

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
FRANKLIN CITY HALL COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
TUESDAY, JULY 7, 2015
AT 6:30 P.M.**

- A. Call to Order and Roll Call.
- B.
 - 1. Citizen Comment Period.
 - 2. Mayoral Announcements:
 - a) Kayla's Playground Groundbreaking Celebration at Franklin Woods, tentative date of July 23, 2015 at 5:30 p.m.
 - b) Retirement of Dale Linneman, Department of Public Works Foreman.
- C. Approval of Minutes:
June 16, 2015 Common Council Meeting.
- D. Hearings.
- E. Organizational Business.
Mayoral Appointments:

Economic Development Commission

- 1. Craig Haskins, 7120 S. Woelfel Road (Ald. Dist. 2), 2-year term expiring 6/30/2017.
- 2. Michael Soto, 6749 W. Harvard Drive (Ald. Dist. 5), 2-year term expiring 6/30/2017.
- 3. Matt Cool, 4934 W. Forest Hill Avenue (Ald. Dist. 5), correction to a 2-year term expiring 6/30/2016.
- 4. Ernest Litinsky, 7324 S. Stone Hedge Drive (Ald. Dist. 2), 2-year term expiring 6/30/2017.

Environmental Commission

- 5. Alderman Dan Mayer, 1-year term expiring 4/30/2016.

Finance Committee

- 6. Alderman Mark Dandrea, 1-year term expiring 4/30/2016.
- 7. Alderwoman Kristen Wilhelm, 1-year term expiring 4/30/2016.
- 8. Alderwoman Susanne Mayer, 1-year term expiring 4/30/2016.

License Committee

- 9. Alderman Mark Dandrea, 1-year term expiring 4/30/2016.
- 10. Alderwoman Kristen Wilhelm, 1-year term expiring 4/30/2016.
- 11. Alderwoman Janet Evans, 1-year term expiring 4/30/2016.

Parks Commission

- 12. Alderwoman Susanne Mayer, 1-year term expiring 4/30/2016.

Plan Commission

- 13. Alderwoman Janet Evans, 1-year term expiring 4/30/2016.

Quarry Monitoring Committee

14. Alderman Doug Schmidt, 1-year term expiring 5/31/2016.

F. Letters and Petitions.

Letter from Karen Ryan appealing noxious weed determination for property located at 6952 West Imperial Drive

G. Reports and Recommendations:

1. A Resolution authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Certified Survey Map for property located at 6381, 6411, 6421, 6431-6435 and 6455 South 108th Street, 11131 West Forest Home Avenue and property adjacent to West Forest Home Avenue bearing Tax Key No. 704-9980-002 (Hiller Ford, Inc. and Dealership Properties, Inc., Applicants).
2. A Resolution conditionally approving a 2 lot Certified Survey Map, being a part of Parcel 1 of Certified Survey Map No. 6044 and lands, being a part of the Southeast 1/4 of Section 25, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (Adam C. Murphy and Tanya M. Murphy, Applicants)(9843, 9847 and 9851 South 27th Street).
3. A Resolution conditionally approving a 2 lot Certified Survey Map, being a re-division of Lot 2, Block 3 of Hunting Park, being a Subdivision of a part of the Northwest 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 14, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (Richard A. Hepp and April Hepp, Applicants)(8473 South 47th Street).
4. A Resolution authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Certified Survey Map for property located at 8473 South 47th Street (Richard A. Hepp and April A. Hepp, Owners).
5. Kayla's Playground status 7/07/2015.
6. Kayla's Playground Award of Bids for Materials and Tools:
 - a) A Resolution awarding contract to the low bidder, The Home Depot, in the amount of \$4,403.81 for the materials and tools for Kayla's Playground at Franklin Woods Park.
 - b) A Resolution awarding contract to the low bidder, American Plastic Lumber, Inc., in the amount of \$107,264.19 for the materials and tools for Kayla's Playground at Franklin Woods Park.
 - c) A Resolution awarding contract to the low bidder, Darquest Industries, Corp., in the amount of \$3,866.35 for the materials and tools for Kayla's Playground at Franklin Woods Park.
 - d) A Resolution awarding contract to the low bidder, N.E.W. Plastics Corp., in the amount of \$22,846.08 for the materials and tools for Kayla's Playground at Franklin Woods Park.
7. A Resolution Accepting the Conveyance to the City of Franklin by the Milwaukee Metropolitan Sewerage District of Five Parcels of Land Acquired Pursuant to the Milwaukee Metropolitan Sewerage District and the Conservation Fund Greenseams® Program Participation and Authorizing Certain Officials to Execute All Documents Necessary to Complete Such Conveyance and to Enter Into and Deliver Conservation Easements to Further Protect and Promote the Conservation of Such Valuable Natural Resources for the Betterment of the Environment and Humanity by Way of Declarations Therein that Such Properties Shall be Maintained and Protected for Nature Conservation and Public Park Purposes in Perpetuity (MMSD provided prior private property owner names and approximate acreage and City

Assessor file record documents tax key nos.: St. Nikola 17 acres 787-9992-000; Leung 9.15 acres 787-9990-004; Dilworth 8.89 acres 787-9991-000 and 787-9993-000; Robarge 0.88 acres 788-9994-000; Radicevich 15.68 acres 886-9998-000).

8. A Resolution Authorizing Certain Officials to Execute an Agreement By and Among the City of Franklin, Penfield Children's Center, Inc. and Kayla's Krew for the Development of an All-accessible, All-inclusive Playground at the Franklin Woods Nature Center.
9. Request from the Department of City Development for direction regarding a proposed amendment to the Unified Development Ordinance to modify timeframe requirements for recording a Certified Survey Map with the Milwaukee County Register of Deeds following Common Council approval.
10. Request from the Department of City Development for direction regarding a proposed amendment to the Unified Development Ordinance to create a General Office use category in Section 15-3.0603 Table of Permitted and Special Uses in all Nonresidential Zoning Districts.
11. Agreement with Ruckert-Mielke, Inc. for surveying wetland delineations completed by the Southeastern Wisconsin Regional Planning Commission within Area D, potential Business Park Development.
12. Recommendation from the Environmental Commission to install a memorial plaque and tree for Sharon Kust at Franklin Woods Nature Center Special Park, with the location and tree species to be determined by the City Forester and the plaque to include Sharon's name and dates of service on the Environmental Commission.
13. W. Brunn Drive Sidewalk; Citizens' Request for Common Council Rescission of its Prior Project Approval.
14. Franklin Bike and Hiking Trail update (area of West Forest Home Avenue, south of West Rawson Avenue).
15. Release of Escrow Deposit for Berkshire Addition No. 2 Subdivision (location South 51st Street and West Berkshire Drive).

H. Licenses and Permits.
Miscellaneous Licenses.

I. Bills.
Vouchers and Payroll approval.

J. Adjournment.

REMINDERS:

July 9	Plan Commission	7:00 p.m.
July 21	Common Council	6:30 p.m.
July 23	Plan Commission	7:00 p.m.

*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.]

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Faith Presbyterian Church, Inc., Krsko Chiropractic Clinic, S.C., M. Squared, Inc. (Crossroads); St Martin of Tours Parish and from Victory Creek Accounting, LLC; and \$1,000 from Pyramax Bank, \$500 from WE Energies and \$2,000 from Waukesha County Community Foundation, Inc. (Waterstone Bank);

- DONATION FROM WAL-
MART FOUNDATION G.1.(e) Accept the donation of \$250 from the Wal-Mart Foundation and Facility #1551 to be deposited into the Police Donation Account.
- Approval of the above consent agenda items was seconded by Alderwoman Evans. All voted Aye; motion carried.
- SPECIAL EXCEPTION
STANDARDS, FINDING
AND DECISION
TUCKAWAY COUNTRY
CLUB G.2. Alderman Schmidt moved to adopt the Standards, Findings and Decision of the City of Franklin Common Council upon the application of Tuckaway Country Club for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance. Seconded by Alderman D. Mayer. All voted Aye.
- ORD. 2015-
AMEND UDO FOR
SPECIAL USE
(CHRISTOS
KAMBOURIS,
APPLICANT) G.3. Alderwoman Evans moved to deny AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 TO ADD STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 1761 ROOFING, SIDING, AND SHEET METAL WORK (WITHOUT OUTDOOR STORAGE) AND TO ALLOW FOR SUCH USE AS A PERMITTED USE IN THE B-3 COMMUNITY BUSINESS DISTRICT (CHRISTOS KAMBOURIS, APPLICANT). Seconded by Alderman Dandrea. All voted Aye; motion carried. Alderwoman Wilhelm moved to amend the motion with the following additional language added per City Attorney: [for the specific reasons set forth by the city zoning and administrator on the record at this meeting at that specific rationale and points made by Mr. Dietl]. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- 2016 COMMUNITY
DEVELOPMENT BLOCK
GRANT PROGRAM
PROJECTS G.4. Alderman Dandrea moved to authorize the Director of Administration to submit Letters of Support, or applications if needed, for the Southwest Interfaith Elderly Home Support Services Program for \$5,000 and Oak Creek Salvation Army – Homelessness Program for \$3,000; to submit a project application for Senior Health-Related Educational Programming for \$5,000; and to submit or work with Milwaukee County for an application for a College Avenue Sidewalk Construction Project from 35th Street to 27th Street for \$258,500. Seconded by Alderwoman Evans. All voted Aye; motion carried.

- G.5. Alderwoman Wilhelm left the meeting at 7:54 p.m.
Alderman D. Mayer vacated his seat at 8:14 p.m. and returned to his seat at 8:16 p.m.
- KAYLA'S PLAYGROUND STATUS Alderman Dandrea moved to direct staff to advertise for site work at Kayla's Playground and poured-in-place play surface. Seconded by Alderwoman Evans. All voted Aye; motion carried. Vote recorded as unanimous, Alderwoman Wilhelm absent.
- RES. 2015-7099 AWARDING CONTRACT TO HUFFCUTT CONCRETE, INC. G.6. Alderwoman Evans moved to adopt Resolution No. 2015-7099, A RESOLUTION AWARDING CONTRACT TO THE LOW BIDDER, HUFFCUTT CONCRETE, INC., IN THE AMOUNT OF \$188,625.00, FOR THE MODULAR PRECAST CONCRETE RESTROOM FOR KAYLA'S PLAYGROUND AT FRANKLIN WOODS PARK. Seconded by Alderwoman S. Mayer. All voted Aye; motion carried (Alderwoman Wilhelm absent)
- STATUS ON TRAIL FOR CHRISTINE RATHKE MEMORIAL PARK G.7. Alderman Schmidt moved to have staff report back on the status of the trail for Christine Rathke Memorial Park after feedback from Payne & Dolan, seconded Alderwoman Evans. All voted Aye, motion carried. (Alderwoman Wilhelm absent)
- FRANKLIN HIKE BIKE TRAIL UPDATE G.8. Alderwoman S. Mayer moved to direct staff to bid asphalt paving of existing trail; direct staff to incorporate project into Milwaukee County project for the reconstruction of W. St. Martins Road (both sides); also direct staff to enter discussions with Franklin School District in the development of a trailhead on the northwest corner of W. Martins Road and W. Forest Home Avenue; and have staff report progress at a future Common Council meeting. Seconded by Alderman D Mayer. All voted Aye; motion carried.
- RES. 2015-7100 SPECIAL ASSESSMENT FOR THE EXTENSION OF WATER MAIN ON W. CREST COURT G.9. Alderwoman Evans moved to adopt Resolution No. 2015-7100, A PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS GRANTED BY SECTION 207-15 OF THE MUNICIPAL CODE, AND SECTION 66.0701 OF THE STATE STATUTES AND ESTABLISH A PUBLIC HEARING DATE, JULY 21, 2015, FOR THE EXTENSION OF WATER MAIN ON W. CREST COURT FROM S. 35TH STREET TO S. 36TH STREET. Seconded by Alderman D. Mayer. All voted Aye; motion carried. (Alderwoman Wilhelm absent)
- RES. 2015-7101 JURISDICTIONAL TRANSFER OF S. 68TH G.10. Alderwoman S. Mayer moved to adopt Resolution No. 2015-7101, A RESOLUTION AUTHORIZING OFFICIALS TO ACCEPT JURISDICTIONAL TRANSFER OF S. 68TH

STREET

STREET (CTH A) FROM W. RYAN ROAD TO APPROXIMATELY 600 LINEAL FEET SOUTH OF W. PUETZ ROAD. Seconded by Alderman Schmidt. Upon voice vote, 4 Ayes, 1 No (Alderman D. Mayer), 1 Absent (Alderman Wilhelm); motion carried.

SIGN CHANGE ORDER
#1 AT 5550 WEST
AIRWAYS AVENUE

G.11.

Alderman Schmidt moved to authorize the City Engineer to sign Change Order #1 for the construction of Franklin Water and Wastewater Operations and Maintenance Facility in the increase amount of \$9,902.95. Seconded by Alderman Evans. All voted Aye; motion carried. (Alderman Wilhelm absent)

LICENSES AND
PERMITS

H.1.

Alderman Dandrea moved to approve the following:

Grant 2015-2016 Reserve Class B Combination License, subject to satisfactory inspections, to FF&E, LLC, Agent Nicole Taylor, 6901 S. 76th St., and approve a grant in the amount of \$9,500;

Grant 2015-2016 Class B Combination License, subject to satisfactory inspections, to Point After LLC, Agent Darrel Malek, 7101 S. 76th St.;

Hold 2015-2016 Class B Combination and Entertainment & Amusement Licenses, to Little Cancun LLC, Agent Veronica Cervera, pending follow-up inspections on July 1, 2015;

Grant Temporary Entertainment & Amusement License to Franklin Rehabilitation, Scott Cole, for their Corporate Anniversary Festival on June 18, 2015;

Grant 2014-2015 Operator License to Daniel Simmons, 8827 W. Silverwood Ct., Franklin; Lucas Molkentin, 357 High Street, Pewaukee; Jose Ambriz, 2232 S. 16th St., Milwaukee;

Hold 2014-2015 Operator License application to Danielle Johnson, 6918 Bay Wood Dr., Racine, pending referral to City Attorney;

Hold 2014-2015 and 2015-2016 Operator license applications for appearance from Samantha Jaskie, 7515 Mission Hill Ct., Franklin;

Hold 2015-2016 Operator license applications for appearance from Gabriela Palacios Cruz, 3214 S. 13th St., Milwaukee; Heather Bandle, 10380 W. Plumtree Cir., #204, Hales Corners; Kayla Fleury, 2145 S. 102nd St., West Allis;

Hold 2015-2016 Operator license application to Miguel Gutierrez, 913 W. Washington St., Milwaukee, pending referral to City Attorney;

Grant 2015-2016 Operator License to Cody Alvey, 511 Southtowne Pl., Apt. M204, South Milwaukee, with a letter of warning from the City Clerk;

Grant 2015-2016 Operators' Licenses to:

Lucas Molquentin, 357 High Street, Pewaukee; Samantha Jaskie, 7515 Mission Hill Ct., Franklin; Jose Ambriz, 2232 S. 16th St., Milwaukee; Tina Baratta, 11207 42nd Ave., Pleasant Prairie; David Bartels, 8489 Golden Lake Ct., Franklin; Gail Baum, 3411 S. Chicago Ave., #8, South Milwaukee; Alicia Bellanger, 2405 W. Briar Lake Way, #1A, Oak Creek; John Bergner, 8501 Parkland Dr., Franklin; Wendy Brengosz, 411 N. Greenfield Ave., Waukesha; Mark Brys, 1720 W. Meyer Ln., #6104, Oak Creek; Joseph Cauley, 1813 S. 70th St., West Allis; Sarah Deshambo, 5000 S. Greenbrook Ter. #7103, Greenfield; Sarah Erksfritz, 4477 S. 63rd St., Greenfield; Patrick Fischer, 9208 W. Hayes Ave. #3, Milwaukee; Miguel Garcia, 3553 S. 33rd St., Greenfield; Garrett Gnacinski, 285 E. Golden Ln., Oak Creek; Randy Grass, 9056 W. Elm Ct., Unit F, Franklin; Miguel Gutierrez, 913 W. Washington St., Milwaukee; Jody Haase, 2431 W. Carroll Ave., Oak Creek; Steven Hall, 6810 Kathleen Ct., #6, Franklin; Fred Hein, Jr., 7616 W. Honey Creek Pkwy., West Allis; Blair Hicks, 3120 E. Allison Ave., Cudahy; Marie Idzikowski, 5348 S. 8th St., Milwaukee; Adam Jubeck, 2430 W. Briar Lake Way, #2B, Oak Creek; Sue Kuiper, 12000 7 1/2 Mile Rd., Caledonia; Jill Lake, W135S7013 Hale Park Dr., Muskego; Sharon Larscheidt, 11126 W. Ryan Rd., Franklin; Kimberly Leannais, 6317 Riverside Rd., Waterford; Leah Lessard, 8058 S. 79th St., Franklin; June Loh, 7930 W. Coldspring Rd., Greenfield; Sarah Martinson, 3601 S. 13th St., Milwaukee; Stephanie McCabe, 3401 Charles St., Racine; Tracy Mischuk, 26205 Nordic Ridge Dr., Wind Lake; Dennis Mulcahy, 5020 W. Coldspring Rd., Greenfield; Christine Ogorzelec, 23627 82nd St., Salem; Richard Rabiega, 3733 W. Jerelin Dr., Franklin; Sue Reynolds, 5443 Mulberry Dr., Greendale; Jessica Sauer, 8869 Lake Pointe Cir., Franklin; Stephanie Sauer, 8869 Lake Pointe Cir., Franklin; Brian Sawinski, 8137 S. 47th St., Franklin; Scott Schilling, 3521 S. Chase Ave., Milwaukee; Jennifer Schrank, 9100 W. Concordia Ave., Milwaukee; Sanjeev Sharma, 2445 W. Briar Lake Way, #2B, Oak Creek; Julie Shutta, 3215 Blakewood Ave., South Milwaukee; Poonam Singh, 16225 Cumberland Trl., Brookfield; Brianna Sommerfield, 8030 W. Tripoli Ave.,

Milwaukee; Daniel Stadler, S73W14901 Candlewood Ln., Muskego; Katie Templeton, 7925 S. 27th St., Franklin; Kathleen Wegner, 26545 Nordic Ridge Dr., Wind Lake.
Seconded by Alderman Schmidt. All voted Aye; motion carried.
(Alderman Wilhelm absent)

VOUCHERS AND
PAYROLL

I.1. Alderman Evans moved to approve net general checking account City vouchers in the range of Nos. 156697 through 156876 in the amount of \$1,767,431.77 dated June 2, 2015 through June 11, 2015. Seconded by Alderman Schmidt. On roll call, all voted Aye (Alderman Wilhelm absent). Motion carried.

Alderman Schmidt moved to approve net payroll dated June 12, 2015 in the amount of \$356,289.93 and payments of the various payroll deductions in the amount of 202,736.34 plus any City matching payments where required. Seconded by Alderman D. Mayer. On roll call, all voted Aye (Alderman Wilhelm absent). Motion carried.

Alderman Evans moved to approve net payroll dated June 26, 2015 estimated at \$351,000.00 and payments of the various payroll deductions estimated at \$427,000.00 plus any City matching payments where required. Seconded by Alderman Dandrea. On roll call, all voted Aye (Alderman Wilhelm absent). Motion carried.

Alderman D. Mayer moved to approve property tax refunds Nos. 14863 through Nos. 14879 and EFT's No. 54 in the amount of \$1,209,720.43 dated May 26, 2015 through June 10, 2015. Seconded by Alderman Schmidt. On roll call, all voted Aye (Alderman Wilhelm absent). Motion carried.

Alderman D. Mayer moved to approve park development expenditures, subject to review and recommendation by the City Engineer not exceeding \$275,000, for payment prior to June 30, 2015. Seconded by Alderman Schmidt. On roll call, all voted Aye (Alderman Wilhelm absent). Motion carried.

ADJOURNMENT

J. Alderman D. Mayer moved to adjourn the meeting at 8:50 p.m. Seconded by Alderman Evans. All voted Aye (Alderman Wilhelm absent). Motion carried.

<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>07/07/2015</p>
<p>ORGANIZATIONAL BUSINESS</p>	<p>Boards and Commissions Appointments</p>	<p>ITEM NUMBER</p> <p><i>E.</i></p>

The Mayor has made the following appointments for Council confirmation:

Economic Development Commission

Craig Haskins, 7120 S. Woelfel Road (Ald. Dist. 2), 2-year term expiring 6/30/2017

Michael Soto, 6749 W. Harvard Drive (Ald. Dist. 5), 2-year term expiring 6/30/2017

Matt Cool, 4934 W. Forest Hill Avenue (Ald. Dist. 5), correction to a 2-year term expiring 6/30/2016

Ernest Litinsky, 7324 S. Stone Hedge Drive (Ald. Dist. 2), 2-year term expiring 6/30/2017

Environmental Commission

Alderman Dan Mayer, 1-year term expiring 4/30/2016

Finance Committee

Alderman Mark Dandrea, 1-year term expiring 4/30/2016

Alderwoman Kristen Wilhelm, 1-year term expiring 4/30/2016

Alderwoman Susanne Mayer, 1-year term expiring 4/30/2016

License Committee

Alderman Mark Dandrea, 1-year term expiring 4/30/2016

Alderwoman Kristen Wilhelm, 1-year term expiring 4/30/2016

Alderwoman Janet Evans, 1-year term expiring 4/30/2016

Parks Commission

Alderwoman Susanne Mayer, 1-year term expiring 4/30/2016

Plan Commission

Alderwoman Janet Evans, 1-year term expiring 4/30/2016

Quarry Monitoring Committee

Alderman Doug Schmidt, 1-year term expiring 5/31/2016

Wainu received

6-15-15

Shirley Roberts

From: volunteerfactsheet@franklinwi.gov
Sent: Thursday, June 11, 2015 4:31 PM
To: Lisa Huening; Shirley Roberts; Sandi Wesolowski
Subject: Volunteer Fact Sheet

Name: Ernest Litynski
PhoneNumber: (414) 426-4919
EmailAddress: elitynski@rbpchemical.net
YearsasResident: 3
Alderman: 2
ArchitecturalBoard: 0
CivicCelebrations: 0
CommunityDevelopmentAuthority: 0
FinanceCommittee: 0
EnvironmentalCommission: 0
ForwardFranklinEconomicDevelopComm: 1
FairCommission: 0
BoardofHealth: 0
FirePoliceCommission: 0
ParksCommission: 0
LibraryBoard: 0
PlanCommission: 0
PersonnelCommittee: 0
BoardofReview: 0
BoardofPublicWorks: 0
BoardofWaterCommissioners: 0
TechnologyCommission: 0
WasteFacilitySitingCommittee: 0
BoardofZoning: 0
WasteFacilitiesMonitoringCommittee: 0
CompleteStreetsandConnectivityCommittee: 0
CompanyNameJob1: RBP Chemical Technology, Inc.
TelephoneJob1: (414) 258-0911
StartDateandPositionJob1: MAY 2010 / Vice-President
EndDateandPositionJob1: Still employed
CompanyNameJob2: EPLO Group, 76th Operational Response Command, U.S.
Army
TelephoneJob2: (801) 656-4269
StartDateandPositionJob2: May 1994 / Platoon Leader
EndDateandPositionJob2: Still employed / Group Commander
CompanyNameJob3:

TelephoneJob3:
StartDateandPositionJob3:
EndDateandPositionJob3:
Signature: Ernest Litynski
Date: 6/11/2015
Signature2: Ernest Litynski
Date2: 6/11/2015
Address: Litynski 7324 S. Stone Hedge Dr.
PriorityListing:
WhyInterested: Give back to the community as a civil servant; gathering and objectively quantifying information and recommendations to the Mayor and City Council.
CompanyAddressJob1: 150 S. 118th Street, Milwaukee, WI
DescriptionofDutiesJob1: Responsible for all Operational initiatives within the enterprise both domestically and overseas.
AddressJob2: 76th Operational Response Command Theron Draper Hall, 360 East Soldier Circle, Salt Lake City, UT
DescriptionofDutiesJob2: Responsible for supporting U.S. Army North (ARNORTH) for all Homeland Defense (HD) and Defense Support to Civil Authorities (DSCA) operations in order to prevent catastrophic damage and to mitigate loss of life or property.
AddressJob3:
DescriptionofDutiesJob3:
AdditionalExperience: - B.S., Environmental Engineering, United States Military Academy, West Point, NY - MBA, Marquette University, Milwaukee, WI - M.S., Engineering Management, Milwaukee, WI - M.S., Strategic Studies, United States Army War College - Combat veteran of both Iraq and Afghanistan that developed and executed plans for both security and economic development - Lean Six Sigma Black Belt - Adjunct Professor, Marquette University School of Management and MBA Program - Colonel, U.S. Army Reserves - responsible for fiscal and operational initiatives related to intergovernmental and interagency operations. - Vice President of a large chemical company in the Milwaukee area - Member, Independent Business Association of Wisconsin (IBAW)
ClientIP: 173.89.62.147
SessionID: 2f0gij21jznf3335uwfaks45
[See Current Results](#)

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<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>07/07/2015</p>
<p>LETTERS AND PETITIONS</p>	<p>Letter from Karen Ryan appealing noxious weed determination for property located at 6952 West Imperial Drive</p>	<p>ITEM NUMBER</p> <p><i>F.</i></p>

Attached is a letter from Karen Ryan appealing the determination by the Weed Commissioner of noxious weeds on the property located at 6952 West Imperial Drive.

Franklin Municipal Code §178-3.F.(5) provides for appeals of such determination (see attached). Alderman Doug Schmidt has provided notice to the City Clerk that he will not mediate the dispute; therefore, the objection and request are now before the Common Council for their determination.

COUNCIL ACTION REQUESTED

As directed by the Common Council.

Chapter 178

NUISANCES

- | | |
|---|---|
| § 178-1. Public nuisances prohibited. | § 178-5. Public nuisances affecting peace and safety. |
| § 178-2. Public nuisance defined. | § 178-6. Dutch Elm Disease. |
| § 178-3. Public nuisances affecting health. | § 178-7. Storage and parking regulated. |
| § 178-4. Public nuisances offending morals and decency. | § 178-8. Abatement of public nuisances. |
| | § 178-9. Costs. |
| | § 178-10. Violations and penalties. |

[HISTORY: Adopted by the Common Council of the City of Franklin 8-5-1997 by Ord. No. 97-1461 as Ch. 11 of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Orderly conduct — See Ch. 183.

Rat control — See Ch. 195.

Solid waste — See Ch. 218.

Streets and sidewalks — See Ch. 222.

Vending machines — See Ch. 249.

§ 178-1. Public nuisances prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the City.

§ 178-2. Public nuisance defined. [Amended 11-13-2012 by Ord. No. 2012-2097]

A public nuisance is a thing, act, occupation, condition or use of property, or property or premises upon which its occupant(s) commit public nuisances, which shall continue for such length of time as to:

- A. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
- B. In any way render the public insecure in life or in the use of property.
- C. Greatly offend the public morals or decency.
- D. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.
- E. Require a disproportionate amount of City services including police, fire and inspection services.

§ 178-3. Public nuisances affecting health.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of § 178-2:

- A. Adulterated food. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.¹
- B. Unburied carcasses. Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- C. Breeding places for vermin, etc. Accumulations of decayed animals or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- D. Stagnant water. All stagnant water, in which mosquitoes, flies or other insects can multiply.
- E. Privy vaults and garbage cans. Privy vaults and garbage cans which are not flytight.
- F. Noxious weeds. [Amended 6-22-1999 by Ord. No. 99-1560; 4-18-2000 by Ord. No. 2000-1598; 7-9-2002 by Ord. No. 2002-1720]

(1) Purpose. The purpose of this subsection is to promote the preservation, restoration and management of native plant communities and wildlife habitats within the City limits, while recognizing that landowners may have an interest in maintaining managed turf grass landscapes. The use of wildflowers and native plants in managed landscape design is encouraged; is economical; reduces maintenance; conserves water and soil; reduces use of pesticides, herbicides, and fertilizers; sustains butterflies, birds, and other wildlife; and preserves rapidly disappearing species.

(2) Definitions. As used in this subsection, the following terms shall have the meanings indicated:

DESTROY — The complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock, or any or all of these in effective combination, at a time and in a manner as will effectually prevent the weed plants from maturing to the bloom or flower stage.

NOXIOUS WEEDS — Canada thistle, leafy spurge and field bindweed (creeping Jenny) and such other vegetative material as is set forth under this definition. The growth of noninvasive native plants, including but not limited to ferns, grasses, forbs, aquatic plants, trees and shrubs in a managed and maintained landscape is

1. Editor's Note: See also Ch. 138, Food and Drink Establishments, Camps and Campgrounds, Swimming Pools, Hotels, and Vending Machines.

permitted under this Subsection F, provided such plants were not obtained, planted or maintained in violation of any federal, state or other local law and further provided that such landscape or vegetated area is not unmanaged in appearance or overgrown, when such growth indicates a condition of neglect that may adversely affect human health, safety or welfare or property values, the latter conditions of illegal or unmanaged growth constituting noxious weeds. All noxious weeds shall be kept cut to a height not to exceed 18 inches, and in platted subdivisions which have buildings on more than 50% of the lots, noxious weeds shall be kept cut to a height of not to exceed six inches. Noxious weeds also include: Bull thistle (*Cirsium vulgare*), Crown Vetch (*Coronilla Varia*), Queen Anne's Lace (*Daucus carota*), Purple loosestrife (*Lythrum salicaria*) Garlic mustard (*Alliaria petiolata*), White sweetclover (*Melilotus alba*), Yellow sweetclover (*Melilotus officinalis*), Periwinkle (myrtle) (*Vinca Minor*), Teasel (*Dipsacus sylvestris*), Common burdock (*Actium miunus*) and Giant burdock (*Actium lappa*). [Amended 9-24-2002 by Ord. No. 2002-1726]

PERSON — Every individual, association, firm, corporation or entity of any kind whatsoever.

SUBNOXIOUS WEEDS — Plants which have the potential to invade wild areas, out-compete native species and degrade habitats. Subnoxious weeds are prohibited within any landscape plan as may be required by the City of Franklin Unified Development Ordinance; however, the removal or destruction of existing subnoxious weeds by a landowner is encouraged, but not required. Subnoxious weeds include: Autumn olive (*Elaeagnus umbellata*), Barberry (*Berberis spp.*), Multiflora Rose (*Rosa multiflora*), Buckthorn Common buckthorn (*Rhamnus cathartica*), Glossy "Tall hedge" buckthorn (*Rhamnus frangula*), European alder (*Alnus glutinosa*), Privet (*Ligustrum vulgare*), Siberian elm (*Ulmus pumila*), Norway maple (*Acer platanoides*) and European honeysuckle (*Lonicera tartarica*, *L. japonica*, *L. maakii*, *L. morrowi*, *L. x-morrowi*, *L. x-bella* and their cultivars).

- (3) Destruction required. Every person shall destroy all noxious weeds on land which such person owns, occupies or controls.
- (4) Enforcement.
 - (a) Weed Commissioner appointment. Annually on or before May 15, the Mayor shall appoint a Weed Commissioner for each aldermanic district. If an Alderperson wishes to be the Weed Commissioner for that district, the Mayor shall appoint the Alderperson.
 - (b) Weed Commissioner's duties. The Mayor delegates to the City Clerk the responsibility to annually publish on or before May 15 a Class 2 notice under Ch. 985, Wis. Stats., that every person is required to destroy noxious weeds on land within his or her control, ownership or occupancy. The Weed Commissioner shall carefully investigate the existence of noxious weeds and cause such noxious weeds to be destroyed by cutting. The Weed Commissioner may also be the weed cutter. The Weed Commissioner and/or

cutter is authorized to enter upon any lands not exempt under § 66.0407(5), Wis. Stats., pursuant to § 66.0517(3), Wis. Stats.

(c) Procedure. Upon discovering the existence of noxious weeds, the Weed Commissioner may notify the office of the Clerk to give five days' written notice by mail to the owner or occupant of the land containing noxious weeds to destroy such weeds. If such weeds are not destroyed after five days, the Weed Commissioner shall cause all noxious weeds on the identified land to be destroyed by cutting. The cutter shall keep a written record of the time devoted to weed destruction for each parcel of land.

(d) Payment. The cutter shall make and present to the City Clerk an account verified by oath and approved by the Weed Commissioner. The account shall specify by separate items the hours and amount chargeable to each parcel of land. For private land, the City shall enter the amount chargeable and an investigative notice charge of \$35 to each parcel of land in the tax roll as a tax on the land, which shall be collected as a tax. For public land, the City may collect the amount due by other available means. [Amended 4-2-2013 by Ord. No. 2013-2104]

(e) Certain complaints prohibited. No person shall make or aid and abet in the making of a written or oral complaint to the City or the Weed Commissioner under this Subsection F with the intent to obtain weed cutting work for monetary compensation for the person or for a person other than the Weed Commissioner. Any person violating this Subsection F(4)(e) shall be subject to the penalty provision set forth under § 1-19 of the Municipal Code.



(5) Appeals. A person owning, occupying or controlling land which is the subject of a determination of the existence of noxious weeds by the Weed Commissioner may object to and appeal such determination. Such person shall have a right of appeal, provided that the person files a written objection and request for an appeal with the City Clerk within three days of the date of the notice to the person to destroy weeds set forth under Subsection F(4)(c), above. Upon receipt of the written objection and request for appeal, the City Clerk shall deliver copies of the objection and request to the Weed Commissioner and the Alderperson of the district in which the property is located. The Alderperson may attempt to mediate the dispute, and upon notice from the Alderperson to the City Clerk that the Alderperson will not mediate the dispute or that mediation has failed or upon the expiration of five days from the date of delivery without notice that the dispute has been resolved, the City Clerk shall place the objection and request upon an agenda for Common Council determination. The person appealing shall provide written and photographic or video evidence to the Common Council that the subject vegetation is not noxious weeds and the burden of proof of such issue shall be on the appellant.

G. Water pollution. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage creamery or industrial wastes or other substances.

- H. Noxious odors etc. Any use of property, substances or things within the City emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases,

June 4, 2015

CITY OF FRANKLIN
2015 JUN -5 PM 3:43

Ms. Sandra L. Wesolowski
City of Franklin
9229 West Loomis Road
Franklin, WI 53132

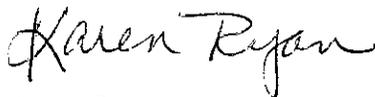
Re: 6952 West Imperial Drive, Offense Number C20150130

Dear Ms. Wesolowski:

I am in receipt of your letter dated May 29, 2015 which I received on June 3, 2015. The grass has been cut in the front and back yard. I apologize for my sister's lack of concern in this matter.

Please be aware that there is a three-tier brick garden and a greenhouse in the backyard. My dad was a gardener and he planted perennials and species of prairie grass and decorative grass contained within the three-tier garden. Once we identify the plants and grasses in that area, we will be relocating them to my home. I object to any cutting or disturbance of the three-tier brick garden or any area in and around the greenhouse. They are not weeds and they are not to be destroyed.

Sincerely,



Karen Ryan
5250 West South County Line Road
Franklin, WI 53132

Cc: Gene Ninnemann, Weed Commissioner

Sandi Wesolowski

Subject: FW: Weeds on Imperial Drive

From: Doug Schmidt [<mailto:dougbowl@ntd.net>]

Sent: Monday, June 15, 2015 10:53 AM

Subject: Re: Weeds on Imperial Drive

To City Clerk,

This is to inform you that I will not engage in mediation relating to the contention from the owners of property at 6952 W. Imperial Dr. that the lawn consists of prairie grass.

5th District Alderman Doug Schmidt



CERTIFIED MAIL 7012 3460 0001 4162 9439

Ryan, Karen L
5250 W South County Line Rd
Franklin WI 53132

Date: May 29, 2015

Subject: Property located at: **6952 W Imperial Dr**

Tax Key No: 791-0161-000

Offense Number: C20150130

**IF YOU NO LONGER OWN THIS
PROPERTY PLEASE CALL THE CITY
CLERK'S OFFICE AT 414-425-7500
IMMEDIATELY.**

NOTICE

This is to inform you that it has been noted that noxious weeds are growing on the subject property in violation of City Codes. It is required that noxious weeds be destroyed by cutting before reaching a height of 18" on undeveloped lands or 6" in platted subdivisions.

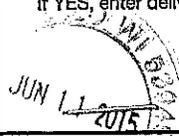
Please arrange to destroy weeds and/or clean debris within five business days of the date of this notice. Failure to do so will result in City destroying the weeds and cleaning up any hazardous debris, and assessing you the cost plus an administrative charge of \$35.00.

It is important that you make arrangements to insure that there are no further violations as these will be rectified by the City and assessed against this property without further notice.

If you no longer own this property, please contact this office immediately.

Sandra L. Wesolowski
Director of Clerk's Services/City Clerk

cc: Gene Ninnemann, Weed Commissioner (phone 262-835-9083)

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name) <i>Randy Tutaj</i>	C. Date of Delivery <i>6-11-15</i>
1. Article Addressed to: <div style="text-align: center;"> <p>Susan Tutaj N6870 County Road B Montello, WY 53949</p> </div>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No 	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery	
2. Article Number (Transfer from service label)	7014 2120 0003 3703 8546	
PS Form 3811, July 2013 Domestic Return Receipt		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name)	C. Date of Delivery <i>6-3</i>
1. Article Addressed to: <div style="text-align: center;"> <p>Karen Ryan 5250 W. County Line Rd Franklin, WY 53132</p> </div>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input checked="" type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery	
2. Article Number (Transfer from service label)	7012 3460 0001 4162 9439	
PS Form 3811, July 2013 Domestic Return Receipt		

Shirley Roberts

From: Gene Ninnemann [ninnetrucks@gmail.com]
Sent: Monday, June 08, 2015 12:10 PM
To: Shirley Roberts
Subject: Weeds on Imperial Drive
Attachments: 0608150842-00.jpg; 0608150843-00.jpg; 0608150843-01.jpg;
0608150843-02.jpg; 0608150844-00.jpg; 0608150844-01.jpg; 0608150844-02.jpg;
0608150844-03.jpg; 0608150844-04.jpg; 0608150845-00.jpg

I did not find prairie grass, only weeds and thistles. Someone cut the front half of the yard and then stopped without finishing.

Attached are some pics of the property.

Thank you,

Gene Ninnemann













<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slew</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">07/07/15</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP FOR PROPERTY LOCATED AT 6381, 6411, 6421, 6431-6435 AND 6455 SOUTH 108TH STREET, 11131 WEST FOREST HOME AVENUE AND PROPERTY ADJACENT TO WEST FOREST HOME AVENUE BEARING TAX KEY NO. 704-9980-002 (HILLER FORD, INC. AND DEALERSHIP PROPERTIES, INC., APPLICANTS)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.I.</i></p>

City Development staff recommends approval of a resolution authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Certified Survey Map for property located at 6381, 6411, 6421, 6431-6435 and 6455 South 108th Street, 11131 West Forest Home Avenue and property adjacent to West Forest Home Avenue bearing Tax Key No. 704-9980-002 (Hiller Ford, Inc. and Dealership Properties, Inc., Applicants), subject to technical corrections by the City Attorney.

COUNCIL ACTION REQUESTED

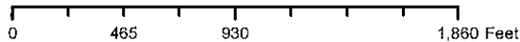
A motion to adopt Resolution No. 2015-_____, authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Certified Survey Map for property located at 6381, 6411, 6421, 6431-6435 and 6455 South 108th Street, 11131 West Forest Home Avenue and property adjacent to West Forest Home Avenue bearing Tax Key No. 704-9980-002 (Hiller Ford, Inc. and Dealership Properties, Inc., Applicants), subject to technical corrections by the City Attorney.



Hiller Expansion 108th Street & Whitnall Edge Drive



Planning Department
(414) 425-4024



2013 Aerial Photo

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

RESOLUTION NO. 2015-_____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP FOR PROPERTY LOCATED AT 6381, 6411, 6421, 6431-6435 AND 6455 SOUTH 108TH STREET, 11131 WEST FOREST HOME AVENUE AND PROPERTY ADJACENT TO WEST FOREST HOME AVENUE BEARING TAX KEY NO. 704-9980-002 (HILLER FORD, INC. AND DEALERSHIP PROPERTIES, INC., APPLICANTS)

WHEREAS, the Plan Commission having approved a Certified Survey Map upon the application of Hiller Ford, Inc. and Dealership Properties, Inc., on March 19, 2015, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the wetland buffers and wetlands on the site; and

WHEREAS, §15-7.0702Q. and §15-9.0309D. of the Unified Development Ordinance requires the submission of a Natural Resource Protection Plan in the Certified Survey Map review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for a Certified Survey Map; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement submitted by Hiller Ford, Inc. and Dealership Properties, Inc., in the form and content as annexed hereto, be and the same is hereby approved; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

BE IT FURTHER RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of the Conservation Easement in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2015.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2015.

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS
TO ACCEPT A CONSERVATION EASEMENT
HILLER FORD, INC. AND DEALERSHIP PROPERTIES, INC.
RESOLUTION NO. 2015-_____

Page 2

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

CONSERVATION EASEMENT

(HILLER FORD)

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 Hiller Ford, Inc. / Dealership Properties, Inc., Wisconsin Corporations, 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, Northeast ¼ and Southeast ¼ of the Northeast ¼ of Section 6, Township 5 North, Range 21 East, described in Exhibit A 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, wetland buffers and wetlands, and refer to Natural Resource Protection Plan by JSD Professional Services, Inc., with latest revision date of April 28, 2015, 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;

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:
Hiller Ford, Inc.
Attn: Mr. Jay Hiller, President
6455 South 108th Street
Franklin, WI 53132

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

Dealership Properties, Inc.
Attn: Mr. Jay Hiller, President
6455 South 108th Street
Franklin, WI 53132

In witness whereof, the grantor has set its hand and seals this on this date of _____, 20__.

Hiller Ford, Inc.

By: _____
Jay Hiller, President

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

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

Jay Hiller, President

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 corporation.

Notary Public

My commission expires _____

In witness whereof, the grantor has set its hand and seals this on this date of _____, 20__.

Dealership Properties, Inc.

By: _____
Jay Hiller, President

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

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

Jay Hiller, President

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 corporation.

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, Senior Planner
Department of City Development

Date

Approved as to form only:

Jesse A. Wesolowski
City Attorney

Date

Exhibit A

LEGAL DESCRIPTION

Being a part of the Northeast 1/4 of the Northeast 1/4 of Section 6, 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 6; thence South 00°26'45" East along the east line of said Northeast 1/4, 526.84 feet; thence South 87°52'15" West, 62.17 feet to a point on the west right of way line of South 108th Street - South Lovers Lane Road - State Trunk Highway "100"; thence continuing South 87°52'15" West, 320.75 feet; thence South 02°07'45" East, 65.64 feet to the point of beginning 1 (POB 1);

Thence South 80°04'02" East, 9.03 feet to a point on a curve; thence southeasterly along the arc of said curve to the right 57.61 feet, whose radius is 30.00 feet and whose chord bears South 25°03'26" East, 49.16 feet; thence South 29°57'11" West, 7.92 feet to a point on a curve; thence southwesterly along the arc of said curve to the right 11.63 feet, whose radius is 30.00 feet and whose chord bears South 41°03'48" West, 11.56 feet; thence South 52°10'25" West, 16.59 feet; thence South 41°46'48" West, 19.33 feet; thence South 35°46'59" West, 24.26 feet; thence South 30°39'50" West, 14.79 feet to a point on a curve; thence southwesterly along the arc of said curve to the right 20.77 feet, whose radius is 30.00 feet and whose chord bears South 50°29'59" West, 20.36 feet; thence South 70°20'07" West, 18.17 feet to a point on a curve; thence southwesterly along the arc of said curve to the right 11.97 feet, whose radius is 30.00 feet and whose chord bears South 81°45'51" West, 11.89 feet; thence North 86°48'25" West, 21.04 feet to a point on a curve; thence northwesterly along the arc of said curve to the right 85.72 feet, whose radius is 30.00 feet and whose chord bears North 04°57'06" West, 59.39 feet; thence North 76°54'14" East, 13.09 feet; thence North 75°10'42" East, 5.76 feet; thence North 33°49'35" East, 9.22 feet; thence North 37°01'33" East, 22.45 feet; thence North 33°40'18" East, 20.75 feet to a point on a curve; thence northeasterly along the arc of said curve to the right 7.99 feet, whose radius is 30.00 feet and whose chord bears North 41°17'49" East, 7.96 feet; thence North 48°55'21" East, 28.72 feet to a point on a curve; thence northeasterly along the arc of said curve to the right 26.71 feet, whose radius is 30.00 feet and whose chord bears North 74°25'39" East, 25.84 feet to the point of beginning.

Also commencing at the Northeast corner of the Northeast 1/4 of said Section 6; thence South 00°26'45" East along the east line of said Northeast 1/4, 526.84 feet; thence South 87°52'15" West, 62.17 feet to a point on the west right of way line of South 108th Street - South Lovers Lane Road - State Trunk Highway "100"; thence continuing South 87°52'15" West, 782.57 feet; thence South 03°41'31" East, 128.53 feet; thence North 86°18'29" East, 31.12 feet to the point of beginning 2 (POB 2);

Thence North 78°36'56" East, 26.07 feet; thence South 88°22'01" East, 26.71 feet; thence South 87°11'42" East, 19.29 feet; thence North 86°52'28" East, 39.03 feet; thence South 86°46'05" East, 26.27 feet; thence South 89°25'23" East, 24.43 feet; thence South 81°04'21" East, 18.06 feet to a point on a curve; thence southwesterly along the arc of said curve to the right 85.07 feet, whose radius is 30.00 feet and whose chord bears South 00°09'58" West, 59.30 feet; thence South 81°24'17" West, 21.35 feet; thence South 89°13'09" West, 23.55 feet; thence South 87°49'32" West, 25.23 feet; thence South 88°56'34" West, 35.16 feet; thence North 89°43'34" West, 25.35 feet; thence South 89°02'14" West, 24.96 feet; thence North 78°19'07" West, 24.14 feet to a point on a curve; thence northerly along the arc of said curve to the right 82.17 feet, whose radius is 30.00 feet and whose chord bears North 00°08'55" East, 58.79 feet to the point of beginning.

Also commencing at the Northeast corner of the Northeast 1/4 of said Section 6; thence South 00°26'45" East along the east line of said Northeast 1/4, 526.84 feet; thence South 87°52'15" West, 62.17 feet to a point on the west right of way line of South 108th Street - South Lovers Lane Road - State Trunk Highway "100"; thence continuing South 87°52'15" West, 782.57 feet; thence South 03°41'31" East, 273.39 feet to the point of beginning 3 (POB 3);

CONTINUED ON SHEET EX 2 OF 5

File: J:\JSD Projects\305931 - Hiller Ford - Franklin WI\dwg\305931 Conservation easement recov1.dwg Layout: Legal Sht. 1 of 5 User: mjiering Plotted: May 11, 2015 - 11:31am

 MILWAUKEE REGIONAL OFFICE N22 W22931 NANCY'S COURT SUITE 3 WAUKESHA, WISCONSIN 53186 262.513.0688 PHONE 262.513.1232 FAX www.jsdinc.com	PROJECT: HILLER FORD, LLC CONSERVATION EASEMENT	SHEET TITLE: CONSERVATION EASEMENT EXHIBIT	JSD PROJECT NUMBER: 13-5931	SHEET NUMBER: EX 1 OF 5
	DRAWN BY: MJP	CHECKED BY: CWR		
	DATE: 5/11/2015			

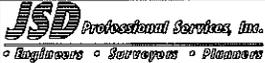
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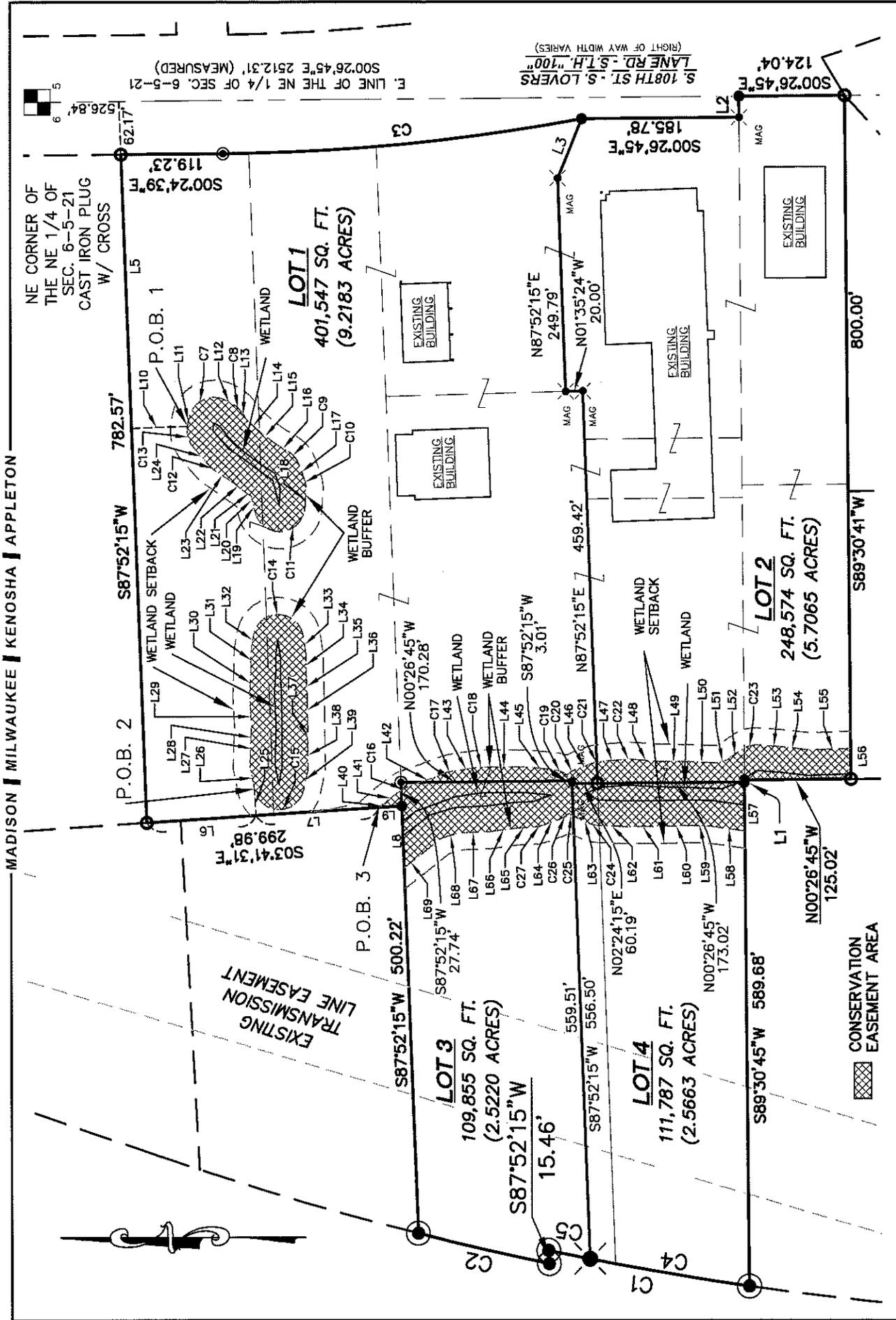
CONTINUED FROM SHEET EX 1 OF 5

Thence South 42°07'56" East, 6.81 feet; thence South 37°34'23" East, 24.47 feet to a point on a curve; thence southeasterly along the arc of said curve to the right 9.31 feet, whose radius is 30.00 feet and whose chord bears South 28°41'04" East, 9.27 feet; thence South 19°47'45" East, 50.14 feet to a point on a curve; thence southeasterly along the arc of said curve to the right 5.99 feet, whose radius is 30.00 feet and whose chord bears South 14°04'22" East, 5.98 feet; thence South 08°20'58" East, 31.95 feet to a point on a curve; thence southeasterly along the arc of said curve to the right 4.36 feet, whose radius is 30.00 feet and whose chord bears South 04°11'08" East, 4.36 feet; thence South 00°01'18" East, 51.48 feet; thence South 05°32'20" West, 31.14 feet to a point on a curve; thence southerly along the arc of said curve to the right 17.37 feet, whose radius is 30.00 feet and whose chord bears South 22°07'50" West, 17.13 feet to a point on a curve; thence southerly along the arc of said curve to the right 12.48 feet, whose radius is 30.00 feet and whose chord bears South 32°29'05" East, 12.39 feet; thence South 20°34'04" East, 20.62 feet to a point on a curve; thence southerly along the arc of said curve to the right 8.31 feet, whose radius is 30.00 feet and whose chord bears South 12°38'09" East, 8.28 feet; thence South 04°42'15" East, 31.97 feet to a point on a curve; thence southerly along the arc of said curve to the right 4.52 feet, whose radius is 30.00 feet and whose chord bears South 00°23'13" East, 4.52 feet; thence South 03°55'48" West, 32.62 feet; thence South 00°58'13" West, 38.31 feet; thence South 02°16'42" West, 32.80 feet; thence South 18°47'44" East, 11.93 feet; thence South 35°06'12" East, 20.51 feet to a point on a curve; thence southeasterly along the arc of said curve to the right 20.67 feet, whose radius is 30.00 feet and whose chord bears South 15°21'39" East, 20.27 feet; thence South 04°22'54" West, 28.54 feet; thence South 06°20'43" West, 31.54 feet; thence South 01°58'33" East, 48.53 feet; thence South 89°30'41" West, 35.88 feet; thence North 00°26'45" West, 125.02 feet; thence South 89°30'45" West, 59.86 feet; thence North 08°02'53" East, 40.71 feet; thence North 01°37'21" East, 24.80 feet; thence North 01°46'41" West, 29.43 feet; thence North 00°35'20" West, 45.84 feet; thence North 03°03'25" East, 33.83 feet to a point on a curve; thence northeasterly along the arc of said curve to the right 11.23 feet, whose radius is 30.00 feet and whose chord bears North 13°46'50" East, 11.16 feet; thence North 24°30'14" East, 17.63 feet to a point on a curve; thence northerly along the arc of said curve to the right 7.44 feet, whose radius is 30.00 feet and whose chord bears North 31°36'48" East, 7.43 feet to a point on a curve; thence northerly along the arc of said curve to the right 12.73 feet, whose radius is 30.00 feet and whose chord bears North 32°14'37" West, 12.64 feet; thence North 20°05'07" West, 21.95 feet to a point on a curve; thence northerly along the arc of said curve to the right 8.95 feet, whose radius is 30.00 feet and whose chord bears North 11°32'12" West, 8.92 feet; thence North 02°59'18" West, 22.29 feet; thence North 07°27'34" West, 31.86 feet; thence North 02°10'55" West, 33.07 feet; thence North 15°49'31" West, 22.91 feet; thence North 38°00'19" West, 55.71 feet; thence North 87°52'15" East, 71.88 feet; thence North 03°41'31" West, 26.59 feet to the point of beginning.

Containing in all 60,469 square feet (1.3882 acres) of land, more or less.

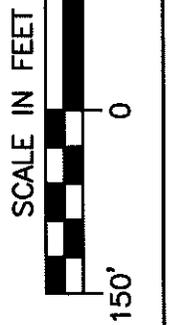
File: J:\JSD Projects\13C5931 - Hiller Ford - Franklin W\dwg\13C5931 Conservation easement recovl.dwg Layout: Legal_Sht_2_of_5 User: mpleier Plotted: May 11, 2015 - 11:30am

 MILWAUKEE REGIONAL OFFICE N22 W22931 NANCY'S COURT SUITE 3 WAUKESHA, WISCONSIN 53186 262.513.0666 PHONE 262.513.1232 FAX www.jsdinc.com	PROJECT: HILLER FORD, LLC CONSERVATION EASEMENT	SHEET TITLE: CONSERVATION EASEMENT EXHIBIT	JSD PROJECT NUMBER: 13-5931	SHEET NUMBER: EX 2 OF 5
	DRAWN BY: MJP	CHECKED BY: CWR	DATE: 5/11/2015	
	6381 S. 108TH STREET, FRANKLIN WI			



NE CORNER OF THE NE 1/4 OF SEC. 6-5-21 CAST IRON PLUG W/ CROSS

E. LINE OF THE NE 1/4 OF SEC. 6-5-21 S00°26'45"E 2512.31' (MEASURED)
 S. 108TH ST. - S. LOVERS LANE RD. - S. L.H. "100" (RIGHT OF WAY WIDTH VARIES)



JSD *Professional Services, Inc.*
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 6381 S. 108TH STREET, SUITE 3
 MILWAUKEE, WISCONSIN 53148
 262.513.0866 PHONE | 262.513.1232 FAX
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PROJECT: HILLER FORD, LLC
 CONSERVATION EASEMENT

SHEET TITLE: CONSERVATION EASEMENT EXHIBIT

JSD PROJECT NUMBER: 13-5931
 DRAWN BY: MJP
 CHECKED BY: CWR
 DATE: 5/11/2015

SHEET NUMBER: EX 3 OF 5

File: J:\JSD Projects\13C5931 - Hiller Ford - Franklin W\dwg\13C5931 Conservation easement recovl.dwg Layout: Line table 4 of 5 User: mpiering Plotted: May 11, 2015 - 11:29am

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	S89°30'45"W	2.65'
L2	N89°33'15"E	24.75'
L3	S68°09'08"E	75.00'
L5	S87°52'15"W	320.75'
L6	S03°41'31"E	128.53'
L7	S03°41'31"E	144.86'
L8	N87°52'15"E	71.88'
L9	N03°41'31"W	26.59'
L10	S02°07'45"E	65.64'
L11	S80°04'02"E	9.03'
L12	S29°57'11"W	7.92'
L13	S52°10'25"W	16.59'
L14	S41°46'48"W	19.33'
L15	S35°46'59"W	24.26'
L16	S30°39'50"W	14.79'
L17	S70°20'07"W	18.17'
L18	N86°48'25"W	21.04'
L19	N76°54'14"E	13.09'
L20	N75°10'42"E	5.76'
L21	N33°49'35"E	9.22'
L22	N37°01'33"E	22.45'
L23	N33°40'18"E	20.75'
L24	N48°55'21"E	28.72'
L25	N86°18'29"E	31.12'

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L26	N78°36'56"E	26.07'
L27	S88°22'01"E	26.71'
L28	S87°11'42"E	19.29'
L29	N86°52'28"E	39.03'
L30	S86°46'05"E	26.27'
L31	S89°25'23"E	24.43'
L32	S81°04'21"E	18.06'
L33	S81°24'17"W	21.35'
L34	S89°13'09"W	23.55'
L35	S87°49'32"W	25.23'
L36	S88°56'34"W	35.16'
L37	N89°43'34"W	25.35'
L38	S89°02'14"W	24.96'
L39	N78°19'07"W	24.14'
L40	S42°07'56"E	6.81'
L41	S37°34'23"E	24.47'
L42	S19°47'45"E	50.14'
L43	S08°20'58"E	31.95'
L44	S00°01'18"E	51.48'
L45	S05°32'20"W	31.14'
L46	S20°34'04"E	20.62'
L47	S04°42'15"E	31.97'

LINE TABLE		
LINE NO.	BEARING	DISTANCE
L48	S03°55'48"W	32.62'
L49	S00°58'13"W	38.31'
L50	S02°16'42"W	32.80'
L51	S18°47'44"E	11.93'
L52	S35°06'12"E	20.51'
L53	S04°22'54"W	28.54'
L54	S06°20'43"W	31.54'
L55	S01°58'33"E	48.53'
L56	S89°30'41"W	35.88'
L57	S89°30'45"W	59.86'
L58	N08°02'53"E	40.71'
L59	N01°37'21"E	24.80'
L60	N01°46'41"W	29.43'
L61	N00°35'20"W	45.84'
L62	N03°03'25"E	33.83'
L63	N24°30'14"E	17.63'
L64	N20°05'07"W	21.95'
L65	N02°59'18"W	22.29'
L66	N07°27'34"W	31.86'
L67	N02°10'55"W	33.07'
L68	N15°49'31"W	22.91'
L69	N38°00'19"W	55.71'

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 262.513.0686 PHONE | 262.513.1232 FAX

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PROJECT:
**HILLER FORD, LLC
 CONSERVATION
 EASEMENT**

6381 S. 108TH STREET, FRANKLIN WI

SHEET TITLE:
**CONSERVATION
 EASEMENT
 EXHIBIT**

JSD PROJECT NUMBER:
 13-5931

DRAWN BY: MJP CHECKED BY: CWR

DATE:
 5/11/2015

SHEET NUMBER:
EX 4 OF 5

File: J:\JSD Projects\13C5931 - Hiller Ford - Franklin W\dwg\13C5931 Conservation_easement_recovl.dwg Layout: Curve table 5 of 5 User: mpiering Plotted: May 11, 2015 - 11:29am

CURVE DATA					
CURVE NO.	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	239.56'	3744.83'	003°39'55"	N10°03'17"E	239.52'
C2	157.63'	3759.83'	002°24'08"	N13°01'53"E	157.62'
C3	422.68'	2361.83'	010°15'14"	S05°32'16"E	422.12'
C4	190.10'	3744.83'	002°54'31"	N09°40'35"E	190.08'
C5	49.46'	3744.83'	000°45'24"	N11°30'32"E	49.46'
C7	57.61'	30.00'	110°01'13"	S25°03'26"E	49.16'
C8	11.63'	30.00'	022°13'15"	S41°03'48"W	11.56'
C9	20.77'	30.00'	039°40'16"	S50°29'59"W	20.36'
C10	11.97'	30.00'	022°51'28"	S81°45'51"W	11.89'
C11	85.72'	30.00'	163°42'39"	N4°57'06"W	59.39'
C12	7.99'	30.00'	015°15'02"	N41°17'49"E	7.96'
C13	26.71'	30.00'	051°00'37"	N74°25'39"E	25.84'
C14	85.07'	30.00'	162°28'38"	S0°09'58"W	59.30'
C15	82.17'	30.00'	156°56'03"	N0°08'55"E	58.79'
C16	9.31'	30.00'	017°46'37"	S28°41'04"E	9.27'
C17	5.99'	30.00'	011°26'47"	S14°04'22"E	5.98'
C18	4.36'	30.00'	008°19'40"	S4°11'08"E	4.36'
C19	17.37'	30.00'	033°11'01"	S22°07'50"W	17.13'
C20	12.48'	30.00'	023°50'02"	S32°29'05"E	12.39'
C21	8.31'	30.00'	015°51'49"	S12°38'09"E	8.28'
C22	4.52'	30.00'	008°38'03"	S0°23'13"E	4.52'
C23	20.67'	30.00'	039°29'06"	S15°21'39"E	20.27'
C24	11.23'	30.00'	021°26'49"	N13°46'50"E	11.16'
C25	7.44'	30.00'	014°13'07"	N31°36'48"E	7.43'
C26	12.73'	30.00'	024°18'59"	N32°14'37"W	12.64'
C27	8.95'	30.00'	017°05'49"	N11°32'12"W	8.92'



MILWAUKEE REGIONAL OFFICE
 N22 W22931 NANCY'S COURT SUITE 3
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PROJECT:
**HILLER FORD, LLC
 CONSERVATION
 EASEMENT**
 6381 S. 108TH STREET, FRANKLIN WI

SHEET TITLE:
**CONSERVATION
 EASEMENT
 EXHIBIT**

JSD PROJECT NUMBER:
 13-5931
 DRAWN BY: MJP CHECKED BY: CWR
 DATE:
 5/11/2015

SHEET NUMBER:
 EX 5 OF 5

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">07/07/15</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING A PART OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 6044 AND LANDS, BEING A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (ADAM C. MURPHY AND TANYA M. MURPHY, APPLICANTS) (9843, 9847 AND 9851 SOUTH 27TH STREET)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>C.2,</i></p>

At their meeting on June 18, 2015, the Plan Commission approved a motion to recommend approval of a resolution conditionally approving a 2 Lot Certified Survey Map, being a part of Parcel 1 of Certified Survey Map No. 6044 and lands, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 25, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, with the following conditions, that the applicant produce a bond or letter of credit for the amount of the removal costs of the breezeway prior to recording of the CSM, and the applicant will produce a Natural Resource Protection Plan with R.A. Smith being approved as the consultant.

Condition No. 7 of the attached resolution includes the requirement for the applicant to remove the breezeway or provide the City with a letter of credit or bond to cover the costs of razing the breezeway. The condition also includes an option for the applicant to obtain a variance for the setback encroachment of the breezeway. The Plan Commission motion did not include obtaining a variance as an option as it was preferred that the breezeway be removed. If the Common Council would like to follow the Plan Commission recommended action and remove the variance option from the condition, Condition No. 7 must be revised to delete the following language: "or the applicant shall receive approval of a Variance Application from the Board of Zoning and Building Appeals for the building setback encroachment."

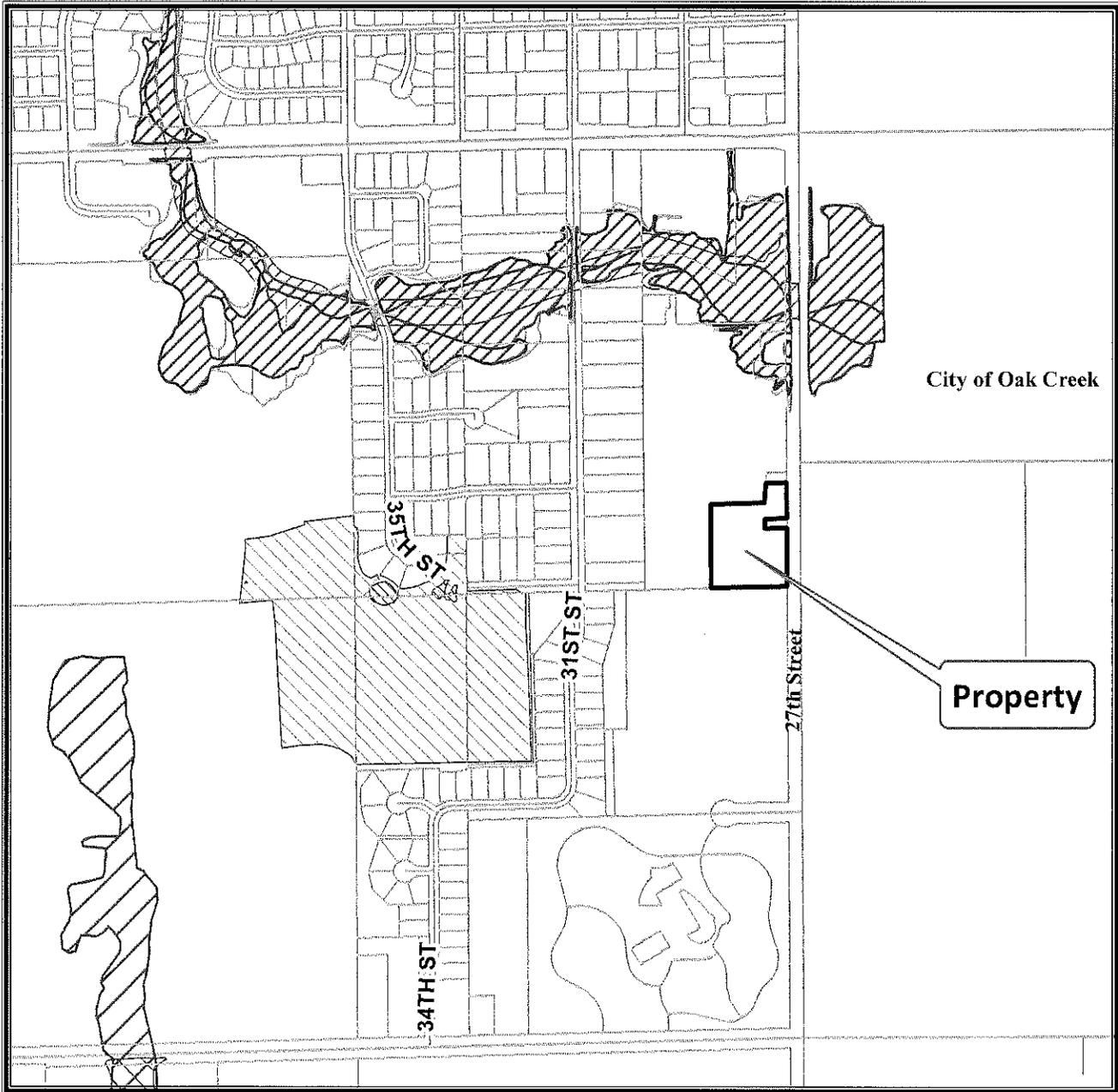
Condition No. 8 of the attached resolution requires the applicant to submit a detailed Natural Resource Protection Plan or a letter indicating that protected natural resources do not exist onsite. The condition allows but does not require that a specific consultant be used; therefore, the applicant may use R.A. Smtih, as agreed to by the Plan Commission, or another consultant of the applicant's choosing.

COUNCIL ACTION REQUESTED

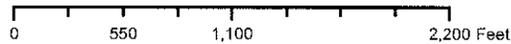
A motion to adopt Resolution No. 2015-_____, conditionally approving a 2 Lot Certified Survey Map, being a part of Parcel 1 of Certified Survey Map No. 6044 and lands, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 25, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (Adam C. Murphy and Tanya M. Murphy, Applicants) (9843, 9847 and 9851 South 27th Street).



9851 South 27th Street
TKN 902-9970-001



Planning Department
(414) 425-4024



2013 Aerial Photo

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

RESOLUTION NO. 2015-_____

A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING A PART OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 6044 AND LANDS, BEING A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN
(ADAM C. MURPHY AND TANYA M. MURPHY, APPLICANTS)
(9843, 9847 AND 9851 SOUTH 27TH STREET)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being A part of Parcel 1 of Certified Survey Map No. 6044 and Lands, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 25, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 9843, 9847 and 9851 South 27th Street, bearing Tax Key No. 902-9970-001, Adam C. Murphy and Tanya M. Murphy, applicants; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by Adam C. Murphy and Tanya M. Murphy, as described above, be and the same is hereby approved, subject to the following conditions:

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

ADAM C. MURPHY AND TANYA M. MURPHY – CERTIFIED SURVEY MAP
RESOLUTION NO. 2015-_____

Page 2

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. Adam C. Murphy and Tanya M. Murphy, successors and assigns, and any developer of the Adam C. Murphy and Tanya M. Murphy 2 lot certified survey map project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
5. The approval granted hereunder is conditional upon Adam C. Murphy and Tanya M. Murphy and the 2 lot certified survey map project for the property located at 9843, 9847 and 9851 South 27th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
6. The applicant shall illustrate the shared driveway location on the Certified Survey Map and submit a signed copy of the shared driveway agreement to Department of City Development for recording with the Certified Survey Map.
7. The existing breezeway connecting the commercial building on Lot 2 and the building immediately to the north on Lot 1 shall be razed or the applicant shall receive approval of a Variance Application from the Board of Zoning and Building Appeals for the building setback encroachment, prior to recording the Certified Survey Map with the Milwaukee County Register of Deeds. Alternately, the applicant may elect to provide a letter of credit or post a bond to the City of Franklin in an amount to be determined by the Building Inspector or such lesser amount as may be provided by a bona fide demolition contractor estimate to be reasonably approved by the Building Inspector or designee, prior to the recording of the Certified Survey Map, to assure the removal of the existing breezeway and compliance with B-4 District building setbacks within one year from date of Common Council approval.
8. Applicant shall submit a detailed Natural Resources Protection Plan, or a letter from a qualified professional or company stating that no protected resources exist onsite, prior to recording the Certified Survey Map.

ADAM C. MURPHY AND TANYA M. MURPHY – CERTIFIED SURVEY MAP
RESOLUTION NO. 2015-_____

Page 3

9. In the event it is determined pursuant Condition No. 8 above that natural resources exist on the site, applicant shall submit a revised Certified Survey Map illustrating the protected natural resources upon the face of the Certified Survey Map, prior to recording.
10. In the event it is determined pursuant Condition No. 8 above that natural resources exist on the site, applicant shall submit a written Conservation Easement for review and approval by the Common Council, and for recording with the Certified Survey Map.

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owner, ACJM 1883 LLC, be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owner, ACJM 1883 LLC, with the Office of the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2015.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2015.

APPROVED:

ATTEST:

Stephen R. Olson, Mayor

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



REPORT TO THE PLAN COMMISSION

Meeting of June 18, 2015

Certified Survey Map

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

Table with 2 columns: Label (Project Name, Project Address, Applicant, Owners, Current Zoning, 2025 Future Land Use, Use of Surrounding Properties, Applicant Action Requested) and Value (ACJM 1883 LLC UDO Text Amendment & Certified Survey Map, 9843, 9847 and 9851 South 27th Street, Adam and Tanya Murphy, ACJM 1883 LLC, B-4 South 27th Street Mixed Use Commercial District, Mixed Use and Areas of Natural Resource Features, Nature's Nook to the north and west, single-family residential to the north, Wheaton Franciscan Healthcare to the south and City of Oak Creek to the east, Approval of the Certified Surrey Map)

Introduction:

Please note:

- Staff recommendations are underlined, in italics and are included in the draft ordinance.

On April 6, 2015, the applicant filed a Unified Development Ordinance (UDO) Text Amendment and Certified Survey Map (CSM) Application with the Department of City Development requesting approval to divide the existing property located at 9843, 9847 and 9851 South 27th Street into two separate lots.

The subject property currently contains multiple buildings that include single-family and commercial uses. The applicant wishes to have the commercial building, which is utilized for the property owner's business, and the existing single-family home on separate parcels. Section 15-3.0304A.2. of the UDO requires "that no new lots of record for One-family detached dwellings and Two-family attached dwellings be created after the effective date of this ordinance." Therefore, the applicant is not able to create a new lot for the existing single-family home without amending the B-4 District.

As such, the applicant requested to add the underlined text to Section 15-3.0304A.2., "Require that no new lots of record for the development of new One-family detached dwellings or Two-family attached dwellings be created after the effective date of this ordinance." The B-4 District does permit one-family detached dwellings per Table 15-3.0602 of the UDO.

The Plan Commission, at their May 7, 2015 meeting, recommended approval of the Unified Development Ordinance Text Amendment as requested by the applicant. At their May 19, 2015 meeting, the Common Council approved the UDO Text Amendment. Therefore, the applicant is moving forward with the Certified Survey Map request.

Project Description and Analysis:

Lot 1 of the proposed CSM has an area of approximately 3.11 acres and contains the single-family use. Lot 2 has an area of approximately 2.09 acres and contains the commercial use. Lot 1 also contains a building that is currently being used as a single-family home while the other building is being renovated for use as a single-family home. The property owner will be moving into the other building once renovations are complete, leaving the current single-family building vacant. The property owner has indicated that the future use of this building is unknown at this time.

Lot 1 will require access to S. 27th Street through Lot 2. The UDO allows for shared driveways along a State Highway and the typical driveway setbacks are waived per Section 15-5.0202C.6. of the UDO. The applicant has submitted a draft copy of the shared driveway agreement. Staff recommends that the applicant illustrate the shared driveway location on the Certified Survey Map and submit a signed copy of the shared driveway agreement to Department of City Development for recording with the Certified Survey Map.

15-5.0202C.6. Shared Driveway Setbacks. Where a shared driveway between neighboring lots or parcels is provided to serve as access to a State or County Highway for the purposes of highway safety as approved by either the Wisconsin Department of Transportation or Milwaukee County Highway Department, any minimum driveway setback as required by the Zoning Ordinance shall be waived; given that such waiver of setback is for the shared driveway that is constructed over or abutting property lines of lots or parcels that benefit from the shared driveway. All other driveways on such lots or parcels shall conform to required setbacks.

Currently a breezeway exists connecting two of the buildings on the subject property. The applicant is proposing to place the property line through the center of that breezeway; therefore, B-4 District building setbacks will not be met with the proposed land division. The applicant is proposing that a condition be placed on the CSM approval that requires the breezeway be removed or a variance granted within one year of approval. This will be difficult to enforce as the CSM will have already been recorded. Staff recommends the following condition to address this issue:

The existing breezeway connecting the commercial building on Lot 2 and the building immediately to the north on Lot 1 shall be razed or the applicant shall receive approval of a Variance Application from the Board of Zoning and Building Appeals for the building setback encroachment, prior to recording the Certified Survey Map with the Milwaukee County Register of Deeds. Alternately, the applicant may elect to provide a letter of credit or post a bond to the City of Franklin in an amount to be determined by the Building Inspector or such lesser amount as may be provided by a bona fide demolition contractor estimate to be reasonably approved by the Building Inspector or

designee, prior to the recording of the Certified Survey Map, to assure the removal of the existing breezeway and compliance with B-4 District building setbacks within one year from date of Common Council approval.

Section 15-7.0201 of the UDO requires the submission of a Natural Resource Protection Plan for all Certified Survey Map (CSM) requests. According to the applicant, no protected natural resources exist onsite; however, Part 4 of the UDO requires specific documentation to verify whether natural resources exist on a given property. The applicant has not yet provided the required documentation.

For example, Part 4 of the UDO, for Woodlands and Forests, including groves, as defined in Part 11 require that the determination of woodland and forest boundaries shall be based on the sources in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Zoning Administrator, the succeeding source shall be used:

1. A field survey of trees compiled by a registered land surveyor and identified by a landscape architect, forester, arborist, or botanist with a professional degree in one of those fields of endeavor. The location, size, and species of all healthy trees having a diameter of eight (8) inches or greater Diameter at Breast Height (DBH) that are located in woodland and forest areas within twenty-five (25) feet of any proposed improvement and/or in woodland and forest areas to be demolished due to the placement of improvements or grading are to be graphically shown on the "Natural Resource Protection Plan" or submitted as a separate drawing. For the remaining undisturbed areas of the development, Certified Survey Map, Subdivision Plat, or Condominium only the outline of woodland and forest areas indicating whether they are mature or young woodlands is required.
2. 1" = 400' aerial photographs prepared by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) and available from SEWRPC (most recent date only).

In this case, the Planning Manager is recommending that source #2 be provided as the applicant is not proposing any development at this time. It can also be noted that SEWRPC field verified woodlands on the Nature's Nook property immediately adjacent to the subject property in 2010. The map by SEWRPC is attached, which illustrates the field delineated natural resources on the Nature's Nook property as well as extensions of woodland areas on the subject property. The woodland areas shown on the subject property were based upon the review of aerial photography.

The Department of City Development staff will make similar determinations related to the Natural Resource Protection Plan as required and permitted by the UDO.

As the applicant has not provided a NRPP, staff recommends the conditions below. If no protected natural resources are located onsite, Conditions No. 2 and 3 below will not be applicable and would be considered satisfied.

1. Applicant shall submit a detailed Natural Resource Protection Plan, or a letter from a qualified professional or company stating that no protected resource exist onsite, prior to recording the Certified Survey Map.
2. Applicant shall submit a revised Certified Survey Map illustrating the protected natural resources upon the face of the Certified Survey Map, prior to recording.
3. Applicant shall submit a written Conservation Easement for review and approval by the Common Council, and for recording with the Certified Survey Map.

Staff Recommendation:

City Development Staff recommends approval of the proposed Unified Development Ordinance Text Amendment and Certified Survey Map, subject to the conditions in the draft ordinance and resolution.

Certified Survey Map (CSM) Application:

Date: Updated June 8, 2015

From: Adam and Tanya Murphy
ACMJ 1883 LLC
9843 / 9847 / 9851 S. 27th St
Tax Key: 902-9970-001

Proposed Project Description:

Now that Section 15-3.0304A.2 of the UDO has been amended to allow a new parcel with an existing one-family / two-family dwelling to be created, we propose:

The North/South division of the 5.2 acre property listed above into two parcels:

Lot 1 – North 3.11 acres - for existing residential use – Adam and Tanya Murphy

Lot 2 - South 2.09 acres – for existing commercial use – ACJM 1883/Big Bang LLC

Shared Access:

The following Shared Access will be required between the properties, and is detailed in the attached Shared Access Agreement, which will be recorded with the CSM:

- 1) Shared septic access, until municipal sewer is made available.
- 2) Perpetual shared driveway access. WI DOT will not allow new access to S. 27th.
- 3) Shared breezeway connection between buildings. Within one year from approval of the CSM, either a permit will be applied for to raze the breezeway, or a variance will be applied for to maintain the breezeway.

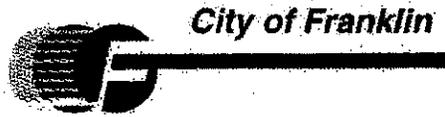
The fire sprinkler system for the buildings, required by the Franklin Fire Department, currently runs through the breezeway, from the office building on Lot 2. Once Lot 1 is made residential, the sprinkler system will not be required and can be disconnected. However, until that time, it is still required. Consequently, we have not considered the engineering and construction plans that will be required in order to remove the breezeway. Once the property subdivision is approved, we will look into the requirements for the removal of the breezeway.

Natural Resources Protection Plan:

Based on my conversations with Nick Fuchs regarding the requirements for natural resources, there are no natural resources requiring protection on the property. The property was originally farm land, and is surrounded by farm land owned by Wheaton Franciscan to the south, and the commercial landscaping of Nature's Nook to the West and North.

The property does not contain steep slopes, lakes, streams, or ponds, floodplains, floodways, flood lands, and does not infringe on any shore or wetland buffers.

Additionally, while there are areas that are wooded, the property does not meet the requirements for either a mature or young woodland, based on my understanding of the canopy requirements. While there are a lot of trees throughout the property, most is actually smaller brush. The tree canopy areas do not meet the requirement as set out by section 15-11.0100 or young or mature woodlands. We have worked with Davey Tree Service for several years in order to protect our trees from Emerald Ash Borer, to trim and stabilize trees near the buildings, to fertilize and strengthen healthy trees, and also to remove diseased trees near the buildings. We have done little work deeper in the property.



Date of Application: April 1, 2015

CERTIFIED SURVEY MAP (CSM) APPLICATION

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

<p>Applicant (Full Legal Name(s)): Name: <u>Adam and Tanya Murphy</u> Company: <u>ACJM 1883 LLC</u> Mailing Address: <u>9843 S. 27th St</u> City / State: <u>Franklin, WI</u> Zip: <u>53132</u> Phone: <u>414-688-4714</u> Email Address: <u>amurphy@bigbangllc.com</u></p> <p>Project Property Information: Property Address: <u>9843 / 9847 / 9851 S. 27th St</u> Property Owner(s): <u>ACJM 1883 LLC</u></p> <p>Mailing Address: <u>9851 S. 27th St</u> City / State: <u>Franklin, WI</u> Zip: <u>53132</u> Email Address: <u>amurphy@bigbangllc.com</u></p>	<p>Applicant is Represented by: (contact person)(Full Legal Name(s)) Name: <u>Jan Scott Pierce</u> Company: <u>Jan Pierce, S.C.</u> Mailing Address: <u>2217 S. Kinnickinnic Ave</u> City / State: <u>Milwaukee, WI</u> Zip: <u>53207</u> Phone: <u>414-755-2258</u> Email Address: <u>jan@janpiercelaw.com</u></p> <p>Tax Key Nos: <u>902-9970-001</u></p> <p>Existing Zoning: <u>B4</u> Existing Use: <u>Mixed</u> Proposed Use: <u>Mixed / Residential</u> CMP Land Use Identification: <u>Mixed</u></p>
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*The 2025 Comprehensive Master Plan Future Land Use Map is available at: <http://www.franklinwi.gov/Home/Resources/Documents/Maps.htm>

Certified Survey Maps shall be prepared as provided in § 236.34 (1m) (c) Wis. Stats. and Division 15-7.0700 of the Unified Development Ordinance.

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

- Milwaukee County Review Fee, payable to Milwaukee County Register of Deeds: \$75
 - Two (2) original map copies for Milwaukee County review, prepared at 8-1/2" wide by 14" long on durable white paper.
- This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- Application Filing Fee, payable to City of Franklin: \$1,500
- Seven (7) complete sets of Application materials, for City of Franklin review to include:
 - Project Summary: a written detailed description of the project: One (1) original and six (6) copies
 - Map Copies: One (1) original map copy and six (6) map copies prepared at 8-1/2" wide by 14" long and must be clearly legible.
- As may be required, seven (7) copies of a "Natural Resource Protection Plan and "Landscape Plan" for any landscape bufferyard easement areas.
- If applicable, three (3) copies of the Natural Resource Protection report (see Division 15-9.0309D of the UDO).
- If applicable, one copy of the Site Intensity and Capacity Calculations (see Division 15-3.0500 of the UDO).
- Email (or CD ROM) with all plans and submittal materials in Adobe PDF. (May be waived by City Planner.)

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

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

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

Signature - Property Owner
Adam C. MURPHY - MEMBER
 Name & Title (PRINT)
 Date: _____

Signature - Property Owner
Tanya M. MURPHY - MEMBER
 Name & Title (PRINT)
 Date: _____

Signature - Applicant
Adam Murphy - MEMBER
 Name & Title (PRINT)
 Date: _____

Signature - Applicant's Representative
Jan Scott Pierce, Attorney
 Name & Title (PRINT)
 Date: _____

CERTIFIED SURVEY MAP NO. _____

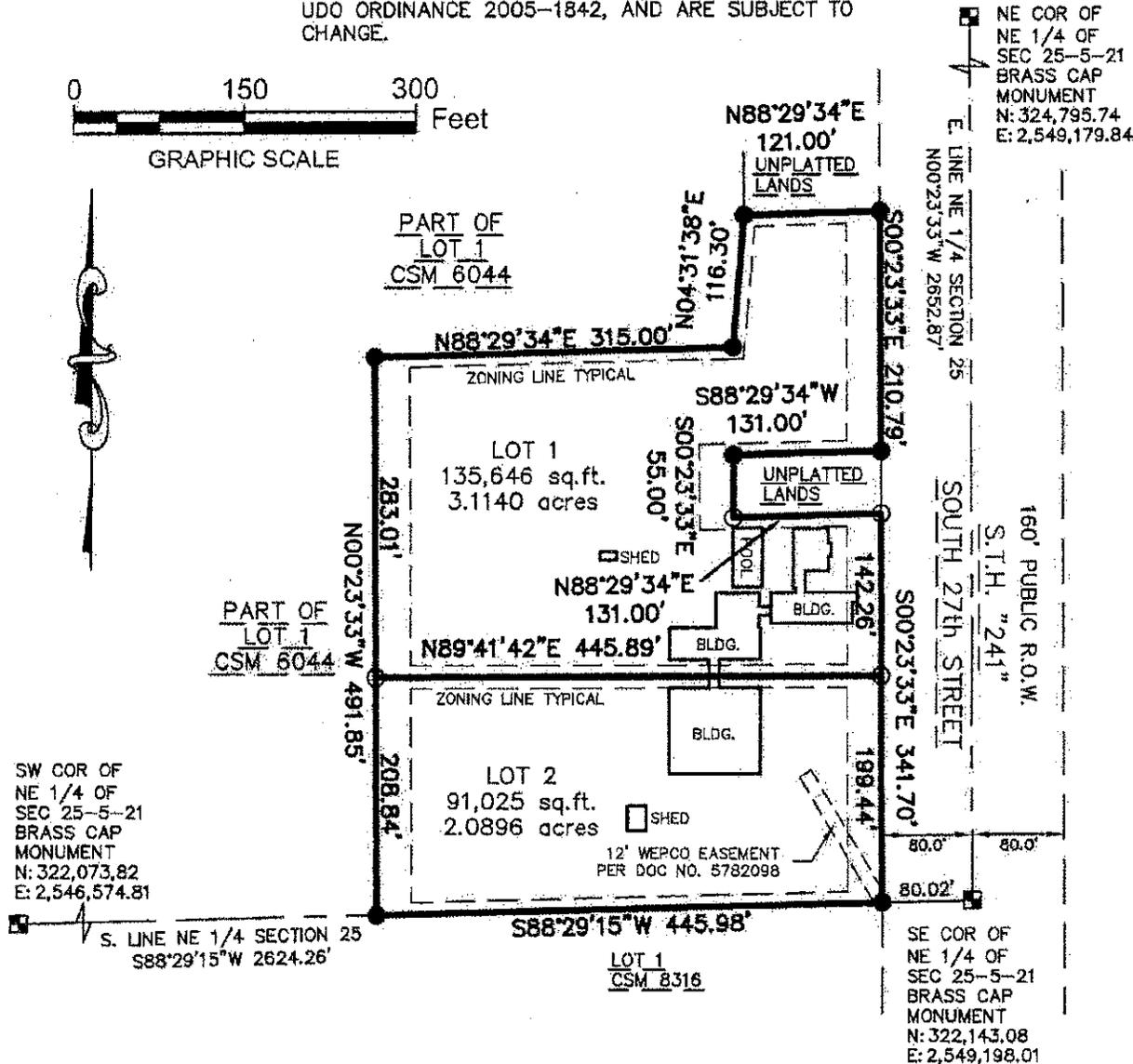
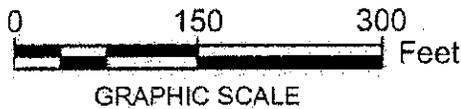
A Part of Parcel 1 of Certified Survey Map No. 6044 and Lands, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 25, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

- INDICATES 1" IRON PIPE (FOUND), UNLESS NOTED
- INDICATES SET 1.315" O.D. IRON PIPE AT LEAST 18" IN LENGTH, 1.68 LBS. PER LINEAL FOOT.

OWNER:
ACJM 1883 LLC
9851 S. 27th STREET
FRANKLIN, WI., 53132

ZONED B-4, 30' FRONT & REAR SETBACKS AND 10' SIDE SETBACK. THE ZONING SETBACKS AND ZONING ARE AS OF JUNE 7, 2005 AS SET FORTH IN THE FRANKLIN UDO ORDINANCE 2005-1842, AND ARE SUBJECT TO CHANGE.

ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.
ALL BEARINGS ARE REFERENCED TO THE EAST LINE OF THE NE 1/4 OF SECTION 25, T 5 N, R 21 E, WHICH BEARS N00°23'33"E. WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.

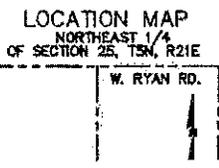


SW COR OF
NE 1/4 OF
SEC 25-5-21
BRASS CAP
MONUMENT
N: 322,073.82
E: 2,546,574.81

NE COR OF
NE 1/4 OF
SEC 25-5-21
BRASS CAP
MONUMENT
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E: 2,549,179.84

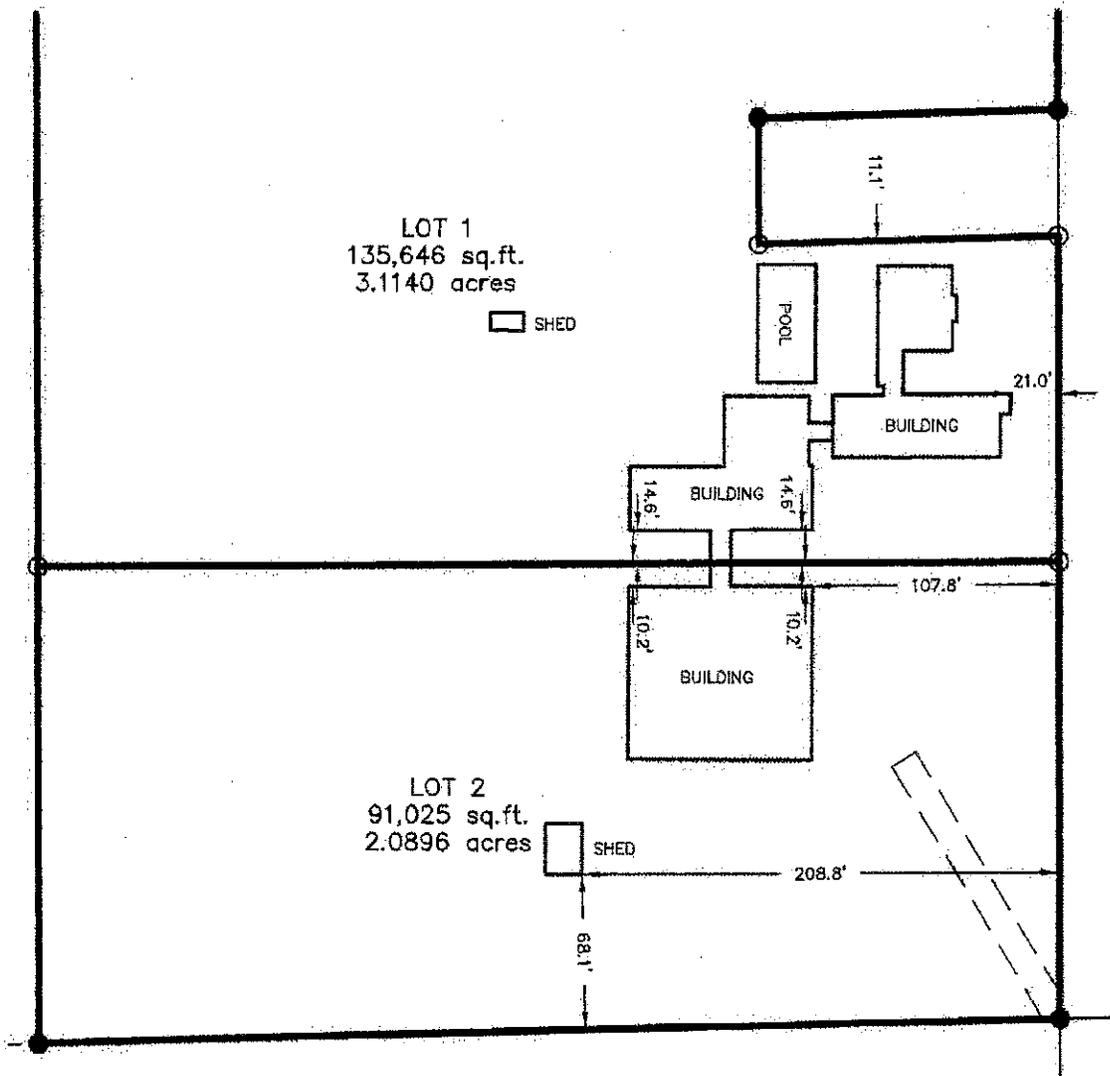
S. LINE NE 1/4 SECTION 25
S88°29'15"W 2624.26'

SE COR OF
NE 1/4 OF
SEC 25-5-21
BRASS CAP
MONUMENT
N: 322,143.08
E: 2,549,198.01



CERTIFIED SURVEY MAP NO. _____

A Part of Parcel 1 of Certified Survey Map No. 6044 and Lands, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 25, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

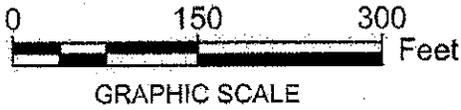


R.A. Smith National, Inc.

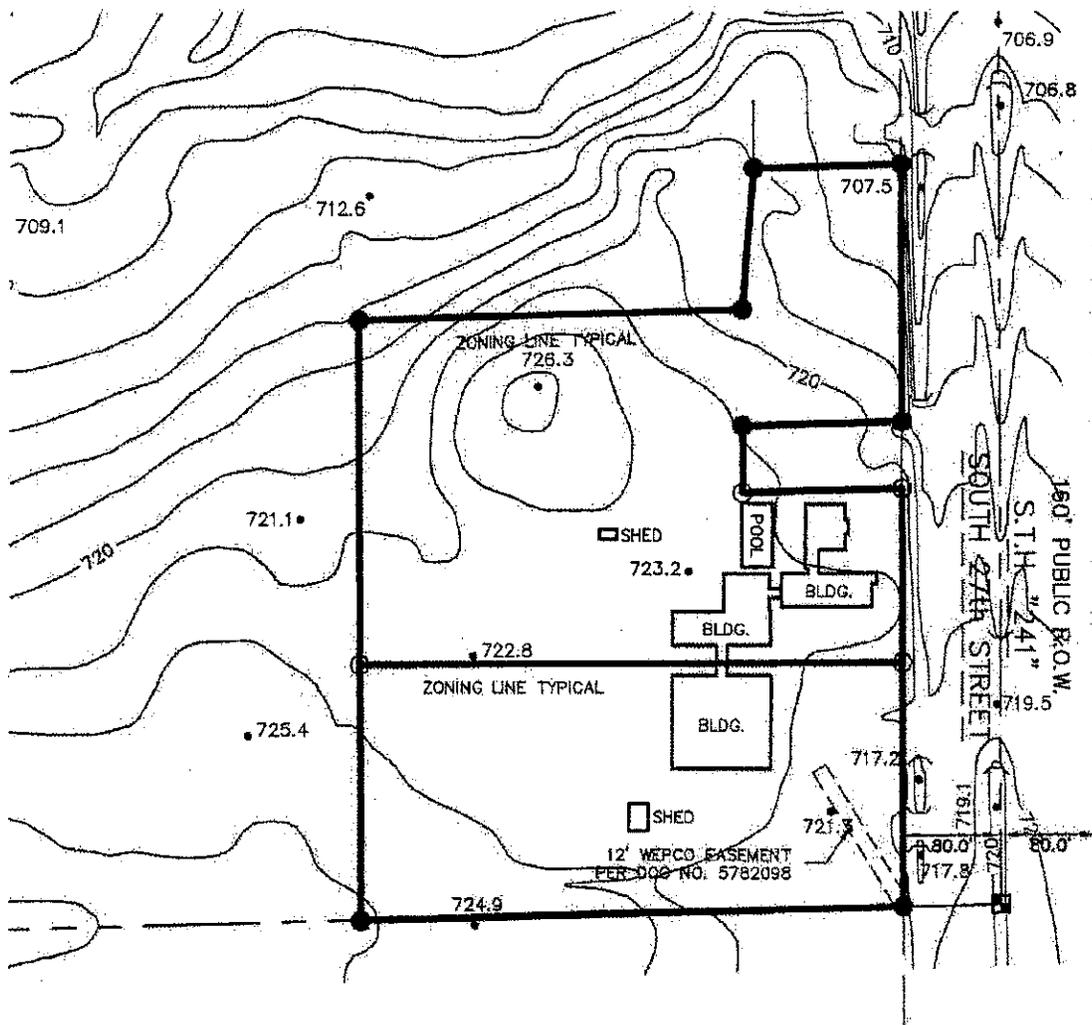
Beyond Surveying

CERTIFIED SURVEY MAP NO. _____

A Part of Parcel 1 of Certified Survey Map No. 6044 and Lands, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 25, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.



2' CONTOURS PER TOPOGRAPHIC MAP OF THE NE 1/4 SECTION 25-5-21 PREPARED FOR MILWAUKEE COUNTY BY AERO-METRIC ENGINEERING, INC. NGVD 1929 DATUM



R.A. Smith National, Inc.

*Beyond Surveying
and Reconciliation*

CERTIFIED SURVEY MAP NO. _____

A Part of Parcel 1 of Certified Survey Map No. 6044 and Lands, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 25, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN }
 :SS
WAUKESHA COUNTY}

I, Stephan G. Southwell, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a Part of Parcel 1 of Certified Survey Map No. 6044 and Lands, being a part of the Southeast 1/4 of the Northeast 1/4 of Section 25, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

COMMENCING at the Southeast corner of said Northeast 1/4 Section; thence South 88°29'15" West along the South line of said 1/4 Section 80.02 feet to the point of beginning of lands to be described; thence continuing South 88°29'15" West along said South line 445.98 feet to an Easterly corner of Parcel 1 in Certified Survey Map No. 6044; thence North 00°23'33" West along the Easterly line of said Parcel 491.85 feet to a point; thence North 88°29'34" East along said Easterly line 315.00 feet to a point; thence North 04°31'38" East 116.30 feet to an Easterly corner of said Parcel; thence North 88°29'34" East along said Easterly line 121.00 feet to a point in the West line of South 27th Street; thence South 00°23'33" East along said West line 210.79 feet to an Easterly corner of said Parcel 1; thence South 88°29'34" West along the Easterly line of said Parcel 131.00 feet to an Easterly corner of said Parcel 1; thence South 00°23'33" East 55.00 feet to a point; thence North 88°29'34" East 131.00 feet to a point in the West line of South 27th Street; thence South 00°23'33" East along said West line 341.70 feet to the point of beginning.

Said parcel contains 226,671 square feet or 5.2036 acres.

THAT I have made such survey, land division and map by the direction of _____, owner.

THAT such map 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 Chapter 236.34 of the Wisconsin Statutes and the City of Franklin Unified Development Ordinance Division Section 15 in surveying, dividing and mapping said lands.

DATE

(SEAL)
STEPHAN G. SOUTHWELL,
PROFESSIONAL LAND SURVEYOR S-1939

SHARED ACCESS AGREEMENT

This Agreement is made as of June ___, 2015 by ACJM 1883 LLC, a Wisconsin limited liability company ("ACJM 1883"), Big Bang LLC, a Wisconsin limited liability company ("Big Bang"), and Adam Murphy and Tanya Murphy (collectively the "Murphys"), for the benefit of all present and future owners and interest holders in the property set forth in the attached Exhibit A (collectively, the Property, or if divided, the multiple parcels of the Property shall be referred to as the "Property").

WITNESSETH:

WHEREAS, ACJM 1883 is the owner of the Property;

WHEREAS, Big Bang is a tenant with a lease to use the Property;

WHEREAS, the Murphys are members of ACJM 1883 and will become owners of the Property;

WHEREAS, the Property contains a holding tank which, until such time that municipal sewer service is available, has the capacity to service multiple parcels should the Property be divided (collectively the piping, electrical and monitoring systems shall be defined as (the "Sewer System");

WHEREAS, ACJM 1883 intends to divide the Property into multiple parcels; sell one or both of the parcels; and deems it necessary to provide a sewer system to service the parcels, and deems it necessary and appropriate to provide this Agreement for the purpose of providing said sewer system;

WHEREAS, the Property has one driveway that has the ability to service multiple parcels should the Property be divided (the "Driveway");

WHEREAS, ACJM 1883 intends to divide the Property into multiple parcels; sell one or both of the parcels; and deems it necessary to provide a driveway to serve the parcels, and deems it necessary and appropriate to provide this Agreement for the purpose of providing said access;

WHEREAS, the Property has multiple buildings on it that are connected by a breezeway that may not be immediately removed should the Property be divided (the "Breezeway");

WHEREAS, ACJM 1883 intends to divide the Property into multiple parcels; sell one or both of the parcels; and deems it necessary to provide for use of the Breezeway by both parcels, and deems it necessary and appropriate to provide this Agreement for the purpose of providing said use;

WHEREAS, it is the intention and purpose of this Agreement to provide for and burden the Property with the Sewer System, the Driveway, and the Breezeway and its associated costs so as to assure the continuous and satisfactory operation and maintenance of same;

NOW THEREFORE, it is agreed that the Sewer System, the Driveway, and the Breezeway shall be used and paid for by the owners of the Property as well as by all future owners, occupants and interest holders of the Property, (collectively, the "Owners"), upon the following terms and conditions:

The Owners of the Property are hereby granted the right in common to use the Sewer System, the Driveway, and the Breezeway.

The Owners of the Property shall be assessed costs and expenses expenses required for the use of and maintenance of the Sewer System, the Driveway, and the Breezeway, and if necessary the replacement of same, as follows:

Sewer System

Holding tank is in the parking lot of Lot 2. All billing will go to Lot 2. Lot 1 will be responsible for 100 gallons per day, per resident, paid to Lot 2 monthly.

Lot 2 is responsible for all maintenance and repairs of all sewer lines and tanks on both properties, for a period of five years after the recording of the CSM.

After five years:

- a) Lot 2 is responsible for all maintenance/repairs associated with the holding tank, and all underground sewer lines on Lot 2 that exclusively service Lot 2 buildings or jointly service Lot 1 and Lot 2 building.
- b) Lot 1 is responsible for all maintenance/repairs associated with all underground sewer lines and tanks on Lot 1, and sewer lines on Lot 2 that service Lot 2 buildings exclusively.

Driveway

Lot 2 is responsible for the initial restoration of Lot 1 driveway and parking access – asphalt and concrete – after completion of Lot 1 residential renovations.

Lot 1 and Lot 2 are independently responsible for all driveways and parking lots on their respective properties after the initial restoration listed above.

Lot 1 shall have access S. 27th St. (or other street access) through Lot 2. Lot 2 shall maintain a minimum access of 16' from Lot 1 to Lot 2.

Breezeway

Lot 2 is responsible for all maintenance and repairs associated with the breezeway connection spanning the property line between the two lots, up to and including the sprinkler system, alarm system, and fire doors.

Within one year from CSM recording, Lot 2 will apply for permits to remove the breezeway

connection and renovate both existing buildings based on that removal, or apply for a variance to maintain the breezeway connection.

In the event of the removal of the breezeway connection:

- a) Lot 2 is responsible for all expenses associated with the demolition and with any repairs or renovations of the building on Lot 2.
- b) For a period of one year from permit approval, Lot 2 is also responsible for all expenses associated with any repairs or renovations to the connected building on Lot 1, specifically associated with the doors, entrance, and southern exterior.

Each Owner shall cause their assessment to be paid within 30 days of receiving the assessment notice.

Each Owner hereby agrees that they will promptly carry out their responsibilities assigned pursuant to this Agreement;

The consent of all parties to pay a proportionate share of costs in excess of \$2,000 shall be obtained prior to embarking upon expenditures not provided for by this Agreement, except in emergency situations. An arbitrator shall be chosen by the Owners; shall be consulted in the event the parties cannot agree regarding the said expenditures; and the arbitrator's decision shall be definitive.

Each Owner does hereby grant to the other such easements over, across and through the respective parcels as shall be reasonably necessary in order to carry out their responsibilities consistent with the purposes of this Agreement.

No Owner may install landscaping or improvements that will impair the use of said easements. Each Owner shall have the right to act to correct an emergency situation and shall have access to the pertinent parcel in the absence of the other.

This Agreement may be terminated upon unanimous agreement of all the Owners at any time.

The term of this Agreement shall be perpetual except as herein limited.

That the benefits and burdens of this Agreement shall constitute a covenant running with the parcels of land herein described and shall be binding upon the heirs, successors in title of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this document as of the day and year first above written.

ACJM 1883 LLC

By: _____
Tanya Murphy, member

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)

Personally came before me this ___ day of June, 2015 the above named Tanya Murphy to me known to be a member of ACJM 1883 LLC who executed the foregoing instrument and acknowledged the same.

(print name)

Notary Public, Milwaukee County, Wisconsin
My Commission expires: _____

BIG BANG LLC

By: _____
Adam Murphy, member

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)

Personally came before me this ___ day of June, 2015 the above named Adam Murphy to me known to be a member of Big Bang LLC who executed the foregoing instrument and acknowledged the same.

(print name)

Notary Public, Milwaukee County, Wisconsin
My Commission expires: _____

Tanya Murphy (individually)

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)

Personally came before me this ____ day of June, 2015 the above named Tanya Murphy who executed the foregoing instrument and acknowledged the same.

(print name)

Notary Public, Milwaukee County, Wisconsin
My Commission expires: _____

Adam Murphy (individually)

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
COUNTY OF MILWAUKEE)

Personally came before me this ____ day of June, 2015 the above named Adam Murphy who executed the foregoing instrument and acknowledged the same.

(print name)

Notary Public, Milwaukee County, Wisconsin
My Commission expires: _____

This instrument drafted by:
Jan Scott Pierce
Jan Pierce, S.C.
2217 S. Kinnickinnic Avenue
Milwaukee, Wisconsin 53207