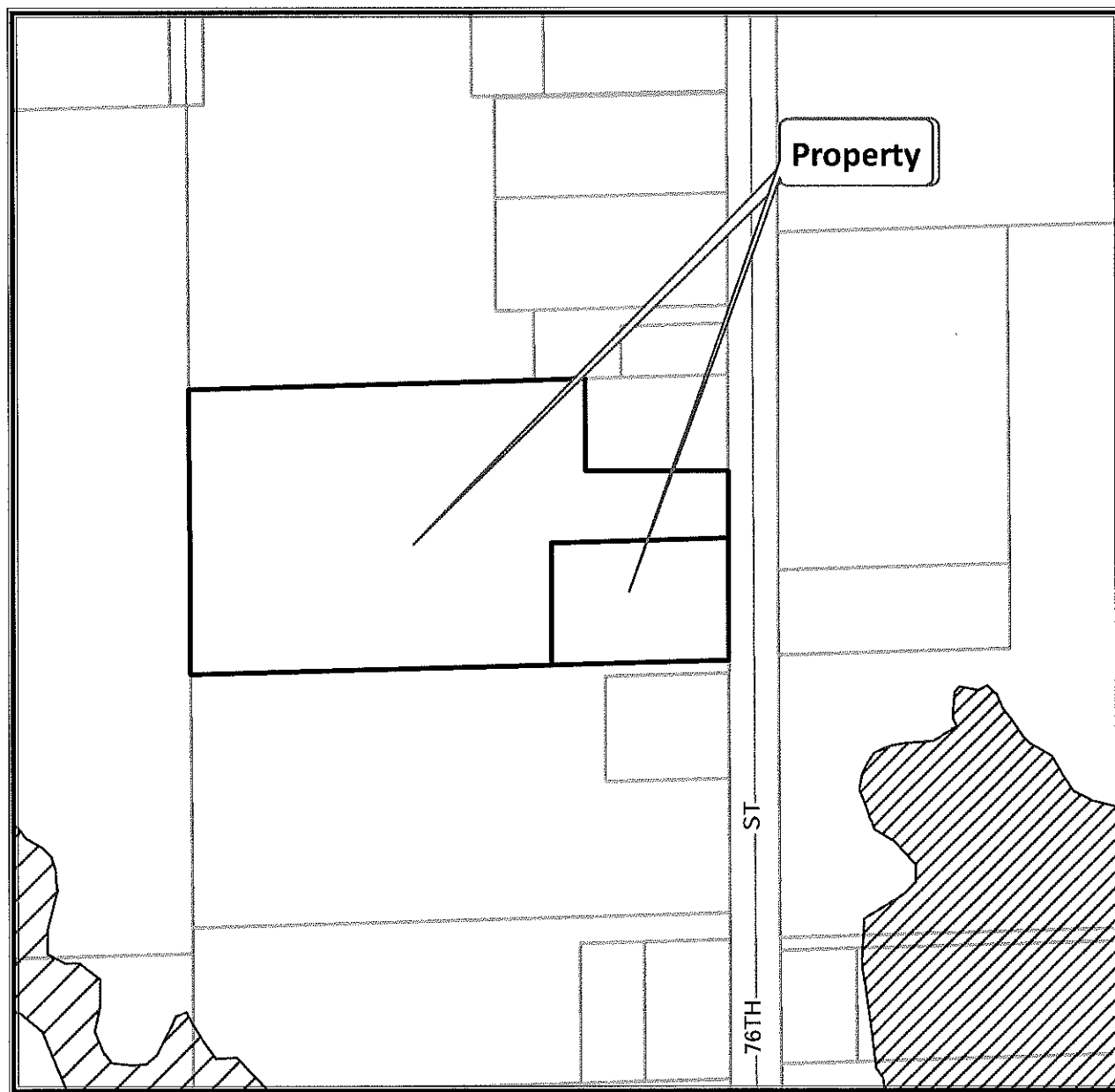
#### **COUNCIL ACTION REQUESTED**

A motion to adopt Resolution No. 2017-\_\_\_\_\_, a conditionally approving a 3 lot certified survey map, being that part of the Southeast 1/4 of the Northeast 1/4 of Section 28, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin and including the dedication of rights-of-way for future roads, including West Park Circle Way, West Park Circle and half of the right-of-way of South 80th Street (Neumann Developments, Inc., Applicant) (Approximately 9733 South 76th Street).



9733 S. 76th Street

TKN's 896 9999 007 and 896 9999 008



Planning Department  
(414) 425-4024

0 225 450 900 Feet

*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



9733 S. 76th Street

TKN's 896 9999 007 and 896 9999 008



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

0 225 450 900 Feet

*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



## REPORT TO THE PLAN COMMISSION

Meeting of August 3, 2017

**Certified Survey Map and Condominium Plat**


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**RECOMMENDATION:** City Development Staff recommends approval of the Certified Survey Map and Condominium Plat Applications for the development of 27 two-family residential lots, subject to the conditions as noted in the attached draft resolutions.

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<b>Project Name:</b>	Neumann Developments, Inc. Certified Survey Map and Condominium Plat for Park Circle
<b>Project Location:</b>	Approximately 9733 S. 76 <sup>th</sup> Street (Taxkey Nos. 896-9999-007 & 896-9999-008)
<b>Property Owner:</b>	Southbrook Church, Inc.
<b>Applicant:</b>	Neumann Developments, Inc.
<b>Agent:</b>	Cory O'Donnell, Project Manager, Neumann Developments, Inc.
<b>Current Zoning:</b>	R-8 Multiple-Family Residence District
<b>2025 Comprehensive Plan:</b>	Residential - Multi-Family and Areas of Natural Resource Features
<b>Use of Surrounding Properties:</b>	City of Franklin Public Works facility (zoned I-1), vacant land (zoned M-1) and single-family residential (zoned M-1 and R-8) to the north, single-family residential (zoned R-8) to the south, vacant land and single-family residential (zoned R-8) to the east and vacant land owned by the Archdiocese of Milwaukee to the west
<b>Applicant's Action Requested:</b>	Approval of the Certified Survey Map and Condominium Plat for the Park Circle condominium development

---

**Introduction:**

Please note:

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

On July 17, 2017, the applicant submitted an application for a Certified Survey Map and Condominium Plat for properties located at approximately 9733 South 76<sup>th</sup> Street. The applicant is proposing a 3-Lot CSM, which includes the dedication of three future streets. The Condominium Plat includes three building pads and three future expansion areas.

The subject applications are a continuation of the proposed Park Circle development, which recently received approval of a Rezoning and Comprehensive Master Plan Amendment to rezone the subject properties from BP Business Park District to R-8 Multiple-Family Residence District

and amended the Future Land Use Map use designation from Business Park to Residential – Multi-Family and Areas of Natural Resource Features.

A Special Use application (to address the envisioned use, site layout, stormwater, erosion control, landscaping, architecture, etc.) is also required for this project as the subject property is zoned R-8 Multiple-Family Residence District. As the applicant has just recently submitted the Special Use application for initial staff review, the Special Use will be submitted to the Plan Commission and Common Council subsequent to the Certified Survey Map and the Condominium Plat.

### **Project Description/Analysis:**

#### **Certified Survey Map**

The proposed Certified Survey Map creates three lots from the two existing lots located at approximately 9733 S. 76<sup>th</sup> Street (Tax Key Nos. 896-9999-007 & 896-9999-008). Lot 1 is approximately 4.65 acres, Lot 2 is about 2.36 acres and Lot 3 is 7.25 acres. The three new lots will be developed as the Park Circle Condominiums. In addition to the three lots, the CSM also dedicates rights-of-way for future roads, including West Park Circle Way, West Park Circle and half of the right-of-way needed for South 80<sup>th</sup> Street.

The applicant has included drainage easement details on the CSM. It should be noted that the exact location of these and other easements are subject to change. The final locations will be determined upon completion of the construction plans. Staff will review these changes prior to the CSM being recorded.

*In addition, staff recommends that the applicant address all Engineering Department technical comments, dated July 24, 2017, prior to recording the Certified Survey Map with the Milwaukee County Register of Deeds.*

#### **Condominium Plat**

The subject property is located to the west of S. 76<sup>th</sup> Street and a single-family home, to the east of the future extension of S. 80<sup>th</sup> Street, north of two single-family homes and south of vacant property zoned M-1 District and the Department of Public Works facility, which currently consists of two ball fields adjacent to the subject development. As these ball fields are planned to be removed and the Public Works yard expanded, the applicant has included a note on the Condominium Plat, as recommended by staff, stating, “The City of Franklin Department of Public Works facility located to the north is to be expanded for future storage yard use, including the removal of existing recreation/baseball field use.”

The initial phase and proposed Park Circle Condominium Plat includes three building pads for three 2-unit condominiums. The remainder of the development is shown as three separate expansion areas.

Based upon the preliminary site plan for the complete Park Circle development, the proposed development layout includes 27 two-family residential lots and three outlots. The lots are arranged adjacent to the proposed public streets, West Park Circle Way and West Park Circle. All lots will have access from West Park Circle Way or West Park Circle.

Three storm water ponds are proposed along the southernmost portion of the property. Public sanitary sewer is available from S. 76<sup>th</sup> Street. Public water is planned to be extended from the existing S. 80<sup>th</sup> Street cul-de-sac, southward along the proposed 80<sup>th</sup> Street dedication, to the subject property. A tree line exists within the future S. 80<sup>th</sup> Street right-of-way, which will likely be impacted as part of the water main extension. The extension of the water main is an essential service; therefore, that disturbance of the tree line/woodland is permitted. However, as part of the Special Use Application, the applicant intends to request that any replacement of these trees not be required as part of the restoration of this area. The applicant has stated that any new trees planted would eventually be removed for the extension of S. 80<sup>th</sup> Street in the future.

Details related to the site plan, building types, architecture, landscaping, lighting, signage, grading, erosion control, utility plan and storm water management will be submitted as part of a Special Use Application. The applicant recently submitted the Special Use Application, which will be reviewed by staff and forwarded to the Plan Commission and Common Council. Note that the development may not move forward without City approval of the Special Use Application.

A Site Plan and Landscape Plan have been provided for reference. The final approval of the Site Plan and Landscape Plan will be completed as part of the Special Use review and approval.

Natural Resource Protection Plan:

A Natural Resource Protection Plan (NRPP) has been completed for the subject development by Dave Meyer of Wetland& Waterway Consulting, LLC, dated May 24, 2017. According to the NRPP, the site contains four wetlands and associated wetland buffers and setbacks, two areas of mature woodlands and a 75-foot shore buffer.

The wetlands were delineated by Dave Meyer of Wetland and Waterway Consulting on April 22, 2017 and May 5, 2017. A full and complete wetland delineation report is on file with the Department of City Development. The cover letter of that report is attached as well as the overall NRPP Map. Dave Meyer is a Wisconsin Department of Natural Resources (WDNR) assured delineator; therefore, Department of City Development staff did not require separate review by a City consultant.

In total, 2.65-acres of the site consist of protected natural resource features. The applicant has provided a written conservation easement for staff review. Staff recommends that the Conservation Easement be reviewed and approved by the Common Council, prior to recording and the issuance of any Building Permits related to the Park Circle development.

Wetlands/Wetland Buffers/Wetland Setbacks/Shore Buffers. The applicant is not proposing to impact any wetland or associated wetland buffer nor disturb the 75-foot shore buffer, and will include these features within the Conservation Easement.

However, the applicant is proposing to temporarily disturb portions of the wetland setback for grading associated with construction of the corner of Park Circle Way and Park Circle (on the east side of the development), and to permanently disturb portions of the wetland setbacks for various stormwater management facilities. The applicant is not including these wetland setbacks



within the Conservation Easement. Staff suggests that these wetland setbacks be included within the Conservation Easement, the Certified Survey Map revised accordingly, and the Easement revised as may be necessary to accommodate the stormwater management facilities.

Woodlands. The mature woodland on the south side of the property will not be impacted and will be included within the Conservation Easement.

A mature tree line extends along the west property line. It is envisioned that these trees may be disturbed during construction of the proposed water main (which would require restoration pursuant to Section 15-4.0102I of the UDO), and may be permanently removed during construction of S. 80<sup>th</sup> Street at some time in the future. Therefore, staff recommends that the applicant apply for and obtain, concurrently with the required Special Use application, a determination from the Common Council that the public road is reasonable and necessary in the public interest and shall not require the grant of a special exception (as set forth in Ordinance No. 2016-2224). Or alternatively, demonstrate that a minimum of 70 percent of the mature woodlands onsite are protected within the Conservation Easement, or prepare a restoration plan for the woodland impacts associated with the water main extension which confirms that the remaining tree line no longer meets the criteria for protection, for Department of City Development review and approval prior to issuance of a Building Permit.

A mature tree line also exists along the north property line. The majority of these trees are located on the property to the north; however, the tree canopies extend onto the subject property in certain areas. The applicant is not proposing to include this tree line within the conservation easement (where it extends onto the property). Staff recommends that the trees along the north property line, including those onsite and the canopies of trees located on the property to the north, be illustrated and included as part of the conservation easement. Alternatively, the applicant may demonstrate that a minimum of 70% of the mature woodlands onsite are protected within the conservation easement and not protect the remaining 30%. The Certified Survey Map and Condominium Plat shall be revised accordingly.

Pursuant to Section 15-7.0201J. of the Unified Development Ordinance, staff recommends that the applicant shall revise the Natural Resource Protection Plan to clearly identify all natural resource features that will be disturbed, for review and approval by the Department of City Development, prior to issuance of a Building Permit.

### **Staff Recommendation:**

City Development Staff recommends approval of the Certified Survey Map and Condominium Plat Applications for the development of 27 two-family residential lots, subject to the conditions as noted in the attached draft resolutions.

**From:** [Ronnie Asuncion](#)  
**To:** [Nick Fuchs](#)  
**Cc:** [Glen Morrow](#); [Sara Arnold](#)  
**Subject:** Neumann Development, Inc.  
**Date:** Monday, July 24, 2017 2:54:49 PM

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Nick,

Please have these conditions below be part of your comments.

**Certified Survey Map Review:**

1. Must resolve the technical omissions and deficiencies identified by the Milwaukee County.  
Upon receipt of the comments from Milwaukee County, the City comments may be revised to reflect changes required by the County;
  - Page 8 of 8; under the CITY OF FRANKLIN COMMON COUNCIL APPROVAL, insert the sentence after Approved **"and dedication accepted"** by the Common Council .....
2. Must show 65-ft right of way dedication for South 76<sup>th</sup> CTH "U" for arterial width of right of way requirement.
3. Must have the approval from Milwaukee County regarding the proposed right of way connecting to Trunk Highway "U". Development for this intersection must also be reviewed and approved by the County.
4. Must indicate on the proposed certified survey map when and who delineated the wetlands. If the wetland delineation was performed by someone without "Assured Delineator" classification, concurrence is required from the DNR.
5. Must show the detail of the wetlands with bearings and distances (Wetlands Table) on a separate sheet.
6. Must show all the proposed easements. All easements must have a separate document and it must be submitted to the Engineering Department for review and approval.
7. Must indicate in this proposal that **"Public Water and Sewer are not available in this area, public water and sewer must be extended for future development"**.
8. Please submit the final certified survey map in AutoCAD (Drawing File) and Pdf format electronically to [Rasuncion@franklinwi.gov](mailto:Rasuncion@franklinwi.gov) to update City of Franklin GIS system.

**Condominium review:**

1. Before recommending its approval the CSM must be recorded first.
2. Must submit engineering plans for review and approval.

Thanks

Ronnie Asuncion  
Engineering Lead Technician  
City of Franklin  
Engineering Department  
(414)425-7510  
rasuncion@franklinwi.gov

## RESOLUTION NO. 2017-\_\_\_\_\_

A RESOLUTION CONDITIONALLY APPROVING A 3 LOT CERTIFIED SURVEY MAP, BEING THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN AND INCLUDING THE DEDICATION OF RIGHTS-OF-WAY FOR FUTURE ROADS, INCLUDING WEST PARK CIRCLE WAY, WEST PARK CIRCLE AND HALF OF THE RIGHT-OF-WAY OF SOUTH 80TH STREET  
(NEUMANN DEVELOPMENTS, INC., APPLICANT)  
(APPROXIMATELY 9733 SOUTH 76TH STREET)

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WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being that part of the Southeast 1/4 of the Northeast 1/4 of Section 28, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, and including the dedication of rights-of-way for future roads, including West Park Circle Way, West Park Circle and half of the right-of-way of South 80th Street, more specifically, of the properties located at approximately 9733 South 76th Street, bearing Tax Key Nos. 896-9999-007 and 896-9999-008, Neumann Developments, Inc., applicant; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed certified survey map, including the dedication of rights-of-way for future roads 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 Neumann Developments, Inc., including the dedication of rights-of-way for future roads, 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.

NEUMANN DEVELOPMENTS, INC. – CERTIFIED SURVEY MAP  
RESOLUTION NO. 2017-\_\_\_\_\_

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. Neumann Developments, Inc., successors and assigns, and any developer of the Neumann Developments, Inc. 3 lot certified survey map project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
5. The approval granted hereunder is conditional upon Neumann Developments, Inc. and the 3 lot certified survey map project for the property located at approximately 9733 South 76th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
6. All Engineering Department technical comments, dated July 24, 2017, shall be satisfied prior to recording the Certified Survey Map with the Milwaukee County Register of Deeds.
7. The Conservation Easement shall be reviewed and approved by the Common Council, prior to recording and the issuance of any Building Permits related to the Park Circle development.
8. The trees along the north property line, including those onsite and the canopies of trees located on the property to the north, shall be illustrated and included as part of the conservation easement. Alternatively, the applicant may demonstrate that a minimum of 70% of the mature woodlands onsite are protected within the conservation easement and not protect the remaining 30%. The Certified Survey Map shall be revised accordingly.
9. The Natural Resource Protection Plan shall be revised to clearly identify all natural resource features that will be disturbed, for review and approval by the Department of City Development, prior to issuance of a Building Permit.

NEUMANN DEVELOPMENTS, INC. – CERTIFIED SURVEY MAP  
RESOLUTION NO. 2017-\_\_\_\_\_

Page 3

10. West Park Circle and West Park Circle Way shall be dedicated and the right-of-way for South 80<sup>th</sup> Street shall be reserved for future street purposes.
11. Wetland setbacks shall be included within the Conservation Easement, the Certified Survey Map revised accordingly, and the Easement revised as may be necessary to accommodate the stormwater management facilities.

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

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

ATTEST:

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

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



Franklin

JUL 17 2017

# Park Circle

City Development

## Project Summary

Neumann Developments is eager to provide details regarding its latest potential subdivision in the City of Franklin, located at 9733 S. 76<sup>th</sup> St. Neumann Developments has been creating single-family residential subdivisions in South-Eastern and South-Central Wisconsin since the year 2000. Neumann Developments, Inc. has had the proud distinction to have their communities selected for the Metropolitan Builders Association Parade of Homes in seven of the past nine years!

### Project Summary for Park Circle:

- 54 duplex single family condominiums
- Density 3 units/acre
- Total Area 18.00 Acres

Current Zoning is R-8

The proposed development would utilize an access point at S. 76<sup>th</sup> St.

All units and stormwater management facilities are located in upland. A proposed 30' wide landscape buffer easement and outlot is suggested along S. 76<sup>th</sup> St. Landscape buffer-yards are incorporated into the design based on prior natural resource protection plan. A natural resource protection plan was completed in spring 2017 and incorporated into the design. Common area amenities including a passive park are planned for this community.

This community will be created with a common architectural requirements throughout the development. Multiple architectural styles of homes will be required. Typically four or more are incorporated into the design theme. The architectural details will be reviewed by an architectural control committee reviewing the minimum home size, construction materials, and other pertinent details regarding the community standards. The anticipated home size floor areas are to be between 1,400 square feet and 1,900 square feet and cost to be around \$320,000 to \$400,000.

- Variations on side entry and front entry for garage
- Deep lot and wide lots allow for variation on floor plan design
- Option sun room and bonus rooms also provide for varied building design

Park Circle is within the existing sanitary sewer and water service areas. Sanitary and water services would be obtained from off-site services located north along S. 76<sup>th</sup> St and/or 80<sup>th</sup> St.



## Market Analysis

### **Projected Value Analysis**

54 Condo Units x \$320,000 = \$17,280,000

**Projected Absorption Rate** = 16 Condo Units per year

A current review of condominium sales from \$320,000 to \$440,000 in Franklin from May 2016 to May 2017 indicated 14 units that have sold. There currently are 4 units available and 2 pending. Limited supply also had an impact of sales in the area. We anticipate the absorption rate of the development to generate 1.33 condo units to sell per month or approximately 16 units per year.

**Projected School Impact** = Less than  $0.6 * 54 \text{ units} = 21.6$  (22) students

There are several factors present in most parts of the country that tend to reduce education expenses per housing unit. The first is the average number of school-aged children present in the units. According to the American Housing Survey, there is, on average, only a little over one school-aged child for every two households in the U.S. The number is about 0.6 per household for single-family and under 0.4 per household for multifamily. So education costs per housing unit are lower than costs per pupil, simply because there is less than one pupil per household. We are envisioning empty nesters purchasing the majority of the condominiums in this development, therefore having a negligible effect on the Franklin Schools.

**Projected Tax Revenue** \$320,000/1000 ( $320 * 24.09$ ) = \$7,709 per unit

- Average annual local govt. operating expense per housing unit in the Milwaukee Metropolitan Area (2010) \$3733 per unit (multi-family) \**National Association of Home Builders and SEWRPC*

**Projected Population Impact** 1.95 residents per condominium unit ( $54 * 1.95$ ) = 105 residents

## Financial Plan for Project Implementation

Neumann Developments will make and install the public improvements reasonably necessary and will provide security to ensure that we will make those improvements within a reasonable time. Neumann Developments will post a Letter of Credit, at the commencement of the project in an amount not to exceed 120 percent of the estimated total cost to complete the required public improvements. This Letter of Credit will provide security for no more than 14 months after the date of public improvements for which the security is provided are substantially completed and upon substantial completion of the public improvements (binder coat installation on roads).



## CALCULATION OF SITE INTENSITY AND CAPACITY FOR RESIDENTIAL USES

In order to determine the maximum number of dwelling units which may be permitted on a parcel of land zoned in a residential zoning district, the site intensity and capacity calculations set forth in Table 15-3.0504 shall be performed.

**Table 15-3.0504**

# Franklin

JUL 17 2002

## WORKSHEET FOR THE CALCULATION OF SITE INTENSITY AND CAPACITY FOR RESIDENTIAL DEVELOPMENT

City Development	
<b>STEP 1:</b>	<p><b>CALCULATE MINIMAL REQUIRED ON-SITE OPEN SPACE</b></p> <p>Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): 17.99</p> <p>Multiple by Minimum <i>Open Space Ratio (OSR)</i> 0.00 (see specific residential zoning district OSR standard): X</p> <p>Equals <b>MINIMUM REQUIRED ON-SITE OPEN SPACE</b> = 0.00 acres</p>
<b>STEP 2:</b>	<p><b>CALCULATE NET BUILDABLE SITE AREA:</b></p> <p>Take <i>Base Site Area</i> (from Step 5 in Table 15-3.0502): 17.99</p> <p>Subtract <i>Total Resource Protection Land</i> from Table 15-3.0503) or <i>Minimum Required On-Site Open Space</i> (from Step 1 above), whichever is greater: 2.65</p> <p>Equals <b>NET BUILDABLE SITE AREA</b> = 15.34 acres</p>
<b>STEP 3:</b>	<p><b>CALCULATE MAXIMUM NET DENSITY YIELD OF SITE:</b></p> <p>Take <i>Net Buildable Site Area</i> (from Step 2 above): 15.34</p> <p>Multiply by Maximum <i>Net Density (ND)</i> 5.00 (see specific residential zoning district ND standard): X</p> <p>Equals <b>MAXIMUM NET DENSITY YIELD OF SITE</b> = 76.7 D.U.s</p>
<b>STEP 4:</b>	<p><b>CALCULATE MAXIMUM GROSS DENSITY YIELD OF SITE:</b></p> <p>Take <i>Base Site Area</i> (from Step 5 of Table 15-3.0502): 17.99</p> <p>Multiple by Maximum <i>Gross Density (GD)</i> 5.00 (see specific residential zoning district GD standard): X</p> <p>Equals <b>MAXIMUM GROSS DENSITY YIELD OF SITE</b> = 89.95 D.U.s</p>
<b>STEP 5:</b>	<p><b>DETERMINE MAXIMUM PERMITTED D.U.s OF SITE:</b></p> <p>Take the <i>lowest</i> of Maximum Net Density Yield of Site (from Step 3 above) or Maximum Gross Density Yield of Site (from Step 4 above): 76.7</p> <p>D.U.s</p>

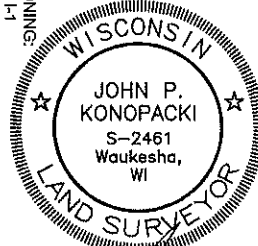
# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being part of the Southeast 1/4 of the Northeast 1/4 of Section 28, Township 5 North, Range 21 East,  
City of Franklin, Milwaukee County, Wisconsin

UNPLATTED LANDS  
OWNER: ARCHDIOCESE  
OF MILWAUKEE  
TAX KEY: 896 9996 001

WEST LINE OF THE EAST 1/2 OF THE  
NE 1/4 OF SECTION 28, T5N, R21E  
N00°22'22"W 670.96'

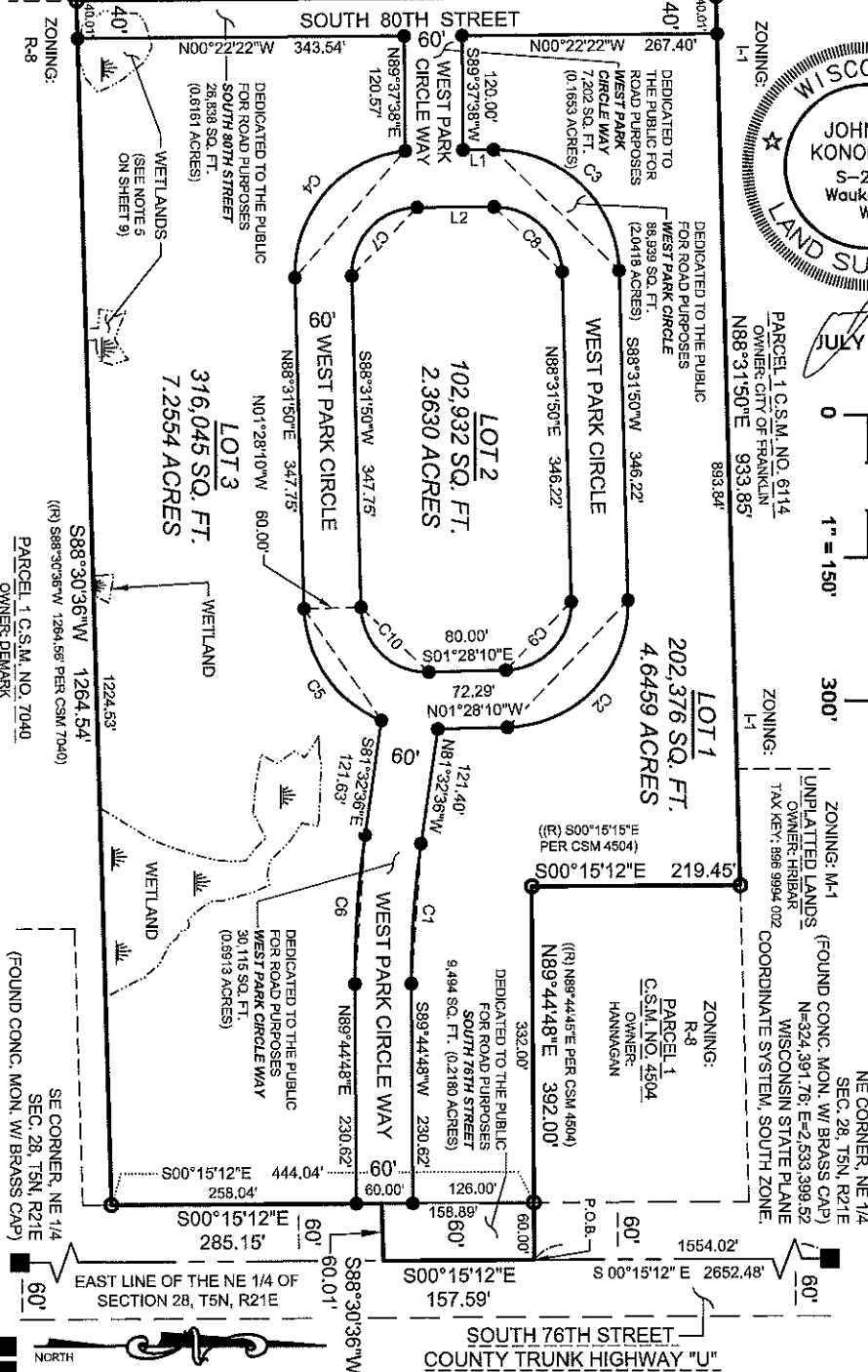
SEE SHEET 6 FOR LINE  
AND CURVE TABLES  
SEE SHEET 9 FOR NOTES  
AND RESTRICTIONS



JULY 25, 2017

GRAPHICAL SCALE (FEET)  
0 1" = 150' 300'

LEGEND:  
○ - Denotes Found 1" Iron Pipe  
● - Denotes Set 3/4" X 18" Iron  
Rebar, 15 LBS./FT.  
(R) - Denotes Recorded As  
W - Denotes Wetland



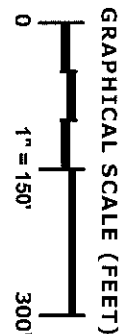
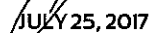
Prepared By:  
**PINNACLE ENGINEERING GROUP**  
15850 BLUEMOUND ROAD 1 SUITE 210  
BROOKFIELD, WI 53005  
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#90L00  
SHEET 1 OF 9

PEG JOB#901.00  
SHEET 2 OF 9

Being part of the Southeast 1/4 of the Northeast 1/4 of Section 28, Township 5 North, Range 21 East,  
City of Franklin, Milwaukee County, Wisconsin



- LEGEND:**
- - Denotes "Found 1" Iron Pipe
  - - Denotes Set 3/4" X 18" Iron Rebar, 15 LBS./FT.
  - (R) - Denotes "Recorded As"
  - ⬢ - Denotes Soil Boring Pits
  - ⬢ - Denotes Wetland
  - Denotes No Access

Prepared By:

OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

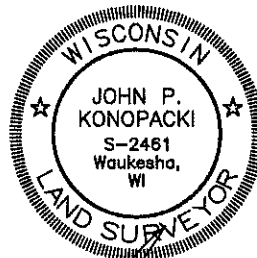
PEG JOB#901.00

**SHEET 3 OF 9**

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

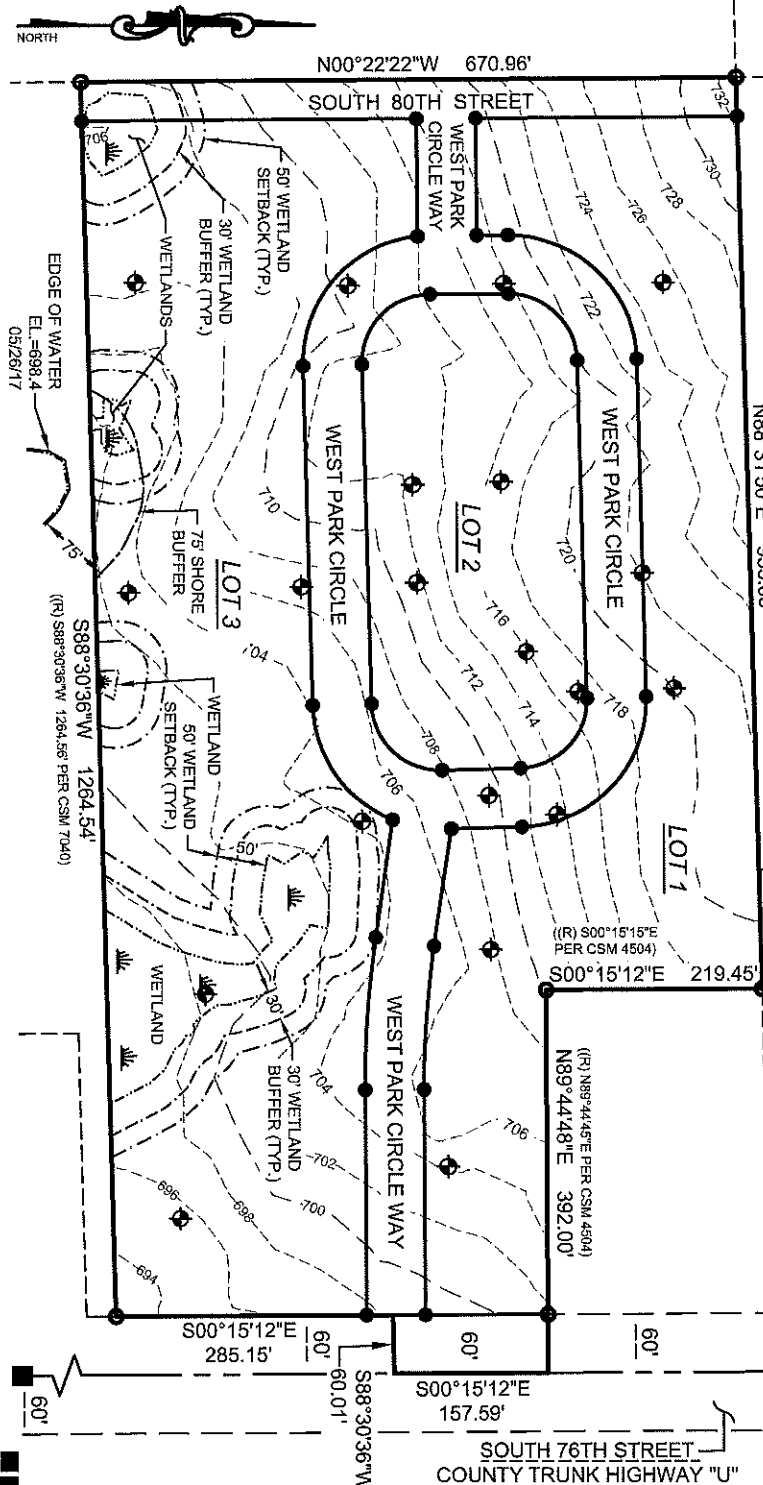
Being part of the Southeast 1/4 of the Northeast 1/4 of Section 28, Township 5 North, Range 21 East,  
City of Franklin, Milwaukee County, Wisconsin

**ENVIRONMENTAL  
DETAIL**  
SEE SHEET 9 FOR NOTES  
AND RESTRICTIONS



JULY 25, 2017

**GRAPHICAL SCALE (FEET)**  
0 1" = 150' 300'



- LEGEND:**
- - Denotes Found 1" Iron Pipe
  - - Denotes Set 3/4" X 18" Iron Rebar, 15 LBS./FT.
  - (R) - Denotes "Recorded As"
  - ◆ - Denotes Soil Boring Pits
  - W - Denotes Wetland

Prepared By:  
**PINNACLE ENGINEERING GROUP**  
15850 BLUEMOUND ROAD | SUITE 210  
BROOKFIELD, WI 53005  
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#90100  
SHEET 4 OF 9

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

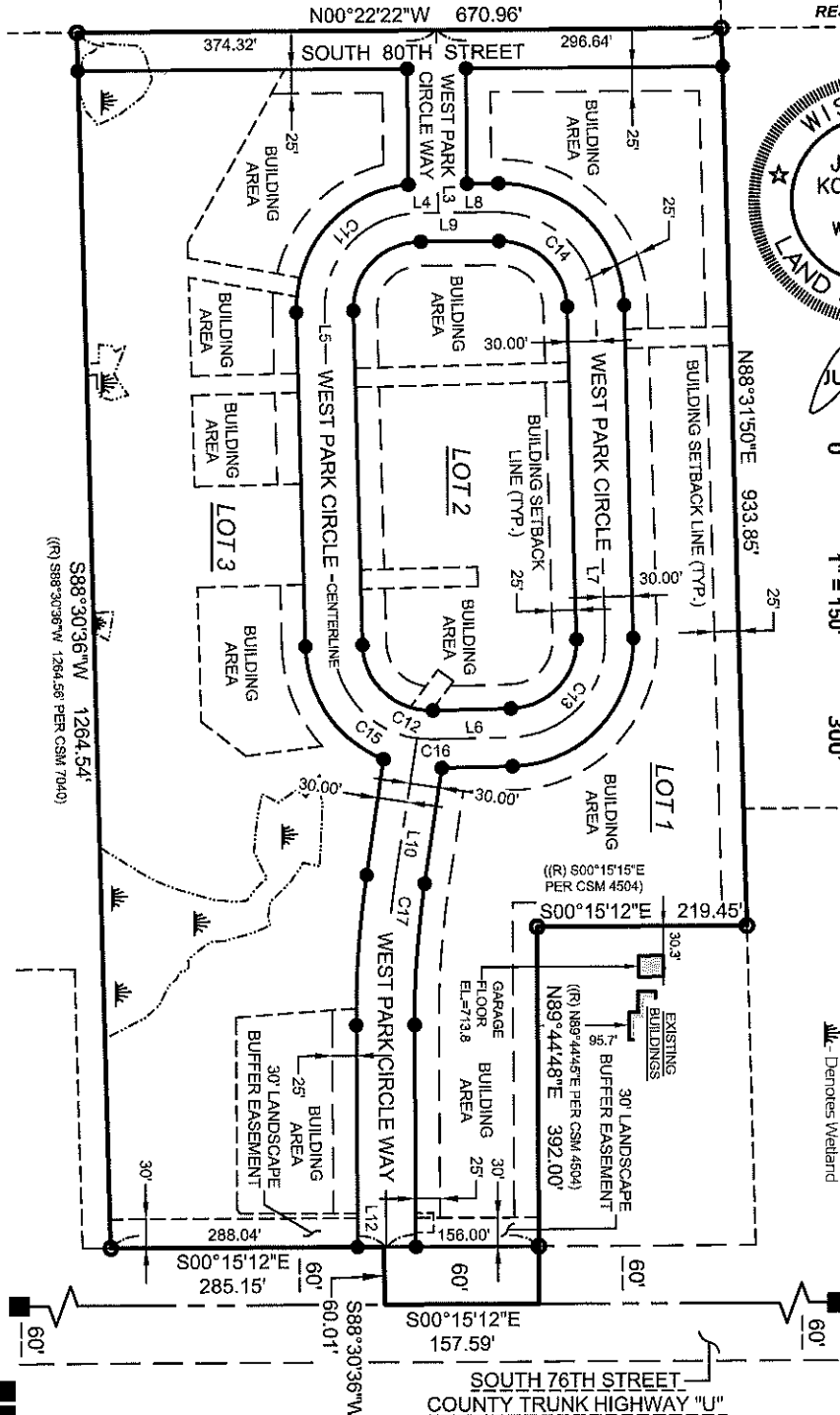
Being part of the Southeast 1/4 of the Northeast 1/4 of Section 28, Township 5 North, Range 21 East,  
City of Franklin, Milwaukee County, Wisconsin

**LOT DETAIL**  
SEE SHEET 6 FOR LINE AND  
CURVE TABLES  
SEE SHEET 9 FOR NOTES AND  
RESTRICTIONS



JULY 25, 2017

GRAPHICAL SCALE (FEET)  
0 1" = 150' 300'



**LEGEND:**  
○ - Denotes Found 1" Iron Pipe  
● - Denotes Set 3/4" X 18" Iron  
Rebar, 15.1 LBS./FT.  
/R - Denotes "Recorded As"  
/// - Denotes Wetland

Prepared By:

**PINNACLE ENGINEERING GROUP**  
15850 BLUEMOUND ROAD, SUITE 210  
BROOKFIELD, WI 53005  
OFFICE: (262) 754-8888

Subject Property Zoning: R-8 Multiple-Family Residence District  
Street Setback=25 Feet; Side Setback=5 Feet; Rear Setback=25 Feet  
Tax Key Numbers: 696-9999-007 & 696-9999-008

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#90100  
SHEET 5 OF 9

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

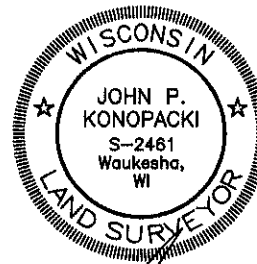
Being part of the Southeast 1/4 of the Northeast 1/4 of Section 28, Township 5 North, Range 21 East,  
City of Franklin, Milwaukee County, Wisconsin

CURVE TABLE							
CURVE NO.	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH	TANGENT IN	TANGENT OUT
C1	147.46'	970.00'	008°42'36"	S85°53'54"E	147.32'	S89°44'48"W	N81°32'36"W
C2	204.20'	130.00'	090°00'00"	N46°28'10"W	183.85'	N01°28'10"W	S88°31'50"W
C3	201.72'	130.00'	088°54'12"	S44°04'44"W	182.08'	S88°31'50"W	S00°22'22"E
C4	194.54'	130.00'	085°44'31"	S48°35'54"E	176.89'	S05°43'39"E	N88°31'50"E
C5	151.41'	130.00'	066°43'53"	N55°09'53"E	143.00'	N88°31'50"E	N21°47'57"E
C6	156.58'	1030.00'	008°42'36"	S85°53'54"E	156.43'	N89°44'48"E	S81°32'36"E
C7	111.30'	70.00'	091°05'48"	S45°55'16"E	99.94'	S88°31'50"W	N00°22'22"W
C8	108.62'	70.00'	088°54'12"	S44°04'44"W	98.04'	N00°22'22"W	N88°31'50"E
C9	109.96'	70.00'	090°00'00"	N46°28'10"W	98.99'	N88°31'50"E	S01°28'10"E
C10	109.96'	70.00'	090°00'00"	N43°31'50"E	98.99'	S01°28'10"E	S88°31'50"W

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	S00°22'22"E	32.15'
L2	N00°22'22"W	80.01'

CENTERLINE CURVE TABLE					
CURVE NO.	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C11	158.99'	100.00'	091°05'48"	S45°55'16"E	142.77'
C12	157.08'	100.00'	090°00'00"	N43°31'50"E	141.42'
C13	157.08'	100.00'	090°00'00"	N46°28'10"W	141.42'
C14	155.17'	100.00'	088°54'12"	S44°04'44"W	140.06'
C15	139.76'	100.00'	080°04'26"	N48°29'37"E	128.66'
C16	17.32'	100.00'	009°55'34"	N03°29'37"E	17.30'
C17	152.02'	1000.00'	008°42'36"	S85°53'54"E	151.87'

CENTERLINE LINE TABLE		
LINE NO.	BEARING	DISTANCE
L3	N89°37'38"E	190.00'
L4	S00°22'22"E	17.87'
L5	N88°31'50"E	347.75'
L6	N01°28'10"W	80.00'
L7	S88°31'50"W	346.22'
L8	S00°22'22"E	62.14'
L9	S00°22'22"E	80.01'
L10	S81°32'36"E	148.12'
L12	N89°44'48"E	230.62'



JULY 25, 2017

Prepared By:  
**PINNACLE ENGINEERING GROUP**  
15850 BLUEMOUND ROAD 1 SUITE 210  
BROOKFIELD, WI 53005  
OFFICE: (262) 754-8888

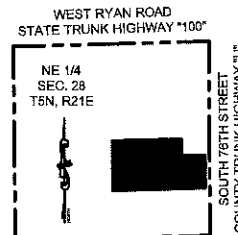
This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#901.00  
SHEET 6 OF 9

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being part of the Southeast 1/4 of the Northeast 1/4 of Section 28, Township 5 North, Range 21 East,  
City of Franklin, Milwaukee County, Wisconsin

## VICINITY SKETCH SCALE 1"=2000'



### SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)  
WAUKESHA COUNTY) SS

I, John P. Konopacki, Professional Land Surveyor, do hereby certify:

That I have surveyed, mapped and divided that part of the Southeast 1/4 of the  
Northeast 1/4 of Section 28, Township 5 North, Range 21 East, City of Franklin,  
Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the northeast corner of the Northeast 1/4 of said Section 28;  
Thence South 00°15'12" East along the east line of said Northeast 1/4, 1554.02 feet to the Point of Beginning;

Thence continuing South 00°15'12" East along said east line, 157.59 feet;  
Thence South 88°30'36" West, 60.01 feet to the west right of way line of South 76th Street - County Trunk Highway "U";  
Thence South 00°15'12" East along said west right of way line, 285.15 feet to the north line of Parcel 1 of Certified Survey Map No. 7040;  
Thence South 88°30'36" West along said north line, 1264.54 feet to the west line of the East 1/2 of said Northeast 1/4;  
Thence North 00°22'22" West along said west line, 670.96 feet to the south line of Parcel 1 of Certified Survey Map No. 6114;  
Thence North 88°31'50" East along said south line, 933.85 feet to the west line of Parcel 1 of Certified Survey Map No. 4504;  
Thence South 00°15'12" East along said west line, 219.45 feet to the south line of said Parcel 1;  
Thence North 89°44'48" East along said south line, 392.00 feet to the Point of Beginning.

Dedicating that portion of subject property as graphically shown for public right of way purposes.

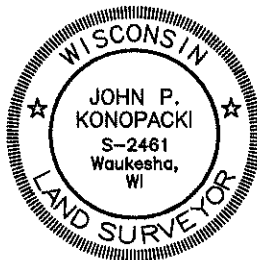
Containing 783,941 square feet (17.9968 acres) of land Gross and 621,353 square feet (14.2643 acres) of land Net more or less.

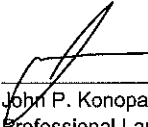
That I have made such survey, land division and map by the direction of NEUMANN DEVELOPMENTS, INC, owner of said land.

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

That I have fully complied with the provisions of s.236.34 of the Wisconsin State Statutes and the City of Franklin Unified Development Ordinance Division - 15 in surveying, mapping and dividing the land with in this certified survey map.

Date: JULY 25, 2017



  
John P. Konopacki  
Professional Land Surveyor S-2461

PREPARED FOR THE OWNER  
AND SUBDIVIDER:  
NEUMANN DEVELOPMENTS, INC  
CORY O'DONNELL  
N27 W24025 PAUL COURT, SUITE 100  
PEWaukee, WI 53072  
PH: (262) 542-9200

Prepared By:  
**PINNACLE ENGINEERING GROUP**  
15850 BLUEMOUND ROAD 1 SUITE 210  
BROOKFIELD, WI 53005  
OFFICE: (262) 754-8888

This Instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#901.00  
SHEET 7 OF 9



# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being part of the Southeast 1/4 of the Northeast 1/4 of Section 28, Township 5 North, Range 21 East,  
City of Franklin, Milwaukee County, Wisconsin

## OWNER'S CERTIFICATE OF DEDICATION

NEUMANN DEVELOPMENTS, 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 certified survey map to be surveyed, divided, mapped and dedicated as represented on this certified survey map.

NEUMANN DEVELOPMENTS, INC, as owner, does further certify that the provisions of s.236.34 of the Wisconsin State Statutes and the City of Franklin Unified Development Ordinance Division - 15 have been complied with and that this certified survey map is required by Chapter 236 of the Wisconsin State Statutes to be submitted to the following for approval or objection:

1. City of Franklin

IN WITNESS WHEREOF, the said NEUMANN DEVELOPMENTS, INC has caused these presents to be signed by Cory O'Donnell, (title) \_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, on this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

In the presence of: NEUMANN DEVELOPMENTS, INC

\_\_\_\_\_  
Cory O'Donnell - (Title)

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017, Cory O'Donnell, (title) \_\_\_\_\_ of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such (title) \_\_\_\_\_ of said corporation, and acknowledged that they executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_  
State of Wisconsin  
My Commission Expires: \_\_\_\_\_

## CONSENT OF CORPORATE MORTGAGEE

\_\_\_\_\_, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described in the foregoing affidavit of John P. Konopacki, surveyor, and does hereby consent to the above certification of owners.

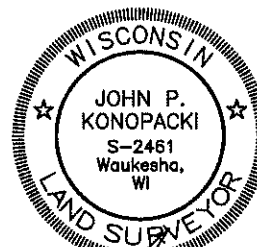
IN WITNESS WHEREOF, the said \_\_\_\_\_, has caused these presents to be signed by \_\_\_\_\_, its President, and its corporate seal to be hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Date President

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017, \_\_\_\_\_, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said corporation and acknowledged the same.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_  
State of Wisconsin  
My Commission Expires: \_\_\_\_\_



JULY 25, 2017

Prepared By:  
**PINNACLE ENGINEERING GROUP**  
15850 BLUEMOUND ROAD, SUITE 210  
BROOKFIELD, WI 53005  
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#90100  
SHEET 8 OF 9

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being part of the Southeast 1/4 of the Northeast 1/4 of Section 28, Township 5 North, Range 21 East,  
City of Franklin, Milwaukee County, Wisconsin

## CITY OF FRANKLIN COMMON COUNCIL APPROVAL

Approved and dedication accepted by the Common Council of the City of Franklin by Resolution No. \_\_\_\_\_, Signed this  
\_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Steve Olson, Mayor

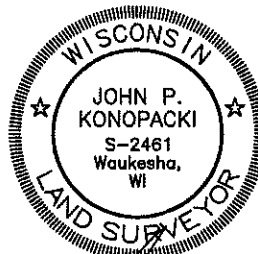
\_\_\_\_\_  
Sandra L. Wasolowski, City Clerk

### NOTES:

1. All measurements have been made to the nearest one-hundredth of a foot.
2. All angular measurements have been made to the nearest one second.
3. Flood Zone Classification: The property lies within Zone "X" of the Flood Insurance Rate Map Community Panel No. 55079C0207E dated SEPTEMBER 26, 2008. Zone "X" areas are determined to be outside the 0.2% annual chance floodplain.
4. Vertical Datum: National Geodetic Vertical Datum of 1929 (NGVD29). Vertical Datum: Contours are shown at a 2' interval based on actual ground survey of the current ground terrain. Reference Benchmark: Concrete monument with brass cap at the northeast corner of the Northeast 1/4 Section 28, Town 5 North, Range 21 East, Elevation = 736.04.
5. Wetlands delineated by Wetland & Waterway Consulting, LLC ON April 22 and May 5, 2017.
6. Subject property to be serviced by municipal sanitary sewer and water.
7. VISION CORNER EASEMENT RESTRICTIONS: No visual obstructions, such as structures, parking, or vegetation, shall be permitted between the heights of 2.5 feet and 10 feet above the plane through the mean curb grades within the Vision Corner Easement.
8. Bearings referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The east line of the Northeast 1/4 of Section 28, Township 5 North, Range 21 East has a bearing of N00°15'12" W.
9. NO ACCESS NOTE: NEUMANN DEVELOPMENTS, INC., as owner, hereby restricts all lots in that no owner, possessor, user, nor licensee, nor other person shall have any right of direct vehicular ingress or egress with South 76th Street - County Trunk Highway "U" or South 80th Street, as shown on this certified survey map; it being expressly intended that this restriction shall constitute a restriction for the benefit of the public according to s.236.293 of the Wisconsin State Statutes, and shall be enforceable by the Department of Transportation.
10. The City of Franklin Department of Public Works facility located to the north is to be expanded for future storage yard use, including the removal of existing recreation/baseball field use.
11. 30' LANDSCAPE BUFFER EASEMENT: This strip is reserved for the planting of trees and shrubs; the building of structures hereon is prohibited.

### CONSERVATION EASEMENT RESTRICTIONS

- Construct or place buildings or any structure;
- 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;
- 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;
- 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;
- Plant any vegetation not native to the protected property or not typical wetland vegetation;
- Operate snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles.



JULY 25, 2017



Prepared By:

**PINNACLE ENGINEERING GROUP**

15850 BLUEMOUND ROAD | SUITE 210  
BROOKFIELD, WI 53005

OFFICE: (262) 754-8888

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PEG JOB#90100  
SHEET 9 OF 9

## 1.0 INTRODUCTION

On behalf of Neumann Companies, Inc., Wetland & Waterway Consulting, LLC and Ecological Services of Milwaukee, Inc. (ESM, Inc.) are pleased to provide this Natural Resources Protection Plan (NRPP) Report for a proposed residential development project. The proposed project is located on an approximate 17.99-acre property at 9725-9733 South 76<sup>th</sup> Street in the City of Franklin, Milwaukee County, Wisconsin, herein after referred to as the “study area”.

The study area is located in the SE ¼ of the NE ¼ of Section 28, Township 5 North, Range 21 East, in the City of Franklin (Appendix A, Figure 1), and is bordered by South 76<sup>th</sup> Street on the east, residential properties to the north and south, and agricultural lands to the west.

### 1.1 Statement of Qualifications

Dave Meyer of Wetland & Waterway Consulting, LLC is an independent environmental consultant providing wetland delineations, environmental permitting services, site assessments, and planning advice. He obtained a master’s degree in Natural Resources Management from Southern Illinois University-Carbondale in 1977. Mr. Meyer has held technical and administrative positions in wetland and water resources specialties with the Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers. He has satisfactorily completed the Reg IV Wetland Delineation training offered by the U.S. Army Corps of Engineers, the Advanced Wetland Delineation training conducted by the University of Wisconsin-LaCrosse in 2002 and 2007, the USACOE/WIDNR 1987 Wetland Delineation Manual Midwest Region Supplement Training in 2009, the USACOE/WIDNR 1987 Wetland Delineation Manual Northcentral/Northeast Region Supplement Training in 2010, the Basic Hydric Soil ID training conducted by the University of Wisconsin-LaCrosse in 2011, the Wetland Training Institute’s Advanced Hydrology for Jurisdictional Determinations in 2016, and the SEWRPC Environmental Corridor Delineation Workshops in 2004 and 2015. Mr. Meyer is recognized by the Wisconsin Department of Natural Resources as an Assured Delineator.

ESM, Inc. provides ecological services including wetland assessments and delineations, wetland restoration and mitigation planning, long-term compliance monitoring, native plant community planting plans and specifications, NEPA documentation, environmental permitting and agency coordination services. The firm’s owner has 27 years of experience and extensive professional training in plant ecology, wetland ecology, botany, and native plant community restoration.

## 2.0 METHODS

### 2.1 Analysis of Existing Conditions

Prior to conducting fieldwork, ESM reviewed documents and mapping for the site, including the following:

- United States Geological Survey Topographic Map
- Wisconsin Department of Natural Resources Surface Water Data Viewer
  - Wisconsin Wetland Inventory Map
  - Hydric Soils

- Aerial Photography (2008, 2010, 2013 and 2015)

This information, in addition to other maps and documents, was also referenced for the Wetland Delineation Report compiled by Wetland & Waterway Consulting, LLC (Appendix B).

## 2.2 Field Investigations

ESM, Inc. performed a field investigation of the site on April 8 and April 21, 2017. The purpose of the investigation was to identify natural resources within the study area, including steep slopes, woodlands, lakes, ponds, streams, floodlands, wetlands, and ecological buffers and setbacks. As part of the investigation, ESM, Inc. identified and surveyed the locations of trees with a diameter at breast height (dbh) of at least eight inches located in woodlands within twenty-five feet of proposed improvements. In addition, the outline (drip line) of other woodlands was located. Surveying of the tree locations and drip lines was performed using a Trimble GeoXh with hurricane antenna, corrected to sub-decimeter accuracy. These features are graphically represented on the NRPP map (Appendix A, Figure 2).

Wetland investigations were performed by Wetland & Waterway Consulting, LLC, in April 2017 and are documented in Appendix B. Wetland boundaries mapped as part of this investigation were incorporated and graphically represented on the NRPP map.

## 2.3 GIS Analysis

GIS ArcMap software was used to map the natural resource features of the site shown on the NRPP map (Figure 1), combined with survey data (topography, buffers, setbacks and wetlands) provided by Pinnacle Engineering, Inc. of Brookfield, Wisconsin. GIS was used to determine the areas of all identified natural resources, buffers and setbacks.

## 3.0 RESULTS

The portion of the study area along 76<sup>th</sup> Street consists primarily of a grassy field with scattered trees and a wetland area. This portion of the study area also contains two mature forest areas.

The western portion of the study area has been plowed for agricultural use and is bordered on the north and west by a tree line and by a residential property to the south. The western half of the study area contains three wetlands. All resources identified within the study area are described below.

### 3.1 Existing Natural Resources

#### 3.1.1 Steep Slopes

The City of Franklin's Unified Development Ordinance (UDO) defines three categories of steep slopes (10-20%; 20-30% and greater than 30%), all requiring at least a ten foot drop and a minimum area of 5,000 square feet.

There are no steep slopes, as defined by the UDO, within the study area.

### 3.1.2 Woodlands

The UDO defines a young woodland as an area or stand of trees whose total combined canopy covers an area of at least 0.50 acres, with at least 50% of the trees having a minimum diameter at breast height (dbh) of 3 inches.

A mature woodland is defined as an area or stand of trees whose total combined canopy covers an area of at least one acre and at least 50% of the trees have a dbh of 10 inches; or any grove of 8 or more trees with a minimum dbh of 12 inches whose combined canopies cover at least 50% of the area encompassed by the grove.

Each healthy tree, 8 inches or greater in dbh was identified, measured and located using GPS. Woodland boundaries and the woodland drip lines were also located and mapped using recent aerial photography. Woodland boundaries, tree locations, and a list of the trees identified and their dbh is provided on the NRPP figure in Appendix A.

#### Young Woodlands

There are no young woodlands, as defined by the UDO, within the study area.

#### Mature Woodlands

There are two mature woodlands located within the study area. One approximate 0.36-acre mature woodland is located in the southern portion of the study area and consists primarily of black walnut (*Juglans nigra*) trees in a grassy field and abutting the residential property to the south.

Another mature woodland lies along the northern boundary of the study area. This mature woodland consists of red oak, crabapple (*Malus* spp.), black walnut and silver maple (*Acer saccharinum*) trees. Most of the trees in this woodland lie directly on or just outside the property boundary; however, the tree drip line extends into the site, as depicted on Figure 2. The on-site portion of this mature woodland is approximately 0.23 acres.

### 3.1.3 Lakes and Ponds

Lakes are defined by the UDO as any body of water 2.0 acres or greater in size, measured at its maximum condition, whereas ponds are defined as bodies of water less than 2.0 acres measured at their maximum condition.

There are no lakes or ponds, as defined by the UDO, within the study area.

### 3.1.4 Streams

The UDO defines a stream as a course of running water, either perennial or intermittent, flowing in a channel.

There are no streams, as defined by the UDO, within the study area.

#### 3.1.5 Shore Buffers

A shore buffer is defined by the UDO as the undisturbed land area and vegetation within seventy-five feet landward of the ordinary high water mark (OHWM) of all navigable waters and parallel to that OHWM.

There is one 0.12-acre shore buffer, as defined by the UDO, within the study area, located along the southern boundary of the site. This area is a portion of a buffer for a pond that lies on the adjacent residential property.

#### 3.1.6 Floodplain Fringe

A floodplain fringe is defined by the UDO as floodlands outside of a floodway that are subject to inundation by the 100-year recurrence interval flood.

There are no floodplain fringe areas, as defined by the UDO, within the study area.

#### 3.1.7 Floodway

The UDO defines the floodway as the portion of the 100-year flood that will safely convey the regulatory flood discharge with stage increases usually not exceeding 0.01 foot.

There are no floodways, as defined by the UDO, within the study area.

#### 3.1.8 Wetlands

Wetlands are defined by the UDO as any area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

Wetlands were delineated by Wetland and Waterway Consulting, LLC. A report, documenting the wetland investigation and describing the results of that study, is included as Appendix B. Four wetlands were identified in the study, covering approximately 0.67 acres and consisting of shallow marsh, wet meadow, and farmed depressional area wetlands.

#### 3.1.9 Shoreland Wetland

Shoreland wetland is defined by the UDO as a wetland that is located within a shoreland area (lands lying within one thousand feet of a lake, pond, or flowage or three hundred feet from a river or stream, or to the landward side of floodplain areas).

All of the 0.67 acres of wetland described in Section 3.1.8 is shoreland wetland.

#### 3.1.10 Wetland Buffers

Wetland buffers are defined by the UDO as undisturbed land within thirty feet landward of the delineated boundary of any wetland and parallel to the delineated wetland boundary.

The wetland buffers associated with the delineated wetlands within the study area total 40,119 square feet (0.921 acres) and are shown on the NRPP map (Figure 1).

#### 3.1.11 Wetland Setbacks

The UDO defines wetland setbacks as all landward areas defined by the minimum required horizontal setback distance of fifty feet from a delineated wetland boundary. The wetland setbacks associated with wetlands delineated in the study area extend for 26,877 square feet (0.617 acres) beyond the wetland buffers. The total area covered by wetland setbacks that overlaps and includes wetland buffers is 1.54 acres. Wetland setbacks are shown on Figure 1.

### 3.2 Calculation of Natural Resource Protection Land

Worksheets supporting the calculation of natural resource protection land are included in Appendix C. A total of 2.65 acres of resource protection land, consisting of shore buffer, wetland buffers, wetland setbacks and wetlands was identified within the study area.

## 4.0 NATURAL RESOURCE DISTURBANCES AND PRESERVATION

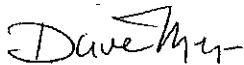
The City of Franklin's Unified Development Ordinance describes the mitigation requirements associated with the proposed site developments. The site intensity calculation tables are included in Appendix A. Based on the results of the NRPP site assessment, the proposed residential development (See Appendix A, Figure 3) will not affect any natural resources identified in Section 3.3 or their buffers or setbacks.

All identified natural resource features of the site, which include 0.59 acres of mature woodlands, 0.12 acres of shore buffer, 0.92 acres of wetlands buffers, 0.62 acres of wetland setbacks, and 0.67 acres of wetlands / shoreland wetlands shall be protected in perpetuity under a permanent Natural Resource Conservation Easement.

## 5.0. CLOSING

We appreciate the opportunity to work with you on this project. If you have any comments or questions regarding this report, please contact me at 262-719-4286.

Sincerely,



Dave Meyer, Owner  
Wetland & Waterway Consulting, LLC



Rose M. Chmielewski  
President, Sr. Ecologist  
Ecological Services of Milwaukee, Inc.

FIGURE 2:

# NATURAL RESOURCE PROTECTION PLAN Southbrook Church Property

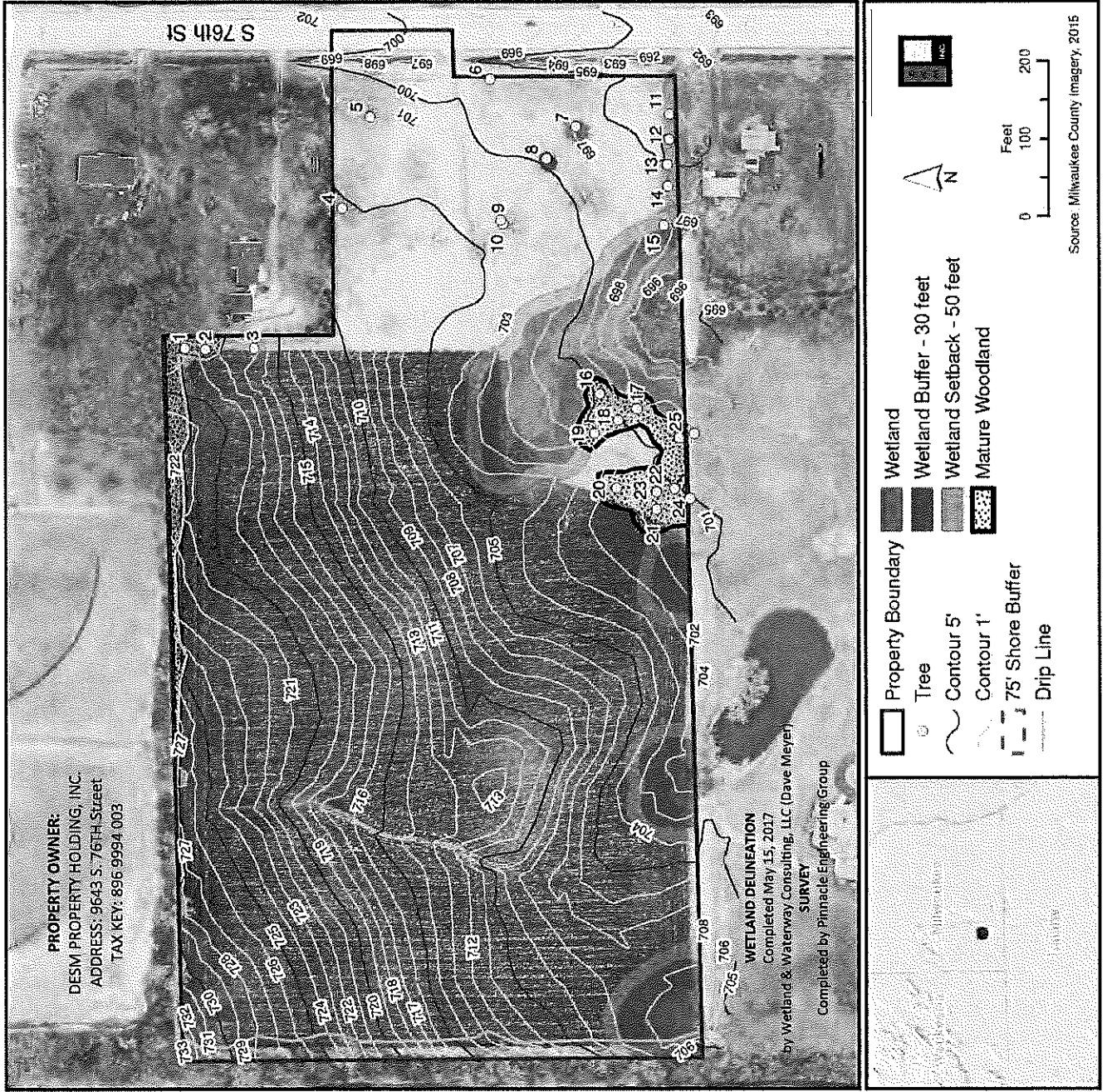
Being a part of the Southeast 1/4 of the Northeast 1/4 of Section 28, Township 5 North, Range 21 East, City of Franklin,

TABLE 15-3.0503 PROTECTION LAND: Southbrook Church Site

NATURAL RESOURCE FEATURE	RESIDENTIAL RESOURCE PROTECTION STANDARD	AREA IN PROTECTION LAND (ACRES)	AREA OF RESOURCE PROTECTION LAND (ACRES)
Steep Slopes			
10-19%	0.6	0	0
20-30%	0.75	0	0
30+%	0.85	0	0
Woodlands and Forests			
Mature	0.7	0.59	0.41
Young	0.5	0	0
Lakes and Ponds	1	0	0
Streams	1	0	0
Shore Buffer	1	0.12	0.03*
Floodplains / Floodlands	1	0	0
Wetland Buffers / Setbacks	1	1.54	1.54
Wetlands / Shoreland Wetlands	1	0.67	0.67
TOTAL RESOURCE PROTECTION LAND (Total Land in Resource Protection Feature to be Protected)			2.65

\* 2 portion of the area for shore buffer is accounted for in wetland setbacks due to overlap

MAP NUMBER	SCIENTIFIC NAME	COMMON NAME	DBH (in)
1	<i>Quercus rubra</i>	Red oak	17.3
2	<i>Quercus rubra</i>	Red oak	28.7
3	<i>Juglans nigra</i>	Black walnut	23.6
4	<i>Acer saccharinum</i>	Silver maple	31.9
5	<i>Acer saccharinum</i>	Silver maple	59.4
6	<i>Acer saccharinum</i>	Silver maple	39.0
7	<i>Pinus strobus</i>	White pine	18.9
8	<i>Picea pungens</i>	Colorado spruce	20.5
9/10	<i>Juglans nigra</i>	Black walnut clump of 2	29.3
11	<i>Juglans nigra</i>	Black walnut	9.1
12	<i>Juglans nigra</i>	Black walnut	11.0
13	<i>Juglans nigra</i>	Black walnut	18.9
14	<i>Juglans nigra</i>	Black walnut	5.9
15	<i>Juglans nigra</i>	Black walnut	8.7
16	<i>Juglans nigra</i>	Black walnut	14.2
17	<i>Juglans nigra</i>	Black walnut	15.7
18	<i>Juglans nigra</i>	Black walnut	16.1
19	<i>Juglans nigra</i>	Black walnut	16.1
20	<i>Juglans nigra</i>	Black walnut	23.2
21	<i>Juglans nigra</i>	Black walnut	26.0
22	<i>Juglans nigra</i>	Black walnut	20.9
23	<i>Juglans nigra</i>	Black walnut	18.9
24	<i>Juglans nigra</i>	Black walnut	17.7
25	<i>Juglans nigra</i>	Black walnut	25.2





JUL 26 2017

CONSERVATION EASEMENT

PARK CIRCLE

Development

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 PARK CIRCLE, LLC, a Wisconsin Limited Liability Company, 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, being part of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 28, Township 5 North, Range 21 East, described in Exhibit A and shown in Exhibit B attached hereto and hereby made a part hereof (protected property); and

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, shore buffers, wetland buffers and setbacks, wetlands and shoreland wetlands, and refer to Natural Resource Protection Plan (NRPP) Report prepared by Wetland & Waterway Consulting, LLC and Ecological Services of Milwaukee, Inc, dated May 24, 2017, which is located in the office of the Department of City Development, 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 §700.41(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;

WHEREAS, \_\_\_\_\_, mortgagee of the Protected Property ("Mortgagee"), consents to the grant of this Easement by Grantor to Grantee and Mortgagee's consent is attached hereto and identified as "Mortgage Holder Consent".

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 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:  
Park Circle, LLC  
Attn: Matthew J. Neumann  
N27 W24025 Paul Court, Suite 100  
Pewaukee, WI 53072

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 \_\_\_\_\_, 20\_\_.

PARK CIRCLE, LLC

By: \_\_\_\_\_  
Matthew J. Neumann – Managing Member

STATE OF WISCONSIN       )  
  ) ss  
COUNTY OF MILWAUKEE    )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_ by

Matthew J. Neumann, Managing Member of Park Circle, LLC

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 limited liability company.

\_\_\_\_\_  
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 \_\_\_\_\_, A.D.20 \_\_\_\_.

#### 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 \_\_\_\_\_, A.D. 20 \_\_, 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 \_\_\_\_\_, 20 \_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

This instrument was drafted by the City of Franklin.

Approved as to contents:

\_\_\_\_\_  
Nicholas Fuchs, Principal Planner  
Department of City Development

\_\_\_\_\_  
Date

Approved as to form only:

\_\_\_\_\_  
Jesse A. Wesolowski  
City Attorney

\_\_\_\_\_  
Date

MORTGAGE HOLDER CONSENT

The undersigned, \_\_\_\_\_, a Wisconsin banking corporation ("Mortgagee"), as Mortgagee under that certain Mortgage encumbering encumbering the Property and recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin, on \_\_\_\_\_, 20\_\_\_\_, as Document No. \_\_\_\_\_, hereby consents to the execution of the foregoing easement and its addition as an encumbrance title to the Property.

IN WITNESS WHEREOF, Mortgagee has caused these presents to be signed by its duly authorized officers, and its corporate seal to be hereunto affixed, as of the day and year first above written.

\_\_\_\_\_  
a Wisconsin Banking Corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF WISCONSIN       )  
  )ss  
COUNTY OF MILWAUKEE    )

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, a Wisconsin banking corporation, and acknowledged that (s)he executed the foregoing instrument on behalf of said corporation, by its authority and for the purposes therein contained.

Name: \_\_\_\_\_

Notary Public, State of Wisconsin

My commission expires \_\_\_\_\_

Exhibit A

Legal Description of Park Circle:

Lot 1, 2 and 3 of Certified Survey Map No. \_\_\_\_\_, as recorded in the Register of Deeds Office for Milwaukee County as Document No. \_\_\_\_\_, being a part of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 28, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

Legal Description of the Conservation Easement:

All that part of Lot 3 of Certified Survey Map No. \_\_\_\_\_, as recorded in the Register of Deeds Office for Milwaukee County as Document No. \_\_\_\_\_, being a part of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 28, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the southeast corner of said Lot 3; thence South 88°30'36" West along the south line of said Lot 3, 185.22 feet to the place of beginning of the land hereinafter to be described; thence North 26°31'45" West 75.52 feet; thence North 50°47'22" West 85.57 feet; thence North 05°09'55" West 85.96 feet; thence North 64°28'32" West 107.23 feet; thence North 87°09'07" West 71.42 feet; thence South 84°30'20" West 47.88 feet; thence South 32°40'20" West 25.50 feet; thence South 07°23'14" East 85.33 feet; thence South 38°21'05" West 130.22 feet; thence South 13°03'55" East 55.68 feet to the south line of said Lot 3; thence South 88°30'36" West along the south line of said Lot 3, 18.22 feet; thence North 13°03'55" West 41.72 feet; thence North 79°52'01" West 55.30 feet; thence South 79°26'59" West 10.95 feet; thence South 58°45'59" West 13.74 feet; thence South 27°58'15" West 16.52 feet; thence South 02°49'29" East 29.09 feet to the south line of said Lot 3; thence South 88°30'36" West along the south line of said Lot 3, 63.88 feet; thence North 47°02'33" West 46.07 feet; thence North 67°32'41" West 101.69 feet; thence South 87°06'47" West 74.45 feet; thence South 29°04'01" West 23.71 feet; thence South 02°50'00" West 51.45 feet to the south line of said Lot 3; thence South 88°30'36" West along the south line of said Lot 3, 167.08 feet; thence North 01°29'24" West 34.90 feet; thence North 34°11'13" West 63.71 feet; thence North 61°08'55" West 37.98 feet; thence South 89°37'38" West 17.26 feet to the west line of said Lot 3; thence South 00°22'22" East along said west line 108.05 feet to the south line of said Lot 3; thence North 88°30'36" East along said south line 1039.31 feet to the place of beginning.

