

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 07/17/18
REPORTS & RECOMMENDATIONS	RESOLUTION TO AUTHORIZE THE CONSTRUCTION OF A PUBLIC STREET AND TRAIL UPON LANDS IN PART SUPPORTING NATURAL RESOURCE FEATURES LOCATED AT OR ABOUT 10100 SOUTH 76TH STREET (NEUMANN DEVELOPMENTS, INC., APPLICANT, OAKWOOD AT RYAN CREEK, LLC, PROPERTY OWNER)	ITEM NUMBER <i>G.6.</i>

Background

The Common Council, by Ordinance No. 2016-2224, created a process whereby public streets, sidewalks and trails construction shall not be subject to the natural resource features protections standards set forth in Part 4 of the Unified Development Ordinance. In addition, this process allows the Common Council to decide, upon review and approval of a practicable alternatives analysis prepared by an applicant, whether mitigation for any natural resource impacts will be required.

Note that in 2017, the City approved a Rezoning, Comprehensive Master Plan Amendment and Preliminary Plat related to the Oakwood at Ryan Creek subdivision development. These applications:

- rezoned the subject property from R-2 Estate Single-Family Residence District to R-5 Suburban Single-Family Residence District, excluding Outlot 5 of the proposed plat, which remains zoned R-2.
- amended the Future Land Use Map use designation from Business Park to Residential, but again excluding Outlot 5, which retained its Business Park use designation.
- subdivided the existing 43.63-acre parcel into 63 R-5 single-family residential lots and 5 outlots. The 5 outlots consist of protected natural resource features, storm water management facilities and a 97,054 square foot portion of property (Outlot 5) to be retained by the developer for future commercial development. Outlot 5 is located in the southeast corner of the property, adjacent to the intersection of S. 76th Street and W. Oakwood Road.

On June 14, 2018, the applicant provided the attached information for the Common Council's consideration of the Natural Resource Features Protection Standards Practicable Alternatives Analysis for the proposed public street and trail.

Note that the public street and trail also impact, in part, the FW Floodway District. As required by the Unified Development Ordinance, those impacts are subject to review as a Special Use.

Natural Resource Protection Plan and Practicable Alternatives Analysis

A Natural Resource Protection Plan (NRPP) has been completed for the subject development by Dave Meyer of Wetland & Waterway Consulting, LLC and Ecological Services of Milwaukee, Inc., dated August 25, 2017. According to the NRPP, the site contains floodplain, wetlands and associated wetland buffers and setbacks, mature woodlands (primarily located within wetland areas), a stream (Ryan Creek) and the adjacent 75-foot shore buffer. Note that all wetlands onsite are shoreland wetlands.

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

In total, 8.26-acres of the site consist of protected natural resource features. The applicant has indicated that 50-foot wetland setbacks will be included within the conservation easement, except for areas that will be graded for storm water ponds and the disturbance area for S. Creekview Court.

The applicant is proposing wetland, wetland buffer, wetland setback and floodplain impacts for the construction of South Creekview Court and the public trail along the north end of the site. Specifically, the applicant is requesting approval to fill 31,969 square feet of wetland, wetland buffer, wetland setback, and floodplain. Note that these resources overlap.

The applicant has provided an exhibit illustrating these impacts as well as a completed Question and Answer form as recommended by staff. These impacts may be allowed by the Common Council per Ordinance No. 2016-2224 in conjunction with Special Use approval for the floodplain impacts.

The applicant has noted that a mitigation plan will be submitted to compensate for floodplain impacts at a one to one ratio. Details have not yet been provided; however, the special use approval requires, "submittal of a mitigation plan demonstrating one to one floodplain compensation measures onsite, for Department of City Development review and approval, prior to issuance of a Land Disturbance Permit."

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2018-_____, a resolution to authorize the construction of a public street and trail upon lands in part supporting Natural Resource Features located at or about 10100 South 76th Street (Neumann Developments, Inc., Applicant, Oakwood at Ryan Creek, LLC, Property Owner).

RESOLUTION NO. 2018-_____

A RESOLUTION TO AUTHORIZE THE CONSTRUCTION OF A PUBLIC STREET
AND TRAIL UPON LANDS IN PART SUPPORTING NATURAL RESOURCE
FEATURES LOCATED AT OR ABOUT 10100 SOUTH 76TH STREET
(NEUMANN DEVELOPMENTS, INC., APPLICANT, OAKWOOD AT
RYAN CREEK, LLC, PROPERTY OWNER)

WHEREAS, Table 14-4.0100 Natural Resource Protection, of the Unified Development Ordinance, provides in part at footnote (f) that "all public (Federal, State, County, and City owned) streets, sidewalks and trails construction shall not constitute "development" subject to the natural resource features protection standards under this Ordinance, and the creation and later existence thereof shall not require the grant of a special exception to the provisions of this Ordinance for natural resource features protection; provided, however, that no public street, sidewalk or trail construction may occur unless an application for same is approved by the Common Council"; and

WHEREAS, Neumann Developments, Inc. has applied for the approval of the construction of a street and trail as part of its single-family residential development at or about the property at 10100 South 76th Street, which overall development approval requires the dedication of the street and trail to the City upon completion of construction and the acceptance thereof by the City, such property being zoned R-5 Suburban Single-Family Residence District and FW Floodway District, more particularly described as follows:

Being a part of the Northeast 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 28, Township 5 North, Range 21 East, City Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the southeast corner of the Southeast 1/4 of said Section 28; thence South 88°25'24" West along the south line of said Southeast 1/4, 600.00 feet; thence North 01°25'36" West, 80.00 feet to a point on the east line of Outlot 1 of Certified Survey Map No. 4110 and the point of beginning; Thence continuing North 01°25'36" West along said east line, 223.35 feet to the northeast corner of said Outlot 1; thence South 88°34'23" West along the north line of said Outlot 1 and then along the north line of Certified Survey Map 4109, Certified Survey Map No. 2190 and Certified Survey Map No. 436, 711.57 feet to the west line of the East 1/2 of said Southeast 1/4; thence North 00°21'59" West along said west line, 1682.14 feet; thence North 89°45'49" East, 779.37 feet; thence South 45°24'34" East, 468.11 feet; thence North 89°45'49" East, 150.00 feet to the west right of way line South 76th - County Trunk Highway "U"; thence South 00°14'11" East along said west right of way line, 343.47 feet; thence South 89°45'49" West, 182.00 feet; thence South 00°14'11" East, 180.00 feet; thence North 89°45'49" East, 182.00 to the aforesaid west right of

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way line; thence South 00°14'11" East along said west right of way line, 20.00 feet; thence South 89°45'49" West, 182.00 feet; thence South 00°14'11" East, 180.00 feet to the north line of Certified Survey Map No. 4108; thence South 89°45'49" West along said north line, 60.00 feet to northwest corner of said Certified Survey Map No. 4108; thence South 00°14'11" East along the west line of said Certified Survey Map No. 4180, 180.00 feet to the southwest corner of said Certified Survey Map No. 4108; thence South 89°45'49" West, 60.00 feet; thence South 00°01'32" West, 210.75 feet; thence North 88°33'42" East, 121.03 feet to the northwest corner of Certified Survey Map No. 1911; thence South 00°14'11" East along the west line of said Certified Survey Map No. 1911, 239.34 feet to the southwest corner of said Certified Survey Map No. 1911; thence North 88°33'42" East along the south line of said Certified Survey Map No. 1911, 182.00 feet to the aforesaid west right of way line; thence South 00°14'11" East, 60.74 feet; thence South 08°16'54" West, 101.50 feet to the north right of way line of Oakwood Road; thence South 88°25'24" West, 125.00 feet; thence South 77°15'47" West along said north right of way line, 206.66 feet; thence South 88°25'24" West along said north right of way line, 199.79 feet to the point of beginning. Containing 1,893,172 square feet (43.4612 acres) of land; Tax Key No. 934-9992-010; and

WHEREAS, the Department of City Development has reviewed the application and has determined that i) the street and trail are designed and shall be constructed under the direction of the City; ii) all other required governmental permits and approvals, including, but not limited to those required by the Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers, have been or shall be obtained prior to the commencement of construction; iii) all remaining areas of natural resource features disturbed by such construction shall be restored to the restoration standards of §15-4.0102I. of the Unified Development Ordinance; iv) that the street and trail have been designed and reviewed pursuant to a practicable alternatives analysis in a priority manner to first consider alternative locations, second to minimize the amount of disturbance, and third to include mitigation in such instances where impact to particularly important natural resource features is unavoidable; and

WHEREAS, the Department of City Development recommends approval of the application.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the application of Neumann Developments, Inc. for a determination that the construction and existence of the subject street and trail in the single-family residential development, pursuant to those plans City file-stamped _____, 2018 and annexed hereto and incorporated herein as Exhibit A, shall not constitute "development"

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subject to the natural resource features protection standards and shall not require the grant of a special exception to the natural resource features protection provisions of the Unified Development Ordinance, be and the same is hereby approved, subject to the following findings, conditions and restrictions:

1. The Common Council hereby finds and determines the application proposal is reasonable and necessary in the public interest and that the provision of safe and efficient transportation and connectivity public improvements outweighs the public interest in the complete protection of natural resource features under all the circumstances presented.
2. The approval granted hereunder is conditioned upon the construction and maintenance of the subject street and trail and single-family residential development by Neumann Developments, Inc., applicant, Oakwood at Ryan Creek, LLC, property owner, successors and assigns, pursuant to all approvals and conditions set forth in this Resolution, including, but not limited to the Department of City Development determinations i) through iv) set forth in the Preamble to this Resolution.

3. [other conditions, etc.]

BE IT FURTHER RESOLVED, that in the event Neumann Developments, Inc. applicant, Oakwood at Ryan Creek, LLC, property owner, successors or assigns, or any owner of the subject property, does not comply with one or any of the approvals, conditions and restrictions of this Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the approval granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19. of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FINALLY RESOLVED, that the approval granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the subject street and trail has been constructed and accepted by the City.

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

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Ordinance 2016-2224 Question and Answer Form

Ordinance to Amend the Unified Development Ordinance Text to Add a Footnote to Table 15-4.0100 to Provide that All Public (Federal, State, County, and City Owned) Streets, Sidewalks and Trails Construction Shall Conditionally Not Be Subject to the Natural Resource Features Protection Standards Following the Review and Approval of an Application Therefore by the Common Council.

A. Questions to be answered by the applicant. Items on the application to be provided in writing by the applicant shall include the following:

1. Indication of the section(s) of the UDO that are not being met.
15-4.0101 Natural Resource Protection Standards. Table 15-4.0100, Residential, Natural Resource Feature: Floodplains/Floodways, Wetlands & Shoreland Wetlands, and Wetland Buffers. Each having a 100% protection standard.
2. Statement regarding the exemption requested, giving distances and dimensions where appropriate.
The exemption requested is for the noted natural resource protection standards in 1. above in regard to the connection of South Creekview Court to S. 76th Street (CTH U) and the installation of a public trail within the proposed Oakwood at Ryan Creek subdivision. The proposed public road will be connected to S. 76th Street (CTH U) to provide a second point of access to the development. In order to make a connection, natural features (floodplain, wetland setback and buffers, and wetland) will be impacted because they exist across the entire frontage of S. 76th Street (CTH U) where an access point would be allowed. The proposed road was positioned as far south as possible away from Ryan Creek to limit the impacts. The natural resource area to be disturbed for the proposed road will be 19,335 square feet. The proposed public trail will be installed from South 76th Street (CTH U) to the northwest corner of the property as requested by the City of Franklin to meet the City trail plan. The natural features disturbed for the trail include wetland buffer, wetland setback, floodplain and shore setback. The natural resource area to be disturbed for the trail will be 12,634 square feet. The total natural resources disturbed will be 31,969 square feet. The natural features which will be disturbed are currently located within a farm field.
3. Statement of the reason(s) for the request.
The request is being made so that the proposed subdivision has two road access points and a public trail. One road access point will be onto West Oakwood Road. The second road access point will be to S. 76th Street (CTH U). Two access points to the proposed subdivision are required for emergency vehicle access due to the number of lots and length of road in this subdivision and future development to the west. Two access points also allow for a better road pattern and for the full development of the property. The proposed trail was requested by the City to meet the intent of the City trail plan. This trail will provide access from South 76th Street (CTH U) to the northwest corner of the property at which point it will be extended as future development to the west occurs.

4. Statement of the reasons why the particular request is appropriate for an exemption under Ordinance 2016-2224, together with any proposed conditions or safeguards, and the reasons why the proposed exemption is in harmony with the general purpose and intent of the Ordinance. In addition, the statement shall address any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, including a practicable alternative analysis as follows:

This request is appropriate in that it allows for public road access and a public trail to a property within the City of Franklin. It allows for better emergency access, improved road patterns, trail and future road extensions to other properties within the City. The work will only be completed if the proposed subdivision is approved for construction. During construction, proper erosion control and construction techniques will be used to limit the impact of the work. The property is 43 acres in size and zoned for 13,000 square foot lots. With multiple access points, 63 lots would be developed. Working through the City Site Intensity and Capacity Worksheet, the site has the potential for 168 lots. Not having a second access point will limit the size of the development to approximately 18 lots so it does not make the development of the 43 acres feasible. The installation of the public trail allows citizens to walk, run and ride on the City trail system which provides exercise and more access throughout the City. This property is unique because Ryan Creek is located along the north property line and natural features exist across the entire frontage of S. 76th Street (CTH U) within the area where an access road would be allowed. In the cases where the size of the property and future development on adjacent properties requires multiple access points, exceptions to the natural resource protection standards are justified to provide for better traffic patterns, development and emergency access. If a second access point was available without natural resource impacts, it would be designed accordingly. The trail is located in an existing farm field which will be converted into the trail and grass areas providing an improved buffer to Ryan Creek.

a. Background and Purpose of the Project.

- i. Describe the project and its purpose in detail. Include any pertinent construction plans.

The project is a proposed 63 lot single family residential development at the northwest corner of West Oakwood Road and S. 76th Street (CTH U). The property will also include a commercial site at the road intersection. The purpose is to provide single family residential lots in this portion of the City of Franklin. The proposed construction plans have been submitted to the City of Franklin for review and approval.

- ii. State whether the project is an expansion of an existing work or new construction.

The project is new construction of a residential subdivision.

- iii. State why the project must be located in or adjacent to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback to achieve its purpose.

The proposed South Creekview Court connection to S. 76th Street (CTH U) will cross floodplain, wetland, wetland setback, and wetland buffers as it is the only frontage the property has to S. 76th Street (CTH U), at the appropriate distance from Oakwood Road. The natural features exist across the entire frontage of S. 76th Street (CTH U). Two access points to the proposed subdivision are required for emergency vehicle access due to the number of lots and length of road in this subdivision and future development to the west. The public trail was requested by the City to meet the City trail plan. The plan is to install the trail from South 76th Street (CTH U) to the northwest corner of the property for future extensions as land to the west is developed. The trail is proposed to be located between the storm water pond and the natural features in an area in which the trail fit. Natural resources impacted include floodplain, wetland setback and buffer and shore setback. In the location where all of these features are impacted, the existing condition is exposed soil in a farm field. The construction of the trail and the vegetated restoration of the adjacent areas will lessen the erosion and increase the storm water filtration flowing to Ryan Creek.

- iv. Identify any aspects of the proposed project that improves traffic safety, traffic efficiency and/or connectivity.

Two access points to the subdivision will improve safety, efficiency, connectivity and emergency access within the 43-acre development and for future development to the west. Two access points allow for a road pattern that provides full development of the property and two stubs for future road extensions to the west. The proposed trail will provide connectivity to adjacent properties and throughout the City as the trail is extended on adjacent properties when those properties are developed. The trail also provides access to City staff to inspect City sanitary sewer manholes and water main in this area.

b. Possible Alternatives.

- i. State all of the possible ways the project may proceed without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback as proposed.

The project may proceed without affecting the natural features but at a much lesser scope. The only access to the development would come from West Oakwood Road and would have to be a cul-de-sac. Per Section 15-5.0103A1., the maximum cul-de-sac length is 800 feet. With one access point, the road could only extend 800 feet into the property. The property is approximately 1,900 long so less than half of the property could be accessed by the cul-de-sac. There is also development potential for the land to the west of the subject property and an 800' long cul-de-sac would not reach the west property line for a future road extension.

The project could proceed without the trail system but in that case, there would only be sidewalk along the public roads within the subdivision. There would not be a trail system that the City is trying to install for the benefit of their citizens.

- ii. State how the project may be redesigned for the site without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

To eliminate the access to South 76th Street (CTH U), the project may be redesigned with one 800' cul-de-sac off of West Oakwood Road with lots fronting the cul-de-sac.

In the current design, the lots and storm water pond could be shifted to the south to allow for more room to install the trail. To do this, the development would lose three lots because all of the lots and ponds were designed to minimum widths so to shift to the south, additional space would need to be created.

- iii. State how the project may be made smaller while still meeting the project's needs.

The project may be redesigned with one 800' cul-de-sac off of West Oakwood Road with lots fronting the cul-de-sac. The City requirement is for a minimum lot width of 90 feet so with a cul-de-sac of 800', there would be approximately 18 lots.

- iv. State what geographic areas were searched for alternative sites.

The developer is currently designing Park Circle which is approximately 1350 feet north of the subject property on the west side of S. 76th Street. That development meets the natural resource protection standards. The opportunity to develop the subject property while also developing Park Circle made this an attractive site. No other sites were searched.

- v. State whether there are other, non-stream, or other non-navigable water, non-shore buffer, non-wetland, non-wetland buffer, and/or non-wetland setback sites available for development in the area.

None that we are aware of.

- vi. State what will occur if the project does not proceed.

The property will remain vacant and there will be less new home construction and potential new residents in the City.

c. Comparison of Alternatives.

- i. State the specific costs of each of the possible alternatives set forth under sub. b., above as compared to the original proposal and consider and document the cost of the resource loss to the community.

The redesign of the project with an 800' cul-de-sac does not fiscally allow the project to be constructed. The density would not allow the viability of the project. The resource loss to the community would be the unavailability of 63 new single family residential lots.

- ii. State any logistical reasons limiting any of the possible alternatives set forth under sub. b., above.

There are no logistical reasons.

- iii. State any technological reasons limiting any of the possible alternatives set forth under sub. b., above.

There are no technological reasons.

- iv. State any other reasons limiting any of the possible alternatives set forth under sub. b., above.

The reduced scope proposal does not make development of the property feasible based on the cost of the land and improvements versus the number of lots that could be developed.

- d. Choice of Project Plan. State why the project should proceed instead of any of the possible alternatives listed under sub. b., above, which would avoid stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback impacts.

The proposed plan as designed will create 63 lots on 43 acres of land, well within the density calculated using the Site Intensity and Capacity Worksheet. The proposed plan will allow for full development of the property and provide the potential for future road and trail extensions to the west. This will bring needed single family residential lots to the City.

- e. Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Description. Describe in detail the stream or other navigable water shore buffer, wetland, wetland buffer, and/or wetland setback at the site which will be affected, including the topography, plants, wildlife, hydrology, soils and any other salient information pertaining to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

The floodplain, wetland setback and buffer, and wetlands that would be impacted are part of a farm field that has exposed soil and no vegetation other than the crops being farmed. The topography is relatively flat and it drains from south to north toward Ryan Creek. The soils are silt loams, hydrologic group C with hydric inclusions.

- f. Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Impacts. Describe in detail any impacts to the above functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback:

- i. Diversity of flora including State and/or Federal designated threatened and/or endangered species.

The impacted area is a farm field that does not have vegetation. We are unaware of any threatened or endangered species. The proposed development will include the construction of the road and trail but also the restoration of the exposed farm field with grass and either prairie or native plantings.

- ii. Storm and flood water storage.
The impacted area includes current floodplain. The proposed development will be required to meet the City storm water management requirements which will reduce the peak flows leaving the site and will provide storm water storage. The impacted area does not include the floodway of Ryan Creek.
- iii. Hydrologic functions.
Developing a farm field to a public road and grass areas including storm water management facilities will decrease the runoff from the project site.
- iv. Water quality protection including filtration and storage of sediments, nutrients or toxic substances.
Water quality protection will increase when developing a farm field into the public road and vegetated area. A farm field does not provide filtration or storage. The vegetated area will provide filtration and a buffer to the wetland and Ryan Creek.
- v. Shoreline protection against erosion.
Developing a farm field to a vegetated area will significantly decrease the erosion potential leading to Ryan Creek.
- vi. Habitat for aquatic organisms.
The impacted area is outside of Ryan Creek. The wetland area is within a farm field so it was not a good habitat for aquatic organisms. The proposed road and vegetated area will be a slight improvement but aquatic organisms are expected to be closer to the creek.
- vii. Habitat for wildlife.
The farm field does not provide a good habitat for wildlife. The paved road and trail will also not provide a good habitat but the vegetated open space will be a big improvement.
- viii. Human use functional value.
The existing farm field provides functional value in providing area to grow crops. The proposed public road and trail will provide functional value for transportation needs and recreational needs.
- ix. Groundwater recharge/discharge protection.
Groundwater recharge and discharge protection will be improved by converting the farm field to a vegetated area allowing for improved infiltration potential and better filtration of sediment prior to reaching Ryan Creek. The development will include storm water management facilities which will direct runoff to a protected discharge location.
- x. Aesthetic appeal, recreation, education, and science value.
The work area will be converted from farm field to public road with sidewalks and a public trail. The preserved natural areas

will be converted from farm field to vegetated areas improving the appeal of the area and science value with a potential increase in habitat for wildlife. The sidewalks and trail will allow for recreation.

- xi. Specify any State or Federal designated threatened or endangered species or species of special concern.

None that we are aware of.

- xii. Existence within a Shoreland.

The shoreland will not be impacted by the public road work. The trail will impact the shoreland but the restoration of the farm field is an improvement to this area.

- xiii. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time.

The work will not be located within the existing Secondary Environmental Corridor that is located on site (per SEWRPC mapping). SEWRPC mapping also lists proposed secondary environmental corridor which follows the floodplain area SEWRPC modeled in 1997. The floodplain area will be restored from farm field to grass open space to provide a buffer to Ryan Creek.

- g. Water Quality Protection. Describe how the project protects the public interest in the waters of the State of Wisconsin.

Although the project will fill a small portion of wetland (669 square feet), the development of the property will protect the public interest in the waters of the State. The existing site is an exposed farm field which has a much larger sediment runoff when comparing it to a developed subdivision with proper storm water management features as this development will have.

5. Date of any previous application or request for an exemption or Special Exception and the disposition of that previous application or request (if any).

Not applicable.

- D. Copies of all necessary governmental agency permits for the project or a written statement as to the status of any application for each such permit. *(Please attach accordingly)*

Permit applications have been submitted to the Wisconsin DNR and US Army Corps of Engineers for a wetland fill permit. A Wisconsin DNR NR 216 permit has been obtained. Plans have been submitted to the City for final approval and all necessary City permits.

Staff recommends providing statements to the following findings that will be considered by the Common Council in determining whether to grant or deny an exemption per Ordinance No. 2016-2224.

- a. That the condition(s) giving rise to the request for an exemption were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature):

The natural features currently exist across the entire frontage of S. 76th Street (CTH U) and the City has requested a public trail along the north end of the property.

- b. Compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:

- i. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives:

The property is 43 acres in size and zoned for 13,000 square foot lots. Working through the City Site Intensity and Capacity Worksheet, the site has the potential for 168 lots. Not having a second access point will limit the development to approximately 18 lots so it does not make the development of the 43 acres feasible. In order to shift the trail in the current plan, three lots would be lost to create room for the trail. Losing three lots would also make the development not feasible; or

- ii. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives:

- c. The Special Exception, including any conditions imposed under this Section will:

- i. be consistent with the existing character of the neighborhood:

There are single family residential homes along S. 76th Street (CTH U) and this development will create more single family residential lots in this area making it consistent with the neighborhood; and

- ii. not effectively undermine the ability to apply or enforce the requirement with respect to other properties:

In the cases where the size of the property and future development on adjacent properties require multiple access points, exceptions to the natural resource protection standards are justified to provide for better traffic patterns, development and emergency access. If a second access point was available without natural resource impacts, it would be designed accordingly. The City would require that the access not impact the natural features which would be consistent with other projects; and

- iii. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement:

The development meets the general purpose and intent of the Ordinance as the natural features will be preserved other than for the public road connection and trail; and

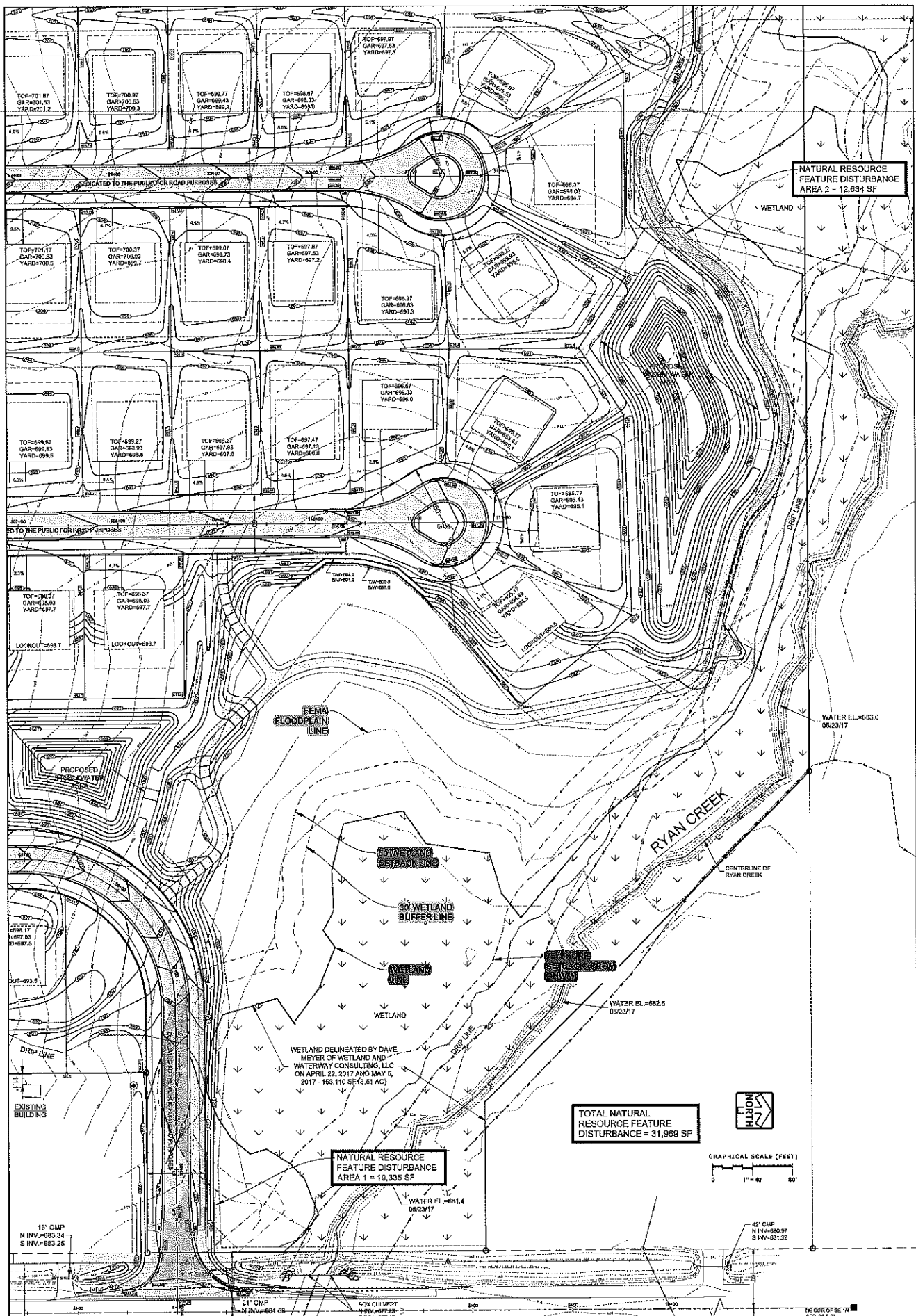
- iv. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development (*this finding only applying to an application to improve or enhance a natural resource feature*):

The floodplain area outside of the wetland will be enhanced from converting the farm field to grass open space to provide an improved buffer to Ryan Creek.

- d. In making its determinations, the Common Council shall consider factors such as:
- i. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks:
The subject property is 1900' north/south by 1260' east/west and is an existing farm field other than the northern most secondary environmental corridor area which isn't farmed. Access will be provided from the east and south. Roads will be stubbed to the west for future development of adjacent properties. The access from S. 76th Street (CTH U) will be as far south along the S. 76th Street (CTH U) frontage as possible to be as far away from Ryan Creek as possible. This puts the proposed road right-of-way along an adjacent property. This road location does not create a nonconforming setback on the adjacent property. The adjacent property owner could reconfigure their driveway to access off the new public road instead of the busier S. 76th Street (CTH U).
 - ii. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district:
The property abuts West Oakwood Road on the south and S. 76th Street (CTH U) on the east. Due to the size of the property, an access point to each abutting road makes for good access, road patterns and overall planning. There have been five lots carved out along the east side of the property along S. 76th Street (CTH U) which reduces the amount of frontage remaining for the subject property. There are required separation distances from other public road connection points to S. 76th Street (CTH U) so the only available connection point along S. 76th Street (CTH U) is along the northern most frontage near Ryan Creek. The unusual circumstance is that there are natural features across the entire S. 76th Street (CTH U) frontage so to make a road connection, some natural features will be impacted. The proposed location was set to minimize the impacts. Typically, on a property this large, there is more frontage available to design multiple access points.
 - iii. Existing and future uses of property; useful life of improvements at issue; disability of an occupant:
The existing use of the area is farmland. The future use would be a public road and trail and preserved natural features within a conservation easement. The useful life of the road and trail are unlimited with proper maintenance of the pavement. There are no occupants in this area.
 - iv. Aesthetics:
The public road will be one of two access points into the subdivision and the only access point from S. 76th Street (CTH U). As you enter the subdivision on this road, the area north of the road will provide a

conservation feel because it will be permanent open space leading to Ryan Creek. The trail will allow access along the natural areas which will provide a rural feel in the City of Franklin.

- v. Degree of noncompliance with the requirement allowed by the exemption:
There are 6.5 acres of natural features within the development site. 0.7 acres (10%) will be disturbed as part of the public road and trail construction. Table 15-4.0100 indicates 100% protection standard for the natural features.
- vi. Proximity to and character of surrounding property:
The property to the south and east of the proposed road are single family residential with houses and maintained lawns. The area to the north is floodplain, wetland, and Ryan Creek.
- vii. Zoning of the area in which property is located and neighboring area:
The zoning of the subject property is R-5 and FW and the commercial site is R-2. The zoning on the adjacent lots in this area is R-2, R-8, P-1, FW and FC.
- viii. Any negative affect upon adjoining property:
The properties located due south and east of the proposed road will have increased traffic near their driveways.
- ix. Natural features of the property:
The property contains secondary environmental corridor, streams, shore buffers, floodplains/floodways, wetlands&shoreland wetlands, and wetland buffers/setbacks.
- x. Environmental impacts:
Negative impacts include a small area of wetland being filled (669 square feet) and construction activities occurring near Ryan Creek. Positive impact is an existing farm field will be restored and vegetation will be planted to cover the exposed soil and help filter sediment and runoff from entering Ryan Creek.



NRPP EXHIBIT

PINNACLE ENGINEERING GROUP

15850 W. BLUEMOUND ROAD | SUITE 210 | BROOKFIELD, WI 53005 | WWW.PINNACLE-ENGR.COM

PLAN | DESIGN | DELIVER

PEJOB#

6-12-18

907.00

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 07/17/18
REPORTS & RECOMMENDATIONS	RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SITE PLAN FOR PROPERTY LOCATED AT 3639 WEST RYAN ROAD TO ALLOW FOR CONSTRUCTION OF AN APPROXIMATELY 4,300 SQUARE FOOT ADDITION TO THE EXISTING JUBILEE CHRISTIAN FAMILY CHURCH, PRESCHOOL AND DAYCARE BUILDING (TAX KEY NO. 901-9994-001) (JUBILEE FAITH CENTER, INC., D/B/A JUBILEE CHRISTIAN FAMILY CHURCH, PROPERTY OWNER/APPLICANT)	ITEM NUMBER <i>3.7.</i>

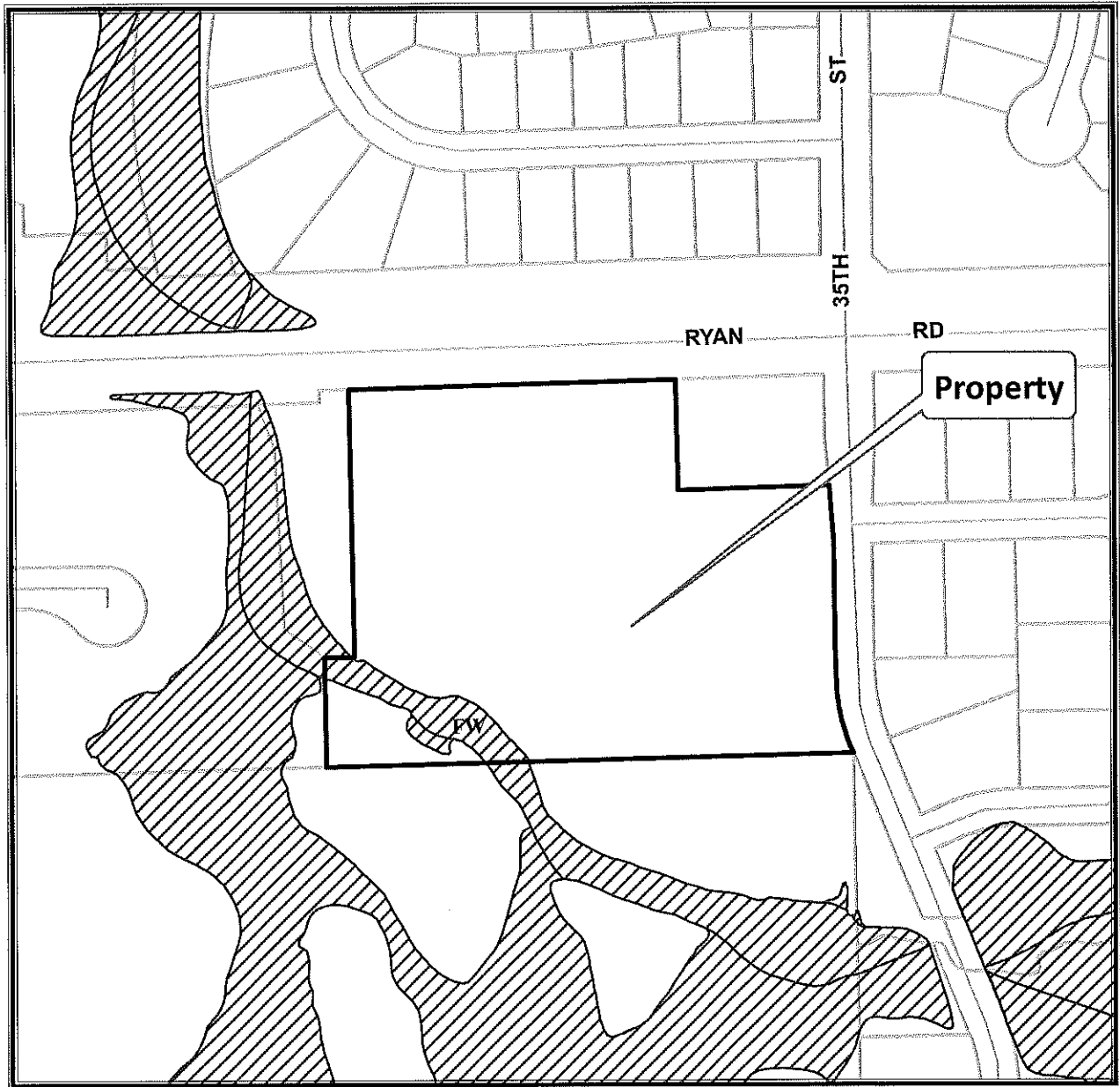
City Development staff recommends approval of a resolution authorizing certain officials to accept a conservation easement for and as part of the review and approval of a site plan for property located at 3639 West Ryan Road to allow for construction of an approximately 4,300 square foot addition to the existing Jubilee Christian Family Church, preschool and daycare building (Tax Key No. 901-9994-001) (Jubilee Faith Center, Inc., D/B/A Jubilee Christian Family Church, Property Owner/Applicant).

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2018-_____, authorizing certain officials to accept a conservation easement for and as part of the review and approval of a site plan for property located at 3639 West Ryan Road to allow for construction of an approximately 4,300 square foot addition to the existing Jubilee Christian Family Church, preschool and daycare building (Tax Key No. 901-9994-001) (Jubilee Faith Center, Inc., D/B/A Jubilee Christian Family Church, Property Owner/Applicant), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.



3639 W. Ryan Road
TKN: 901 9994 001



Planning Department
(414) 425-4024

0 150 300 600 Feet

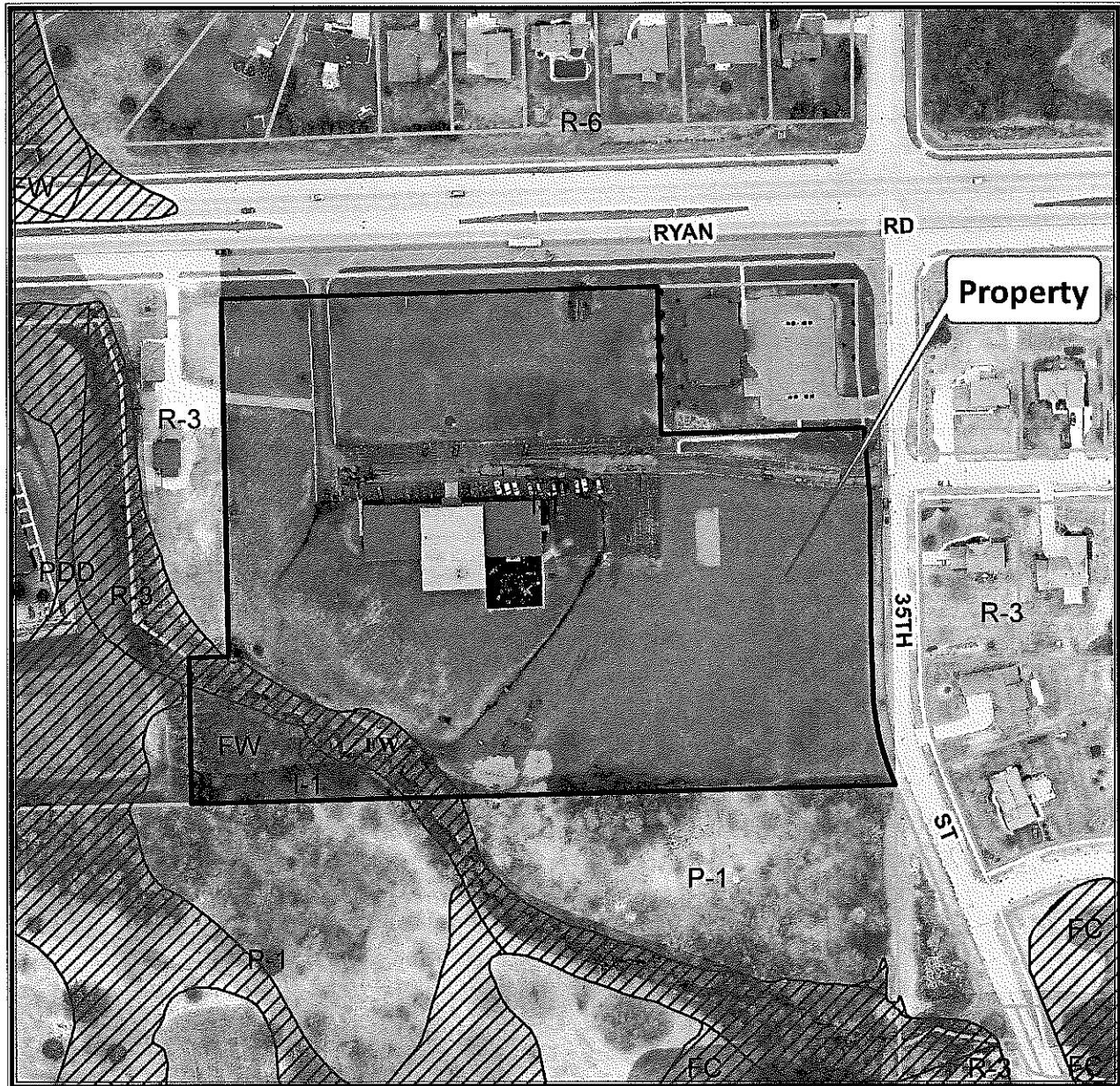


2017 Aerial Photo

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



3639 W. Ryan Road
TKN: 901 9994 001



Planning Department
(414) 425-4024

0 112.5 225 450 Feet

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



2017 Aerial Photo

RESOLUTION NO. 2018-_____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO
ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW
AND APPROVAL OF A SITE PLAN FOR PROPERTY LOCATED AT 3639 WEST
RYAN ROAD TO ALLOW FOR CONSTRUCTION OF AN APPROXIMATELY 4,300
SQUARE FOOT ADDITION TO THE EXISTING JUBILEE CHRISTIAN FAMILY
CHURCH, PRESCHOOL AND DAYCARE BUILDING (TAX KEY NO. 901-9994-001)
(JUBILEE FAITH CENTER, INC., D/B/A JUBILEE CHRISTIAN FAMILY CHURCH,
PROPERTY OWNER/APPLICANT)

WHEREAS, the Plan Commission having approved a Site Plan upon the application of Jubilee Faith Center, Inc., on June 7, 2018, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the young woodland, stream, shore buffer, floodplain, wetlands and wetland buffers on the site; and

WHEREAS, §15-7.0102G. and §15-7.0103Q. of the Unified Development Ordinance requires the submission of a Natural Resource Protection Plan in the Site Plan 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 Site Plan; 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 Jubilee Faith Center, 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 _____, 2018.

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

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS
TO ACCEPT A CONSERVATION EASEMENT
JUBILEE FAITH CENTER, INC.
RESOLUTION NO. 2018-_____

Page 2

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

CONSERVATION EASEMENT

Jubilee Faith Center, Inc.

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 Jubilee Faith Center, Inc., 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 of the Northwest ¼ of Section 25, 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, young woodlands, streams, floodplains, floodways, floodlands, shore buffers, wetland buffers, wetlands and shoreland wetlands, and refer to National Resources Protection Plan (NRPP) by CJ Engineering, dated May 23, 2018, which is located in the office of the Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

WHEREAS, Grantee is a "holder", as contemplated by §700.41(1)(b)1. of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under §62.23 and §236.45 of the Wisconsin Statutes, the conservation of land, natural areas, open space, and water areas; and

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

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

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

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

Grantee's rights hereunder shall consist solely of the following:

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

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

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

To have and to hold this conservation easement unto the Grantee forever. Except as expressly limited herein, the Grantor reserves all rights as owner of the protected property, including, but not limited to, the right to use the protected property for all purposes not inconsistent with this grant. Grantor shall be responsible for the payment of all general property taxes levied, assessed, or accruing against the protected property pursuant to law.

The covenants, terms, conditions, and restrictions set forth in this grant shall be binding upon the Grantor and the Grantee and their respective agents, personal representatives, heirs, successors, and assigns, and shall constitute servitudes running with the protected property in perpetuity. This grant may not be amended, except by a writing executed and delivered by Grantor and Grantee or their respective personal representatives, heirs, successors, and assigns. Notices to the parties shall be personally delivered or mailed by U.S. Mail registered mail, return receipt requested, as follows:

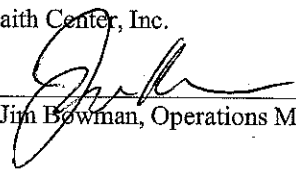
To Grantor:
Jubilee Faith Center, Inc.
Attn: Jim Bowman
3639 West Ryan Road
Franklin, WI 53132

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

In witness whereof, the grantor has set its hand and seals this on this date of July 10, 2018.

Jubilee Faith Center, Inc.

By:


Jim Bowman, Operations Minister

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

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

_____ as _____ of Jubilee Faith Center, Inc.

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 Jubilee Faith Center, Inc.

Notary Public

My commission expires _____

Acceptance

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

In witness whereof, the undersigned has executed and delivered this acceptance on the ____ day of _____, A.D.20__.

CITY OF FRANKLIN

By: _____
Stephen R. Olson, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

Personally came before me this _____ day of _____, A.D. 20__, the above named Stephen R. Olson, Mayor and Sandra L. Wesolowski, City Clerk, of the above named municipal corporation, City of Franklin, to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument as such officers as the Deed of said municipal corporation by its authority and pursuant to Resolution No. _____, adopted by its Common Council on the _____ day of _____, 20__.

Notary Public

My commission expires _____

This instrument was drafted by the City of Franklin.

Approved as to contents:

Nicholas Fuchs, Principal Planner
Department of City Development

Date

Approved as to form only:

Jesse A. Wesolowski
City Attorney

Date

MORTGAGE HOLDER CONSENT

The undersigned, (Citizens Bank), a Wisconsin banking corporation ("Mortgagee"), as Mortgagee under that certain Mortgage encumbering encumbering the Property and recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin, on July 11, 2018, as Document No. 10779898 hereby consents to the execution of the foregoing easement and its addition as an encumbrance title to the Property.

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

Citizens Bank
a Wisconsin Banking Corporation

By: 

Name: Ryan Lilly

Title: VP Business Banker

STATE OF WISCONSIN)

)ss

COUNTY OF MILWAUKEE)

On this, the July day of 11, 2018 before me, the undersigned, personally appeared name of officer of mortgagee, the (VP) of (Citizens Bank), a Wisconsin banking corporation, and acknowledged that (s)he executed the foregoing instrument on behalf of said corporation, by its authority and for the purposes therein contained.

Name: Adam C. Milne

Notary Public State of Wisconsin

My commission expires 11/06/2020

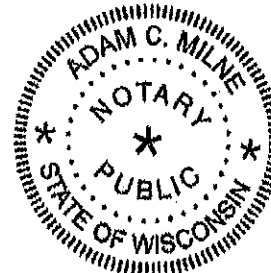


Exhibit A

Parcel One (1) of Certified Survey Map No. 5957, recorded on March 3, 1994, Reel 3237, Images 1127 to 1130 as Document No. 6916526, being a part of the Northeast One-quarter (1/4) of the Northwest One-quarter (1/4) of Section Twenty-five (25), Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, Milwaukee County, Wisconsin

Jubilee Christian Family Church

3639 W. RYAN RD. FRANKLIN, WISCONSIN

NATURAL RESOURCE PROTECTION EASEMENT EXHIBIT

LEGAL DESCRIPTION:

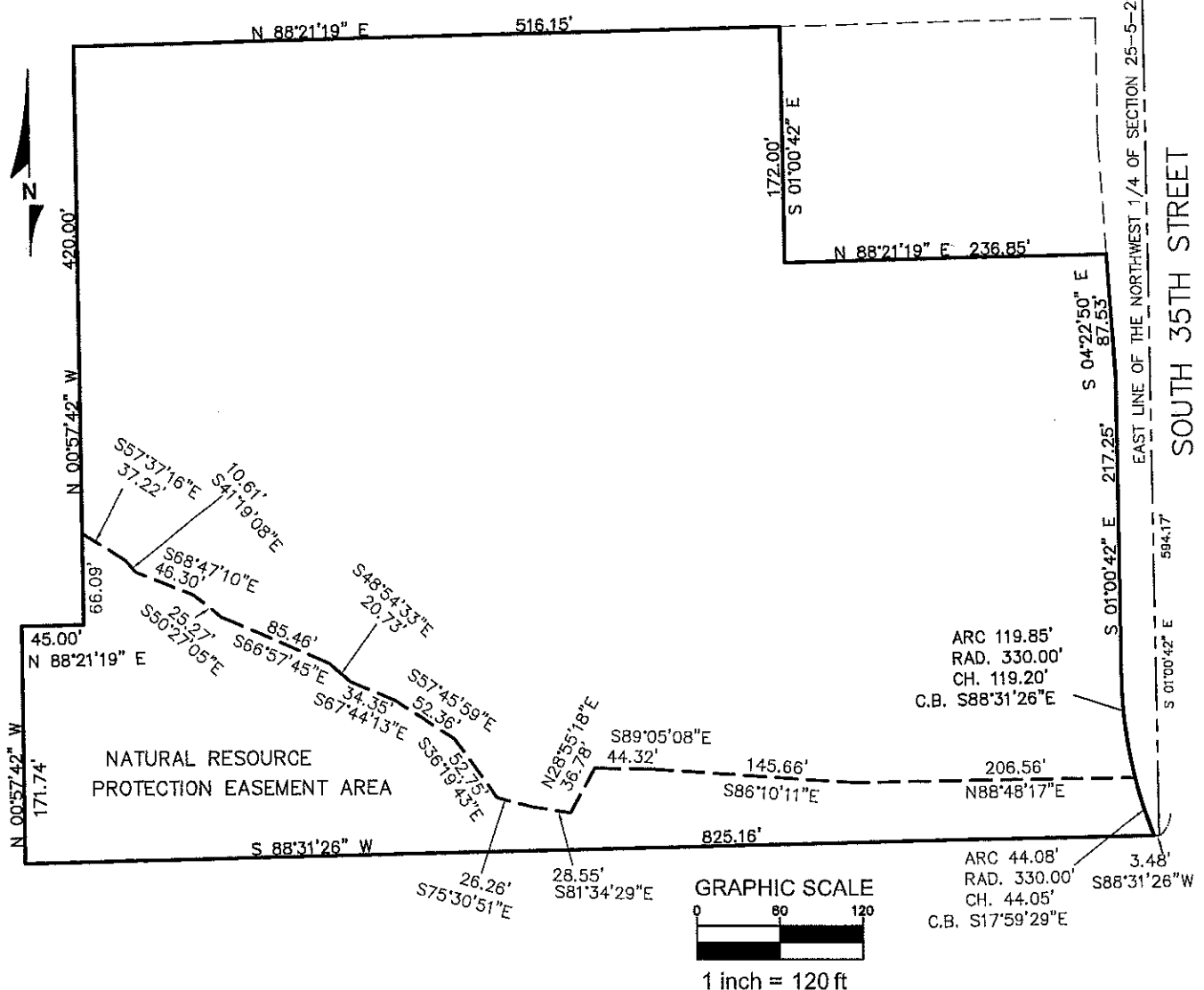
Being a part of the Northwest ¼ of Section 25, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin bounded and described as follows:

Commencing at the Northeast corner of said Northwest ¼ of Section 25; thence S 10°00'42" E along the East line of said Northwest ¼ section 594.17 feet; thence S 88°31'26" W 3.48 feet to the point of beginning; thence continuing S 88°31'26" W 825.16 feet; thence N 00°57'42" 171.74 feet; thence N 88°21'19" E 45.00 feet; thence N 00°57'42" W 66.09 feet; thence S 57°37'16" E 37.22 feet; thence S 41°19'08" E 10.61 feet; thence S 68°47'10" E 46.30 feet; thence S 50°27'05" E 25.27 feet; thence S 66°57'45" E 85.46 feet; thence S 48°54'33" E 20.73 feet; thence S 67°44'13" E 34.35 feet; thence S 57°45'59" E 52.36 feet; thence S 36°19'43" E 52.75 feet; thence S 75°30'51" E 26.26 feet; thence S 81°34'29" E 28.55 feet; thence N 28°55'18" E 36.78 feet; thence S 89°05'08" E 44.32 feet; thence S 86°10'11" E 145.66 feet; thence N 88°48'17" E 206.56 feet; thence 44.08 feet along an arc of a curve, whose radius is 330.00 feet, whose center lies to the east and whose chord bears S 17°59'29" E 44.05 feet to the point of beginning.

NE COR
OF THE NW 1/4 OF
SEC. 25-5-21

NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 25-5-21

WEST RYAN ROAD (S.T.H. "100")



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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 07/17/18
REPORTS & RECOMMENDATIONS	RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE TO ALLOW FOR RENTAL OF SPACE WITHIN FOREST HOME CORPORATE CENTER FOR WEEKLY WORSHIP GATHERINGS AND CHILDREN'S CLASSROOMS USE UPON PROPERTY LOCATED AT 11311 WEST FOREST HOME AVENUE (ROOT RIVER CHURCH INC., APPLICANT)	ITEM NUMBER <i>G.8,</i>

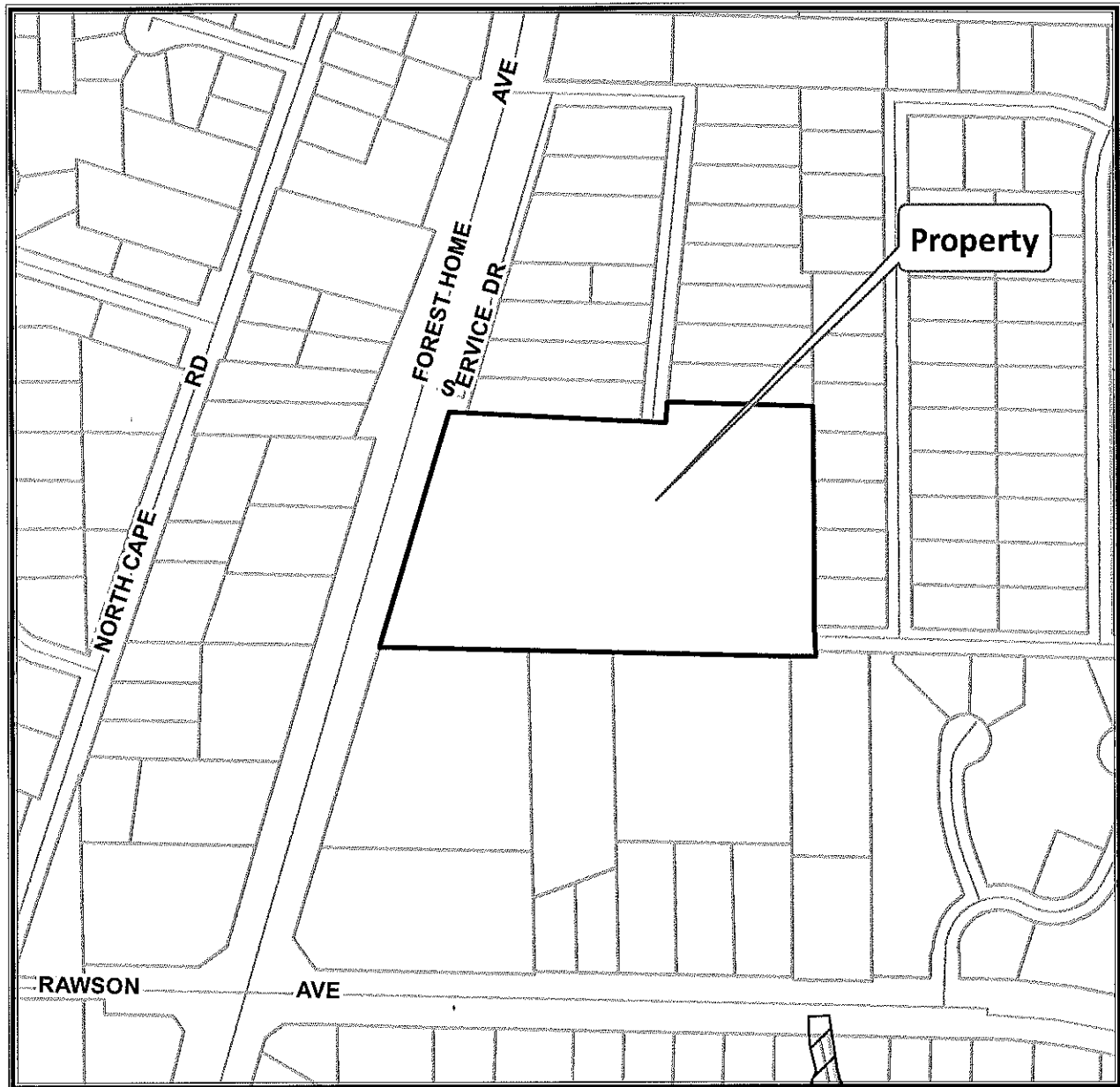
At its July 5, 2018 meeting, the Plan Commission recommended approval of a resolution imposing conditions and restrictions for the approval of a special use to allow for rental of space within Forest Home Corporate Center for weekly worship gatherings and children's classrooms use upon property located at 11311 West Forest Home Avenue (Root River Church Inc., Applicant).

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2018-_____, a resolution imposing conditions and restrictions for the approval of a special use to allow for rental of space within Forest Home Corporate Center for weekly worship gatherings and children's classrooms use upon property located at 11311 West Forest Home Avenue (Root River Church Inc., Applicant).



11311 W. Forest Home Ave.
TKN: 748 9994 003



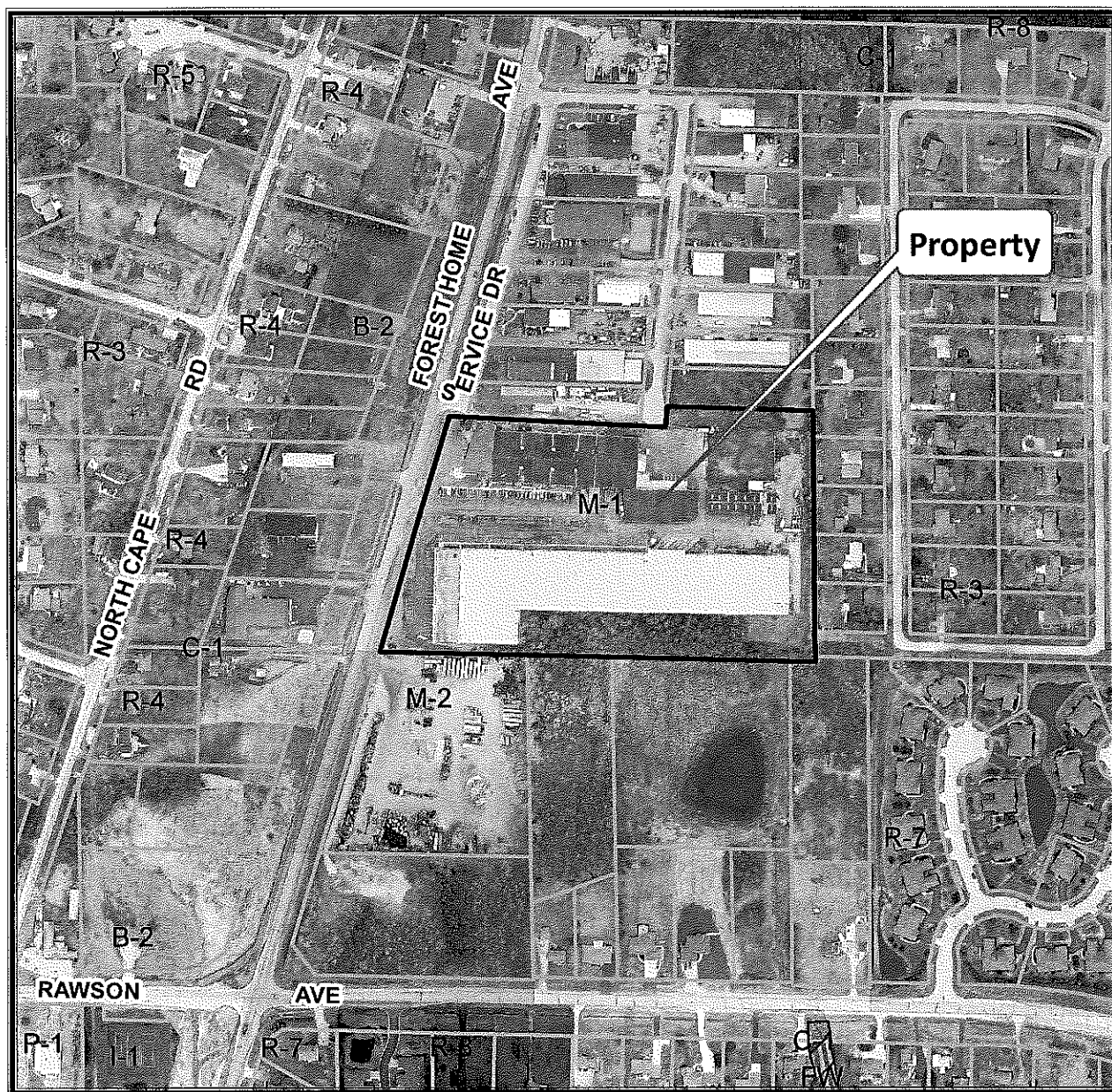
Planning Department
(414) 425-4024

0 230 460 920 Feet

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



11311 W. Forest Home Ave.
TKN: 748 9994 003



Planning Department
(414) 425-4024

0 230 460 920 Feet

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



**CITY OF FRANKLIN****REPORT TO THE PLAN COMMISSION****Meeting of July 5, 2018****Special Use**

RECOMMENDATION: City Development Staff recommends approval of the proposed Special Use for Root River Church upon property located at 11311 West Forest Home Avenue, subject to the conditions of approval in the attached draft resolution.

Project Name:	Root River Church Special Use
Project Address:	11311 W. Forest Home Avenue
Applicant:	Scott Harms
Owners (property):	FHCC, LLC
Current Zoning:	M-1 Limited Industrial District
2025 Comprehensive Master Plan:	Industrial
Use of Surrounding Properties:	M-1 District zoned industrial land to the north, M-2 zoned industrial land and single-family residential to the south, single-family residential to the east and commercial to the west
Applicant Action Requested:	Recommendation of approval for the proposed Special Use for Root River Church

INTRODUCTION:

Please note:

- Staff suggestions are underlined and are not included in the draft resolution.

On May 18, 2018, the applicant filed an application for a Special Use to allow Root River Church to locate within vacant tenant space at 11311 W. Forest Home Avenue, zoned M-1 Limited Industrial District.

The subject business use is classified as Standard Industrial Classification Code No. 8661: Religious Organizations. In February 2018, the City adopted an ordinance allowing SIC Code No. 8661 as a Special Use in the M-1 District. The SIC manual describes SIC Title No. 8661 Religious Organizations as:

“Establishments of religious organizations operated for worship, religious training or study, government or administration of an organized religion, or for promotion of religious activities.”

The following specific uses are associated with SIC Title No. 8661 and included in the description:

- Churches

- Convents
- Monasteries
- Religious instruction, provided by religious organizations
- Religious organizations
- Shrines, religious
- Temples

PROJECT DESCRIPTION AND ANALYSIS:

Special Use:

Root River Church is proposing to rent space at the Forest Home Corporate Center located at 11311 W. Forest Home Avenue. The church is proposing to occupy 6,450 square feet on the first floor for weekly worship space as well as 6,000 square feet of space on the second floor for children's classrooms.

According to the applicant, the current average weekly church service attendance is about 110 people. Anticipated hours of operation are noted in the applicant's project narrative. Per Unified Development Ordinance standards, about 44 parking spaces would be required for this use.

The property contains several buildings with a mix of existing tenants generally consisting of light manufacturing, warehousing, a dance school, office, landscaping, etc. The property has approximately 115 parking spaces onsite, which are shared by all tenants. Staff is not aware of any parking issues related to this property.

Staff would suggest that a parking analysis of the entire property be undertaken at this time. At such time as any other future uses would occur on Sunday's, staff would likely recommend a detailed parking analysis at that time.

The applicant is not proposing any new landscaping, lighting or exterior modifications to the building. They have noted approximately \$25,000 in interior modifications. Staff would anticipate tenant signage being added to the existing monument sign, which requires review and approval by the Architectural Review Board and a Sign Permit issued by the Inspection Department.

STAFF RECOMMENDATION:

City Development Staff recommends approval of the proposed Special Use for Root River Church upon property located at 11311 West Forest Home Avenue, subject to the conditions of approval in the attached draft resolution.

RESOLUTION NO. 2018-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE
APPROVAL OF A SPECIAL USE TO ALLOW FOR RENTAL OF SPACE WITHIN
FOREST HOME CORPORATE CENTER FOR WEEKLY WORSHIP GATHERINGS
AND CHILDREN'S CLASSROOMS USE UPON PROPERTY LOCATED AT 11311
WEST FOREST HOME AVENUE
(ROOT RIVER CHURCH INC., APPLICANT)

WHEREAS, Root River Church Inc., having petitioned the City of Franklin for the approval of a Special Use within an M-1 Limited Industrial District to allow for rental of space on the first and second floor within Forest Home Corporate Center for weekly worship gatherings (first floor) and children's classrooms (second floor), with estimated time usage as follows: Mondays through Fridays from 8:00 a.m. to 5:00 p.m., Tuesday evenings between 6:00 p.m. and 9:00 p.m., Fridays, two per month, from 6:00 p.m. to 8:30 p.m., Saturdays between 10:00 a.m. and 6:00 p.m., Sundays between 8:00 a.m. and 1:00 p.m. and additional hours in the future (evenings and weekends), as needed, for classes and social gatherings outside of the standard hours, for the property located at 11311 West Forest Home Avenue, bearing Tax Key No. 748-9994-003, more particularly described as follows:

COM SE COR LOT 10 IN BLK 2 IN NORTH CAPE INDUSTRIAL PARK
SE 6 5 21 TH S 411.19 FT TO N LI S 50 ACS OF SD QUAR W 1035.79 FT
TO E LI W FOREST HOME AVE NE 582.97 FT TO SW COR SD SUBD E
412.22 FT SW 146.90 FT E 496.03 FT TO BEG & OUTLOT A IN BLK 1 &
LOTS 9 & 10 IN BLK 2 IN SD SUBD & VAC S 112TH STR ADJ SD
OUTLOT CONT 12.49 ACS; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 5th day of July, 2018, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission

ROOT RIVER CHURCH INC. – SPECIAL USE

RESOLUTION NO. 2018-_____

Page 2

recommendation and having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Root River Church Inc., for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by Root River Church Inc., successors and assigns, for space rental for worship gatherings and children's classrooms use, which shall be developed in substantial compliance with, and operated and maintained by Root River Church Inc., pursuant to those plans City file-stamped June 25, 2018 and annexed hereto and incorporated herein as Exhibit A.
2. Root River Church Inc., successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Root River Church Inc. space rental for worship gatherings and children's classrooms use, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon the Root River Church Inc. and the space rental for worship gatherings and children's classrooms use upon the property located at 11311 West Forest Home Avenue: (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.

BE IT FURTHER RESOLVED, that in the event Root River Church Inc., successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19. of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than

ROOT RIVER CHURCH INC. – SPECIAL USE

RESOLUTION NO. 2018-_____

Page 3

\$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.

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

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

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Exhibit A

City of Franklin Department of City Development

Date: June 13, 2018

To: Scott Harms, Root River Church, Inc.

From: Department of City Development Staff

RE: Root River Church Special Use – Staff Comments

Please be advised that City Staff has reviewed the above application. Department comments are as follows for the Special Use Application submitted by Scott Harms, and date stamped by the City of Franklin on May 18, 2018.

Department of City Development Staff Comments

1. Please note the following information on the Site Plan per Section 15-7.0103 of the Unified Development Ordinance.
 - a. **Scale and Site Size.** The scale of drawing and the size of the site (in square feet or acres) noted on the Site Plan.

Please note the site size on the Site Plan.

Please see attached original survey from 1997. Recent appraisal declares site 15 Acres +/-.

- b. **Setbacks, Shore Buffers, Wetland Buffers, Wetland Setbacks, and Building Lines.** All required setbacks, shore buffers, wetland buffers, wetland setbacks, and building lines shall be graphically indicated and dimensioned on the Site Plan.

Please note the building setbacks on the Site Plan. The applicable M-1 District setbacks are:

- Minimum Front Yard: 30 feet
- Minimum Side Yard: 20 feet
- Minimum Rear Yard: 30 feet

No additions will be made to any structures on the site.

- c. **Existing and Proposed Zoning Boundaries.** The existing and proposed zoning boundaries of the property.

Please label the existing zoning on the Site Plan (M-1 Limited Industrial District).

Current site plans are at the State DSPS for revisions. Existing zoning of "M-1 Limited Industrial District" can be added in red ink to the approved plans by a certified architect.

2. Please confirm the area of tenant space being occupied on the first and second floors. The plans indicate 6,827 square feet of remodeling, but also states that the area of first floor remodeling is 777 square feet and area of second floor remodeling/use change is 12,985 square feet.

Note that the area provided should be for the entire tenant space being occupied, not just areas being remodeled. This should match the area identified on the site plan.

Specific language was changed on the revisions per the first floor. All second floor use will be office related. No assembly will be allowed on the second floor. Second floor will also be available for future tenants whether shared or separated.

3. A previous staff report indicated about 173 parking spaces onsite. The site plan states 117 parking stalls (109 parking stalls and 6 H.C. stalls). Note that is 115 parking spaces total, not 117.

Please provide an accurate parking space count for the site.

Architect will correct number in red ink on approved site plans.

4. Staff recommends review of Section 15-5.0203 and Table 15-5.0203 to provide a parking analysis for the subject site. The analysis should include the square footage and parking requirements for each use within the building, including likely uses for any vacant space. If a reduction is needed from the Standard Parking Ratios, further information may be required, such as identifying different peak parking demands among existing uses.

All co-tenants within this parcel operate on a Monday-Friday employee, delivery, and parking schedule. This tenant's peak parking scheduled occurs on Sundays.

5. Any proposed signage is subject to review and approval by the City of Franklin Architectural Review Board. Please contact the Building Inspection Department for the approval process and any required applications, if signage is proposed.

Understood by tenant.

6. Is a dumpster enclosure located onsite for church use?

Tenants are required to be responsible for all and any trash disposal. There is no existing dumpster allocated for church use.

Engineering Department Staff Comments

No comments.

Building Inspection Department Staff Comments

Regarding the Root River Church proposed special use application at 11311 W. Forest Home Ave., we have no reasonable objection to not allow the use. The church will have to review the code requirements for the change of occupancy they are proposing. Permits will be required for all building alterations and current exiting and fire prevention services will have to be reviewed.

Fire Department Staff Comments

Regarding the Special Use Application for Root River Church, please see the requirements below. Most concerning is that the building was not designed as an assembly occupancy and egress capacity does not support the proposed occupancy load. DSPS would have to approve an alternative egress plan. It is referenced in the Architect's notes (See attached).

**Franklin Fire Department
Interior Alteration/Modification Requirements
Root River Church, 11311 W. Forest Home Ave.**

04/25/18

DSPS approved original plans. No issue is foreseen.

General:

- 1. Approval is contingent upon DSPS acceptance that Area Usage Plan satisfactorily addresses Occupant Load and Egress Capacity.** DSPS approved original plans. No issue is foreseen.
2. Review and follow Franklin Fire Prevention and Protection Code (Municipal Ordinances, Chapter 133).
- 3. Fire Extinguishers must be installed (per NFPA 10).** Noted in plans on page 3 - #24

Alarm and Protection Systems:

- 1. Ensure that existing Automatic Fire Sprinkler and Fire Alarm systems maintain compliance with relevant NFPA standards in all areas where alterations are made.**
 - a. **Must be verified by licensed sprinkler contractor and alarm contractor.**

- b. Modification of any sprinkler and/or fire alarm systems requiring State approval must be reviewed and approved by the State prior to submission to the Fire Department (refer to State code).
- c. Plans must be stamped and conditionally approved by the Fire Department BEFORE any alarm or fire sprinkler system work can be started.
- d. A rough inspection will be required prior to concealing any fire protections system components.
- e. Permit/Application and inspection fees may apply.

Fire protection contractor will address all required items per code.

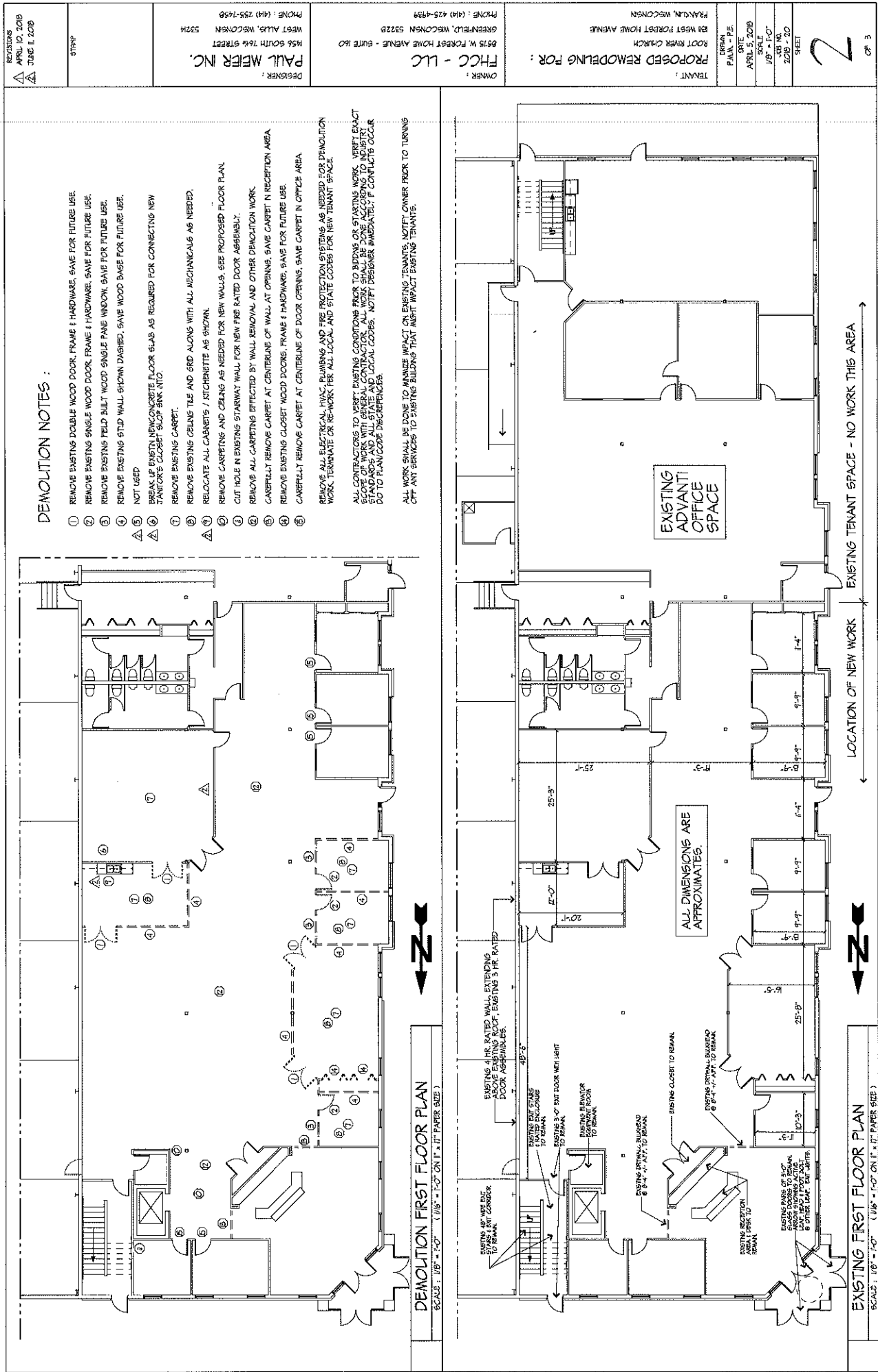
**Please contact the Franklin Fire Department for questions or clarification
(414) 425-1420**

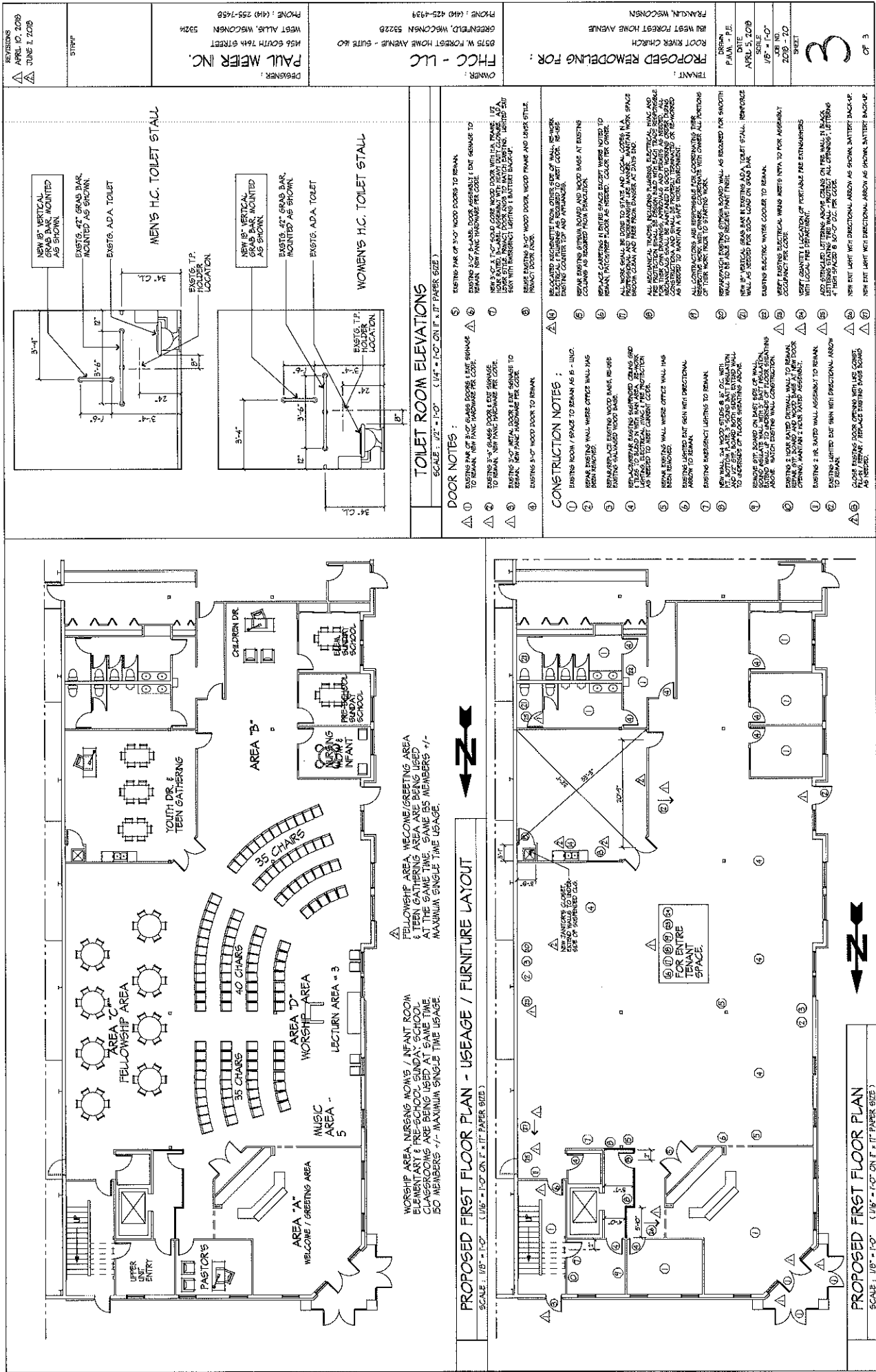
City ordinances, fire, and building codes can be found at:
<http://franklinwi.gov/Home/ResourcesDocuments/MunicipalOrdinances.htm>


Police Department Staff Comments

The Franklin Police Department has reviewed the application for 11311 W. Forest Home Avenue.

The Police Department has no issues with this request.





APPROVAL 	REQUEST FOR COUNCIL ACTION	MEETING DATE 7/17/2018
REPORTS & RECOMMENDATIONS	Franklin Senior Citizens Travel Program Semi-Annual Update for 2018	ITEM NUMBER G.9.

To fulfill the June 19, 2007 directive of the Common Council requesting that an update of the Franklin Seniors Travel Program be prepared semi-annual, reporting in January and July of each year, attached is correspondence from Mr. Basil Ryan on January thru June 2018 trip statistics and activities.

The Franklin Senior Travel Program is funded through the City's general "Recreation" operating fund, which for 2018 has a total budget amount of \$12,000. For the period January 1, 2018 through June 30, 2018, four (4) trips have been taken thus far expending \$4,210 of the \$12,000 Senior Travel Program Budget for 2018 (remaining balance for July thru December is \$7,790).

COUNCIL ACTION REQUESTED

This item is being provided at the direction of the Common Council for its information.
No action is being requested.

July 11, 2018

Mayor and Common Council Members
Franklin City Hall
9229 West Loomis Road
Franklin, WI 53132

Ladies and Gentlemen:

The Franklin Senior Travelers submit the following report for January to June 2018 activity. Franklin Senior Travelers were active in January, March, April and June with over 300 participants. A variety of trips were held during this period.

January – Phantom, Fireside Theater, Fort Atkinson

March – Newsies, Fireside Theater, Fort Atkinson

April – 42nd Street, Fireside Theater, Fort Atkinson

June – You're Only Young Twice, Memories Theater, Port Washington, Cedar Creek Winery tour and visit specialty shops in downtown Cedarburg. This trip drew increased attendance and required two buses.

We continue to experience tremendous success with many NEW **Franklin seniors** participating on trips for the first time. We realize we have seniors with varying interests and we try to cater to all of their concerns and needs.

Our 2018 budget is \$12,000. We are hopeful this budget allows us to absorb the tremendous growth in Franklin senior participation in 2018. If it was not for this additional money from the city, we would not have been able to accommodate the growing number of seniors who want to enjoy these experiences even though we've had to eliminate trips so we can successfully work within the \$12,000 budget. We did not take any trips during February or May.

The City of Franklin should be proud of the partnership's success. We are looking forward to more great trips in 2018 for our Franklin seniors. Our plans include:

August – Black Point Estate, Lake Geneva Boat Tour, Yerkes Observatory, Lake Geneva

September – Deathtrap A Whodunit Murder Mystery, Palace Theater & Winery Tour

October – In planning stages, pending adequate funding

November – Branson on the Road-Christmas Style and Christmas shopping at Conover Merchant Mall, Oregon, IL.

Franklin Senior Travelers, along with the help of the City of Franklin, look forward to continued success in providing Franklin's seniors with affordable activities, as well as the ability to interact with other Franklin seniors and share experiences that they may otherwise not be able to.

Sincerely,


Basil Ryan
Franklin Senior Travelers

Attachment

2018 FRANKLIN SENIOR TRAVELERS BUS TRANSPORTATION BUDGET

Date	Trip Description	Bus Cost	Paid By	Balance
				12,000
1/11/2018	Phantom, Fireside	860	City of Franklin	11,140
February	NO TRIP - BUDGET CONSTRAINTS	N/A		N/A
3/14/2018	Newsies, Fireside	860	City of Franklin	10,280
4/12/2018	42nd Street, Fireside	860	City of Franklin	9,420
May	NO TRIP - BUDGET CONSTRAINTS	N/A		N/A
6/21/2018	Memories Theater, Cedar Creek Winery	1,630	City of Franklin	7,790
	Our budget for 2018 is \$12,000.			

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<p>APPROVAL</p> 	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>7/17/2018</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>City of Franklin's Community Development Block Grant Program Projects for 2019</p>	<p>ITEM NUMBER</p> <p>G, 10.</p>
<p>Per Milwaukee County, the timeline for the 2019 Community Development Block Grant (CDBG) applications is as follows:</p> <p>July 16, 18, 24, 26: 2019 CDBG Training Sessions for Applicants.</p> <p>July 23, 2018: 2019 CDBG application available to municipalities and non-profits.</p> <p>August 21, 2018: CDBG applications due to Milwaukee County Housing.</p> <p>September 2018: Second Public Hearing on Milwaukee County's Final 2019 Annual Plan (which encompasses applicant's requests/funding amounts).</p> <p>2018 CDBG PROJECT ALLOCATIONS</p> <p>For its 2018 CDBG allocations, the City of Franklin issued a letter of support in the amount of \$5,000 to Southwest Interfaith for its Neighborhood Outreach/Home Support Program; a letter of support in the amount of \$3,000 to Oak Creek Salvation Army for its Homelessness Program; applied and received notice of award in the amount of \$5,000 for the Senior Community Health Educational Program; and applied and received notice of award in the amount of \$37,000 for the 2018 Franklin Home Repair Grant Program.</p> <p>2019 CDBG APPLICATION IDEAS</p> <p>As a refresher, the Milwaukee County CDBG program has had increasing pressure from HUD to ensure approved projects meet the federal requirement that no more than 15% of project dollars go towards Public Service projects, social service type programs not involving construction (per federal law, the focus of the CDBG program is for construction related projects). Note that the County considers those projects that receive a letter of support as using a portion of our allocation.</p> <p>The size of Franklin's allocations limits its reasonable application for major construction projects, which is the primary intent of the Federal CDBG program. Efforts to generate public input and ideas in recent years have not been very successful largely in part to the limitations of the funds in relation to Franklin's demographic makeup. Nonetheless, the City could delay action at this time to seek additional input or ideas. At the same time, our current allocation strategy supports beneficial services and can be very helpful in maintaining a small portion of the City's older housing stock, while targeting CDBG-eligible participants.</p> <p>For 2019 and absent the submission of appropriate and viable CDBG-eligible project suggestions, the Director of Administration recommends continuing to fund the current Public Service Projects: 1) The Senior Health-Related Educational Programming by the Franklin Health Department (\$5,000), 2) letter of support for the Oak Creek Salvation Army – Homelessness Program (\$3,000), and 3) letter of support for the Southwest Interfaith Elderly Home Support Services (\$5,000). If the Common Council agrees, the City will forward a letter of support to SW Interfaith and the Salvation Army, and those agencies will then proceed to prepare and submit the necessary 2019 application to Milwaukee County. City staff will directly participate in the application process for these projects only if it becomes required for whatever reason. Also note that it is possible that the County could reduce the total of available funds for Franklin Public Service projects to around \$8,000-\$9,000, which is 15% of a typical allocation between \$50,000-\$60,000.</p>		

Also for 2019, and absent any other ideas, the Director of Administration suggests that the City once again apply for funding towards a "Franklin Home Repair Grant Program" as it had applied for and was awarded funding in 2018. The current 3-year Cooperation Agreement with the County now includes language that allows a community to submit proposed projects for funding "and/or have all or some of its allotment for that year applied to the Home Repair Program". The Milwaukee County Home Repair Program is administered directly through Milwaukee County and provides grants to low-income owner-occupants of single-family homes to make necessary repairs to their homes. Typical repairs include making accessibility accommodations, repairing electrical systems, water/sewer service, and/or porches; replacing roofs, siding, trim, and/or windows. Since 2018 funds have not yet been dispersed to the County by HUD, we do not know yet just how many residents will be assisted by the 2018 Home Repair Program (application was for approximately 7-12 income-eligible, single-family homeowners). The 2015 Franklin Home Repair Grant Program monies helped four Franklin single-family homes with repairs.

Absent any other suggested projects, the Director of Administration recommends completing and submitting final 2019 Milwaukee County CDBG applications by the deadline date of August 21, 2018 for the following City of Franklin projects and amounts:

2019 Recommended Franklin CDBG Applications:	Amount:
Senior Health-Related Educational Programming (Health Department)	\$5,000
Southwest Interfaith Elderly Home Support Services (Letter of Support-\$5,000)	5,000
Oak Creek Salvation Army—Homelessness (Letter of Support-\$3,000)	3,000
Franklin Home Repair Grant Program (Remaining amount)	<u>37,000-47,000</u>
Total 2019 Franklin Application Submittal	\$50,000-\$60,000

NOTE: A public hearing by the City of Franklin is not required as the Milwaukee County Board schedules/holds a public hearing on all project recommendations usually in September.

COUNCIL ACTION REQUESTED

Motion to table this item until the meeting of August 7, 2018 in order to allow individuals the opportunity to propose other CDBG-eligible projects.

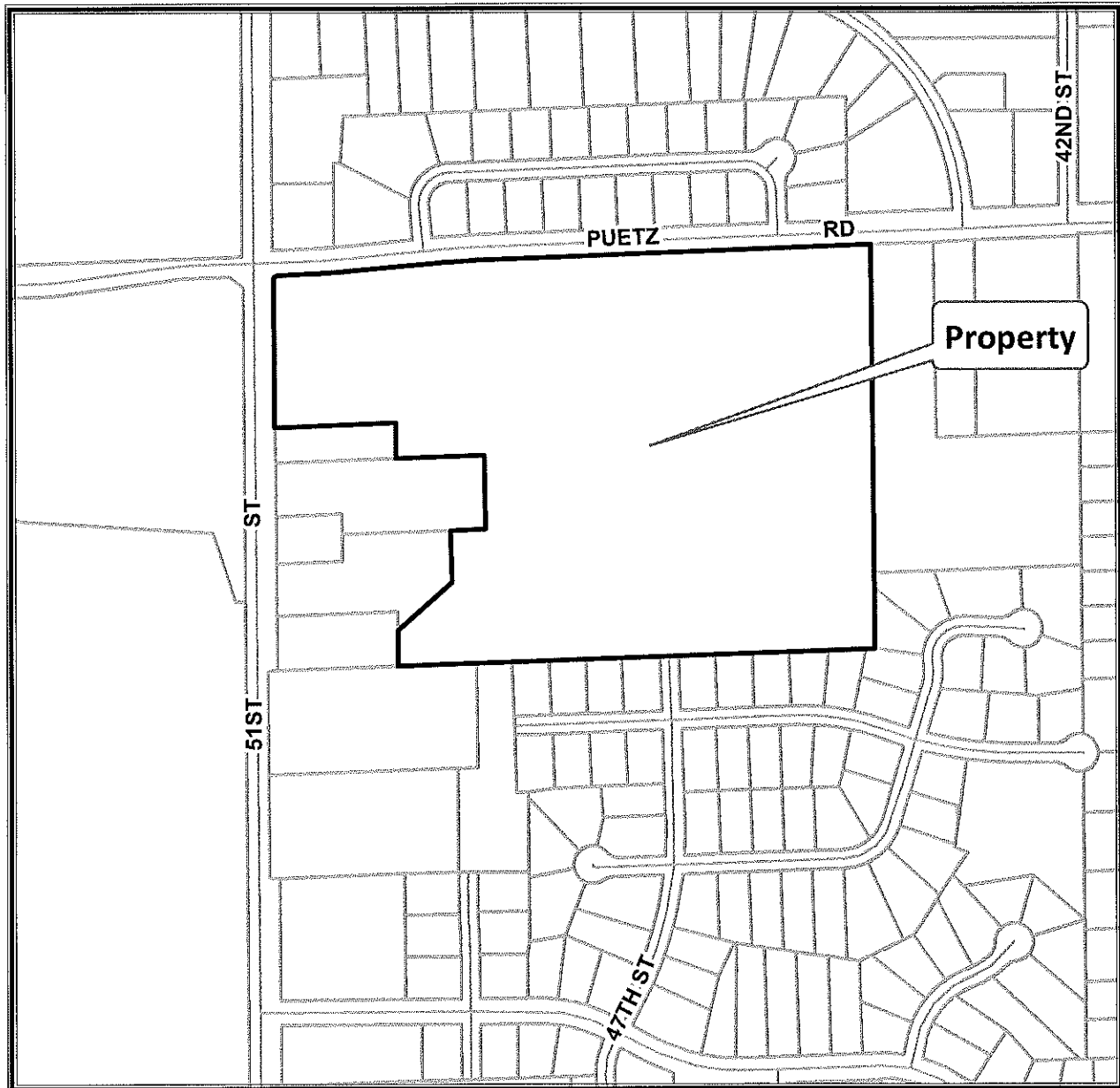
-OR-

Motion to authorize the Director of Administration to submit Letters of Support 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 a project application for a Franklin Home Repair Grant Program, that would be administered directly through Milwaukee County, for the remaining portion of the City's annual allocation.

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 07/17/18
REPORTS & RECOMMENDATIONS	RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR ASPEN WOODS SUBDIVISION (AT APPROXIMATELY SOUTH 51ST STREET AND WEST PUETZ ROAD) (VERIDIAN HOMES, LLC, APPLICANT)	ITEM NUMBER <i>G.11.</i>
<p>At the July 5, 2018 meeting of the Plan Commission the following action was approved: move to recommend approval of a resolution conditionally approving a Final Plat for Aspen Woods Subdivision (at approximately South 51st Street and West Puetz Road).</p> <p style="text-align: center;">COUNCIL ACTION REQUESTED</p> <p>A motion to approve Resolution 2018-_____, conditionally approving a Final Plat for Aspen Woods Subdivision (at approximately South 51st Street and West Puetz Road) (Veridian Homes, LLC, Applicant).</p>		



TKN 853 9995 010



Planning Department
(414) 425-4024

0 300 600 1,200 Feet

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



2017 Aerial Photo

RESOLUTION NO. 2018-_____

A RESOLUTION CONDITIONALLY APPROVING A
FINAL PLAT FOR ASPEN WOODS SUBDIVISION
(AT APPROXIMATELY SOUTH 51ST STREET AND WEST PUETZ ROAD)
(VERIDIAN HOMES, LLC, APPLICANT)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a final plat for Aspen Woods Subdivision, such plat being Lot 4 of Certified Survey Map No. 7754, recorded in the Register of Deeds office for Milwaukee County on May 9, 2006, as Document No. 9231593, being a redivision of Parcel 1 of Certified Survey Map No. 4397, Parcels 1 and 2 of Certified Survey Map No. 6185 and Lot 2 of Certified Survey Map No. 7733, being a part of the Northwest 1/4 of the Northeast 1/4 and the West 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at approximately South 51st Street and West Puetz Road [the Preliminary Plat includes a 74 lot subdivision with 69 single-family residential home sites ranging in size from 13,554 square feet to 41,296 square feet, which also includes 5 outlots and a future small, private neighborhood park] [the applicant has received Special Use approval via Resolution No. 2018-7367 to utilize the Special Use "Open Space Subdivision" Option 2 development standards], bearing Tax Key No. 853-9995-010, Veridian Homes, LLC, applicant; said Final Plat having been reviewed by the City Plan Commission following the reviews and recommendations or reports of the City Planning Department and the City Engineering Department, and the Plan Commission having recommended approval thereof at its meeting on July 5, 2018, 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 final plat 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 Final Plat of Aspen Woods Subdivision, as submitted by Veridian Homes, LLC, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, and that all minor technical deficiencies within the Final Plat be rectified, all prior to the recording of the Final Plat.
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

VERIDIAN HOMES, LLC - FINAL PLAT FOR ASPEN WOODS SUBDIVISION

RESOLUTION NO. 2018-_____

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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. Pursuant to §236.13(1) and (2), Stats., pertaining to conditions of plat approval and the provision of public improvements reasonably necessary, respectively, and §§15-8.0101 and 15-2.0303 of the Unified Development Ordinance, pertaining to required improvements and the financial security to be provided therefore as conditions of plat approval, the required improvements prescribed in the Unified Development Ordinance for land divisions are required as a condition of the approval of the Final Plat for Aspen Woods Subdivision; a Subdivision Development Agreement ("Subdivider's Agreement"), as may be approved by the Common Council upon the recommendation of the City Engineer and as secured by a Financial Guarantee (the "Financial Guarantee" which may be either in the form of a Letter of Credit or a Performance Bond and such form shall be the choice of the Subdivider) in form as approved by the City Attorney, shall provide for the furnishing, construction and installation of the required improvements and such other matters as set forth therein, and shall be entered into and executed by Veridian Homes, LLC prior to the recording of the Final Plat.
4. Each and any easement shown on the Final Plat shall be the subject of separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Final Plat.
5. That any and all submissions, reviews and approvals, for any and all matters required to be submitted, reviewed and/or approved within the final plat application process as specified within the Unified Development Ordinance, which may not have been submitted, reviewed and/or approved as of the date of adoption of this Resolution, if any, including for matters of utility easements, a declaration of deed restrictions and protective covenants, conservation easements, other public purpose easements, stormwater management agreements, and homeowners' association legal instruments, shall be so submitted, reviewed and/or approved, prior to the recording of the Final Plat.
6. Borislav Kresovic, successors and assigns and any developer of the Aspen Woods 74 lot with 69 single-family residential lots, 5 outlots and a private park subdivision development shall pay to the City of Franklin the amount of all development

VERIDIAN HOMES, LLC - FINAL PLAT FOR ASPEN WOODS SUBDIVISION

RESOLUTION NO. 2018-_____

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compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Aspen Woods 74 lot with 69 single-family residential lots, 5 outlots and a private park subdivision development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

7. The approval granted hereunder is conditional upon Veridian Homes, LLC and the Aspen Woods 74 lot with 69 single-family residential lots, 5 outlots and a private park subdivision development project for the property located at approximately South 51st Street and West Puetz Road: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
8. The Aspen Woods 74 lot with 69 single-family residential lots, 5 outlots and a private park subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.
9. The first note on the Plat shall be revised to replace the word “conservation” with “preservation”.
10. A written open space buffer easement document shall be reviewed and approved by the Common Council and recorded with the Milwaukee County Register of Deeds Office at the time of recording of the Final Plat.
11. A written conservation easement document shall be reviewed and approved by the Common Council and recorded with the Milwaukee County Register of Deeds Office at the time of recording of the Final Plat.

BE IT FURTHER RESOLVED, that the Final Plat of Aspen Woods Subdivision, 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 final plat, the City Clerk is hereby directed to obtain the recording of the Final Plat of Aspen Woods Subdivision with the Office of the Register of Deeds for Milwaukee County.

VERIDIAN HOMES, LLC - FINAL PLAT FOR ASPEN WOODS SUBDIVISION

RESOLUTION NO. 2018-_____

Page 4

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

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of July 5, 2018

Final Plat

RECOMMENDATION: City Development Staff recommends approval of the Final Plat for the Aspen Woods Subdivision, subject to the conditions as noted in the attached draft resolution.

Project Name:	Aspen Woods Final Plat
Project Location:	Southeast corner of 51 st Street & West Puetz Road (Tax Key No: 853-9995-010)
Property Owner:	Borislav Kresovic
Applicant:	Veridian Homes, LLC
Agent:	Ryan Wilgreen, Excel Engineering, Inc.
Current Zoning:	R-3 Suburban/Estate Single-Family Residence District Special Use "Open Space Subdivision" Option 2
2025 Comprehensive Plan:	Residential
Use of Surrounding Properties:	Single-family residential to the north, south and east, and single-family residential and Milwaukee County parkland to the west.
Applicant's Action Requested:	Recommendation of approval of the Final Plat

Introduction:

Please note:

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

On May 21, 2018, the applicant submitted a Final Plat Application for the property located at the southeast corner of South 51st Street and West Putetz Road. The applicant is proposing to subdivide the existing 46.206-acre property to create 69 R-3 single-family residential lots and five (5) outlots. The five (5) outlots consist of natural resource features (to be protected by conservation easements), storm water management facilities, and required open space (to be protected by open space buffer easements). The subdivision also has a 30-Foot Landscape Buffer Easement on the lots adjacent to West Puetz Road.

A Preliminary Plat and Special Use were conditionally approved at the April 17, 2018 Common Council meeting. The Preliminary Plat consisted of 69 lots and five (5) outlots. The Special Use approved the use of Option 2 in Table 15-3.0203 R-3 Suburban/Estate Single-Family Residence District Development Standards, Special Use "Open Space Subdivision", requiring in part a minimum of 0.3 open space ratio, 1.736 gross density and 2.48 net density upon the property.

Project Description/Analysis:

As noted the proposed Aspen Woods Subdivision development includes 69 single-family residential lots and five (5) outlots. All five (5) outlots are considered open space preservation easement areas, in order for the development to meet the minimum 0.3 open space ratio. Staff recommends the first note on the Plat be revised to replace "conservation" with "preservation". The southern portions of Outlot 2 and Outlot 4 are identified as a 50' Open Space Buffer Easement. Furthermore, the rear of lots 60-62 are identified as a 20' Open Space Buffer Easement. Staff recommends a written open space buffer easement document be reviewed and approved by the Common Council and recorded with the Milwaukee County Register of Deeds Office at the time of recording of the Final Plat.

The Plat also includes several new public roadways, including a connection to West Puetz Road at West Alesci Drive on the north side of the subdivision and a connection to South 47th Street on the south side of the subdivision. The three (3) proposed cul-de-sacs will be designed to include an island. The applicant depicted a phase boundary on the Preliminary Plat, identifying those areas of the site to be developed within Phase I (2018) and Phase II (2019) of the development. Staff suggests adjusting the phase boundary to include the construction of South 47th Street and the intersection with the proposed W. Rustic Summit Pass within Phase 1 of the Subdivision Development.

The lots range in size from 13,554 square feet to 41,296 square feet, all exceeding the R-3 "Open Space Subdivision" Option 2 minimum lot size of 13,000 square feet. According to the applicant, the average lot size is approximately 16,263 square feet. All single-family lots abut a public right-of-way and have sufficient width.

Stormwater ponds are proposed within Outlot 5 and Outlot 2, within the northwest and northeast corners of the property respectively. The proposed subdivision will be served by municipal water and public sanitary sewer.

Natural Resource Protection Plan:

A Natural Resource Protection Plan (NRPP) has been completed for the subject development by Scott Roltgen of Excel Engineering. According to the NRPP, the site contains wetlands and associated wetland buffers and setbacks, and a mature woodland (located within a wetland).

Evergreen Consultants, LLC delineated the wetlands on April 30, 2018. A full and complete wetland delineation report has been provided. In total, protected natural resource features encompass 1.37-acres of the site. Staff recommends a written conservation easement document be reviewed and approved by the Common Council and recorded with the Milwaukee County Register of Deeds Office at the time of recording of the Final Plat.

Signage:

The applicant has recently submitted a separate application for a subdivision monument sign for the Aspen Woods Subdivision. The subdivision monument sign will be subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.

Staff Recommendation:

City Development Staff recommends approval of the Final Plat for the Aspen Woods Subdivision, subject to the conditions as noted in the attached draft resolution.

ASPEN WOODS

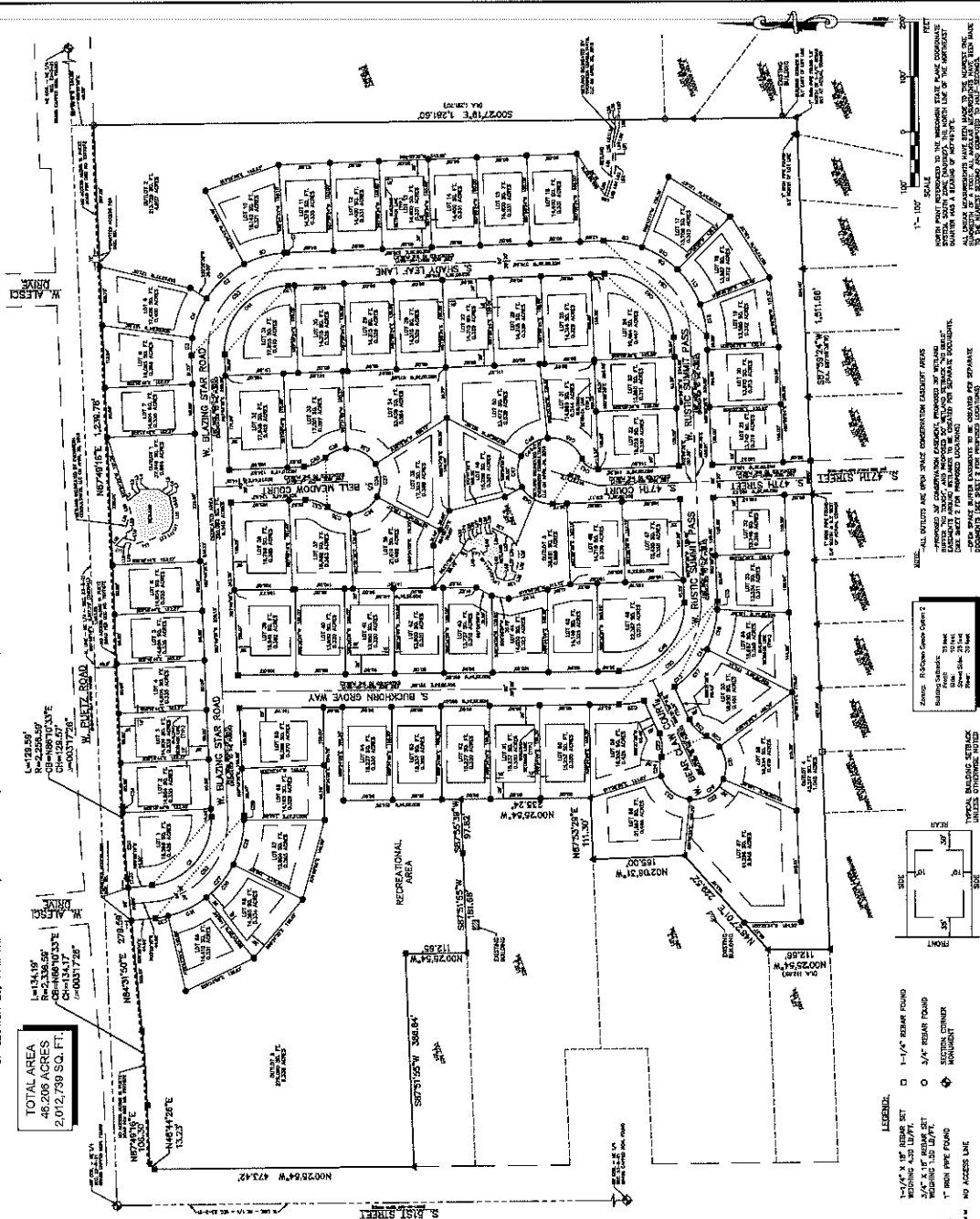
LOT 4 OF CERTIFIED SURVEY MAP NO. 7154, RECORDED IN THE REGISTER OF DEEDS OFFICE FOR MILWAUKEE COUNTY ON MARCH 9, 2006, AS DESCRIBED IN PARCEL 1 OF CERTIFIED SURVEY MAP NO. 4397, PARCELS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 6186 AND LOT 2 OF CERTIFIED SURVEY MAP NO. 7133, BEING A PART OF SECTION 23 TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

TOTAL AREA
46.206 ACRES
2,012,739 SQ. FT.



1/4 OF SECTION 23, TOWNSHIP 3 NORTH,

MILWAUKEE COUNTY, WISCONSIN
SCALE: 1" = 1000'
= ADRIAN WOODS SUBDIVISION

[illegible]

- ALL OUTLETS ARE OPEN SPACE CONCENTRATION EASTERN AREAS
- PROPOSED 30' CONCENTRATION EASTMENT, PROPOSED 30' WETLAND BUFFER, NO TOUCH, AND PROPOSED 30' WETLAND BUFFER "EAST" ELEMENTS ARE WILL BE ASSOCIATED FOR SEPARATE DOCUMENTS. (SEE SHEET 2 FOR PROPOSED LOCATIONS)
- OPEN SPACE BUFFER ELEMENTS TO BE CREATED FOR SEPARATE DOCUMENTS. (SEE SHEET 2 FOR PROPOSED LOCATIONS)

Zoning: R-3 Open Space Option 2

Building Setbacks:

Front:	75 feet
Side:	10 feet
Open Side:	25 feet
Rear:	20 feet

TYPICAL BUILDING SETBACK
UNLESS OTHERWISE NOTED

REAR

SIDE

10' 5' 10' 10'

LEGEND:

■	1-1/4" X 18" REBAR SET MODIFIED 1.50 LB/FT.	□	1-1/4" REBAR FOUND
●	3/4" X 18" REBAR SET MODIFIED 1.50 LB/FT.	○	3/4" REBAR FOUND
▲	1" IRON PIPE FOUND	◆	SECTION CORNER MONUMENT
---	NO ACCESS LINE		

ON LOT 4 OF CERTIFIED SURVEY MAP NO. 7754, RECORDED IN THE REGISTER OF DEEDS OFFICE FOR MILWAUKEE COUNTY ON MAY 8, 2006, AS DOCUMENT NO. 9231593, BEING A REDIVISION OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 4397, PARCELS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 6165 AND LOT 2 OF CERTIFIED SURVEY MAP NO. 7733, BEING A PART OF SECTION 23 NORTH 1/4 OF THE NORTHEAST 1/4 AND THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 23 TOWNSHIP 5 NORTH RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

NOTES:

[illegible]

ACCESS
-No Access allowed to W. Pultz Road per Document No. 7571872.

-There shall be no direct vehicular access from any lot or outlet to Went Pools Road.

WETLANDS
Wetland areas shown on this plan were delineated by Evergreen Consultants,
LLC on April 30, 2018.

-At the time of survey no surface water existed in the wetland areas.

VISION TRIANGLES
-No Obstructions permitted. No visual obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of two and

one-half (2.6) feet and ten (10) feet above the plane through the mean curbsides within the triangular space formed by any two (2) existing or proposed intersecting street or alley right-of-way lines and a line joining points

on such lines, located a minimum of thirty (30) feet from their interaction.

WETLAND AREA LINE TABLES

Samp. Name		Cont. Name	
Line #	Depth	Line #	Depth
13	5.17' (1.58 m)	13	5.17' (1.58 m)

13	2000/12/28	8.65	14%	8441107.1	8.07	149
12	2001/1/18	6.71	13%	9145036.9	10.54	147
14	2000/12/28	20.05	13%	20847407	13.46	148

[illegible]

152	2.173	8.61523493	7.72	MSZ	4.032046	6.17
151	4.87	2.44239196	17	MSZ	4.032046	6.17
150	4.72	2.43333535	150	MSZ	4.032046	6.17

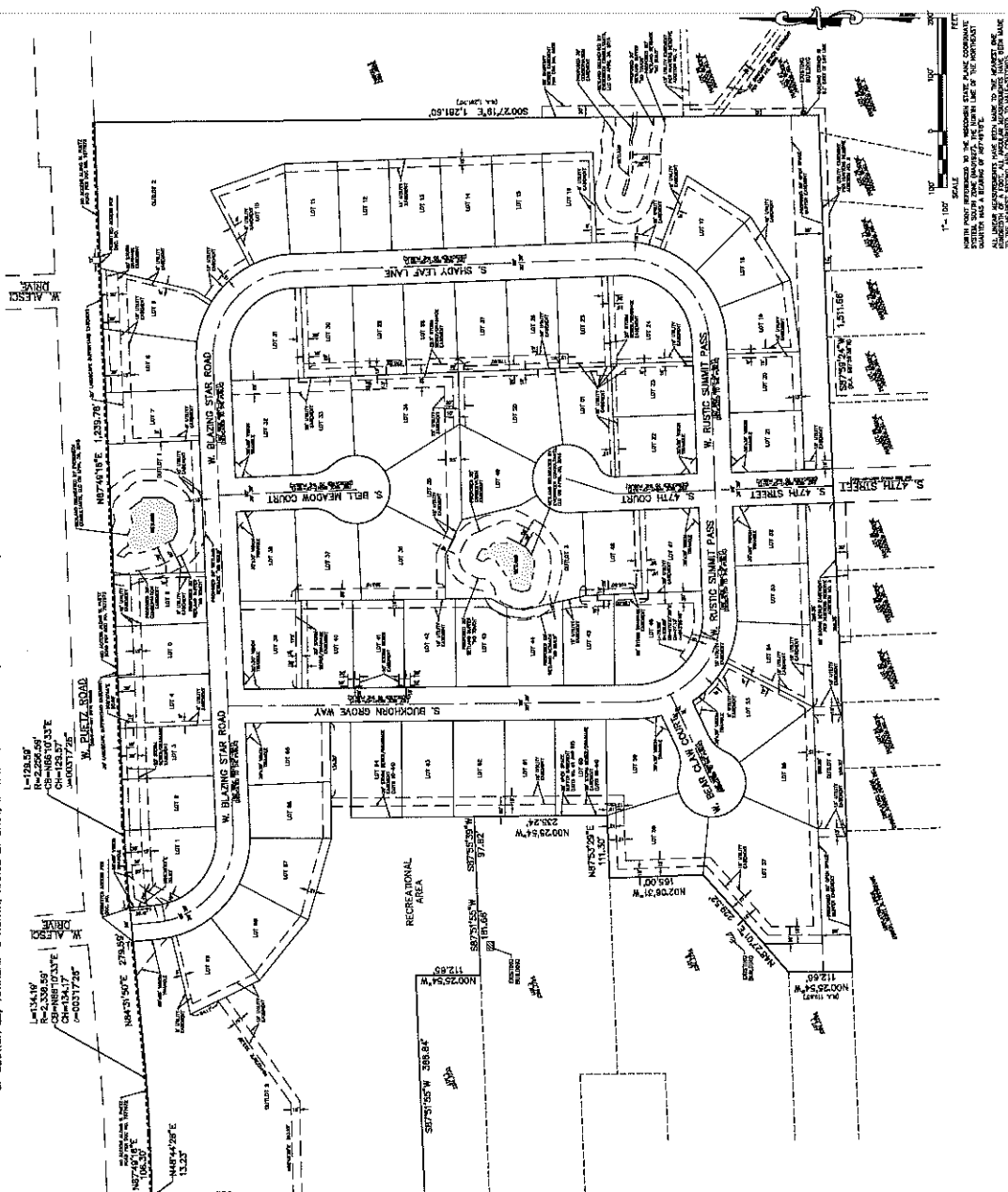
156	10.07	10.07	10.07
157	10.07	10.07	10.07
158	10.07	10.07	10.07

097	25.13	44,223,000	38.7	25.13	44,223,000	38.7
098	25.13	44,223,000	38.7	25.13	44,223,000	38.7
099	25.13	44,223,000	38.7	25.13	44,223,000	38.7
100	25.13	44,223,000	38.7	25.13	44,223,000	38.7

Run	Time (min)	Temp (°C)	Flow (mL/min)	Pressure (atm)
100	10.00	100.0	1.00	1.00
101	10.00	100.0	1.00	1.00
102	10.00	100.0	1.00	1.00
103	10.00	100.0	1.00	1.00

[illegible]

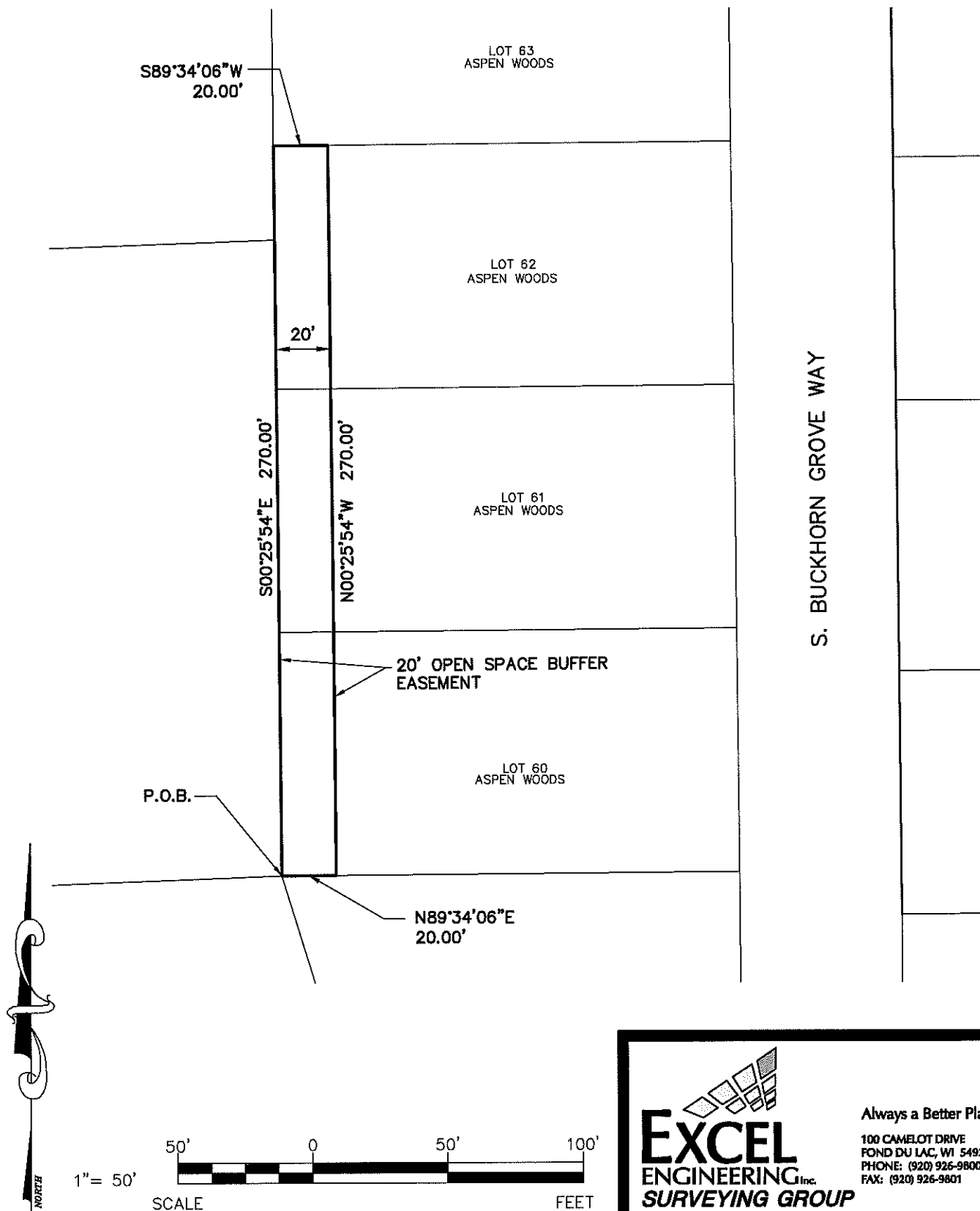
10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

[illegible]

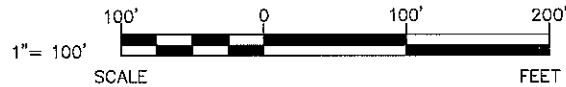
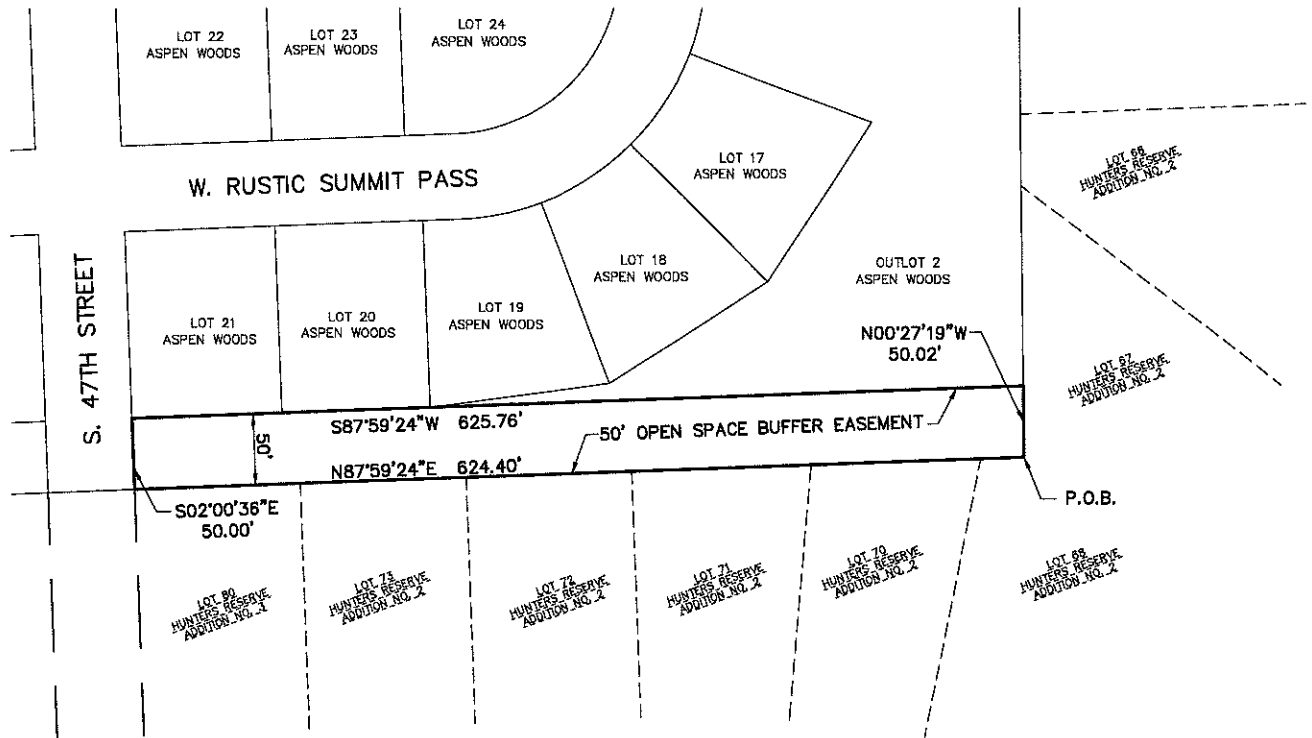
WETLAND AND AREA LINE TABLES

Year	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
1996	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100

20' WIDE OPEN SPACE BUFFER EXHIBIT



50' WIDE OPEN SPACE BUFFER EXHIBIT

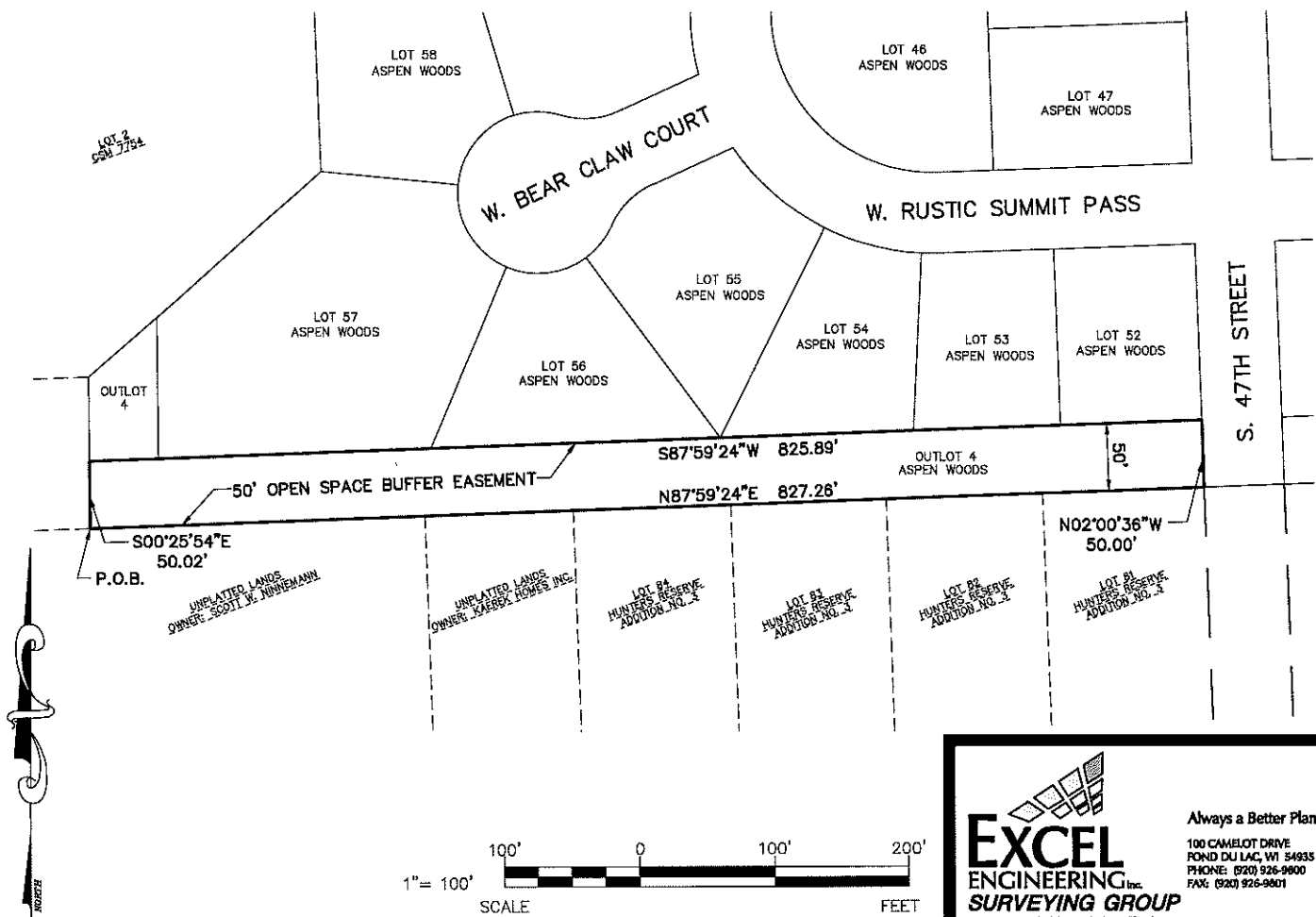



EXCEL
ENGINEERING Inc.
SURVEYING GROUP
PROJECT NO. 1744700

Always a Better Plan

100 CAMELOT DRIVE
FOND DU LAC, WI 54935
PHONE: (920) 926-9800
FAX: (920) 926-9801

50' WIDE OPEN SPACE BUFFER EXHIBIT





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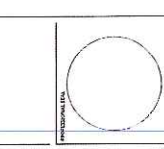
EXCEL
ARCHITECTS • FORT MYERS, FL
3000 UNIVERSITY DRIVE
Ft. Myers, FL 33901
888.444.4444
www.excelarchitects.com

PROJECT INFORMATION
PROJECT NUMBER: 17-0000
DATE: 12-1-2018

PROPOSED LANDSCAPE PLAN

ASPEN WOODS SUBDIVISION

S. 51st ST. & PUETZ ROAD • FRANKLIN, WI



NOT FOR CONSTRUCTION

DATE	DESCRIPTION
JAN. 28, 2018	PRELIMINARY DATE
MAR. 8, 2018	DATE OF REVISION
JUNE 20, 2018	DATE OF REVISION

PROJECT INFORMATION
PROJECT NUMBER: 17-0000
DATE: 12-1-2018

L-1

Wetland Identification

Wetland Identification	Conservation Easement Area (Ac)	Conservation Easement Area (Sq Ft)
Wetland A	0.32	13,776
Wetland B	0.32	13,776
Wetland C	0.32	13,776
Wetland D	0.32	13,776
Wetland E	0.32	13,776
Wetland F	0.32	13,776
Wetland G	0.32	13,776
Wetland H	0.32	13,776
Wetland I	0.32	13,776
Wetland J	0.32	13,776
Wetland K	0.32	13,776
Wetland L	0.32	13,776
Wetland M	0.32	13,776
Wetland N	0.32	13,776
Wetland O	0.32	13,776
Wetland P	0.32	13,776
Wetland Q	0.32	13,776
Wetland R	0.32	13,776
Wetland S	0.32	13,776
Wetland T	0.32	13,776
Wetland U	0.32	13,776
Wetland V	0.32	13,776
Wetland W	0.32	13,776
Wetland X	0.32	13,776
Wetland Y	0.32	13,776
Wetland Z	0.32	13,776

ON-SITE TREE INFORMATION

COMPANY NAME	COMMON NAME	SCIENTIFIC NAME	HEIGHT (ft)	DBH (in)	STATUS
Wetland A	Red Oak	Quercus rubra	10-12	4-6	Preserve
Wetland B	White Oak	Quercus alba	10-12	4-6	Preserve
Wetland C	Black Oak	Quercus nigra	10-12	4-6	Preserve
Wetland D	Pin Oak	Quercus palustris	10-12	4-6	Preserve
Wetland E	Live Oak	Quercus virginiana	10-12	4-6	Preserve
Wetland F	Water Oak	Quercus nigra	10-12	4-6	Preserve
Wetland G	Swamp White Oak	Quercus palustris	10-12	4-6	Preserve
Wetland H	Winged Elm	Ulmus alatus	10-12	4-6	Preserve
Wetland I	Box Elder	Achras glabra	10-12	4-6	Preserve
Wetland J	Spicebush	Lonicera spicata	10-12	4-6	Preserve
Wetland K	Black Gum	Nyssa sylvatica	10-12	4-6	Preserve
Wetland L	Red Maple	Acer rubrum	10-12	4-6	Preserve
Wetland M	White Birch	Betula papyrifera	10-12	4-6	Preserve
Wetland N	Yellow Birch	Betula flaccida	10-12	4-6	Preserve
Wetland O	Black Birch	Betula nigra	10-12	4-6	Preserve
Wetland P	Red Birch	Betula pendula	10-12	4-6	Preserve
Wetland Q	White Birch	Betula papyrifera	10-12	4-6	Preserve
Wetland R	Yellow Birch	Betula flaccida	10-12	4-6	Preserve
Wetland S	Black Birch	Betula nigra	10-12	4-6	Preserve
Wetland T	Red Birch	Betula pendula	10-12	4-6	Preserve
Wetland U	White Birch	Betula papyrifera	10-12	4-6	Preserve
Wetland V	Yellow Birch	Betula flaccida	10-12	4-6	Preserve
Wetland W	Black Birch	Betula nigra	10-12	4-6	Preserve
Wetland X	Red Birch	Betula pendula	10-12	4-6	Preserve
Wetland Y	White Birch	Betula papyrifera	10-12	4-6	Preserve
Wetland Z	Yellow Birch	Betula flaccida	10-12	4-6	Preserve

STREET TREES AND CUL-DE-SACS

STREET NAME	COMMON NAME	SCIENTIFIC NAME	HEIGHT (ft)	DBH (in)	STATUS
Wetland A	Red Oak	Quercus rubra	10-12	4-6	Preserve
Wetland B	White Oak	Quercus alba	10-12	4-6	Preserve
Wetland C	Black Oak	Quercus nigra	10-12	4-6	Preserve
Wetland D	Pin Oak	Quercus palustris	10-12	4-6	Preserve
Wetland E	Live Oak	Quercus virginiana	10-12	4-6	Preserve
Wetland F	Water Oak	Quercus nigra	10-12	4-6	Preserve
Wetland G	Swamp White Oak	Quercus palustris	10-12	4-6	Preserve
Wetland H	Winged Elm	Ulmus alatus	10-12	4-6	Preserve
Wetland I	Box Elder	Achras glabra	10-12	4-6	Preserve
Wetland J	Spicebush	Lonicera spicata	10-12	4-6	Preserve
Wetland K	Black Gum	Nyssa sylvatica	10-12	4-6	Preserve
Wetland L	Red Maple	Acer rubrum	10-12	4-6	Preserve
Wetland M	White Birch	Betula papyrifera	10-12	4-6	Preserve
Wetland N	Yellow Birch	Betula flaccida	10-12	4-6	Preserve
Wetland O	Black Birch	Betula nigra	10-12	4-6	Preserve
Wetland P	Red Birch	Betula pendula	10-12	4-6	Preserve
Wetland Q	White Birch	Betula papyrifera	10-12	4-6	Preserve
Wetland R	Yellow Birch	Betula flaccida	10-12	4-6	Preserve
Wetland S	Black Birch	Betula nigra	10-12	4-6	Preserve
Wetland T	Red Birch	Betula pendula	10-12	4-6	Preserve
Wetland U	White Birch	Betula papyrifera	10-12	4-6	Preserve
Wetland V	Yellow Birch	Betula flaccida	10-12	4-6	Preserve
Wetland W	Black Birch	Betula nigra	10-12	4-6	Preserve
Wetland X	Red Birch	Betula pendula	10-12	4-6	Preserve
Wetland Y	White Birch	Betula papyrifera	10-12	4-6	Preserve
Wetland Z	Yellow Birch	Betula flaccida	10-12	4-6	Preserve



NRPD.	LEGAL DESCRIPTION:	PROPERTY AREA:	EXISTING ZONING:
	Ltd 4 of Milwaukee County Certified Survey Map Number 754, being a part of the NW 1/4 of the NE 1/4 of the NE 1/4 of the NE 1/4 of Section 22, Township 5 North, Range 10 East, Milwaukee County, Wisconsin.	AREA = 2,012.919 S.F. (46.21 ACRES)	R-3

SPECIAL FORM NO. 100-101		STATE OF CALIFORNIA		DEPARTMENT OF INDUSTRIAL RELATIONS	
INVESTIGATION OF THE CAUSE OF A WORKERS COMPENSATION INJURY AND					
Name of Employer		Name of Worker		Date of Injury	
Name of Employer		Name of Worker		Date of Injury	
1. Name of Employer	2. Name of Worker	3. Date of Injury	4. Date of Report	5. Date of Investigation	6. Date of Decision
7. Name of Employer	8. Name of Worker	9. Date of Injury	10. Date of Report	11. Date of Investigation	12. Date of Decision
13. Name of Employer	14. Name of Worker	15. Date of Injury	16. Date of Report	17. Date of Investigation	18. Date of Decision
19. Name of Employer	20. Name of Worker	21. Date of Injury	22. Date of Report	23. Date of Investigation	24. Date of Decision
25. Name of Employer	26. Name of Worker	27. Date of Injury	28. Date of Report	29. Date of Investigation	30. Date of Decision
31. Name of Employer	32. Name of Worker	33. Date of Injury	34. Date of Report	35. Date of Investigation	36. Date of Decision
37. Name of Employer	38. Name of Worker	39. Date of Injury	40. Date of Report	41. Date of Investigation	42. Date of Decision
43. Name of Employer	44. Name of Worker	45. Date of Injury	46. Date of Report	47. Date of Investigation	48. Date of Decision
49. Name of Employer	50. Name of Worker	51. Date of Injury	52. Date of Report	53. Date of Investigation	54. Date of Decision
55. Name of Employer	56. Name of Worker	57. Date of Injury	58. Date of Report	59. Date of Investigation	60. Date of Decision
61. Name of Employer	62. Name of Worker	63. Date of Injury	64. Date of Report	65. Date of Investigation	66. Date of Decision
67. Name of Employer	68. Name of Worker	69. Date of Injury	70. Date of Report	71. Date of Investigation	72. Date of Decision
73. Name of Employer	74. Name of Worker	75. Date of Injury	76. Date of Report	77. Date of Investigation	78. Date of Decision
79. Name of Employer	80. Name of Worker	81. Date of Injury	82. Date of Report	83. Date of Investigation	84. Date of Decision
85. Name of Employer	86. Name of Worker	87. Date of Injury	88. Date of Report	89. Date of Investigation	90. Date of Decision
91. Name of Employer	92. Name of Worker	93. Date of Injury	94. Date of Report	95. Date of Investigation	96. Date of Decision
97. Name of Employer	98. Name of Worker	99. Date of Injury	100. Date of Report	101. Date of Investigation	102. Date of Decision
103. Name of Employer	104. Name of Worker	105. Date of Injury	106. Date of Report	107. Date of Investigation	108. Date of Decision
109. Name of Employer	110. Name of Worker	111. Date of Injury	112. Date of Report	113. Date of Investigation	114. Date of Decision
115. Name of Employer	116. Name of Worker	117. Date of Injury	118. Date of Report	119. Date of Investigation	120. Date of Decision
121. Name of Employer	122. Name of Worker	123. Date of Injury	124. Date of Report	125. Date of Investigation	126. Date of Decision
127. Name of Employer	128. Name of Worker	129. Date of Injury	130. Date of Report	131. Date of Investigation	132. Date of Decision
133. Name of Employer	134. Name of Worker	135. Date of Injury	136. Date of Report	137. Date of Investigation	138. Date of Decision
139. Name of Employer	140. Name of Worker	141. Date of Injury	142. Date of Report	143. Date of Investigation	144. Date of Decision
145. Name of Employer	146. Name of Worker	147. Date of Injury	148. Date of Report	149. Date of Investigation	150. Date of Decision
151. Name of Employer	152. Name of Worker	153. Date of Injury	154. Date of Report	155. Date of Investigation	156. Date of Decision
157. Name of Employer	158. Name of Worker	159. Date of Injury	160. Date of Report	161. Date of Investigation	162. Date of Decision
163. Name of Employer	164. Name of Worker	165. Date of Injury	166. Date of Report	167. Date of Investigation	168. Date of Decision
169. Name of Employer	170. Name of Worker	171. Date of Injury	172. Date of Report	173. Date of Investigation	174. Date of Decision
175. Name of Employer	176. Name of Worker	177. Date of Injury	178. Date of Report	179. Date of Investigation	180. Date of Decision
181. Name of Employer	182. Name of Worker	183. Date of Injury	184. Date of Report	185. Date of Investigation	186. Date of Decision
187. Name of Employer	188. Name of Worker	189. Date of Injury	190. Date of Report	191. Date of Investigation	192. Date of Decision
193. Name of Employer	194. Name of Worker	195. Date of Injury	196. Date of Report	197. Date of Investigation	198. Date of Decision
199. Name of Employer	200. Name of Worker	201. Date of Injury	202. Date of Report	203. Date of Investigation	204. Date of Decision
205. Name of Employer	206. Name of Worker	207. Date of Injury	208. Date of Report	209. Date of Investigation	210. Date of Decision
211. Name of Employer	212. Name of Worker	213. Date of Injury	214. Date of Report	215. Date of Investigation	216. Date of Decision
217. Name of Employer	218. Name of Worker	219. Date of Injury	220. Date of Report	221. Date of Investigation	222. Date of Decision
223. Name of Employer	224. Name of Worker	225. Date of Injury	226. Date of Report	227. Date of Investigation	228. Date of Decision
229. Name of Employer	230. Name of Worker	231. Date of Injury	232. Date of Report	233. Date of Investigation	234. Date of Decision
235. Name of Employer	236. Name of Worker	237. Date of Injury	238. Date of Report	239. Date of Investigation	240. Date of Decision
241. Name of Employer	242. Name of Worker	243. Date of Injury	244. Date of Report	245. Date of Investigation	246. Date of Decision
247. Name of Employer	248. Name of Worker	249. Date of Injury	250. Date of Report	251. Date of Investigation	252. Date of Decision
253. Name of Employer	254. Name of Worker	255. Date of Injury	256. Date of Report	257. Date of Investigation	258. Date of Decision
259. Name of Employer	260. Name of Worker	261. Date of Injury	262. Date of Report	263. Date of Investigation	264. Date of Decision
265. Name of Employer	266. Name of Worker	267. Date of Injury	268. Date of Report	269. Date of Investigation	270. Date of Decision
271. Name of Employer	272. Name of Worker	273. Date of Injury	274. Date of Report	275. Date of Investigation	276. Date of Decision
277. Name of Employer	278. Name of Worker	279. Date of Injury	280. Date of Report	281. Date of Investigation	282. Date of Decision
283. Name of Employer	284. Name of Worker	285. Date of Injury	286. Date of Report	287. Date of Investigation	288. Date of Decision
289. Name of Employer	290. Name of Worker	291. Date of Injury	292. Date of Report	293. Date of Investigation	294. Date of Decision
295. Name of Employer	296. Name of Worker	297. Date of Injury	298. Date of Report	299. Date of Investigation	300. Date of Decision
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343. Name of Employer	344. Name of Worker	345. Date of Injury	346. Date of Report	347. Date of Investigation	348. Date of Decision
349. Name of Employer	350. Name of Worker	351. Date of Injury	352. Date of Report	353. Date of Investigation	354. Date of Decision
355. Name of Employer	356. Name of Worker	357. Date of Injury	358. Date of Report	359. Date of Investigation	360. Date of Decision
361. Name of Employer	362. Name of Worker	363. Date of Injury	364. Date of Report	365. Date of Investigation	366. Date of Decision
367. Name of Employer	368. Name of Worker	369. Date of Injury	370. Date of Report	371. Date of Investigation	372. Date of Decision
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379. Name of Employer	380. Name of Worker	381. Date of Injury	382. Date of Report	383. Date of Investigation	384. Date of Decision
385. Name of Employer	386. Name of Worker	387. Date of Injury	388. Date of Report	389. Date of Investigation	390. Date of Decision
391. Name of Employer	392. Name of Worker	393. Date of Injury	394. Date of Report	395. Date of Investigation	396. Date of Decision
397. Name of Employer	398. Name of Worker	399. Date of Injury	400. Date of Report	401. Date of Investigation	402. Date of Decision
403. Name of Employer	404. Name of Worker	405. Date of Injury	406. Date of Report	407. Date of Investigation	408. Date of Decision
409. Name of Employer	410. Name of Worker	411. Date of Injury	412. Date of Report	413. Date of Investigation	414. Date of Decision
415. Name of Employer	416. Name of Worker	417. Date of Injury	418. Date of Report	419. Date of Investigation	420. Date of Decision
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961. Name of Employer	962. Name of Worker	963. Date of Injury	964. Date of Report	965. Date of Investigation	966. Date of Decision
967. Name of Employer	968. Name of Worker	969. Date of Injury	970. Date of Report	971. Date of Investigation	972. Date of Decision
973. Name of Employer	974.				

COMMON NAME	SCIENTIFIC NAME
HAWTHORN	<i>Crataegus mollis</i>
BOX ELDER	<i>Acer negundo</i>
BLACK WILLOW	<i>Salix nigra</i>
RED OAK	<i>Quercus rubra</i>
WHITE ASH	<i>Fraxinus americana</i>
BLACK CHERRY	<i>Prunus serotina</i>
AMERICAN ELM	<i>Ulmus americana</i>
SILVER MAPLE	<i>Acer saccharinum</i>
SHAGBARK HICKORY	<i>Carya ovata</i>

NOTE: SEE PLAN FOR TREE LOCATIONS AND TREE

LEGEND:

- | | |
|---|---------------------------------------|
| ■ | WATER WAVE IN BOX |
| □ | UTILITY POLE |
| □ | TELEPHONE PEDIestal |
| □ | TELEPHONE PEDIestal |
| □ | ELECTRIC TRANSFORMER |
| □ | CABLE TV PEDIestal |
| ○ | WELL |
| ○ | EXISTING LIGHT POLE |
| ○ | EXISTING SIGN |
| ○ | EXISTING WIRE |
| ○ | EXISTING HYDRANT |
| ○ | EXISTING OVERHEAD TRUNK LINE |
| ○ | EXISTING UNDERGROUND FIBER OPTIC LINE |
| ○ | EXISTING UNDERGROUND GAS LINE |
| ○ | EXISTING CURB AND GUTTER |
| ○ | PRIORITY LINE |
| ○ | RIGHT-OF-WAY LINE |
| ○ | ADJACENT PROPERTY LINE |
| ○ | EXISTING GRASSY COUNTRY |
| ○ | EXISTING ROAD FENCE |
| ○ | WOODED AREA |

■ EXISTING CONSERVATION EASEMENT

■ TREE/SHRUB REMOVAL AREA

FIGURE 1



Orrin Sumwalt

From: Jeff Quast <jeff.q@ExcelEngineer.com>
Sent: Tuesday, June 19, 2018 2:48 PM
To: april.n.marcangeli@usace.army.mil
Cc: Orrin Sumwalt; Matt Cudney (mcudney@veridianhomes.com)
Subject: Veridian Homes Site - Franklin, Wisconsin
Attachments: Artificial Wetland Exemption Determination 2018-01379.pdf; Proposed Road Crossing.pdf; GP-002-WI.pdf; roadside-ditch3.pdf

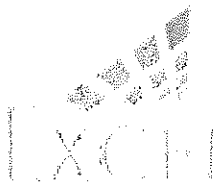
Follow Up Flag: Follow up
Flag Status: Completed

Hello April,

I am sending this notification at the request of the City of Franklin Planner (Orrin Sumwalt – copied). Veridian Homes is proposing to construct a subdivision in the City of Franklin. The subdivision entrance road is proposed to connect to Puetz Road. Puetz Road has a rural profile including roadside ditches (see attached photo of the roadside ditch). The proposed road crosses the roadside ditch which was delineated as wetland by a Wisconsin Assured Wetland Delineator. The roadside ditch was later exempted by the Wisconsin Department of Natural Resources (see attached Artificial Wetland Exemption letter). The proposed roadway crossing includes 379 square feet of fill (see attached proposed road crossing). Because the fill is considered a minor fill under 400 square feet according to GP-002-WI (also attached), we have not requested an Agency Jurisdiction Determination and plan to fill the ditch without further notification in accordance with the requirements of GP-002-WI. If you have any questions regarding this, please don't hesitate to give me a call.

Sincerely,

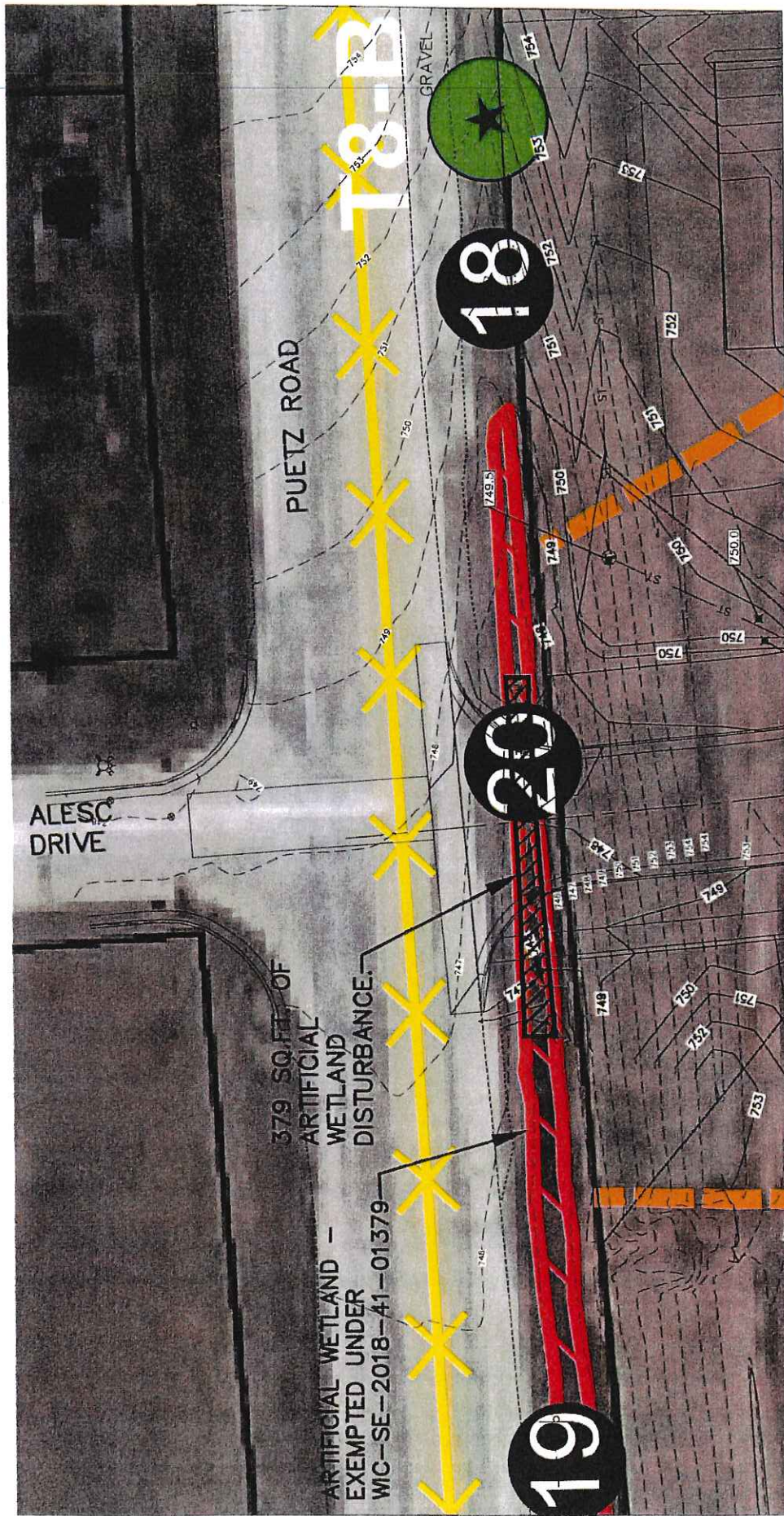
Jeff Quast, P.E.
President



100 Camelot Drive
Fond du Lac, WI 54935
920.322.1700 direct
www.excelengineer.com



20- Standing within Wetland 4, facing east.



MINOR FILL FOR A NON-REPORTING
GENERAL PERMIT (GP-002-WI)





June 8, 2018

WIC-SE-2018-41-01379

Shirley Kresovic
8870 S 51st Street
City of Franklin, WI 53132

RE: Artificial Wetland Exemption Determination for One Roadside Ditch Wetland, located in the City of Franklin, Milwaukee County, also described as in the NW1/4 of the NE1/4 of Section 23, Township 05 North, Range 21 East.

Dear Ms. Kresovic:

This letter is in response to your request for an artificial wetland exemption determination for one roadside ditch wetland, as depicted on the enclosed figure associated with this document. The area in question is a wetland associated with a roadside ditch. It is located on the along the south side of W. Puetz Road. Your request was received by the Department on May 8, 2018.

According to NR 103.02(1m), Wis. Adm. Code, an artificial wetland is a landscape feature where hydrophytic vegetation may be present as a result of human modifications to the landscape or hydrology for which there is not prior wetland or stream history. Four types of artificial wetlands are exempt from state wetland water quality standards, **provided they do not provide significant functional values or uses:**

1) Sedimentation and stormwater detention basins and associated conveyance features operated and maintained only for sediment detention and flood storage purposes; 2) Active sewage lagoons, cooling ponds, waste disposal pits, fish rearing ponds and landscape ponds; 3) Actively maintained farm drainage and roadside ditches; and 4) Artificial wetlands within active nonmetallic mining operations.

The Department reviewed the following materials to aid in our exemption determination:

- Historic aerial photography from various online resources;
- NRCS soil mapping and Wisconsin Wetland Inventory (WWI) soil mapping for the site and surrounding area;
- Artificial Wetland Exemption Informational Packet, including the Wetland Delineation.

Below is a brief summary of our process and findings:

STEP 1 – WETLAND/WATERWAY HISTORY

The first step in the review process is to determine if the area in question ever exhibited any wetland or waterway history.

- NRCS soil mapping for the wetland is composed of the following types. Ozaukee silt loam (OzaB), a moderately well-drained, typically nonhydric soil unit. The other mapped soil unit is a somewhat poorly drained Blount silt loam, which does have inclusions of hydric (wet) soils.
- While the area in question is not currently mapped as wetland by the WWI, a wetland delineation was conducted and the resulting figure identify the area as wetland.

- Examination of historic aerial photography prior to construction of W. Puetz Road depict the area in question as a wooded strip of land between agricultural fields. Wetness signatures were noted in the field to the south and east of the area in question, which also has a similar mapped soil unit(s). Those wetness signatures could have led the Department to consider the roadside ditch wetland to have wetland history. However, the wetland delineation report reviewed the area with those signatures and found them to upland.

Conclusion:

No definitive evidence has been found or reviewed by the Department to support a waterway/wetland history within the roadside ditch as part of this exemption request, so the wetland area remains eligible for exemption from state wetland regulation/permitting.

STEP 2 — SATISFACTION OF LANDSCAPE FEATURES FOR ARTIFICIAL WETLANDS

The next step in the review process is to determine if requested wetland qualifies as an artificial wetland by meeting the following landscape characteristic: "Actively maintained roadside ditches." Site photographs included within the submittal depict the area in question with a visible roadside ditch. A review of the historic aerial photography as well as the "street view" from Google Earth show the presence of a roadside ditch corresponding with wetland boundary. Additionally, it does appear that the wetland is periodically mowed, minimally maintained and continues to be operated as a roadside ditch associated with W. Puetz Road.

Conclusion:

The wetland satisfies the landscape features of an actively maintained roadside ditch, thus qualifying as an artificial wetland under NR 103.02(1m).

STEP 3 — SIGNIFICANT WETLAND FUNCTIONAL VALUES

The final step in the review process is to determine if the wetland provides significant habitat functions for both aquatic and non-aquatic fauna, or provides significant value for recreational, cultural, educational, scientific uses or natural scenic beauty. The Wisconsin Rapid Assessment Methodology (WRAM) criteria are broadly used as the basis for these determinations.

Conclusion:

Evaluating the wetland based on the WRAM criteria, the area in question would likely rate predominantly in the low significance classifications for the listed functions and values.

EXEMPTION DETERMINATION:

Based on our 3-step review, the roadside ditch wetland as depicted on the enclosed figure is exempt from state wetland and waterway regulations.

In addition to contacting DNR, be sure to contact your local zoning office and U.S. Army Corps of Engineers to determine if any local or federal permits may be required for your project. **We strongly recommend that you request a U.S. Army Corps of Engineers jurisdictional determination for the site's wetland features since the listed State exemptions are not applicable to federal law.** The U.S. Army Corps of Engineers

contact for Milwaukee County is April Marcangeli, whom can be reached at (651) 290-5731 or by email at april.n.marcangeli@usace.army.mil.

If you have any questions, please contact me via phone at (715) 839-1638 or by email at travis.holte@wisconsin.gov

Sincerely,

A handwritten signature in black ink, appearing to read 'Travis Holte', with a stylized flourish at the end.

Travis Holte
Wetland Identification Specialist

Enclosures:

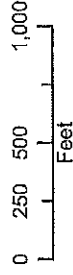
Project Location Figure
Artificial Wetland Exemption Figure

CC (via email):

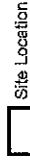
April Marcangeli, Project Manager, U. S. Army Corps of Engineers
Joel Dietl, City of Franklin
Josh Wied, DNR Water Management Specialist
Shyann Nieland, Evergreen Consultants LLC

Site Location Map
Veridian Homes
Parcel #: 8539995010
City of Franklin
Milwaukee County, Wisconsin

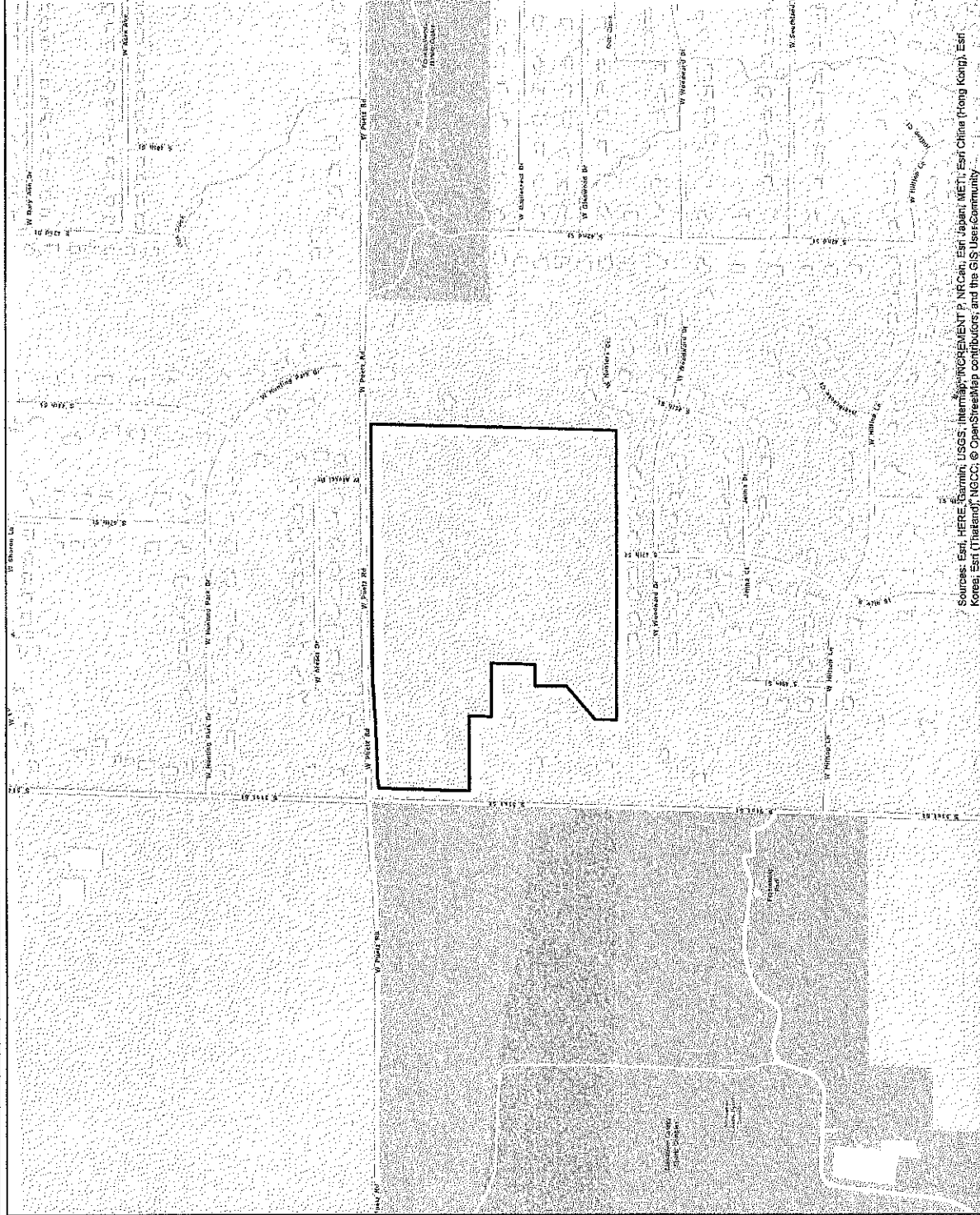
Project: MIL18-001-01



Legend



2907 Bayliffe Drive • Green Bay, WI 54313
 Phone: 920.615.0019 • Website: www.evergreenwis.com



Roadside Ditch Wetland Area found to be Exempt from
state wetland regulation
2/24 6/8/2018



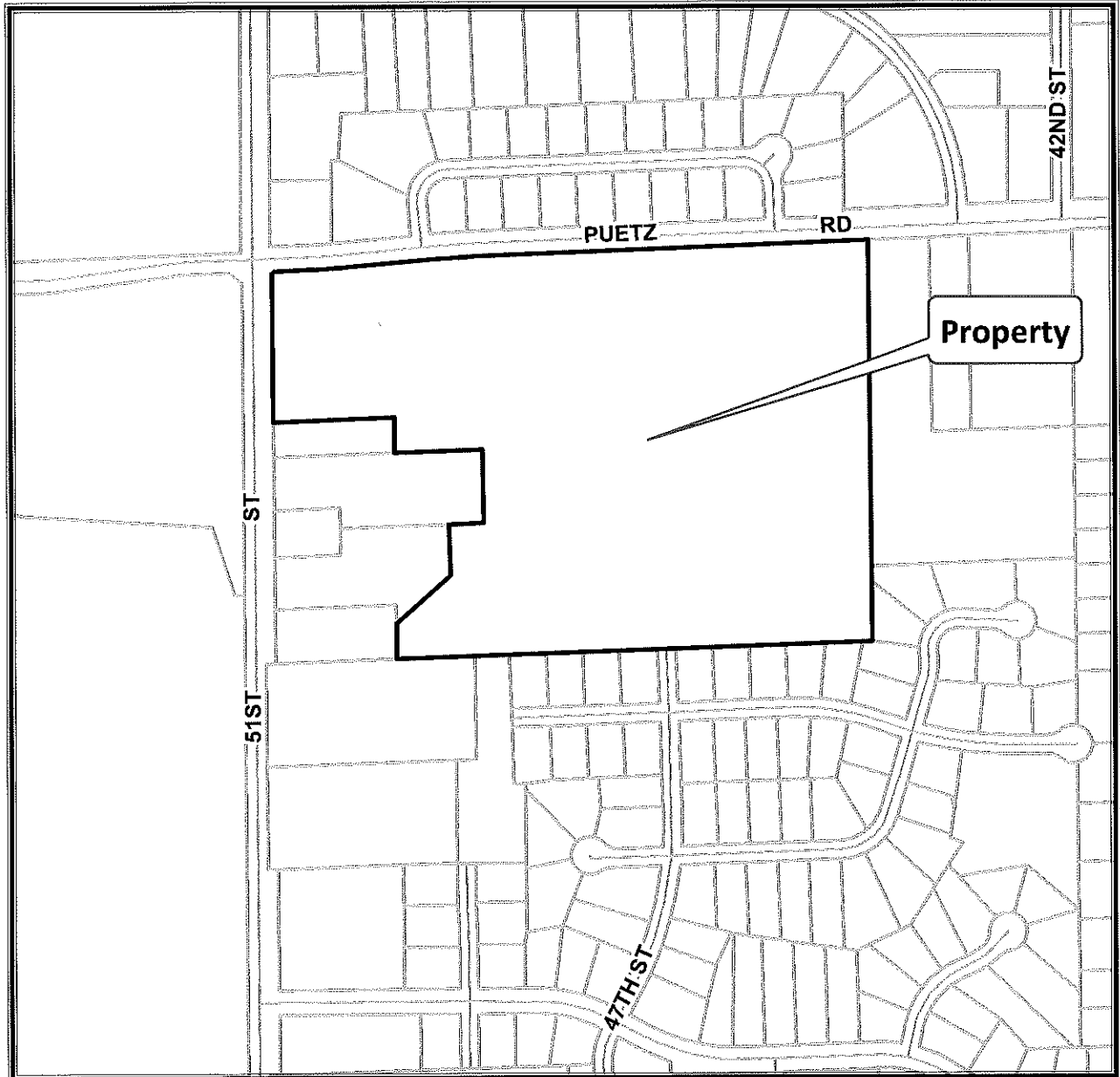
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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 07/17/18
REPORTS & RECOMMENDATIONS	RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A FINAL PLAT FOR ASPEN WOODS SUBDIVISION (AT APPROXIMATELY SOUTH 51ST STREET AND WEST PUETZ ROAD) (VERIDIAN HOMES, LLC, APPLICANT)	ITEM NUMBER <i>G.12.</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 Final Plat for Aspen Woods Subdivision (at approximately South 51st Street and West Puetz Road) (Veridian Homes, LLC, Applicant), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.</p> <p style="text-align: center;">COUNCIL ACTION REQUESTED</p> <p>A motion to adopt Resolution No. 2018-_____, a resolution authorizing certain officials to accept a conservation easement for and as part of the review and approval of a Final Plat for Avian Estates Subdivision (at approximately South 51st Street and West Puetz Road) (Veridian Homes, LLC, Applicant), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.</p>		

Department of City Development: OPS



TKN 853 9995 010



Planning Department
(414) 425-4024

0 300 600 1,200 Feet

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



2017 Aerial Photo

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2018-_____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO
ACCEPT A CONSERVATION EASEMENT FOR AND AS PART
OF THE REVIEW AND APPROVAL OF A FINAL PLAT FOR ASPEN WOODS
SUBDIVISION (AT APPROXIMATELY SOUTH 51ST STREET AND WEST PUETZ
ROAD) (VERIDIAN HOMES, LLC, APPLICANT)

WHEREAS, the Plan Commission having approved a Final Plat upon the application of Veridian Homes, LLC, on July 5, 2018, 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, §15-7.0603B. of the Unified Development Ordinance requires the submission of a Conservation Easement and Natural Resource Protection Plan in the Final Plat 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 Final Plat; 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 Veridian Homes, LLC, 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 _____, 2018.

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

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS
TO ACCEPT A CONSERVATION EASEMENT
VERIDIAN HOMES, LLC
RESOLUTION NO. 2018-_____

Page 2

APPROVED:

STEPHEN R. OLSON, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

CONSERVATION EASEMENT

ASPEN WOODS

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 VERIDIAN HOMES, LLC, a Limited Liability Corporation, 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, Northwest ¼ of the Northeast ¼ and the West ½ of the Northeast ¼ of Section 23, 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 refer to Natural Resource Investigation by NRPP Excel Engineering, Inc., dated March 12, 2018, which is located in the office of the Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

WHEREAS, Grantee is a "holder", as contemplated by §700.41(1)(b)1. of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under §62.23 and §236.45 of the Wisconsin Statutes, the conservation of land, natural areas, open space, and water areas; and

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

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

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

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

Grantee's rights hereunder shall consist solely of the following:

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

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

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

To have and to hold this conservation easement unto the Grantee forever. Except as expressly limited herein, the Grantor reserves all rights as owner of the protected property, including, but not limited to, the right to use the protected property for all purposes not inconsistent with this grant. Grantor shall be responsible for the payment of all general property taxes levied, assessed, or accruing against the protected property pursuant to law.

The covenants, terms, conditions, and restrictions set forth in this grant shall be binding upon the Grantor and the Grantee and their respective agents, personal representatives, heirs, successors, and assigns, and shall constitute servitudes running with the protected property in perpetuity. This grant may not be amended, except by a writing executed and delivered by Grantor and Grantee or their respective personal representatives, heirs, successors, and assigns. Notices to the parties shall be personally delivered or mailed by U.S. Mail registered mail, return receipt requested, as follows:

To Grantor:
Veridian Homes, LLC
Attn: David P. Simon
6801 S. Towne Drive
Madison, WI 53713

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

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

Veridian Homes, LLC

By: _____

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

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

To me known to be the person who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said Veridian Homes, LLC.

Notary Public

My commission expires _____

Acceptance

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

In witness whereof, the undersigned has executed and delivered this acceptance on the ____ day of _____, A.D.20__.

CITY OF FRANKLIN

By: _____
Stephen R. Olson, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

Personally came before me this _____ day of _____, A.D. 20__, the above named Stephen R. Olson, Mayor and Sandra L. Wesolowski, City Clerk, of the above named municipal corporation, City of Franklin, to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument as such officers as the Deed of said municipal corporation by its authority and pursuant to Resolution No.

_____, adopted by its Common Council on the _____ day of _____, 20__.

Notary Public

My commission expires _____

This instrument was drafted by the City of Franklin.

Approved as to contents:

Nicholas Fuchs, Principal Planner
Department of City Development

Date

Approved as to form only:

Jesse A. Wesolowski
City Attorney

Date

MORTGAGE HOLDER CONSENT

The undersigned, (name of mortgagee), a Wisconsin banking corporation ("Mortgagee"), as Mortgagee under that certain Mortgage encumbering encumbering the Property and recorded in the Office of the Register of Deeds for Milwaukee

County, Wisconsin, on _____, 20____, as Document No. _____, hereby consents to the execution of the foregoing easement and its addition as an encumbrance title to the Property.

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

Name of Mortgagee
a Wisconsin Banking Corporation

By: _____

Name: _____

Title: _____

STATE OF WISCONSIN)
)ss
COUNTY OF MILWAUKEE)

On this, the _____ day of _____, 20____, before me, the undersigned, personally appeared name of officer of mortgagee, the (title of office, i.e.: VP) of (name of mortgagee), a Wisconsin banking corporation, and acknowledged that (s)he executed the foregoing instrument on behalf of said corporation, by its authority and for the purposes therein contained.

Name: _____

Notary Public, State of Wisconsin

My commission expires _____

CONSERVATION EASEMENT ON OUTLOT 1

ASPEN WOODS

EXHIBIT A-1

LEGAL DESCRIPTION OF CONSERVATION EASEMENT ON OUTLOT 1:

That part of Outlot 1 of ASPEN WOODS SUBDIVISION, being a part of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 and part of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin being more particularly described as follows:

Commencing at the Northeast corner of Outlot 1 of said Aspen Woods Subdivision; thence South 46°-42'-17" West, a distance of 89.24 feet to the point of beginning; thence South 00°-08'-14" East, a distance of 35.05 feet; thence Southwesterly 16.28 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 15°-24'-20" West, a chord distance of 16.08 feet; thence South 30°-56'-55" West, a distance of 18.49 feet; thence Southwesterly 6.23 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 36°-53'-35" West, a chord distance of 6.21 feet; thence South 42°-50'-15" West, a distance of 5.59 feet; thence Southwesterly 17.29 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 59°-20'-59" West, a chord distance of 17.05 feet; thence South 75°-51'-42" West, a distance of 22.18 feet; thence Southwesterly 6.92 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 82°-28'-28" West, a chord distance of 6.91 feet; thence South 89°-05'-14" West, a distance of 23.59 feet; thence Northwesterly 12.74 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 78°-44'-39" West, a chord distance of 12.65 feet; thence North 66°-34'-32" West, a distance of 16.80 feet; thence Northwesterly 18.31 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 49°-05'-11" West, a chord distance of 18.03 feet; thence North 31°-35'-50" West, a distance of 2.17 feet; thence Northwesterly 2.65 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 29°-04'-12" West, a chord distance of 2.65 feet; thence North 26°-32'-34" West, a distance of 34.04 feet; thence Northwesterly 5.92 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 20°-53'-20" West, a chord distance of 5.91 feet; thence North 15°-14'-04" West, a distance of 33.16 feet; thence Northwesterly 12.37 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 03°-25'-31" West, a chord distance of 12.28 feet; thence Northwesterly 27.67 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 11°-29'-24" West, a chord distance of 26.70 feet; thence North 14°-56'-00" East, a distance of 12.40 feet to the North line of said Outlot 1; thence North 87°-49'-16" East along said North line, a distance of 73.93 feet; thence South 69°-08'-18" East, a distance of 17.23 feet; thence North 75°-38'-14" East, a distance of 13.17 feet; thence Southeasterly 34.84 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 71°-05'-18" East, a chord distance of 32.92 feet; thence South 37°-48'-51" East, a distance of 21.21 feet; thence Southeasterly 29.86 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 28°-39'-11" East, a chord distance of 28.64 feet to the point of beginning.

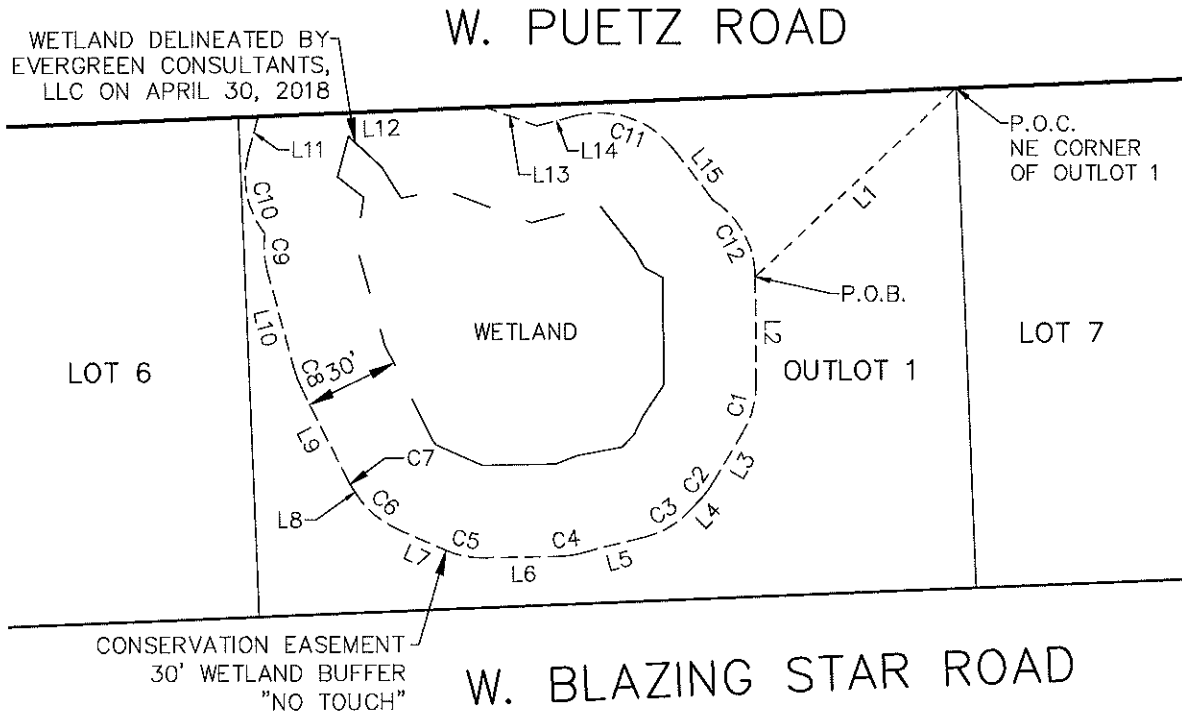


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CONSERVATION EASEMENT ON OUTLOT 1 ASPEN WOODS EXHIBIT A-2

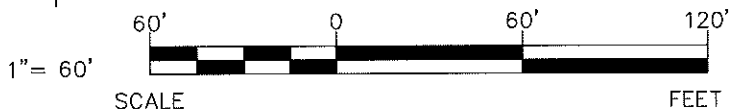


Line Table		
Line #	Direction	Length
L1	S46°42'17"W	89.24'
L2	S00°08'14"E	35.05'
L3	S30°56'55"W	18.49'
L4	S42°50'15"W	5.59'
L5	S75°51'42"W	22.18'
L6	S89°05'14"W	23.59'
L7	N66°34'32"W	16.80'
L8	N31°35'50"W	2.17'
L9	N26°32'34"W	34.04'
L10	N15°14'04"W	33.16'
L11	N14°56'00"E	12.40'
L12	N87°49'16"E	73.93'
L13	S69°08'18"E	17.23'
L14	N75°38'14"E	13.17'
L15	S37°48'51"E	21.21'

Curve Table							
Curve	Arc Length	Radius	Chord Bearing	Chord Length	Delta	Tangent In	Tangent Out
C1	16.28'	30.00'	S15°24'20"W	16.08'	031°05'10"	S30°56'55"W	S00°08'15"E
C2	6.23'	30.00'	S36°53'35"W	6.21'	011°53'20"	S42°50'15"W	S30°56'55"W
C3	17.29'	30.00'	S59°20'59"W	17.05'	033°01'28"	S75°51'42"W	S42°50'15"W
C4	6.92'	30.00'	S82°28'28"W	6.91'	013°13'32"	S89°05'14"W	S75°51'42"W
C5	12.74'	30.00'	N78°44'39"W	12.65'	024°20'14"	N66°34'32"W	S89°05'14"W
C6	18.31'	30.00'	N49°05'11"W	18.03'	034°58'42"	N31°35'50"W	N66°34'32"W
C7	2.65'	30.00'	N29°04'12"W	2.65'	005°03'17"	N26°32'34"W	N31°35'51"W
C8	5.92'	30.00'	N20°53'20"W	5.91'	011°18'31"	N15°14'04"W	N26°32'35"W
C9	12.37'	30.00'	N03°25'31"W	12.28'	023°37'07"	N08°23'03"E	N15°14'04"W
C10	27.67'	30.00'	N11°29'24"W	26.70'	052°50'49"	N14°56'00"E	N37°54'49"W
C11	34.84'	30.00'	S71°05'18"E	32.92'	066°32'56"	S37°48'51"E	N75°38'14"E
C12	29.86'	30.00'	S28°39'11"E	28.64'	057°01'54"	S00°08'14"E	S57°10'08"E


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CONSERVATION EASEMENT ON OUTLOT 3

ASPEN WOODS

EXHIBIT B-1

LEGAL DESCRIPTION OF CONSERVATION EASEMENT ON OUTLOT 3:

That part of Outlot 3 of ASPEN WOODS SUBDIVISION, being a part of the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 23, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin being more particularly described as follows:

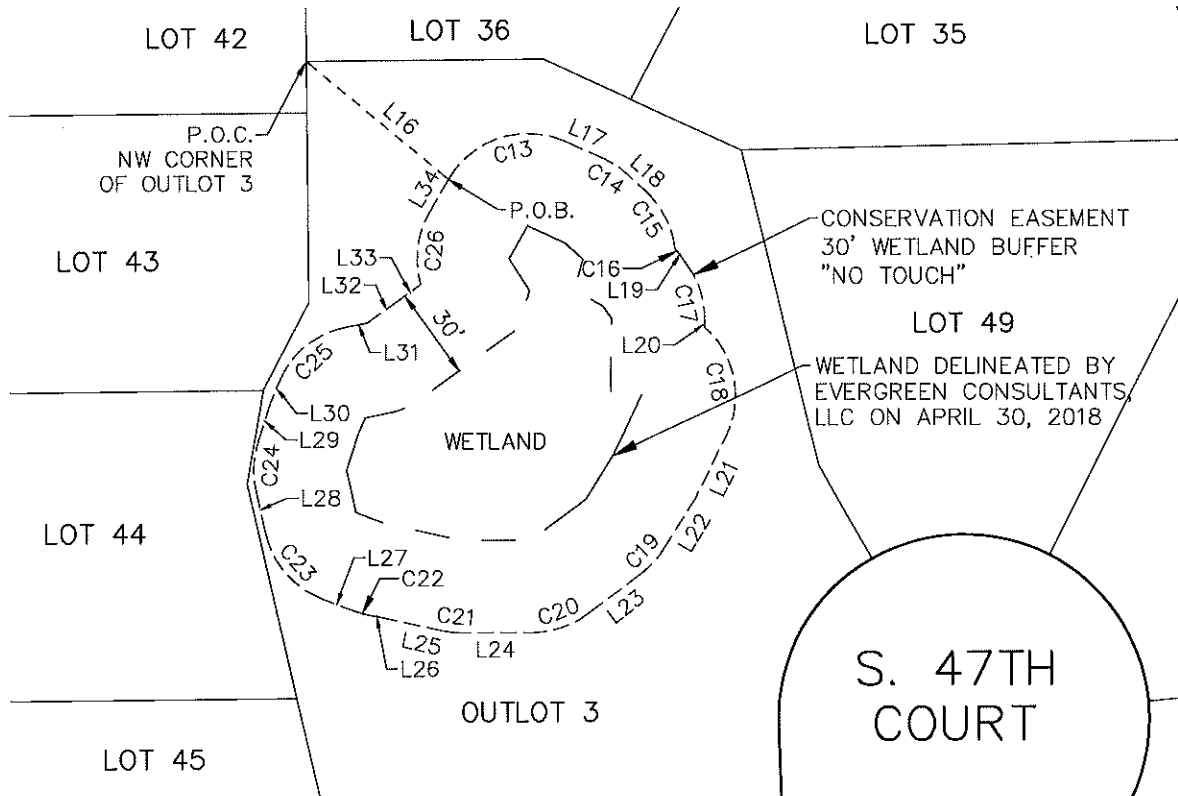
Commencing at the Northwest corner of Outlot 3 of said Aspen Woods Subdivision; thence South 49°-51'-07" East, a distance of 59.76 feet to the point of beginning; thence Northeasterly 44.46 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 72°-37'-36" East, a chord distance of 40.50 feet; thence South 64°-54'-59" East, a distance of 12.95 feet; thence Southeasterly 8.85 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 56°-28'-03" East, a chord distance of 8.82 feet; thence South 48°-01'-07" East, a distance of 7.96 feet; thence Southeasterly 21.78 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 27°-17'-48" East, a chord distance of 21.31 feet; thence Southeasterly 2.09 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 36°-33'-59" East, a chord distance of 2.09 feet; thence South 34°-37'-40" East, a distance of 4.86 feet; thence Southeasterly 19.06 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 16°-25'-43" East, a chord distance of 18.74 feet; thence South 01°-46'-15" West, a distance of 1.91 feet; thence Southeasterly 38.65 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 10°-51'-39" East, a chord distance of 36.04 feet; thence South 26°-03'-06" West, a distance of 22.99 feet; thence South 31°-14'-45" West, a distance of 18.04 feet; thence Southwesterly 11.47 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 42°-12'-07" West, a chord distance of 11.40 feet; thence South 53°-09'-29" West, a distance of 21.90 feet; thence Southwesterly 19.23 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 71°-31'-25" West, a chord distance of 18.90 feet; thence South 89°-53'-21" West, a distance of 22.85 feet; thence Northwesterly 6.70 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 83°-42'-45" West, a chord distance of 6.69 feet; thence North 77°-18'-52" West, a distance of 19.60 feet; thence North 79°-30'-55" West, a distance of 3.96 feet; thence Northwesterly 5.72 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 74°-03'-24" West, a chord distance of 5.71 feet; thence North 68°-35'-53" West, a distance of 10.76 feet; thence Northwesterly 29.37 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 40°-32'-57" West, a chord distance of 28.21 feet; thence North 12°-30'-01" West, a distance of 13.98 feet; thence Northeasterly 15.91 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 02°-41'-40" East, a chord distance of 15.73 feet; thence North 17°-53'-22" East, a distance of 13.55 feet; thence North 23°-24'-47" East, a distance of 7.55 feet; thence Northeasterly 29.08 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 51°-10'-52" East, a chord distance of 27.95 feet; thence North 78°-56'-57" East, a distance of 6.79 feet; thence North 53°-57'-29" East, a distance of 12.64 feet; thence North 54°-23'-18" East, a distance of 8.40 feet; thence Northeasterly 24.24 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 07°-01'-19" East, a chord distance of 23.59 feet; thence North 30°-10'-12" East, a distance of 12.39 feet to the point of beginning.


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CONSERVATION EASEMENT ON OUTLOT 3 ASPEN WOODS EXHIBIT B-2



Line Table		
Line #	Direction	Length
L16	S49°51'07"E	59.76'
L17	S64°54'59"E	12.95'
L18	S48°01'07"E	7.96'
L19	S34°37'40"E	4.86'
L20	S01°46'15"W	1.91'
L21	S26°03'06"W	22.99'
L22	S31°14'45"W	18.04'
L23	S53°09'29"W	21.90'
L24	S89°53'21"W	22.85'
L25	N77°18'52"W	19.60'
L26	N79°30'55"W	3.96'
L27	N68°35'53"W	10.76'
L28	N12°30'01"W	13.98'
L29	N17°53'22"E	13.55'
L30	N23°24'47"E	7.55'
L31	N78°56'57"E	6.79'
L32	N53°57'29"E	12.64'
L33	N54°23'18"E	8.40'
L34	N30°10'12"E	12.39'

Curve Table							
Curve	Arc Length	Radius	Chord Bearing	Chord Length	Delta	Tangent In	Tangent Out
C13	44.46'	30.00'	N72°37'36"E	40.50'	084°54'49"	S64°54'59"E	N30°10'12"E
C14	8.85'	30.00'	S56°28'03"E	8.82'	016°53'52"	S48°01'07"E	S64°54'59"E
C15	21.78'	30.00'	S27°17'48"E	21.31'	041°36'15"	S06°29'41"E	S48°05'56"E
C16	2.09'	30.00'	S36°33'59"E	2.09'	003°59'59"	S34°34'00"E	S38°33'59"E
C17	19.06'	30.00'	S16°25'43"E	18.74'	036°23'55"	S01°46'15"W	S34°37'40"E
C18	38.65'	30.00'	S10°51'39"E	36.04'	073°49'31"	S26°03'07"W	S47°46'24"E
C19	11.47'	30.00'	S42°12'07"W	11.40'	021°54'44"	S53°09'29"W	S31°14'45"W
C20	19.23'	30.00'	S71°31'25"W	18.90'	036°43'52"	S89°53'21"W	S53°09'29"W
C21	6.70'	30.00'	N83°42'45"W	6.69'	012°47'47"	N77°18'52"W	S89°53'21"W
C22	5.72'	30.00'	N74°03'24"W	5.71'	010°55'02"	N68°35'53"W	N79°30'55"W
C23	29.37'	30.00'	N40°32'57"W	28.21'	056°05'51"	N12°30'01"W	N68°35'53"W
C24	15.91'	30.00'	N02°41'40"E	15.73'	030°23'24"	N17°53'22"E	N12°30'01"W
C25	29.08'	30.00'	N51°10'52"E	27.95'	055°32'10"	N78°56'57"E	N23°24'47"E
C26	24.24'	30.00'	N07°01'19"E	23.59'	046°17'47"	N30°10'13"E	N16°07'35"W



1" = 60'



Excel
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SURVEYING GROUP

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PROJECT NO. 1744700

CONSERVATION EASEMENT ON OUTLOT 2

ASPEN WOODS

EXHIBIT C-1

LEGAL DESCRIPTION OF CONSERVATION EASEMENT ON OUTLOT 2:

That part of Outlot 2 of ASPEN WOODS SUBDIVISION, being part of the Southwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin being more particularly described as follows:

Commencing at the Southwest corner of Lot 16 of said Aspen Woods Subdivision; thence South 57°-13'-30" East, a distance of 66.42 feet to the point of beginning; thence Northeasterly 46.72 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 63°-10'-41" East, a chord distance of 42.14 feet; thence South 72°-12'-43" East, a distance of 30.47 feet; thence South 83°-40'-02" East, a distance of 41.58 feet; thence North 79°-59'-57" East, a distance of 7.99 feet; thence Southeasterly 11.17 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 89°-20'-05" East, a chord distance of 11.11 feet; thence South 78°-40'-07" East, a distance of 19.37 feet; thence South 78°-09'-16" East, a distance of 6.17 feet; thence North 78°-46'-30" East, a distance of 1.04 feet; thence Northeasterly 10.45 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 88°-45'-13" East, a chord distance of 10.40 feet; thence South 81°-16'-05" East, a distance of 2.29 feet to the East line of said Outlot 2; thence South 00°-27'-19" East along said East line, a distance of 67.73 feet; thence North 88°-27'-49" West, a distance of 0.70 feet; thence North 88°-27'-34" West, a distance of 15.02 feet; thence Northwesterly 7.92 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 80°-53'-39" West, a chord distance of 7.90 feet; thence North 73°-19'-43" West, a distance of 23.91 feet; thence South 81°-39'-40" West, a distance of 5.43 feet; thence North 89°-48'-01" West, a distance of 20.68 feet; thence South 89°-50'-49" West, a distance of 20.73 feet; thence Northwesterly 8.93 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 81°-37'-44" West, a chord distance of 8.89 feet; thence North 73°-06'-16" West, a distance of 13.95 feet; thence North 73°-11'-51" West, a distance of 23.35 feet; thence North 71°-11'-00" West, a distance of 11.90 feet; thence Northwesterly 46.99 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 26°-18'-27" West, a chord distance of 42.33 feet; thence North 18°-34'-05" East, a distance of 4.96 feet to the point of beginning.

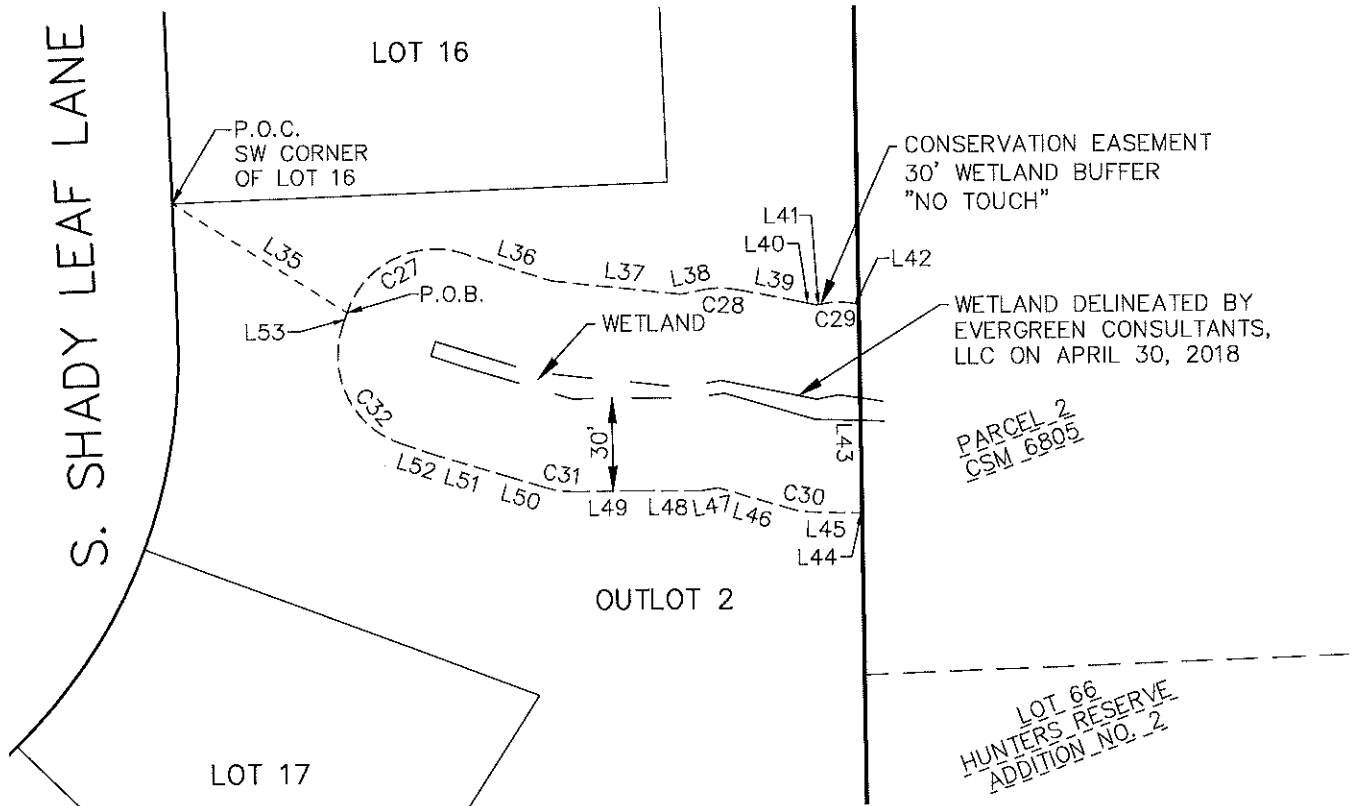


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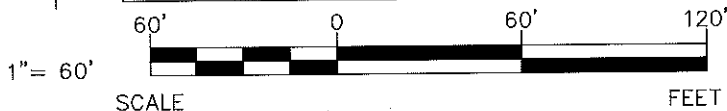
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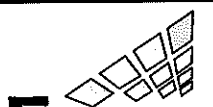
CONSERVATION EASEMENT ON OUTLOT 2 ASPEN WOODS EXHIBIT C-2



Line Table		
Line #	Direction	Length
L35	S57°13'30"E	66.42'
L36	S72°12'43"E	30.47'
L37	S83°40'02"E	41.58'
L38	N79°59'57"E	7.99'
L39	S78°40'07"E	19.37'
L40	S78°09'16"E	6.17'
L41	N78°46'30"E	1.04'
L42	S81°16'05"E	2.29'
L43	S00°27'19"E	67.73'
L44	N88°27'49"W	0.70'
L45	N88°27'34"W	15.02'
L46	N73°19'43"W	23.91'
L47	S81°39'40"W	5.43'
L48	N89°48'01"W	20.68'
L49	S89°50'49"W	20.73'
L50	N73°06'16"W	13.95'
L51	N73°11'51"W	23.35'
L52	N71°11'00"W	11.90'
L53	N18°34'05"E	4.96'

Curve Table							
Curve	Arc Length	Radius	Chord Bearing	Chord Length	Delta	Tangent In	Tangent Out
C27	46.72'	30.00'	N63°10'41"E	42.14'	089°13'11"	S72°12'43"E	N18°34'05"E
C28	11.17'	30.00'	S89°20'05"E	11.11'	021°19'57"	S78°40'07"E	N79°59'57"E
C29	10.45'	30.00'	N88°45'13"E	10.40'	019°57'25"	S81°16'05"E	N78°46'30"E
C30	7.92'	30.00'	N80°53'39"W	7.90'	015°07'51"	N73°19'43"W	N88°27'34"W
C31	8.93'	30.00'	N81°37'44"W	8.89'	017°02'55"	N73°06'16"W	S89°50'49"W
C32	46.99'	30.00'	N26°18'27"W	42.33'	089°45'06"	N18°34'05"E	N71°11'00"W





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