

<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p>05/01/18</p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>RESOLUTION CONDITIONALLY APPROVING A 4 LOT CERTIFIED SURVEY MAP, BEING THAT VACATED PORTION OF CRYSTAL RIDGE DRIVE AND LANDS IN THE SOUTHWEST 1/4, SOUTHEAST 1/4 AND NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 4, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (BALLPARK COMMONS, LLC, APPLICANT) (7900 WEST CRYSTAL RIDGE DRIVE)</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G. 8.</i></p>
<p>At its April 19, 2018 meeting the Plan Commission recommended approval of a resolution conditionally approving a 4 lot certified survey map, being that vacated portion of Crystal Ridge Drive and lands in the Southwest 1/4, Southeast 1/4 and Northeast 1/4 of the Southeast 1/4 of Section 4, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Ballpark Commons, LLC, Applicant) (7900 West Crystal Ridge Drive).</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>A motion to adopt Resolution No. 2018-_____, a resolution conditionally approving a 4 lot certified survey map, being that vacated portion of Crystal Ridge Drive and lands in the Southwest 1/4, Southeast 1/4 and Northeast 1/4 of the Southeast 1/4 of Section 4, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Ballpark Commons, LLC, Applicant) (7900 West Crystal Ridge Drive).</p>		

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

A RESOLUTION CONDITIONALLY APPROVING A 4 LOT CERTIFIED SURVEY  
MAP, BEING THAT VACATED PORTION OF CRYSTAL RIDGE DRIVE AND LANDS  
IN THE SOUTHWEST 1/4, SOUTHEAST 1/4 AND NORTHEAST 1/4 OF THE  
SOUTHEAST 1/4 OF SECTION 4, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY  
OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN  
(BALLPARK COMMONS, LLC, APPLICANT)  
(7900 WEST CRYSTAL RIDGE DRIVE)

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WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being that vacated portion of Crystal Ridge Drive and lands in the Southwest 1/4, Southeast 1/4 and Northeast 1/4 of the Southeast 1/4 of Section 4, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 7900 West Crystal Ridge Drive, bearing Tax Key Nos. 744-8981-000, 744-8980-001 and 744-8985-001, Ballpark Commons, LLC, applicant; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by Ballpark Commons, LLC, as described above, be and the same is hereby approved, subject to the following conditions:

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

BALLPARK COMMONS, LLC – CERTIFIED SURVEY MAP  
RESOLUTION NO. 2018-\_\_\_\_\_

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separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.

4. Ballpark Commons, LLC, successors and assigns, and any developer of the Ballpark Commons, LLC 4 lot certified survey map project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
5. The approval granted hereunder is conditional upon Ballpark Commons, LLC and the 4 lot certified survey map project for the property located at 7900 West Crystal Ridge Drive: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
6. Separate written easement documents for all public easements shown on the Certified Survey Map shall be submitted for Common Council review and approval and recording with the Milwaukee County Register of Deeds, prior to recording the certified survey map.
7. The 30' Landscape Bufferyard Easement along Rawson Avenue, W. Loomis Road, and S. 76<sup>th</sup> Street must be depicted on the certified survey map and the corresponding note added "Landscape Bufferyard Easement, subject to the requirements of Planned Development District No. 37, this easement is reserved for the planting of trees and shrubs, the building of structures hereon is prohibited.", prior to recording the certified survey map.

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owners, BPC County Land LLC, and Wisconsin Department of Transportation, 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.

BALLPARK COMMONS, LLC – CERTIFIED SURVEY MAP

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

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

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

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

BEING THAT VACATED PORTION OF CRYSTAL RIDGE DRIVE RECORDED IN THE MILWAUKEE COUNTY REGISTER OF DEEDS AS DOCUMENT NO. \_\_\_\_\_ AND LANDS IN THE SOUTHWEST 1/4, SOUTHEAST 1/4 AND NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 4, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

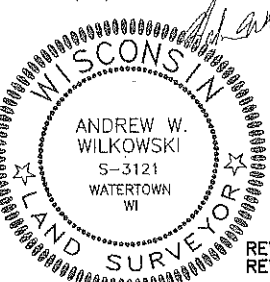
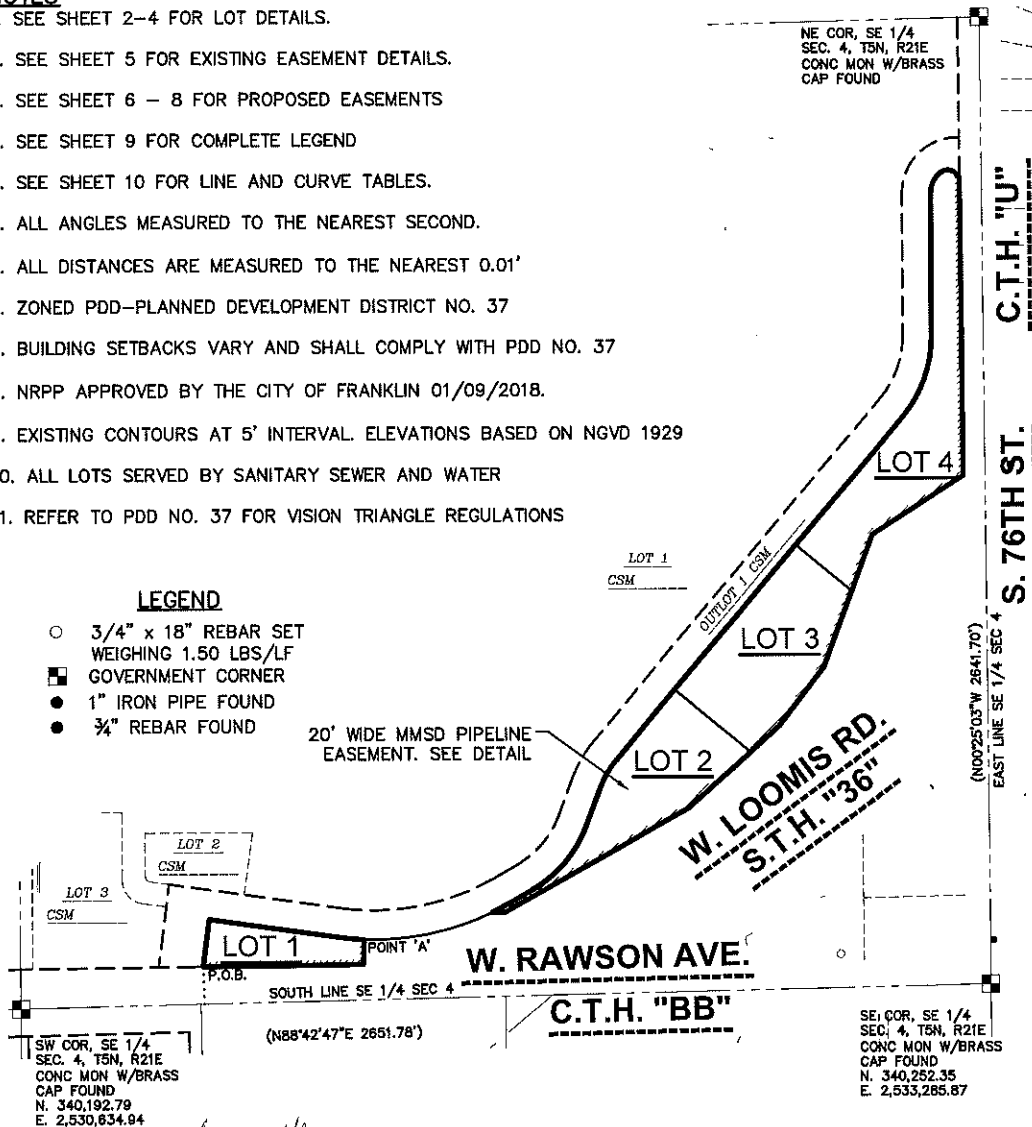
## NOTES

1. SEE SHEET 2-4 FOR LOT DETAILS.
2. SEE SHEET 5 FOR EXISTING EASEMENT DETAILS.
3. SEE SHEET 6 - 8 FOR PROPOSED EASEMENTS
2. SEE SHEET 9 FOR COMPLETE LEGEND
3. SEE SHEET 10 FOR LINE AND CURVE TABLES.
4. ALL ANGLES MEASURED TO THE NEAREST SECOND.
5. ALL DISTANCES ARE MEASURED TO THE NEAREST 0.01'
6. ZONED PDD-PLANNED DEVELOPMENT DISTRICT NO. 37
7. BUILDING SETBACKS VARY AND SHALL COMPLY WITH PDD NO. 37
8. NRPP APPROVED BY THE CITY OF FRANKLIN 01/09/2018.
9. EXISTING CONTOURS AT 5' INTERVAL. ELEVATIONS BASED ON NGVD 1929
10. ALL LOTS SERVED BY SANITARY SEWER AND WATER
11. REFER TO PDD NO. 37 FOR VISION TRIANGLE REGULATIONS

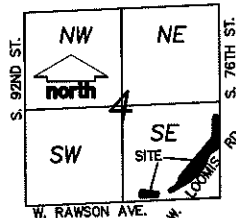
## LEGEND

- 3/4" x 18" REBAR SET WEIGHING 1.50 LBS/LF
- GOVERNMENT CORNER
- 1" IRON PIPE FOUND
- 3/4" REBAR FOUND

20' WIDE MMSD PIPELINE EASEMENT. SEE DETAIL



REVISED-2/6/18  
REVISED-4/4/18



ALL BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 4, WHICH HAS A WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE) BEARING OF N88°42'47\"/>

THIS INSTRUMENT DRAFTED BY  
ANDREW W. WILKOWSKI S-3121

LOCATION SKETCH  
SECTION 4, T5N, R21E

SURVEYED BY:

**JSD** Professional Services, Inc.  
Engineers • Surveyors • Planners  
W230 N1810 BUSSE ROAD  
SUITE 100  
WAUKESHA, WISCONSIN 53188  
PHONE: (262)513-0866

OWNER AND SUBDIVIDER:

BPC COUNTY GROUNDS, LLC  
510 W. KILBOURNE AVE.  
MILWAUKEE, WI 53202

PROJECT NO:

14-6548

FILE NO:

B-\*

FIELDBOOK/Pg:

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SHEET NO:

1 OF 14

SURVEYED BY:

JSD, INC

DRAWN BY:

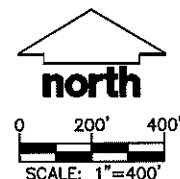
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CHECKED BY:

AWW

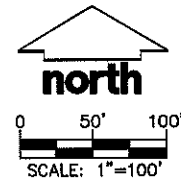
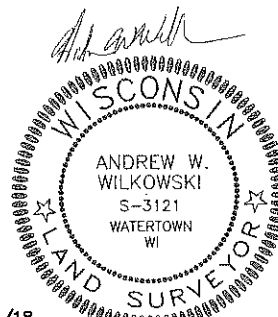
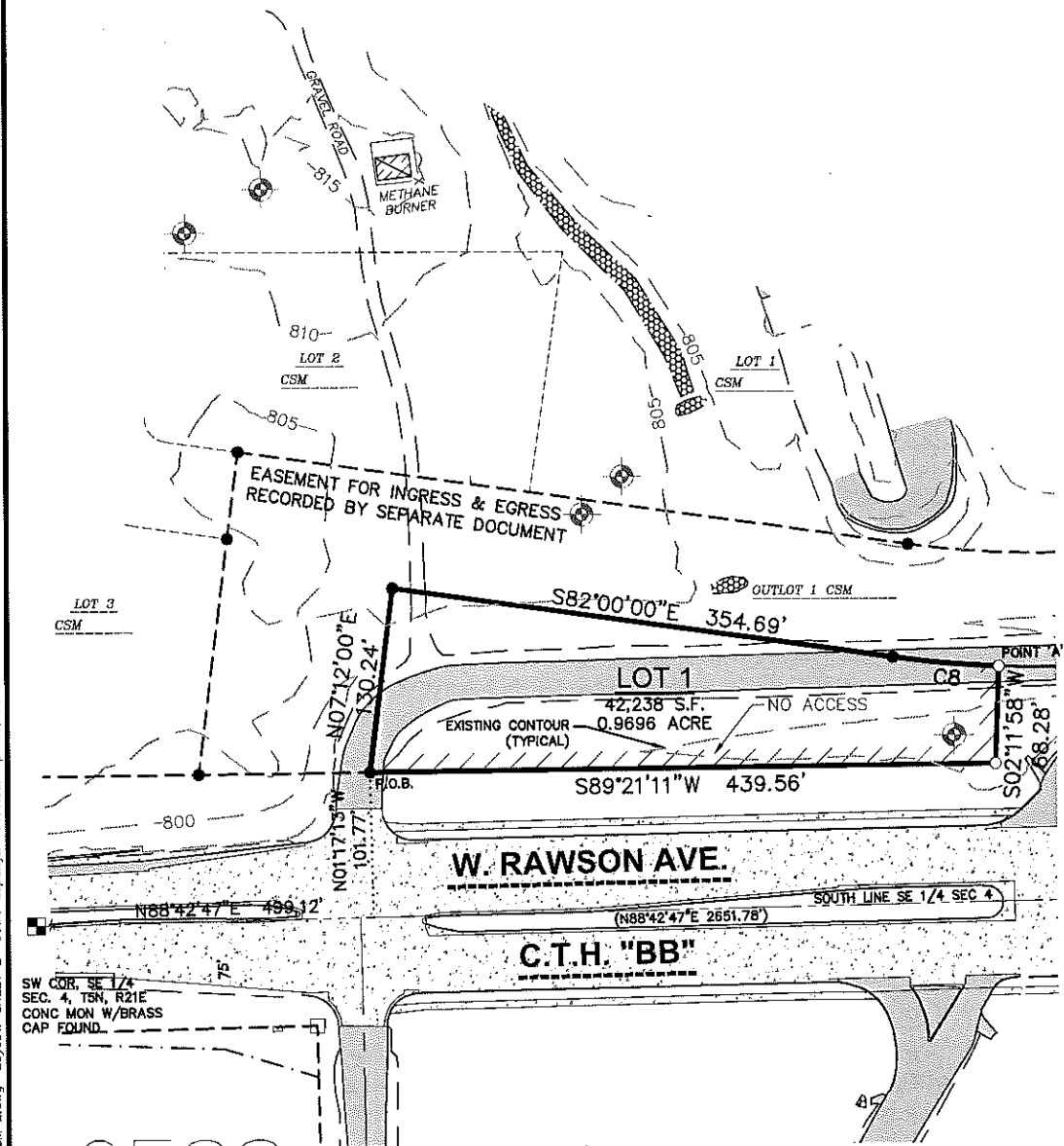
APPROVED BY:

JLJ



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

BEING THAT VACATED PORTION OF CRYSTAL RIDGE DRIVE RECORDED IN THE MILWAUKEE COUNTY REGISTER OF DEEDS AS DOCUMENT NO. \_\_\_\_\_ AND LANDS IN THE SOUTHWEST 1/4, SOUTHEAST 1/4 AND NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 4, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN



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**JSD** Professional Services, Inc.  
Engineers • Surveyors • Planners  
W233 N1810 BUSSE ROAD  
SUITE 100  
WAUKESHA, WISCONSIN 53186  
PHONE: (262)513-0666

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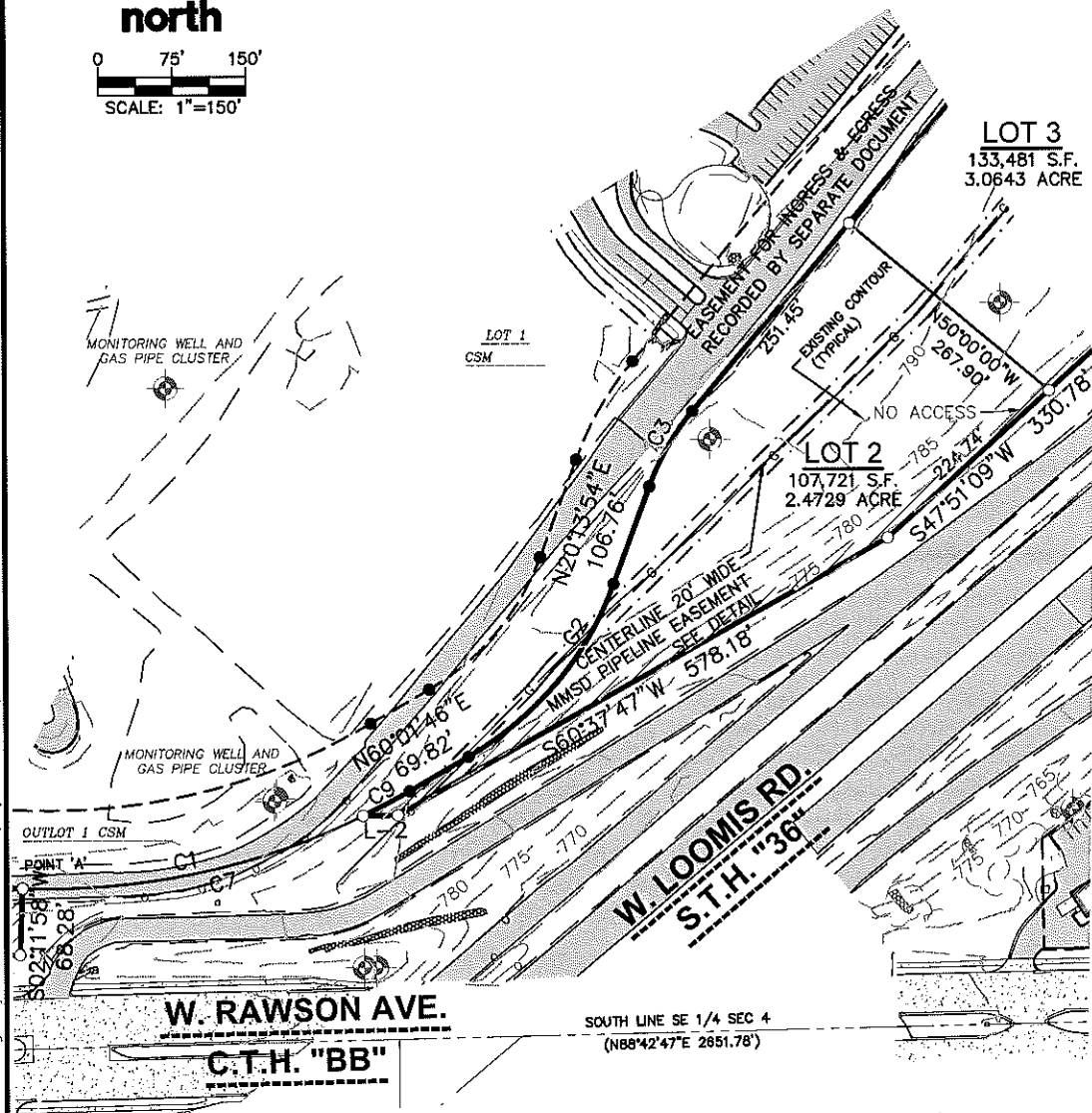
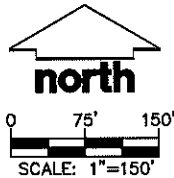
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SHEET 2 OF 14

File: R:\2014\1406548 Bellpark Commons\dwg\146548 CSM 2.dwg Layout: SHEET 2 User: dgonjar Plotted: Apr 10, 2018 - 9:20am

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

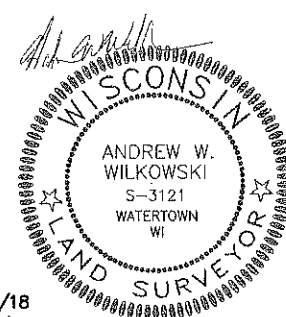
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 PHONE: (262)513-0666

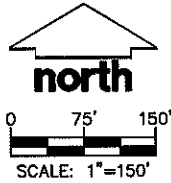
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 REVISED-4/4/18



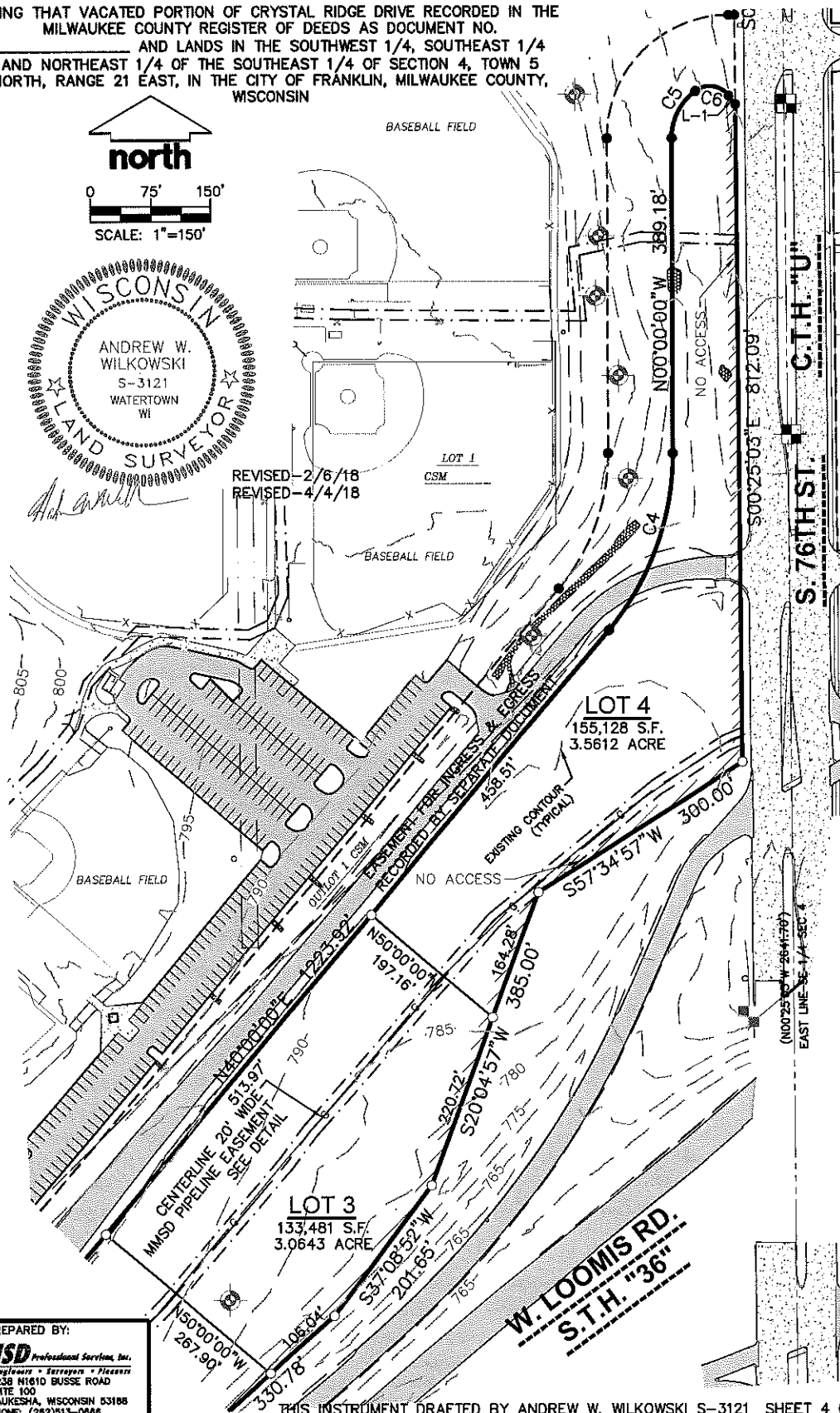
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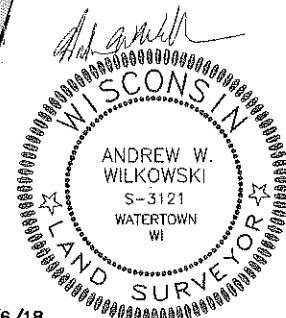
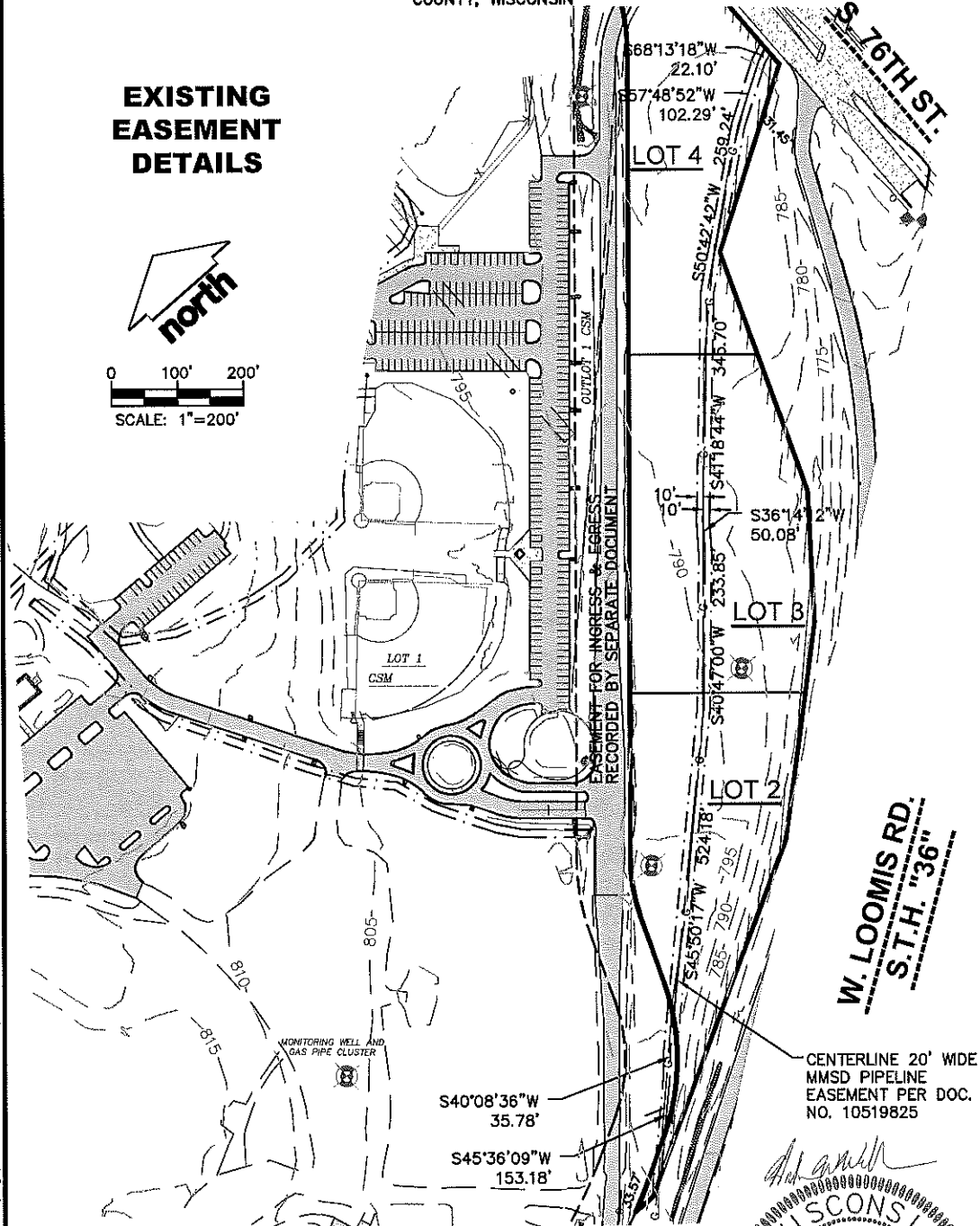
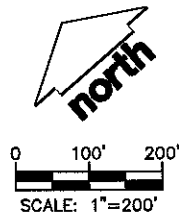
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## EXISTING EASEMENT DETAILS



PREPARED BY:

**JSD** Professional Services, Inc.  
2221 W. Wisconsin • Watertown • Wisconsin  
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SUITE 100  
WAUKESHA, WISCONSIN 53188  
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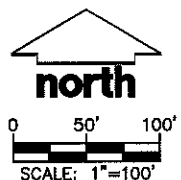
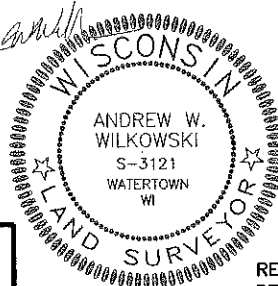
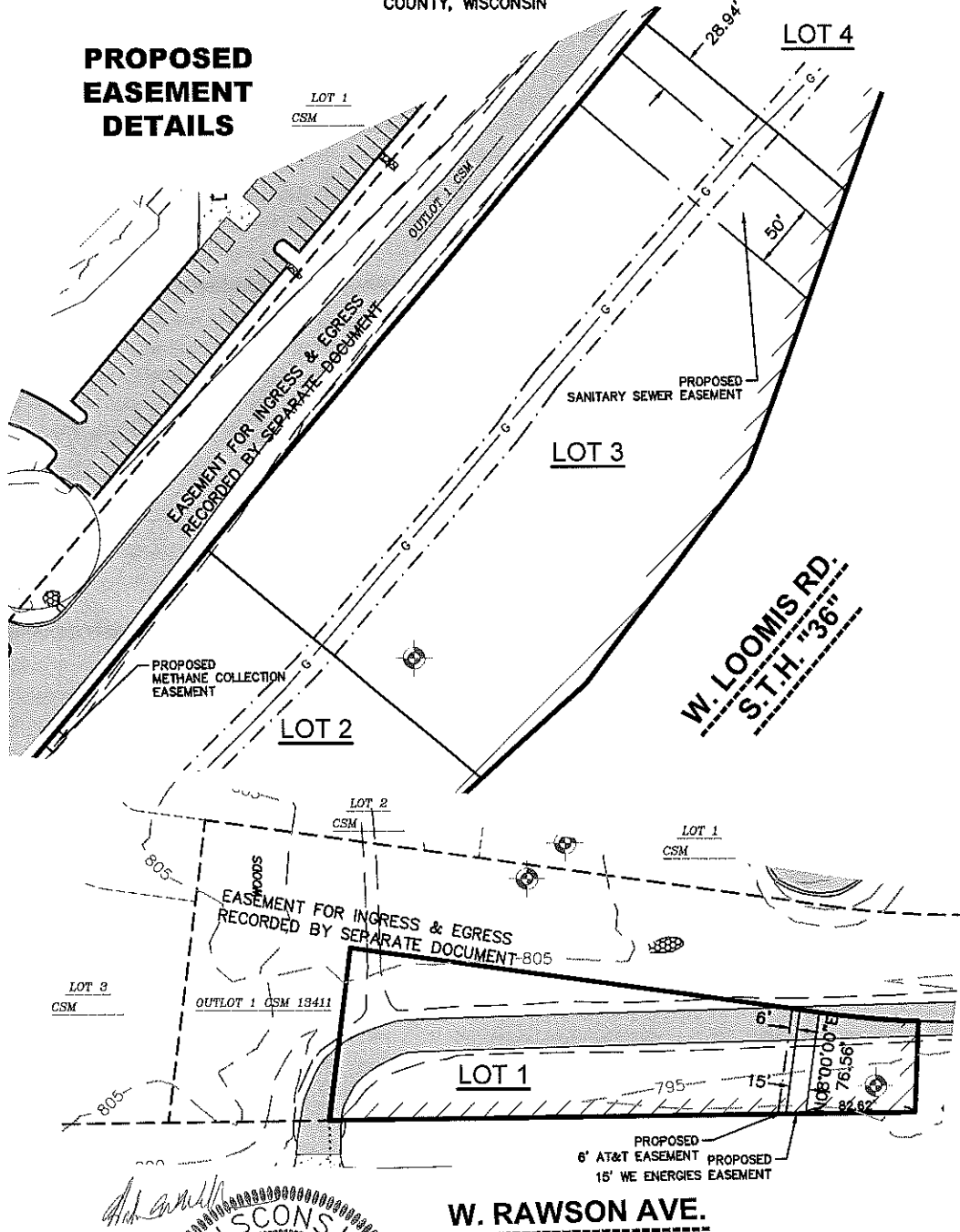
SHEET 5 OF 14

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## PROPOSED EASEMENT DETAILS



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**JSD** Professional Services, Inc.  
 Engineers • Surveyors • Planners  
 W235 N1610 BUSSE ROAD  
 SUITE 100  
 WAUKESHA, WISCONSIN 53188  
 PHONE: (262)513-0666

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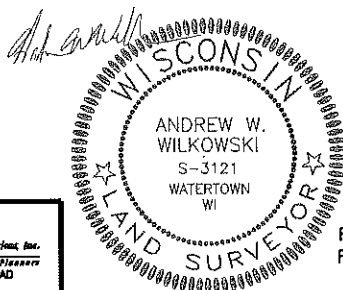
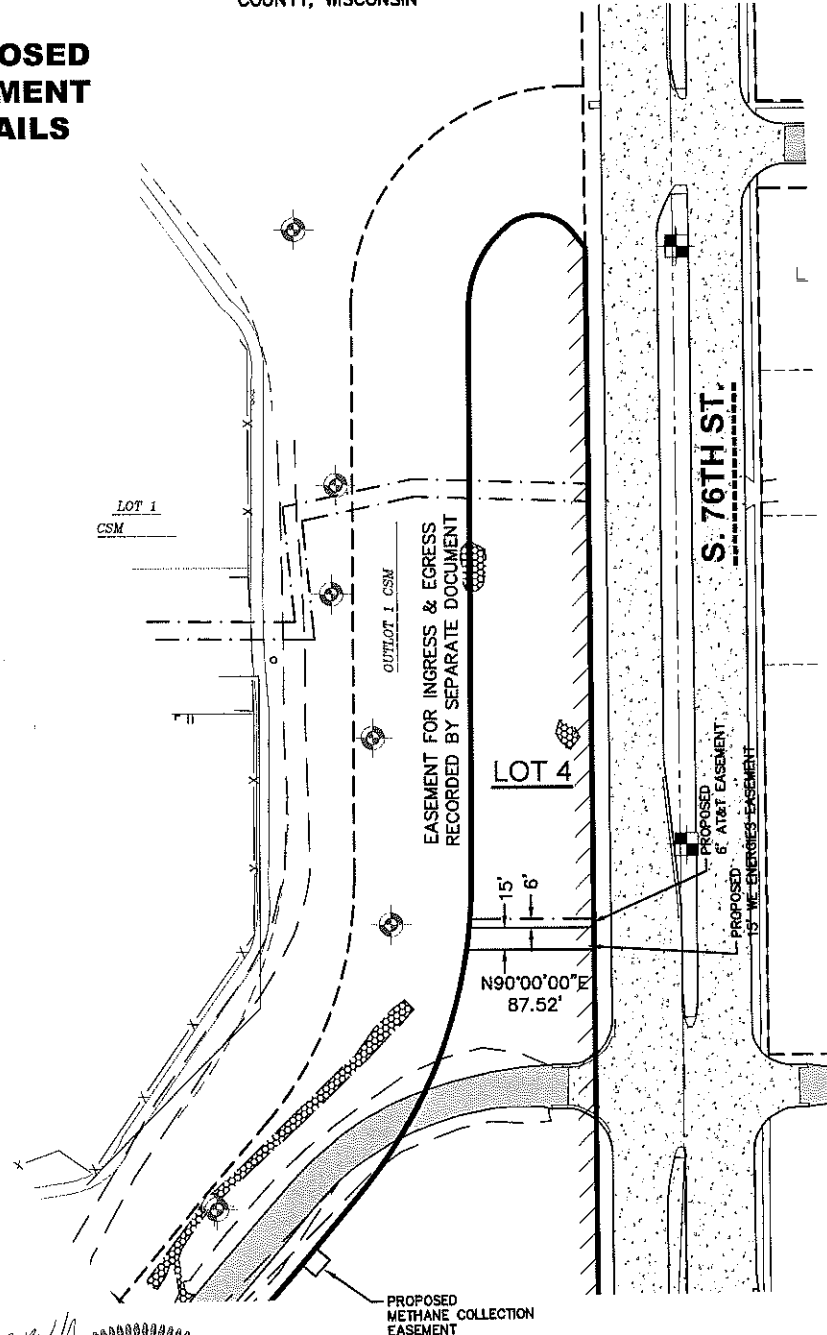
SHEET 6 OF 14

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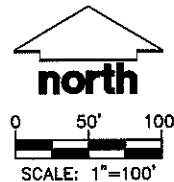
## PROPOSED EASEMENT DETAILS



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WAUKESHA, WISCONSIN 53188  
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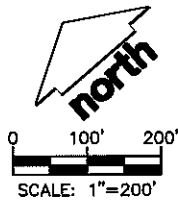


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# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

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## PROPOSED EASEMENT DETAILS



PROPOSED  
CENTERLINE OF A 40' WIDE  
STORM SEWER EASEMENT

LOT 1  
CSM

EXISTING  
20' WIDE MMSD PIPELINE  
EASEMENT PER DOC.  
NO. 10519825

LOT 4

S50°29'56"W  
127.01'

S. 76TH ST.

S50°42'45"W  
198.41'

S20°04'57"W  
403.93'

LOT 3

S37°08'52"W  
196.78'

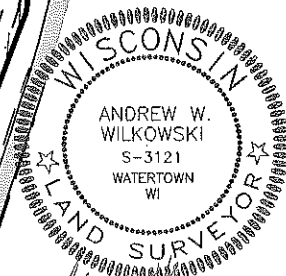
S50°17'14"W  
253.82'

W. LOOMIS RD.  
S.T.H. "36"

REVISED-2/6/18  
REVISED-4/4/18

S58°55'51"W  
358.34'

S85°38'14"W  
27.97'



PREPARED BY:

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Engineers • Surveyors • Planners  
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SUITE 100  
WAUKESHA, WISCONSIN 53188  
PHONE: (262)513-0868

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SHEET 8 OF 14

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

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## LEGEND

△	CONTROL POINT	————	PLAT BOUNDARY
⊙	FINISHED FLOOR SHOT LOCATION	.....	CHORD LINE
SB ⊙	SOIL BORING	— — —	CENTERLINE
⊕	MONITORING WELL	- - - - -	RIGHT-OF-WAY LINE
◆	SIGNAL GAUGE	- . . . -	SETBACK LINE
⊕	TEST PIT	- - - - -	SECTION LINE
•	BOLLARD	- - - - -	PLATTED LOT LINE
⊕	MAIL BOX	- . . . -	EASEMENT LINE
⊙	POST	- - - - -	LANDSCAPE LIMITS
—	SIGN	- x — x —	FENCE LINE
⊙	SANITARY MANHOLE	⊖⊖⊖⊖⊖	STONE WALL
⊙	CLEAN OUT	=====	EDGE OF PAVEMENT
x	VENT PIPE	=====	CONCRETE CURB & GUTTER
⊕	WATERMAIN OR GASMAIN VALVE	- - - - -	EDGE OF GRAVEL
⊕	WATER MANHOLE	— SAN —	SANITARY SEWER
⊕	HYDRANT	— W —	WATER LINE
⊕	WATER VALVE	— ST —	STORM SEWER
⊕	CURB STOP/SERVICE VALVE	— STM —	STEAM LINE
⊕	SIAMESE CONNECTOR	— G —	NATURAL GAS
⊕	SPRINKLER VALVE BOX	— OH —	OVERHEAD LINE
⊕	SPRINKLER HEAD	— E —	UNDERGROUND ELECTRIC
⊕	WELL	— FO —	FIBER OPTIC
⊕	STORM MANHOLE	— OT —	OVERHEAD TELEPHONE
⊕	ROUND CASTED INLET	— T —	UNDERGROUND TELEPHONE
⊕	SQUARE CASTED INLET	— OC —	OVERHEAD CABLE
⊕	CURB INLET	— CoTV —	UNDERGROUND CABLE
⊕	GAS REGULATOR/METER	~~~~~	EDGE OF WOODS OR BRUSH
⊕	GAS VALVE	=====	BUILDING
⊕	MANHOLE - UNVERIFIED TYPE	=====	WALL LINE
⊕	ELECTRIC MANHOLE (MGE)	- - -	NAVIGABLE STREAM
⊕	ELECTRIC MANHOLE	- . . -	EDGE OF WATER
⊕	ELECTRIC PEDESTAL	- - -	DITCH LINE
⊕	ELECTRIC METER	- - - - -	DELINEATED WETLANDS
⊕	ELECTRIC TRANSFORMER	=====	BITUMINOUS PAVEMENT
⊕	AIR CONDITION UNIT	=====	CONCRETE PAVEMENT
⊕	LIGHT POLE	=====	BUILDING
⊕	POWER POLE W/GUY	=====	EDGE OF BITUMINOUS
⊕	YARD LIGHT	=====	PAVEMENT STRIPING
⊕	TRAFFIC SIGNAL	( )	DENOTES RECORD DATA DEPICTING THE SAME LINE ON THE GROUND AS RETRACED BY THIS SURVEY
⊕	PULL BOX		
⊕	SIGNAL CONTROLLER BOX		
⊕	VAULT		
⊕	TELEPHONE MANHOLE		
⊕	TELEPHONE PEDESTAL		
⊕	CABLE MANHOLE		
⊕	CABLE PEDESTAL		

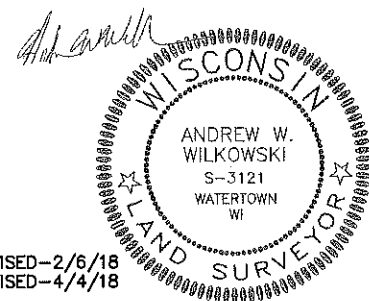
PREPARED BY:

**JSD** Professional Services, Inc.  
 Engineers • Surveyors • Planners  
 W235 N1610 BUSSE ROAD  
 SUITE 100  
 WAUKESHA, WISCONSIN 53188  
 PHONE: (262)513-0666

REVISED—2/6/18  
 REVISED—4/4/18

THIS INSTRUMENT DRAFTED BY ANDREW W. WILKOWSKI S-3121

SHEET 9 OF 14



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

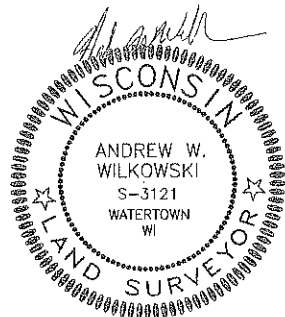
BEING THAT VACATED PORTION OF CRYSTAL RIDGE DRIVE RECORDED IN THE MILWAUKEE COUNTY REGISTER OF DEEDS AS DOCUMENT NO. \_\_\_\_\_ AND LANDS IN THE SOUTHWEST 1/4, SOUTHEAST 1/4 AND NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 4, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

LINE TABLE

LINE	BEARING	DISTANCE
L-1	S38°19'59"E	13.56'
L-2	S88°50'17"W	35.91'

CURVE TABLE

CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHORD	CHORD BEARING
C1	490.41'	740.00'	254.59	37°58'14"	481.48'	N79°00'53"E
C2	236.16'	340.00'	123.07	39°47'52"	231.44'	N40°07'50"E
C3	89.71'	260.00'	45.30	19°46'06"	89.26'	N30°06'57"E
C4	237.36'	340.00'	123.75	40°00'00"	232.57'	N20°00'00"E
C5	67.13'	72.00'	36.23	53°25'11"	64.72'	N26°42'35"E
C6	47.98'	31.15'	30.21	88°14'50"	43.37'	S82°27'24"E
C7	360.98'	740.00'	184.16	27°56'58"	357.41'	N78°13'28"E
C8	74.92'	740.00'	37.49	5°48'03"	74.89'	S84°54'02"E
C9	54.51'	740.00'	27.27	4°13'13"	54.49'	N62°08'22"E



REVISED-2/6/18  
REVISED-4/4/18

PREPARED BY:

**JSD** Professional Services, Inc.  
\* Engineers \* Surveyors \* Planners  
W238 N1810 BUSSE ROAD  
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WAUKESHA, WISCONSIN 53188  
PHONE: (262)813-0666

THIS INSTRUMENT DRAFTED BY ANDREW W. WILKOWSKI S-3121

SHEET 10 OF 14

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

BEING THAT VACATED PORTION OF CRYSTAL RIDGE DRIVE RECORDED IN THE MILWAUKEE COUNTY REGISTER OF DEEDS AS DOCUMENT NO. \_\_\_\_\_ AND LANDS IN THE SOUTHWEST 1/4, SOUTHEAST 1/4 AND NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 4, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

### LEGAL DESCRIPTION

BEING THAT VACATED PORTION OF CRYSTAL RIDGE DRIVE RECORDED IN THE MILWAUKEE COUNTY REGISTER OF DEEDS AS DOCUMENT NO. \_\_\_\_\_ AND LANDS IN THE SOUTHWEST 1/4, SOUTHEAST 1/4 AND NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 4, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 4; THENCE N88°42'47"E ALONG THE SOUTH LINE OF SAID 1/4 SECTION 499.12 FEET; THENCE N01°17'13"W 101.77 FEET TO A POINT ON THE NORTH LINE OF WEST RAWSON AVENUE, BEING THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE N07°12'00"E 130.24 FEET; THENCE S82°00'00"E 354.69 FEET; THENCE EASTERLY 74.92 FEET ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE NORTH, WHOSE RADIUS 740.00 FEET AND WHOSE CHORD BEARS S84°54'02"E 74.89 FEET TO A POINT 'A'; THENCE S02°11'58"W 68.28 FEET TO A POINT ON THE NORTH LINE OF SAID AVENUE; THENCE S89°21'11"W 439.56 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED LANDS:

COMMENCING AT AFORESAID POINT 'A'; THENCE NORTHEASTERLY 360.98 FEET ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE NORTHWEST, WHOSE RADIUS IS 740.00 FEET AND WHOSE CHORD BEARS N78°13'28"E 357.41 FEET TO THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE NORTHEASTERLY 54.51 FEET ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE NORTHWEST, WHOSE RADIUS IS 740.00 FEET AND WHOSE CHORD BEARS N62°08'22"E 54.49 FEET; THENCE N60°01'46"E 69.82 FEET; THENCE NORTHEASTERLY 236.16 FEET ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE NORTHWEST, WHOSE RADIUS IS 340.00 FEET AND WHOSE CHORD BEARS N40°07'50"E 231.44 FEET; THENCE N20°13'54"E 106.76 FEET; THENCE NORTHEASTERLY 89.71 FEET ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE SOUTHEAST, WHOSE RADIUS IS 260.00 FEET AND WHOSE CHORD BEARS N30°06'57"E 89.26 FEET; THENCE N40°00'00"E 1223.92 FEET; THENCE NORTHEASTERLY 237.36 FEET ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE NORTHWEST, WHOSE RADIUS IS 340.00 FEET AND WHOSE CHORD BEARS N20°00'00"E 232.57 FEET; THENCE N00°00'00"W 389.00 FEET; THENCE NORTHEASTERLY 67.13 FEET ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE SOUTHEAST, WHOSE RADIUS IS 72.00 FEET AND WHOSE CHORD BEARS N26°42'35"E 64.72 FEET; THENCE EASTERLY 47.98 FEET ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE SOUTH, WHOSE RADIUS IS 31.15 FEET AND WHOSE CHORD BEARS S82°27'24"E 43.37 FEET; THENCE S38°19'59"E 13.56 FEET TO A POINT ON THE WEST LINE OF SOUTH 76TH STREET; THENCE S00°25'03"E ALONG SAID LINE AND PARALLEL WITH EAST LINE OF SAID 1/4 SECTION 812.09 FEET TO A POINT ON THE NORTHERLY LINE OF WEST LOOMIS ROAD; THENCE S57°34'57"W 300.00 FEET; THENCE S20°04'57"W 385.00 FEET; THENCE S37°08'52"W 201.52 FEET; THENCE S47°51'09"W 330.78 FEET; THENCE S60°37'47"W 578.18 FEET; THENCE S88°50'17"W 35.91 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 438,568 SQUARE FEET OR 10.0681 ACRES.

### SURVEYOR'S CERTIFICATE

I, ANDREW W. WILKOWSKI, PROFESSIONAL LAND SURVEYOR S-3121, DO HEREBY CERTIFY THAT BY BPC COUNTY LAND, LLC, BPC OFFICE, LLC, BPC RESTAURANTS/RETAIL, LLC AND BPC COMMERCIAL, LLC, I HAVE SURVEYED, DIVIDED AND MAPPED THE LANDS DESCRIBED HEREON AND THAT THE MAP IS A CORRECT REPRESENTATION IN ACCORDANCE WITH THE INFORMATION PROVIDED. I FURTHER CERTIFY THAT THIS CERTIFIED SURVEY MAP IS IN FULL COMPLIANCE WITH CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

ANDREW W. WILKOWSKI S-3121  
PROFESSIONAL LAND SURVEYOR

JANUARY 18, 2018  
DATE

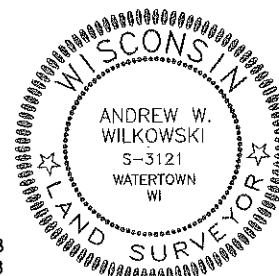
PREPARED BY:

**JSD** Professional Services, Inc.  
"Engineers • Surveyors • Planners"  
W238 N1810 BUSSE ROAD  
SUITE 100  
WAUKESHA, WISCONSIN 53188  
PHONE: (262)513-0666

REVISED--2/6/18  
REVISED--4/4/18

THIS INSTRUMENT DRAFTED BY ANDREW W. WILKOWSKI S-3121

SHEET 11 OF 14



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

BEING THAT VACATED PORTION OF CRYSTAL RIDGE DRIVE RECORDED IN THE MILWAUKEE COUNTY REGISTER OF DEEDS AS DOCUMENT NO. \_\_\_\_\_ AND LANDS IN THE SOUTHWEST 1/4, SOUTHEAST 1/4 AND NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 4, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

### CORPORATE OWNER'S CERTIFICATE

BPC COUNTY LAND, LLC, A LIMITED LIABILITY CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION HAS CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED HEREON. SAID CORPORATION FURTHER CERTIFIES THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.236.34, WISCONSIN STATUTES TO BE SUBMITTED TO THE CITY OF FRANKLIN FOR APPROVAL.

IN WITNESS WHEREOF, THE SAID BPC COUNTY LAND, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS REPRESENTATIVE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

BPC COUNTY LAND, LLC

BY: \_\_\_\_\_  
MICHAEL E. ZIMMERMAN, MANAGER

STATE OF WISCONSIN) SS  
MILWAUKEE COUNTY ) SS

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018,  
THE ABOVE NAMED REPRESENTATIVES OF THE ABOVE NAMED BPC COMMON LAND, LLC,  
TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND  
ACKNOWLEDGED THE SAME.

NOTARY PUBLIC, MILWAUKEE COUNTY, WISCONSIN

MY COMMISSION EXPIRES \_\_\_\_\_

### CORPORATE OWNER'S CERTIFICATE

BPC OFFICE, LLC, A LIMITED LIABILITY CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION HAS CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED HEREON. SAID CORPORATION FURTHER CERTIFIES THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.236.34, WISCONSIN STATUTES TO BE SUBMITTED TO THE CITY OF FRANKLIN FOR APPROVAL.

IN WITNESS WHEREOF, THE SAID BPC OFFICE, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS REPRESENTATIVE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

BPC OFFICE, LLC

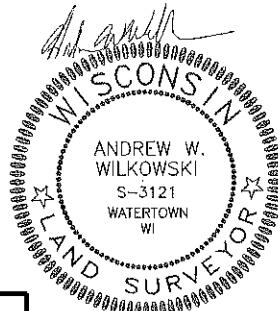
BY: \_\_\_\_\_  
MICHAEL E. ZIMMERMAN, MANAGER

STATE OF WISCONSIN) SS  
MILWAUKEE COUNTY ) SS

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018,  
THE ABOVE NAMED REPRESENTATIVES OF THE ABOVE NAMED BPC OFFICE, LLC, TO ME  
KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND  
ACKNOWLEDGED THE SAME.

NOTARY PUBLIC, MILWAUKEE COUNTY, WISCONSIN

MY COMMISSION EXPIRES \_\_\_\_\_



PREPARED BY:

**JSD** Professional Services, Inc.  
• Engineers • Surveyors • Planners  
W238 N1610 BUSSE ROAD  
SUITE 100  
WAUKESHA, WISCONSIN 53188  
PHONE: (262)913-0666

REVISED-2/6/18  
REVISED-4/4/18

THIS INSTRUMENT DRAFTED BY ANDREW W. WILKOWSKI S-3121

SHEET 12 OF 14



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

BEING THAT VACATED PORTION OF CRYSTAL RIDGE DRIVE RECORDED IN THE MILWAUKEE COUNTY REGISTER OF DEEDS AS DOCUMENT NO. \_\_\_\_\_ AND LANDS IN THE SOUTHWEST 1/4, SOUTHEAST 1/4 AND NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 4, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

### CORPORATE OWNER'S CERTIFICATE

BPC RESTAURANTS/RETAIL, LLC, A LIMITED LIABILITY CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION HAS CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED HEREON. SAID CORPORATION FURTHER CERTIFIES THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.236.34, WISCONSIN STATUTES TO BE SUBMITTED TO THE CITY OF FRANKLIN FOR APPROVAL.

IN WITNESS WHEREOF, THE SAID BPC RESTAURANTS/RETAIL, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS REPRESENTATIVE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

BPC RESTAURANTS/RETAIL, LLC

BY: \_\_\_\_\_  
MICHAEL E. ZIMMERMAN, MANAGER

STATE OF WISCONSIN) SS  
MILWAUKEE COUNTY ) SS

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018,  
THE ABOVE NAMED REPRESENTATIVES OF THE ABOVE NAMED BPC  
RESTAURANTS/RETAIL, LLC, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE  
FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC, MILWAUKEE COUNTY, WISCONSIN MY COMMISSION EXPIRES \_\_\_\_\_

### CORPORATE OWNER'S CERTIFICATE

BPC COMMERCIAL, LLC, A LIMITED LIABILITY CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION HAS CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED HEREON. SAID CORPORATION FURTHER CERTIFIES THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.236.34, WISCONSIN STATUTES TO BE SUBMITTED TO THE CITY OF FRANKLIN FOR APPROVAL.

IN WITNESS WHEREOF, THE SAID BPC COMMERCIAL, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS REPRESENTATIVE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

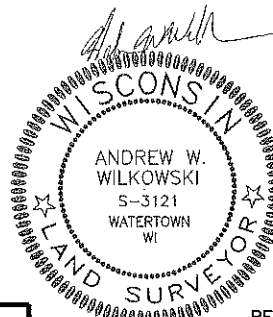
BPC COMMERCIAL, LLC

BY: \_\_\_\_\_  
MICHAEL E. ZIMMERMAN, MANAGER

STATE OF WISCONSIN) SS  
MILWAUKEE COUNTY ) SS

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018,  
THE ABOVE NAMED REPRESENTATIVES OF THE ABOVE NAMED BPC COMMERCIAL, LLC,  
TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND  
ACKNOWLEDGED THE SAME.

NOTARY PUBLIC, MILWAUKEE COUNTY, WISCONSIN MY COMMISSION EXPIRES \_\_\_\_\_



PREPARED BY:

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W236 N1610 BUSSE ROAD  
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REVISED-2/6/18  
REVISED-4/4/18

THIS INSTRUMENT DRAFTED BY ANDREW W. WILKOWSKI S-3121

SHEET 13 OF 14

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

BEING THAT VACATED PORTION OF CRYSTAL RIDGE DRIVE RECORDED IN THE MILWAUKEE COUNTY REGISTER OF DEEDS AS DOCUMENT NO. \_\_\_\_\_ AND LANDS IN THE SOUTHWEST 1/4, SOUTHEAST 1/4 AND NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 4, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

### CITY OF FRANKLIN COMMON COUNCIL APPROVAL

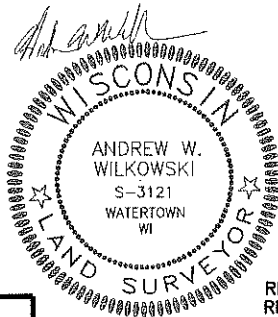
THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE COMMON COUNCIL OF THE CITY OF FRANKLIN, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

BY: \_\_\_\_\_  
STEPHEN OLSON, MAYOR

DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
SANDRA L. WESOLOWSKI, CITY CLERK

DATE: \_\_\_\_\_



PREPARED BY:

**JSD** Professional Services, Inc.  
• Engineers • Surveyors • Planners  
W238 N1010 BUSSE ROAD  
SUITE 100  
WAUKESHA, WISCONSIN 53188  
PHONE: (262)513-0666

REVISED-2/6/18  
REVISED-4/4/18

THIS INSTRUMENT DRAFTED BY ANDREW W. WILKOWSKI S-3121

SHEET 14 OF 14

<b>APPROVAL</b>  <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  05/01/18
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>RESOLUTION CONDITIONALLY APPROVING A 4 LOT CERTIFIED SURVEY MAP, BEING PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (BALLPARK COMMONS, LLC, APPLICANT) (APPROXIMATELY 7900 WEST CRYSTAL RIDGE DRIVE)</b>	<b>ITEM NUMBER</b>  <i>G. 9.</i>
<p>At its April 19, 2018 meeting the Plan Commission recommended approval of a resolution conditionally approving a 4 lot certified survey map, being part of the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 9, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Ballpark Commons, LLC, Applicant) (approximately 7900 West Crystal Ridge Drive).</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>A motion to adopt Resolution No. 2018-_____, a resolution conditionally approving a 4 lot certified survey map, being part of the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 9, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Ballpark Commons, LLC, Applicant) (approximately 7900 West Crystal Ridge Drive).</p>		

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

A RESOLUTION CONDITIONALLY APPROVING A 4 LOT CERTIFIED  
SURVEY MAP, BEING PART OF THE NORTHWEST 1/4 OF THE NORTHEAST  
1/4 AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4  
OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF  
FRANKLIN, MILWAUKEE COUNTY, WISCONSIN  
(BALLPARK COMMONS, LLC, APPLICANT)  
(APPROXIMATELY 7900 WEST CRYSTAL RIDGE DRIVE)

---

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being part of the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 9, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at approximately 7900 West Crystal Ridge Drive, bearing Tax Key Nos. 755-9996-000, 754-9988-002, 755-9995-001, 755-9995-002 and 754-9988-001, Ballpark Commons, LLC, applicant; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by Ballpark Commons, LLC, as described above, be and the same is hereby approved, subject to the following conditions:

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

BALLPARK COMMONS, LLC – CERTIFIED SURVEY MAP

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

Page 2

separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.

4. Ballpark Commons, LLC, successors and assigns, and any developer of the Ballpark Commons, LLC 4 lot certified survey map project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
5. The approval granted hereunder is conditional upon Ballpark Commons, LLC and the 4 lot certified survey map project for the property located at approximately 7900 West Crystal Ridge Drive: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
6. No access shall be illustrated and noted along W. Rawson Avenue, prior to recording the Certified Survey Map with the Milwaukee County Register of Deeds.
7. A separate written Conservation Easement shall be submitted for Common Council review and approval and recording with the Milwaukee County Register of Deeds, prior to recording the certified survey map.
8. The 30' Landscape Bufferyard Easement along W. Rawson Avenue and W. Loomis Road must be depicted on the certified survey map and the corresponding note added "Landscape Bufferyard Easement, this easement is reserved for the planting of trees and shrubs, the building of structures hereon is prohibited.", prior to recording the certified survey map.
9. Separate written easement documents for all public easements shown on the Certified Survey Map shall be submitted for Common Council review and approval and recording with the Milwaukee County Register of Deeds, prior to recording the certified survey map.

BALLPARK COMMONS, LLC – CERTIFIED SURVEY MAP  
RESOLUTION NO. 2018-\_\_\_\_\_  
Page 3

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

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

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

# CERTIFIED SURVEY MAP NO.

PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

W. RAWSON AVE.

C.T.H. "BB"

NORTH LINE NW 1/4 SEC 9  
NW COR, NW 1/4 SEC 9, T5N, R21E  
BRASS CAP IN CONCRETE, FOUND

NW COR, NE 1/4 SEC 9, T5N, R21E  
CONC MON W/BRASS CAP FOUND  
N. 340,192.79  
E. 2,530,634.94

P.O.B.  
**LOT 1**  
125,667 S.F.  
2.8849 ACRE

MILWAUKEE COUNTY  
PERMANENT LIMITED EASEMENT  
TO MAINTAIN DRAINAGE FACILITY  
[SEE DETAIL SHEET]

(N88°42'47"E 2651.78')  
NORTH LINE NE 1/4 SEC 9  
NE COR, NE 1/4 SEC 9, T5N, R21E  
CONC MON W/BRASS CAP FOUND  
N. 340,252.35  
E. 2,533,285.87

**LOT 2**  
809,451 S.F.  
18.5824 ACRE

**LOT 3**  
254,213 S.F.  
5.8359 ACRE

**LOT 4**  
139,241 S.F.  
3.1965 ACRE

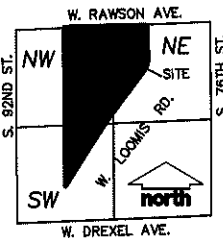
KARRINGTON DR.

BALLPARK DRIVE  
PUBLIC RIGHT OF WAY

OLD LOOMIS RD.

## LEGEND

- 3/4" x 18" REBAR SET WEIGHING 1.50 LBS/LF
- GOVERNMENT CORNER
- 1" IRON PIPE FOUND
- 3/4" REBAR FOUND



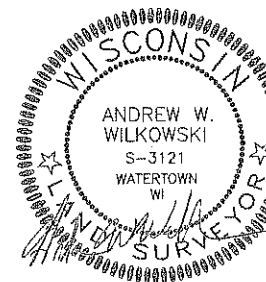
LOCATION SKETCH  
SECTION 9, T5N, R21E

## NOTES

1. SEE SHEET 2-5 FOR LOT DETAILS.
2. SEE SHEET 6 FOR EXISTING EASEMENTS
3. SEE SHEET 7-10 FOR PROPOSED EASEMENTS
4. SEE SHEET 11 FOR COMPLETE LEGEND.
5. SEE SHEET 15 FOR LINE AND CURVE TABLES
6. ALL ANGLES MEASURED TO THE NEAREST SECOND.
7. ALL DISTANCES ARE MEASURED TO THE NEAREST 0.01'
8. ZONED PDD-PLANNED DEVELOPMENT DISTRICT NO. 37
9. EXISTING CONTOURS SHOWN AT 5' INTERVALS. ELEV BASED ON NGVD 1929
10. BUILDING SETBACKS VARY AND SHALL COMPLY WITH PDD NO. 37.
11. NRPP APPROVED BY CITY OF FRANKLIN ON 01/09/2018.
12. ALL LOTS SERVED BY SANITARY SEWER AND WATER
13. REFER TO PDD NO. 37 FOR VISION TRIANGLE REGULATIONS

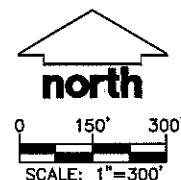
ALL BEARINGS REFER TO THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 9, WHICH HAS A WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE) BEARING OF N88°42'47"E.

REVISED-2/6/18  
REVISED-2/22/18  
REVISED-4/5/18



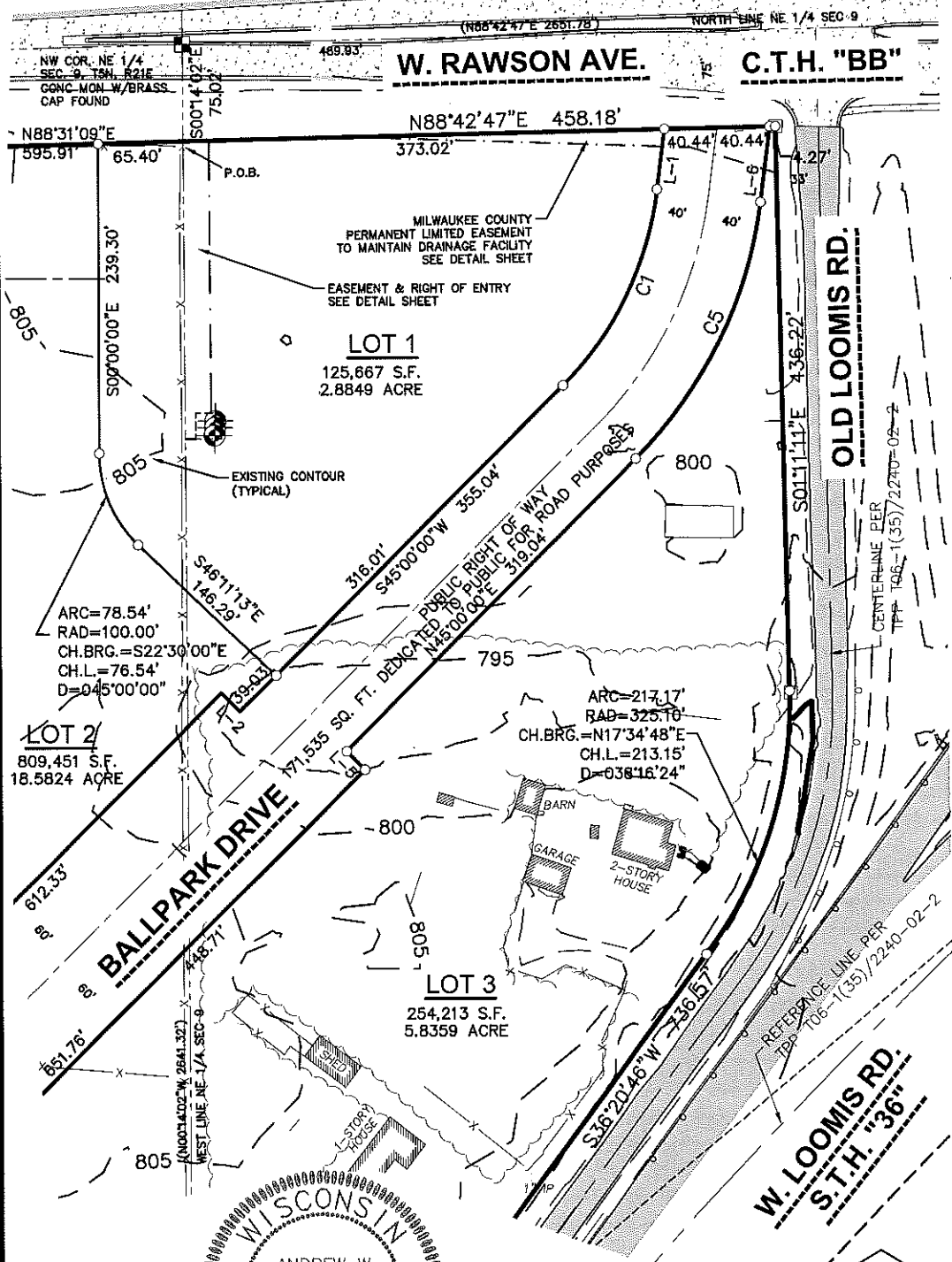
THIS INSTRUMENT DRAFTED BY ANDREW W. WILKOWSKI S-3121

SURVEYED BY: <b>JSD</b> Professional Services, Inc. Engineers - Surveyors - Planners W230 N1610 BUSSE ROAD SUITE 100 WAUKESHA, WISCONSIN 53188 PHONE: (262)513-0666	OWNER & SUBDIVIDER: BPC COUNTY LAND, LLC 510 WEST KILBOURN AVE. MILWAUKEE, WI 53202	PROJECT NO: 14-6548 FILE NO: 8-*	SURVEYED BY: JSD, INC. DRAWN BY: DHS CHECKED BY: AWW APPROVED BY: J.J.
		FIELDBOOK/Pg: - SHEET NO: 1 OF 17	



**CERTIFIED SURVEY MAP NO.**

PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN



PREPARED BY:

**JSD** Professional Services, Inc.  
• Engineers • Surveyors • Planners  
W238 N1610 BUSSE ROAD  
SUITE 100  
WAUKESHA, WISCONSIN 53188  
PHONE: (262)513-0888

ANDREW W.  
WILKOWSKI  
S-3121  
WATERTOWN  
WI

REVISED-2/6/18  
REVISED-2/22/18  
REVISED-4/5/18

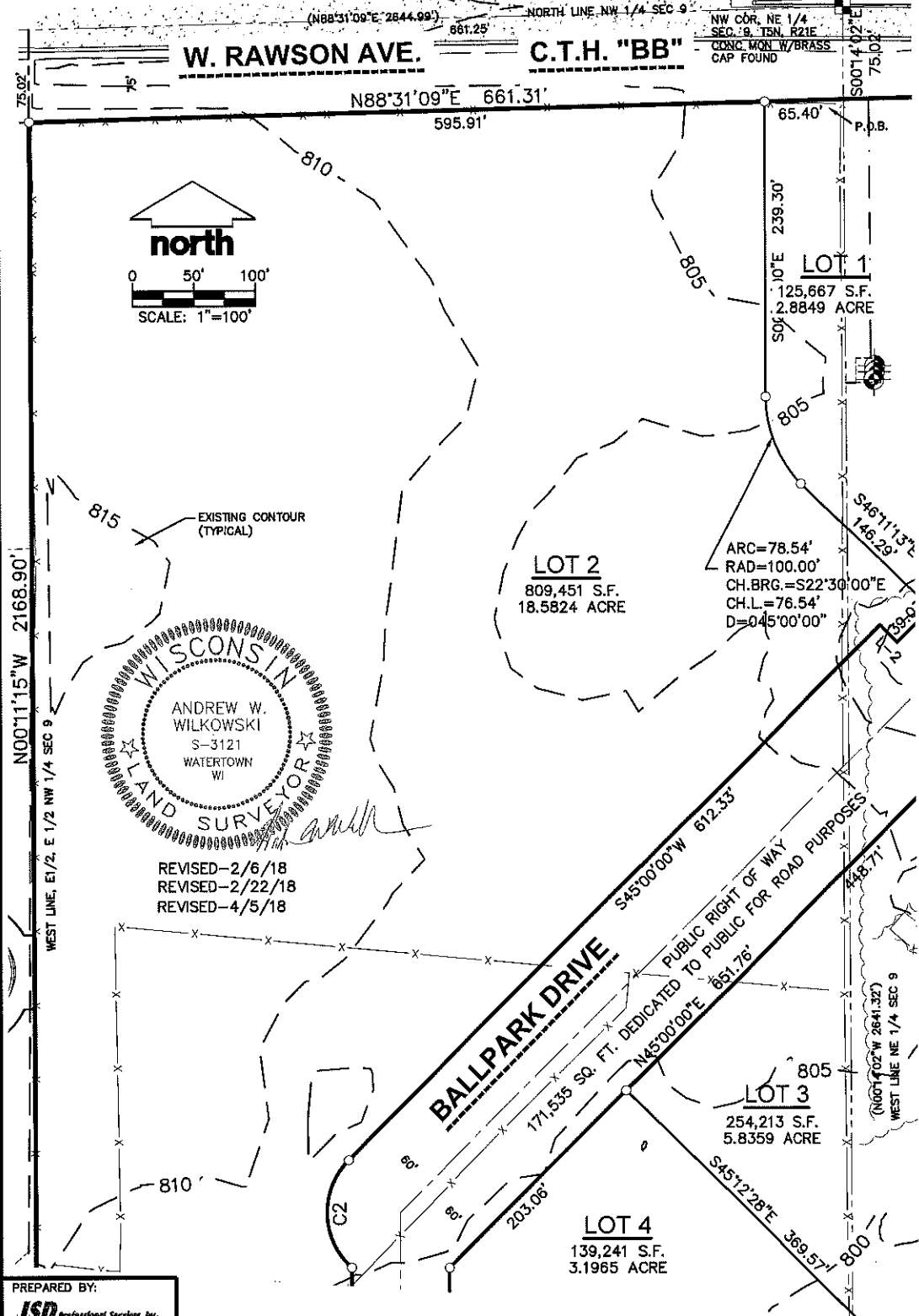
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SHEET 2 OF 17



**CERTIFIED SURVEY MAP NO.**

PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN



File: R:\2014\1406548 Ballpark Commons\dwg\146548 CSM 3 SOUTH.dwg Layout: SHEET 3 User: dsponjor Plotted: Apr 09, 2018 - 8:22am

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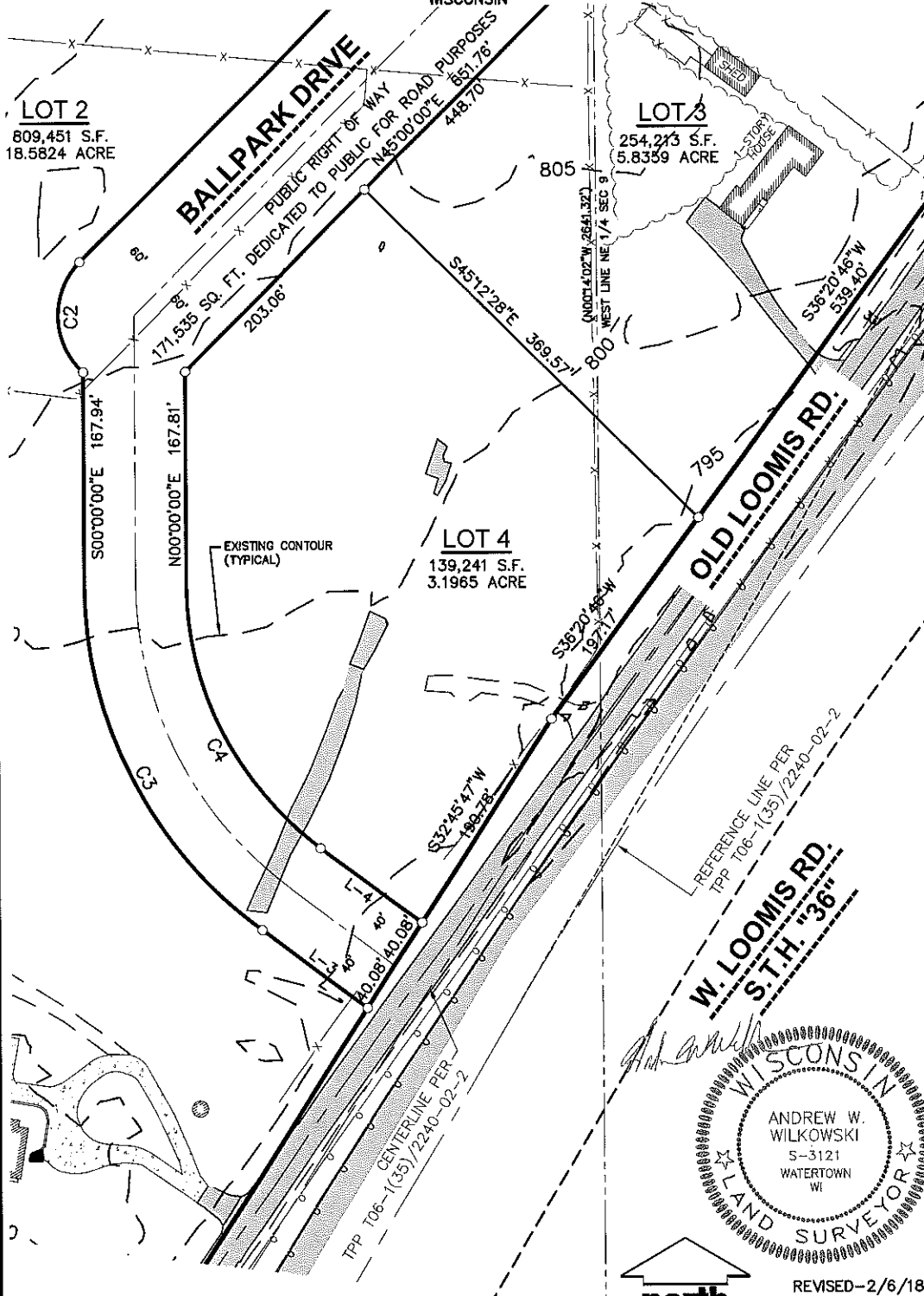
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SHEET 3 OF 17

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

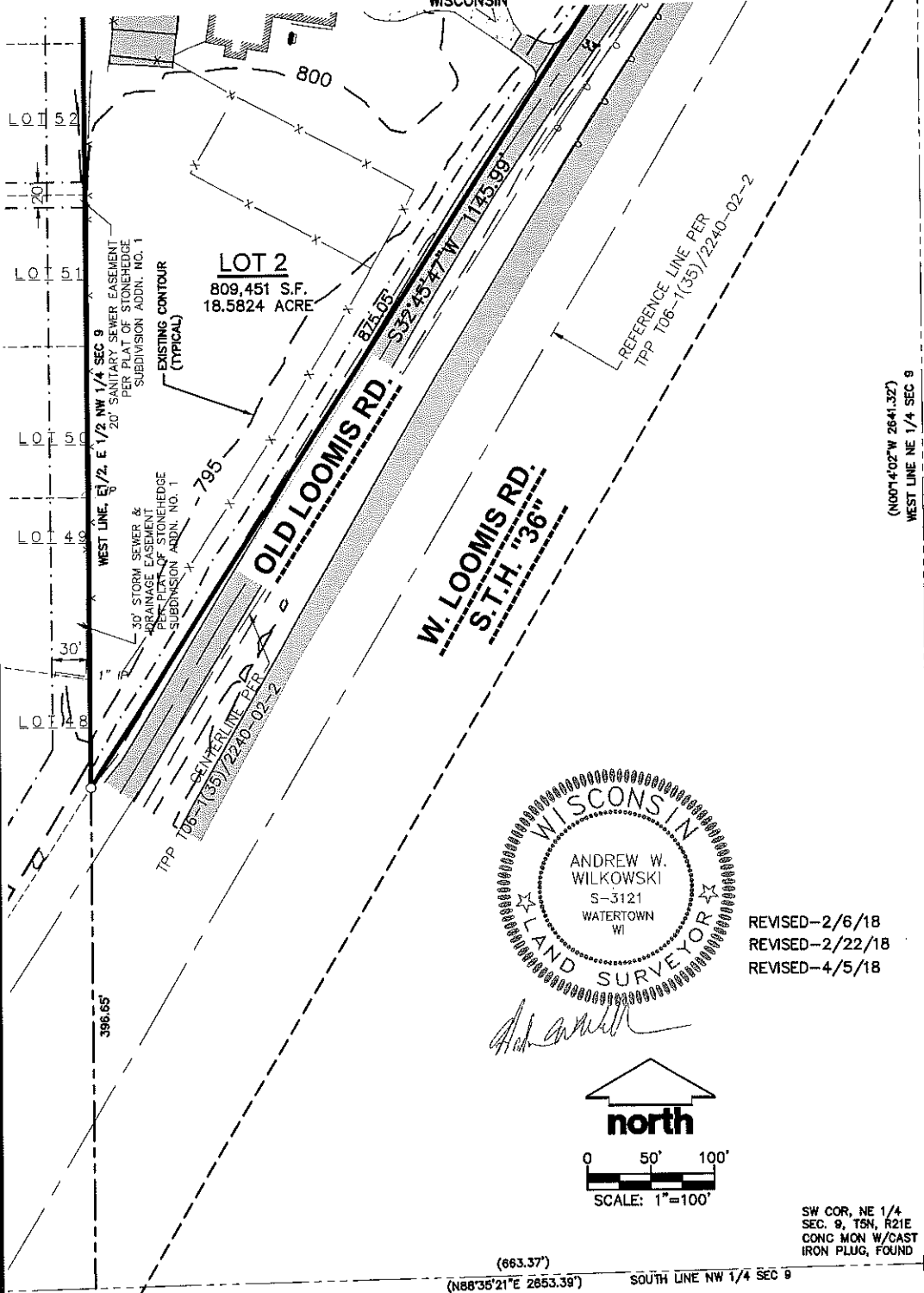
PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN



File: R:\2014\1406548 Ballpark Commons\dwg\146548 CSM 3 SOUTH.dwg Layout: SHEET 4 User: djanjar Plotted: Apr 09, 2018 - 8:23am

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

PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN



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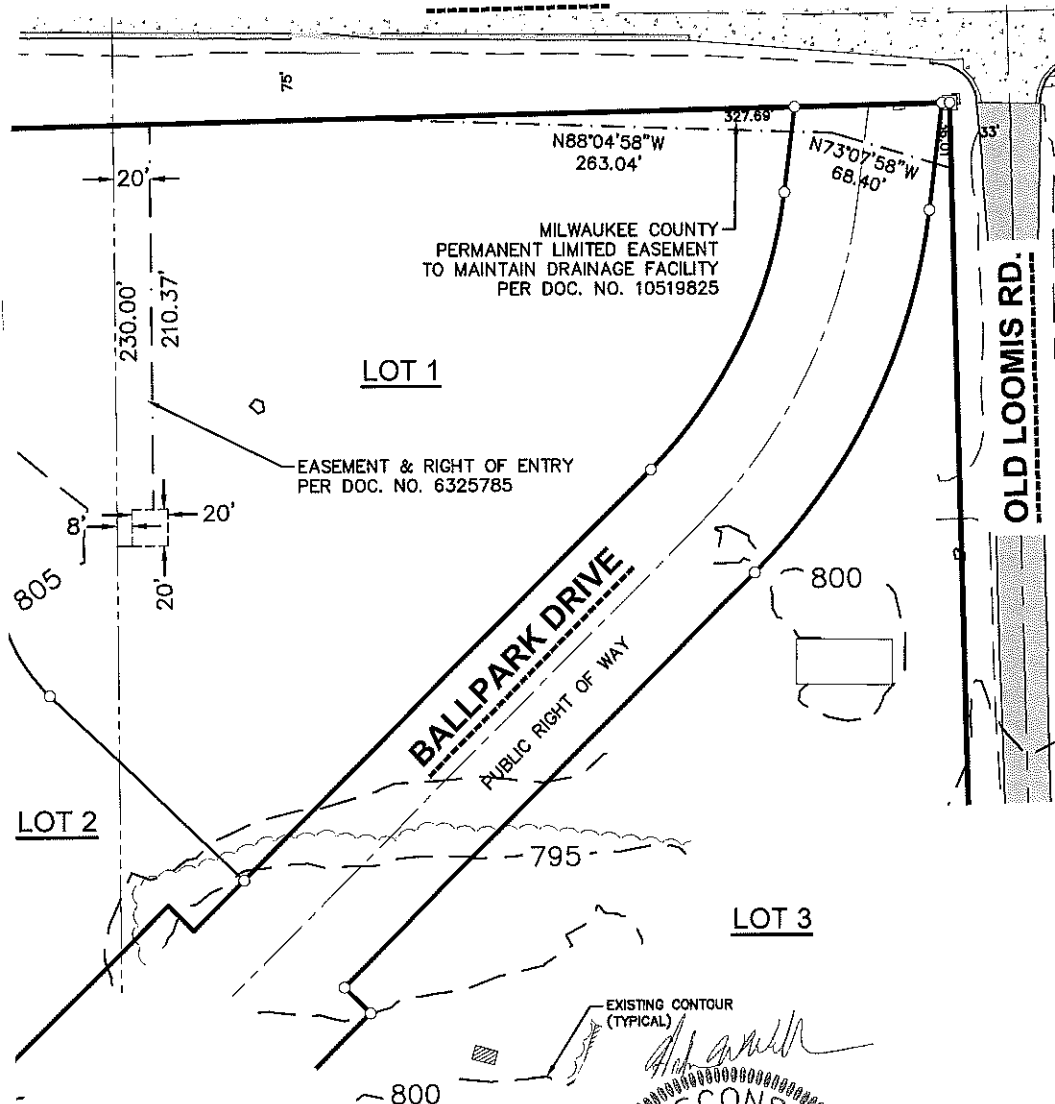
SHEET 5 OF 17

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

PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

## EXISTING EASEMENT DETAILS

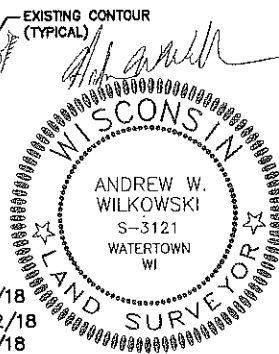
W. RAWSON AVE.  
C.T.H. "BB"



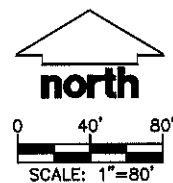
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SUITE 100  
WALKESHA, WISCONSIN 53188  
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REVISED-2/22/18  
REVISED-4/5/18



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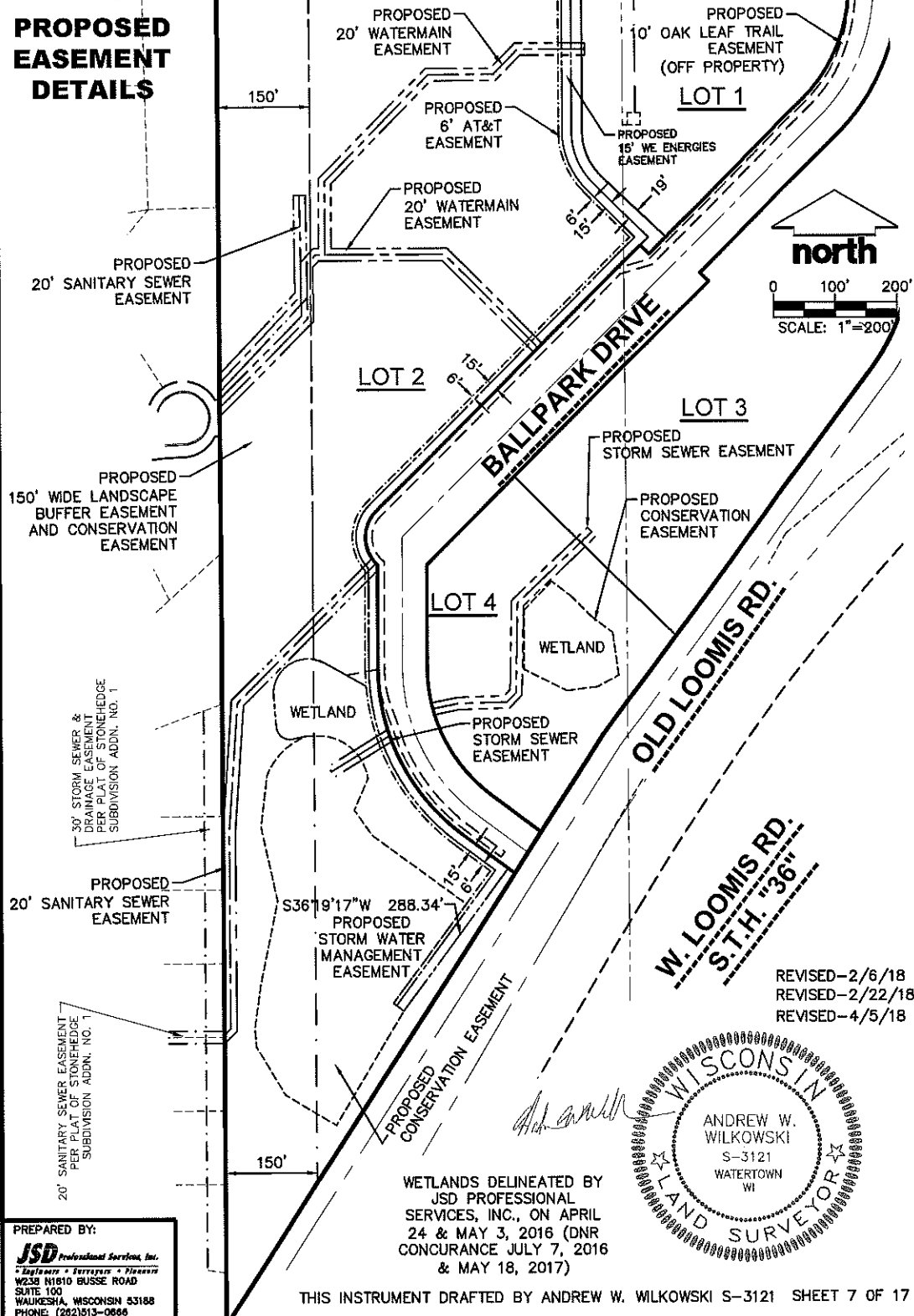
SHEET 6 OF 17

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

PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

W. RAWSON AVE.

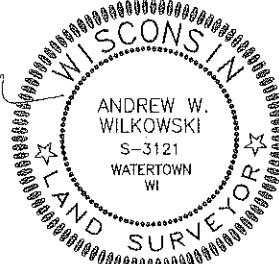
## PROPOSED EASEMENT DETAILS



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SUITE 100  
WAUKESHA, WISCONSIN 53188  
PHONE: (262)513-0666

WETLANDS DELINEATED BY  
JSD PROFESSIONAL  
SERVICES, INC., ON APRIL  
24 & MAY 3, 2016 (DNR  
CONCURRENCE JULY 7, 2016  
& MAY 18, 2017)

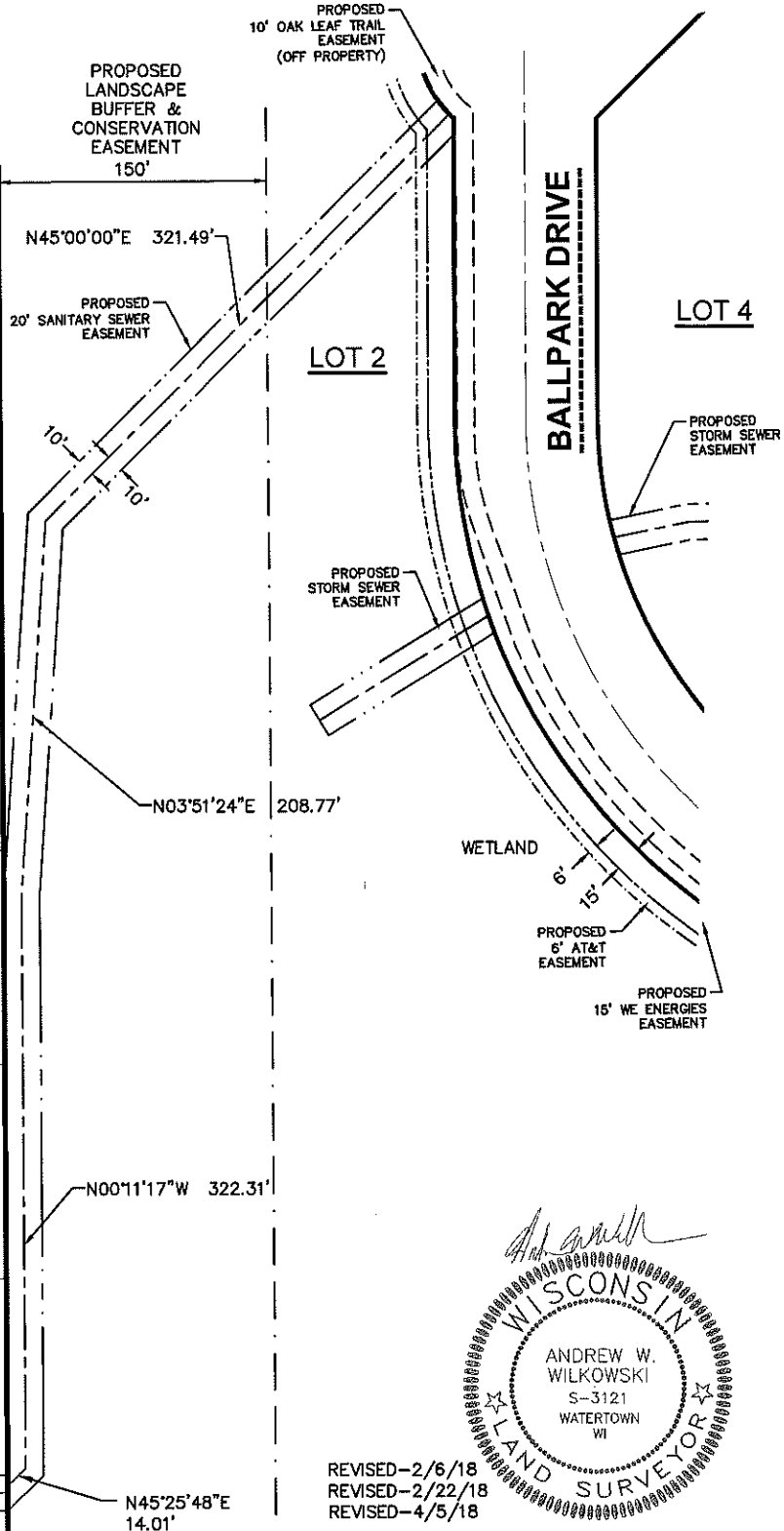
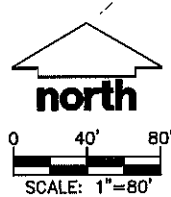


REVISED-2/6/18  
REVISED-2/22/18  
REVISED-4/5/18

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

PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

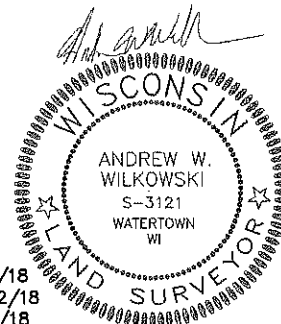
## PROPOSED EASEMENT DETAILS



PREPARED BY:

**JSD** Professional Services, Inc.  
Engineers • Surveyors • Planners  
W2330 N1610 BUSSE ROAD  
SUITE 100  
WAUKESHA, WISCONSIN 53188  
PHONE: (262)513-0666

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REVISED-2/22/18  
REVISED-4/5/18

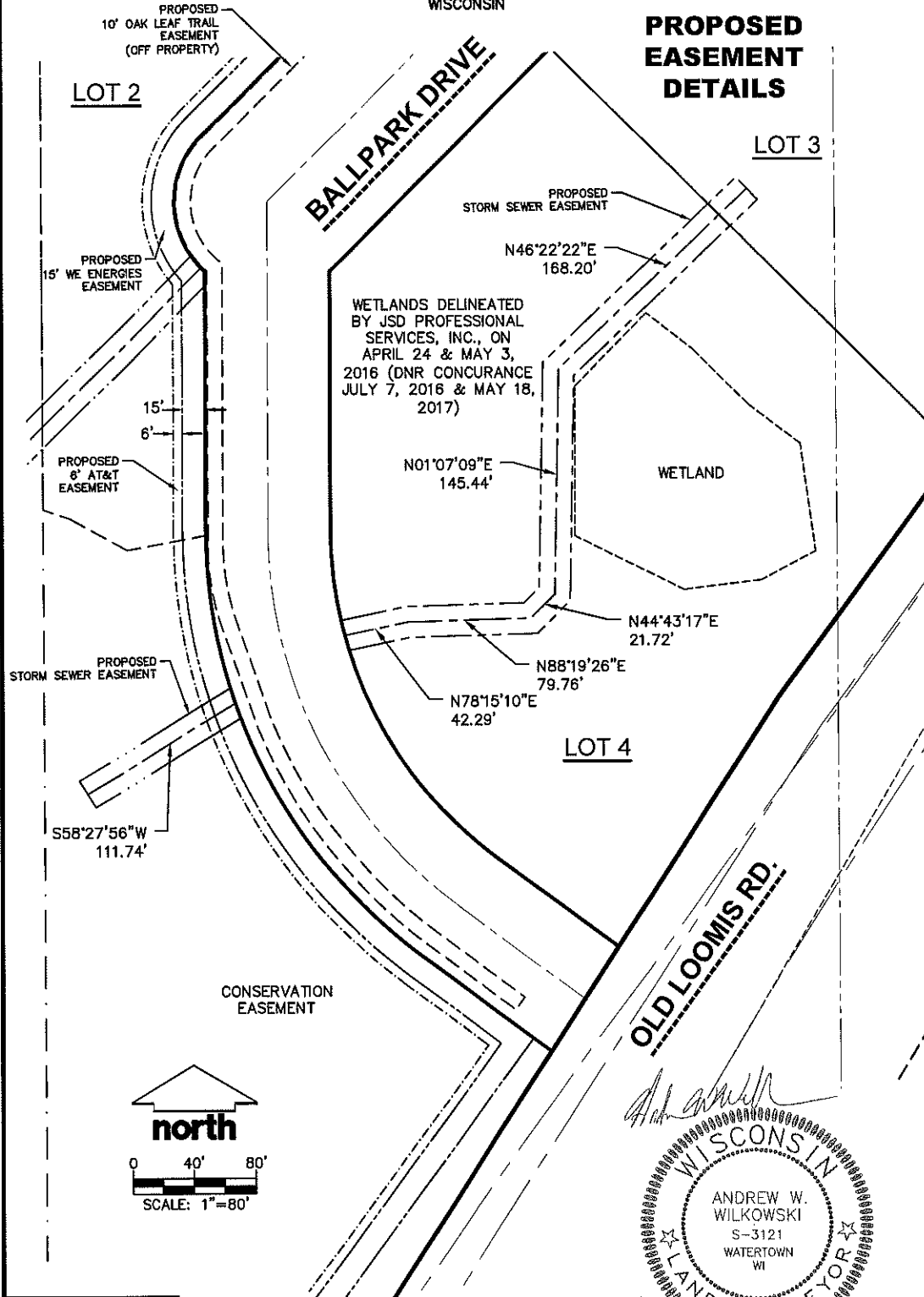


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SHEET 8 OF 17

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

PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN



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 W258 N1610 BUSSE ROAD  
 SUITE 100  
 WAUKESHA, WISCONSIN 53188  
 PHONE: (262)913-0666

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SHEET 9 OF 17

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

PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

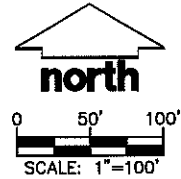
WETLANDS DELINEATED  
BY JSD PROFESSIONAL  
SERVICES, INC., ON  
APRIL 24 & MAY 3,  
2016 (DNR CONCURRENCE  
JULY 7, 2016 & MAY 18,  
2017)

**LOT 2**

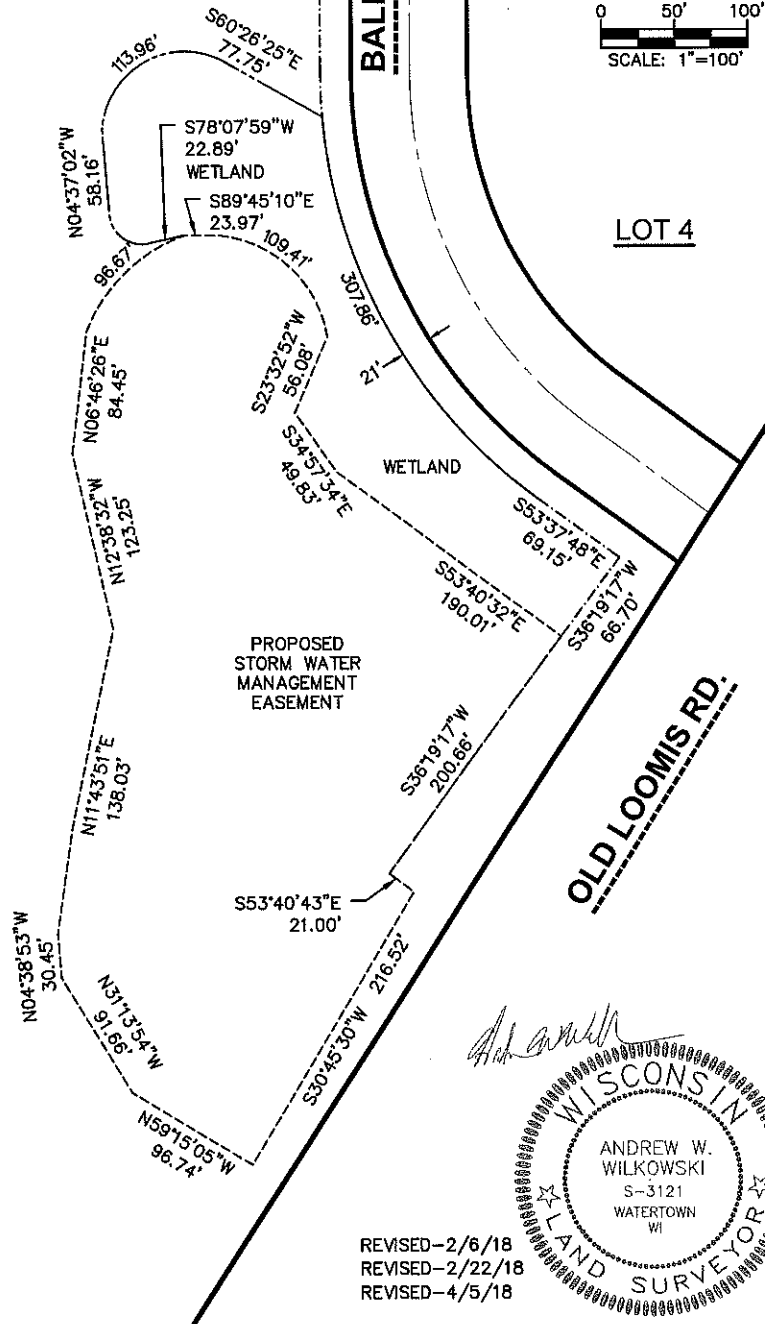
PROPOSED  
21' WE ENERGIES  
& AT&T  
EASEMENT

**BALLPARK DRIVE**

**PROPOSED  
EASEMENT  
DETAILS**



**LOT 4**



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SUITE 100  
WAUKESHA, WISCONSIN 53188  
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REVISED-2/22/18  
REVISED-4/5/18

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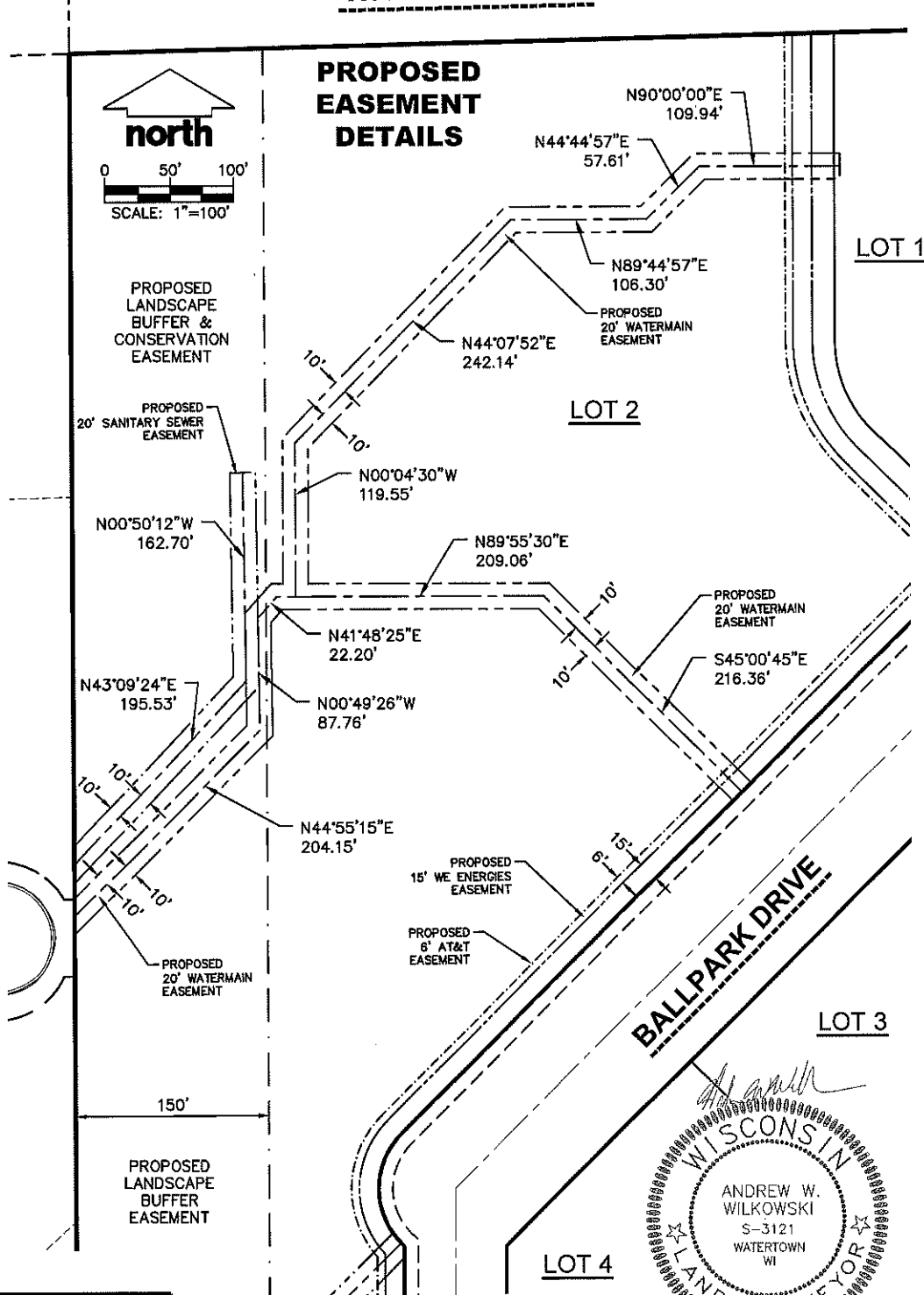
SHEET 10 OF 17



**CERTIFIED SURVEY MAP NO.**

PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

**W. RAWSON AVE.**



**PREPARED BY:**

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SUITE 100  
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SHEET 11 OF 17

File: R:\2014\14C6548 Ballpark Commons\dwg\145548 CSM 3 SOUTH.dwg Layout: SHEET 11 User: dsponjar Plotted: Apr 09, 2018 -- 8:24am

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

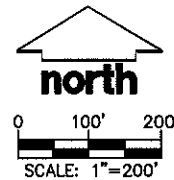
PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

**W. RAWSON AVE.**

N88°31'09"E 595.91'

WETLANDS DELINEATED  
BY JSD PROFESSIONAL  
SERVICES, INC., ON  
APRIL 24 & MAY 3,  
2016 (DNR CONCURRENCE  
JULY 7, 2016 & MAY 18,  
2017)

**PROPOSED  
EASEMENT  
DETAILS**



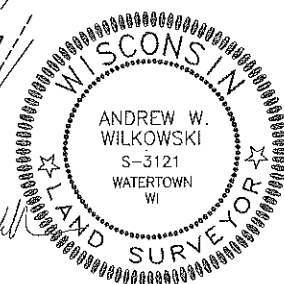
**LOT 2**

**LOT 1**

**LOT 3**

PROPOSED  
CONSERVATION  
EASEMENT

REVISED-2/6/18  
REVISED-2/22/18  
REVISED-4/5/18



**LOT 4**

S71°13'47"E  
18.31'  
S60°26'25"E  
41.13'  
N79°41'30"E  
52.46'  
ARC=315.70'  
RAD=340.00'  
CH.BRG.=S27°01'47"E  
CH.L.=304.48'  
D=053°12'02"

PROPOSED  
CONSERVATION  
EASEMENT

## EASEMENT LINE TABLE

LINE	BEARING	DISTANCE
L-7	N53°39'14"W	36.21'
L-8	S62°03'40"W	39.59'
L-9	S82°58'08"W	50.61'
L-10	N63°30'28"W	78.07'
L-11	N00°00'00"E	96.28'
L-12	N44°12'22"E	65.86'
L-13	S52°10'40"E	38.09'
L-14	S45°12'03"E	50.44'
L-15	S53°03'05"E	41.94'
L-16	S08°00'12"E	70.15'

**OLD LOOMIS ROAD**

875.05'  
N32°45'47"E 1145.99'

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W236 N1610 BUSSE ROAD  
SUITE 100  
WILKESHA, WISCONSIN 53188  
PHONE: (262)513-0666

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SHEET 12 OF 17

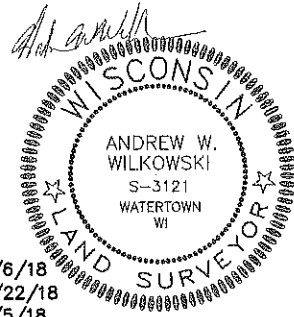
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# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

## LEGEND

△	CONTROL POINT	—————	PLAT BOUNDARY
⊙	FINISHED FLOOR SHOT LOCATION	.....	CHORD LINE
SB ⊙	SOIL BORING	— — — —	CENTERLINE
⊕	MONITORING WELL	- - - - -	RIGHT-OF-WAY LINE
◆	SIGNAL GAUGE	- . . . -	SETBACK LINE
⊕	TEST PIT	- - - - -	SECTION LINE
•	BOLLARD	- - - - -	PLATTED LOT LINE
▽	MAIL BOX	- . . . -	EASEMENT LINE
⊙	POST	- - - - -	LANDSCAPE LIMITS
—	SIGN	-x—x—	FENCE LINE
⊙	SANITARY MANHOLE	○○○○○○	STONE WALL
⊙	CLEAN OUT	—————	EDGE OF PAVEMENT
×	VENT PIPE	=====	CONCRETE CURB & GUTTER
W	WATERMAIN OR GASMAIN VALVE	- - - - -	EDGE OF GRAVEL
⊙	WATER MANHOLE	— SAN —	SANITARY SEWER
⊙	HYDRANT	— W —	WATER LINE
⊙	WATER VALVE	— ST —	STORM SEWER
⊙	CURB STOP/SERVICE VALVE	— STM —	STEAM LINE
⊙	SIAMESE CONNECTOR	— G —	NATURAL GAS
⊕	SPRINKLER VALVE BOX	— OH —	OVERHEAD LINE
⊕	SPRINKLER HEAD	— E —	UNDERGROUND ELECTRIC
⊙	WELL	— FO —	FIBER OPTIC
⊙	STORM MANHOLE	— OT —	OVERHEAD TELEPHONE
⊙	ROUND CASTED INLET	— T —	UNDERGROUND TELEPHONE
⊙	SQUARE CASTED INLET	— OC —	OVERHEAD CABLE
⊙	CURB INLET	— CaTV —	UNDERGROUND CABLE
⊙	GAS REGULATOR/METER	~~~~~	EDGE OF WOODS OR BRUSH
⊙	GAS VALVE	//////	BUILDING
⊙	MANHOLE - UNVERIFIED TYPE	———	WALL LINE
⊙	ELECTRIC MANHOLE (MGE)	- - - -	NAVIGABLE STREAM
⊙	ELECTRIC MANHOLE	- . . -	EDGE OF WATER
⊙	ELECTRIC PEDESTAL	- - - -	DITCH LINE
⊙	ELECTRIC METER	- - - -	DELINEATED WETLANDS
⊙	ELECTRIC TRANSFORMER	=====	BITUMINOUS PAVEMENT
⊙	AIR CONDITION UNIT	=====	CONCRETE PAVEMENT
⊙	LIGHT POLE	//////	BUILDING
⊙	POWER POLE W/GUY	—————	EDGE OF BITUMINOUS
⊙	YARD LIGHT	—————	PAVEMENT STRIPING
⊙	TRAFFIC SIGNAL	( )	DENOTES RECORD DATA DEPICTING THE SAME LINE ON THE GROUND AS RETRACED BY THIS SURVEY
⊙	PULL BOX		
⊙	SIGNAL CONTROLLER BOX		
⊙	VAULT		
⊙	TELEPHONE MANHOLE		
⊙	TELEPHONE PEDESTAL		
⊙	CABLE MANHOLE		
⊙	CABLE PEDESTAL		



PREPARED BY:

**JSD** Professional Services, Inc.  
 Engineers • Surveyors • Planners  
 W239 N1610 BUSSE ROAD  
 SUITE 100  
 WAUKESHA, WISCONSIN 53188  
 PHONE: (262)513-0686

REVISED-2/6/18  
 REVISED-2/22/18  
 REVISED-4/5/18

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SHEET 13 OF 17

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

PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

### LEGAL DESCRIPTION

BEING PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST 1/4; THENCE S00°14'02"E ALONG THE WEST LINE OF SAID 1/4 SECTION 75.02 FEET TO A POINT ON THE SOUTH LINE OF WEST RAWSON AVENUE, BEING THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE N88°42'47"E AND PARALLEL WITH THE NORTH LINE OF SAID 1/4 SECTION 458.18 FEET TO A POINT ON THE WEST LINE OF OLD LOOMIS ROAD; THENCE S01°11'11"E ALONG SAID WEST LINE 436.22 FEET; THENCE SOUTHWESTERLY 217.17 FEET ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE NORTHWEST, WHOSE RADIUS IS 325.10 FEET AND WHOSE CHORD BEARS S17°34'48"W 213.15 FEET; THENCE S36°20'46"W 736.57 FEET; THENCE S32°45'47"W 1145.99 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION; THENCE N00°11'15"W ALONG SAID WEST LINE 2168.90 FEET TO A POINT ON THE SOUTH LINE OF SAID RAWSON AVE.; THENCE N88°31'09"E ALONG SAID SOUTH LINE AND PARALLEL WITH THE NORTH LINE OF SAID 1/4 SECTION 661.31 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1,500,107 SQUARE FEET OR 34.4377 ACRES.

### SURVEYOR'S CERTIFICATE

I, ANDREW W. WILKOWSKI, PROFESSIONAL LAND SURVEYOR S-3121, DO HEREBY CERTIFY THAT BY DIRECTION OF BPC APARTMENTS 1, LLC, BPC APARTMENTS 2, LLC AND BPC MIXED USE, LLC, I HAVE SURVEYED, DIVIDED, MAPPED AND DEDICATED THE LANDS DESCRIBED HEREON AND THAT THE MAP IS A CORRECT REPRESENTATION IN ACCORDANCE WITH THE INFORMATION PROVIDED. I FURTHER CERTIFY THAT THIS CERTIFIED SURVEY MAP IS IN FULL COMPLIANCE WITH CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

ANDREW W. WILKOWSKI S-3121  
PROFESSIONAL LAND SURVEYOR

JANUARY 23, 2018  
DATE



REVISED-2/6/18  
REVISED-2/22/18  
REVISED-4/5/18

PREPARED BY:

**JSD** Professional Services, Inc.  
• Engineers • Surveyors • Planners  
W238 N1810 BUSSE ROAD  
SUITE 100  
WAUKESHA, WISCONSIN 53188  
PHONE: (262)513-0686

THIS INSTRUMENT DRAFTED BY ANDREW W. WILKOWSKI S-3121

SHEET 14 OF 17

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

PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

### CORPORATE OWNER'S CERTIFICATE

BPC APARTMENTS 1, LLC, A LIMITED LIABILITY CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION HAS CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED HEREON. SAID CORPORATION FURTHER CERTIFIES THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.236.34, WISCONSIN STATUTES TO BE SUBMITTED TO THE CITY OF FRANKLIN FOR APPROVAL.

IN WITNESS WHEREOF, THE SAID BPC APARTMENTS 1, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS REPRESENTATIVE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

BPC APARTMENTS 1, LLC

BY: \_\_\_\_\_  
MICHAEL E. ZIMMERMAN, MANAGER

STATE OF WISCONSIN) SS  
MILWAUKEE COUNTY ) SS

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018,  
THE ABOVE NAMED REPRESENTATIVES OF THE ABOVE NAMED BPC APARTMENTS 1, LLC,  
TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND  
ACKNOWLEDGED THE SAME.

NOTARY PUBLIC, MILWAUKEE COUNTY, WISCONSIN

MY COMMISSION EXPIRES \_\_\_\_\_

### CORPORATE OWNER'S CERTIFICATE

BPC APARTMENTS 2, LLC, A LIMITED LIABILITY CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION HAS CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED HEREON. SAID CORPORATION FURTHER CERTIFIES THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.236.34, WISCONSIN STATUTES TO BE SUBMITTED TO THE CITY OF FRANKLIN FOR APPROVAL.

IN WITNESS WHEREOF, THE SAID BPC APARTMENTS 2, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS REPRESENTATIVE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

BPC APARTMENTS 2, LLC

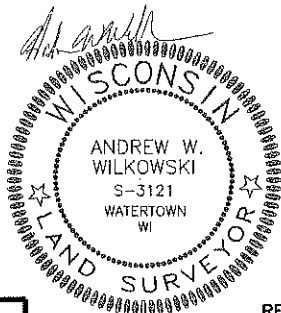
BY: \_\_\_\_\_  
MICHAEL E. ZIMMERMAN, MANAGER

STATE OF WISCONSIN) SS  
MILWAUKEE COUNTY ) SS

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018,  
THE ABOVE NAMED REPRESENTATIVES OF THE ABOVE NAMED BPC APARTMENTS 2, LLC,  
TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND  
ACKNOWLEDGED THE SAME.

NOTARY PUBLIC, MILWAUKEE COUNTY, WISCONSIN

MY COMMISSION EXPIRES \_\_\_\_\_



PREPARED BY:

**JSD** Professional Services, Inc.  
• Engineers • Surveyors • Planners  
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PHONE: (262)513-0886

REVISED-2/6/18  
REVISED-2/22/18  
REVISED-4/5/18

THIS INSTRUMENT DRAFTED BY ANDREW W. WILKOWSKI S-3121

SHEET 15 OF 17

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

PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

### CORPORATE OWNER'S CERTIFICATE

BPC MIXED USE 1, LLC, A LIMITED LIABILITY CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION HAS CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED HEREON. SAID CORPORATION FURTHER CERTIFIES THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.236.34, WISCONSIN STATUTES TO BE SUBMITTED TO THE CITY OF FRANKLIN FOR APPROVAL

IN WITNESS WHEREOF, THE SAID BPC MIXED USE 1, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS REPRESENTATIVE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

BPC MIXED USE 1, LLC

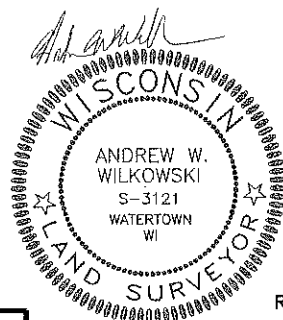
BY: \_\_\_\_\_  
MICHAEL E. ZIMMERMAN, MANAGER

STATE OF WISCONSIN ) SS  
MILWAUKEE COUNTY ) SS

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018,  
THE ABOVE NAMED REPRESENTATIVES OF THE ABOVE NAMED BPC MIXED USE 1, LLC,  
TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND  
ACKNOWLEDGED THE SAME.

NOTARY PUBLIC, MILWAUKEE COUNTY, WISCONSIN

MY COMMISSION EXPIRES \_\_\_\_\_



PREPARED BY:

**JSD** Professional Services, Inc.  
• Engineers • Surveyors • Planners  
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PHONE: (262)913-0666

REVISED-2/6/18  
REVISED-2/22/18  
REVISED-4/5/18

THIS INSTRUMENT DRAFTED BY ANDREW W. WILKOWSKI S-3121

SHEET 16 OF 17

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

PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

## CITY OF FRANKLIN COMMON COUNCIL APPROVAL

THIS CERTIFIED SURVEY MAP AND ITS ROAD DEDICATION IS HEREBY APPROVED BY THE COMMON COUNCIL OF THE CITY OF FRANKLIN, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

BY: \_\_\_\_\_  
STEPHEN OLSON, MAYOR

DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
SANDRA L. WESOLOWSKI, CITY CLERK

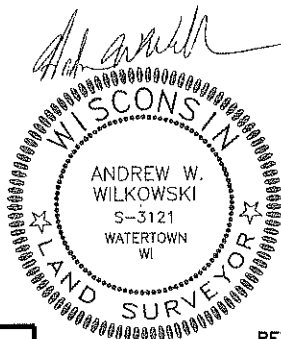
DATE: \_\_\_\_\_

CURVE TABLE

CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHORD	CHORD BEARING
C1	171.53'	260.00'	89.02	37°48'00"	168.44'	S26°06'00"W
C2	97.59'	60.00'	63.44	93°11'23"	87.18'	S01°35'41"E
C3	318.25'	340.00'	171.86	53°37'48"	306.76'	S26°48'54"E
C4	243.37'	260.00'	131.42	53°37'48"	234.58'	N26°48'54"W
C5	224.31'	340.00'	116.41	37°48'00"	220.26'	N26°06'00"E

LINE TABLE

LINE	BEARING	DISTANCE
L-1	S07°12'00"W	47.01'
L-2	N45°00'00"W	20.00'
L-3	S53°37'48"E	104.31'
L-4	N53°37'48"W	99.27'
L-5	N45°00'00"W	20.00'
L-6	N07°12'00"E	58.95'



PREPARED BY:  
**JSD** Professional Services, Inc.  
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WAUKESHA, WISCONSIN 53188  
PHONE: (262)513-0866

REVISED-2/6/18  
REVISED-2/22/18  
REVISED-4/5/18

THIS INSTRUMENT DRAFTED BY ANDREW W. WILKOWSKI S-3121

SHEET 17 OF 17

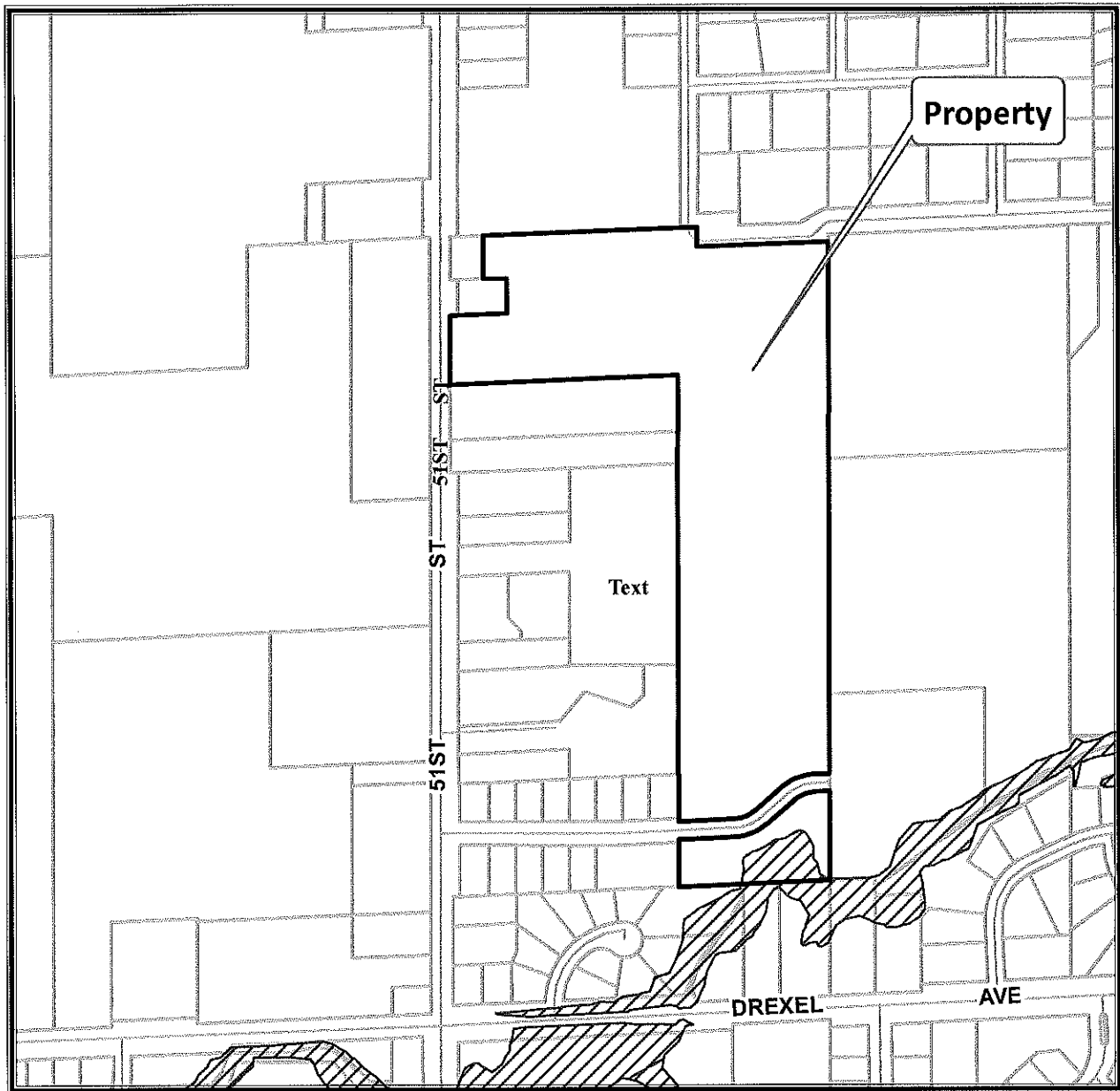
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<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>05/01/18</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR EVERGREEN PARK ESTATES SUBDIVISION (AT APPROXIMATELY 7501 SOUTH 49TH STREET) (RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT)</b>	<b>ITEM NUMBER</b> <i>G.10.</i>
<p>At its April 19, 2018, meeting the Plan Commission recommended approval of a resolution conditionally approving a Final Plat for Evergreen Park Estates Subdivision (at approximately 7501 South 49<sup>th</sup> Street) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant) with the recommendation that the City maintain ownership of Outlot 1.</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>A motion to adopt Resolution No. 2018-_____, a resolution conditionally approving a Final Plat for Evergreen Park Estates Subdivision (at approximately 7501 South 49<sup>th</sup> Street) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant).</p>		



7501 S. 49th Street  
TKN: 788 9981 001



Planning Department  
(414) 425-4024

0 325 650 1,300 Feet

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



2017 Aerial Photo



7501 S. 49th Street  
TKN: 788 9981 001



Planning Department  
(414) 425-4024

0 325 650 1,300 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.*



## CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of April 19, 2018

## Final Plat

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**RECOMMENDATION:** City Development Staff recommends approval of the Final Plat for the development of four single-family residential lots, subject to the conditions as noted in the attached draft resolution.

---

<b>Project Name:</b>	Evergreen Park Estates Final Plat
<b>Project Address:</b>	7501 South 49 <sup>th</sup> Street
<b>Applicant:</b>	Rick Przybyla, Creative Homes, Inc.
<b>Owners (property):</b>	Creative Homes, Inc.
<b>Current Zoning:</b>	R-6 Suburban Single-Family Residence District
<b>Proposed Zoning:</b>	R-6 Suburban Single-Family Residence District
<b>Use of Surrounding Properties:</b>	Single-family residential to the north and south, Pleasant View Elementary School and Pleasant View Neighborhood Park to the east and single-family and multi-family residential to the west
<b>Applicant Action Requested:</b>	Recommendation of approval of the Final Plat

---

**Project Description/Analysis:**

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 March 16, 2018, the applicant submitted a Final Plat Application for the property located at 7501 South 49<sup>th</sup> Street. The applicant is proposing to subdivide the existing 32.67-acre property to create four R-6 single-family residential lots. The plat includes three lots north of West Evergreen Street (Lots 1, 2 and 3) and one lot south of West Evergreen Street (Lot 4). The lot sizes range in size from 22,102 square feet to 43,504 square feet. The four lots are all accessible from West Evergreen Street and are served by public sewer and water facilities.

The Preliminary Plat was conditionally approved at the February 6, 2018 Common Council meeting. The approved Preliminary Plat consisted of five lots and four outlots, and is attached for Plan Commission review.

**History**

- April 19, 2016: Concept Review Application presented to the Common Council, including two alternatives for single-family residential subdivision development of the subject property.

- June 21, 2016: Applicant submitted a Preliminary Plat Application to subdivide the existing 32.67-acre property at 7501 South 49<sup>th</sup> Street to create six R-6 single-family residential lots. The Preliminary Plat includes one lot south of West Evergreen Street (Lot 1), three lots north of West Evergreen Street (Lots 2, 3 and 4) and two lots east of South 51<sup>st</sup> Street (Lots 5 and 6). The lot sizes range in size from about 18,024 square feet to approximately 37,200 square feet. The Preliminary Plat also includes five outlots, which are reserved for future single-family residential lots, future storm water management facilities and/or consist of protected natural resource features. At the request of staff, the applicant also submitted a Rezoning Application to rezone the C-1 Conservancy District portion of the subject property to R-6 Suburban Single-Family Residence District.
- October 4, 2016: The Common Council adopted Ordinance 2016-2233, an Ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone a portion of a certain parcel of land from C-1 Conservancy District to R-6 Suburban Single-Family Residence District (a portion of the property at 7501 South 49<sup>th</sup> Street) (approximately 1.867 acres) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant).
- December 6, 2016: Applicant received approval of Resolution No. 2016-7235, a Resolution conditionally approving a Preliminary Plat for Evergreen Park Estates Subdivision (at approximately 7501 South 49<sup>th</sup> Street) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant). The Preliminary Plat included one lot south of West Evergreen Street (Lot 1), one lot north of West Evergreen Street (Lot 2), two lots east of South 51<sup>st</sup> Street (Lots 11 and 12), 8 lots on the west side of a cul-de-sac extending north from West Evergreen Street, and four outlots, which are reserved for future single-family residential lots, proposed and future storm water management facilities and/or consist of protected natural resource features.
- December 6, 2016: The Common Council approved Resolution No. 2016-7236, a Resolution amending Resolution No. 2014-7001, A Final Resolution directing installation of, payment and levy of special assessment for installation of sanitary sewer, water main, sanitary sewer laterals, water main laterals, the extension of a public street including curb and gutter along with the necessary appurtenances on W. Evergreen Street extension from a point 800 feet east of S. 51<sup>st</sup> Street to a point 1,360 feet east of S. 51<sup>st</sup> Street, as previously amended by Resolution No. 2016-7211.
- February 6, 2018: The Common Council approved Resolution No. 2018-7346, a Resolution conditionally approved a Preliminary Plat for Evergreen Park Estates Subdivision (at approximately 7501 South 49<sup>th</sup> Street) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant). The preliminary plat subdivided the existing 32.67-acre property into five R-6 single-family residential lots and three outlots.

#### Plat Phasing

The proposed Final Plat consists of four lots and one outlot. Section 15-9.0305E. of the UDO allows for partial platting. However, this section also states that each phase be designated as a "phase" on the approved Preliminary Plat.

The applicant has indicated that the phasing as shown on the Final Plat is a part of the approved Preliminary Plat and complies with Section 15-9.0305E. of the UDO. Staff notes that the Preliminary Plat did not specifically include or designate any phasing. Relevant code sections are below for reference. Ultimately, the Common Council has the authority to approve or deny plat phasing.

15-9.0305E. of the UDO

**E. Partial Platting.**

1. **Plat Phasing.** The Final Plat may, if permitted by the Common Council, be platted as a Final Plat in phases with each phase constituting only that portion of the approved Preliminary Plat which the Subdivider proposes to record at that time. It is required that each such phase be platted as a Final Plat and be designated as a "phase" of the approved Preliminary Plat.

2. **Time Extension for Approval of a Final Plat for Portion of Preliminary Plat.** Final Plat for only a portion of the Preliminary Plat shall extend approval for the remaining portion of the Preliminary Plat for six (6) months from the date of such Final Plat approval.

Wis. Statute 236.11(1)(c) "A professional engineer, a planner, or another person charged with the responsibility to review plats shall provide the approving authority with his or her conclusions as to whether the final plat conforms substantially to the preliminary plat and with his or her recommendation on approval of the final plat. The conclusions and recommendation shall be made a part of the record of the proceeding at which the final plat is being considered and are not required to be submitted in writing."

15-7.0501 of the UDO

**Contiguous Land Area.** Entire area contiguous to the proposed plat owned or controlled by the Subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and severe hardship would result from strict application thereof.

**Future Trail**

The Evergreen Park Estates proposed subdivision plat has gone through multiple iterations. One previous concept included a cul-de-sac extending north from W. Evergreen Street with lots on one side. Throughout the process, the applicant has also provided a conceptual future lot layout for the northern portion of the property.

Particularly related to the previous plat that included the cul-de-sac, the City has requested a trail that would extend from the future extension of W. Marquette Avenue to Pleasant View Neighborhood Park. This can be reflected in Condition No. 10 of Resolution No. 2016-7235, which approved the version of the plat with the cul-de-sac. Condition No. 10 required the paving of a trail between two lots to make the connection to the park.

Staff is aware that the Alderperson of the District desires a trail connection from the future phase of development on the northern portion of the property to the adjacent park. As such, staff noted to the developer at the time of staff comments for the Final Plat that a trail connection would be recommended at the time the north portion of the property is developed.

The applicant responded stating, "This was not discussed or included in or during the preliminary plat approval and is not desirable to the developer or potential buyers."

Staff provides the above trail discussion for informational purposes and as a potential topic to be discussed. Note that the land the trail would extend through is not part of this phase of proposed Final Plat.

### **Staff Recommendation:**

City Development Staff recommends approval of the Final Plat for the development of four single-family residential lots, subject to the conditions as noted in the attached draft resolution, which are further discussed below.

The following conditions of approval are being carried over from the approved Preliminary Plat Resolution. A few conditions have been revised slightly, with revisions in bold.

1. Final grading, erosion control, and drainage plans, incorporating protection of the existing tree line on the east side of the subject property north of Evergreen Street and all protected natural resource features, shall be reviewed and approved by the Engineering Department and the Department of City Development prior to recording the Final Plat.
2. A written conservation easement document shall be reviewed and approved by the Common Council and recorded with the Milwaukee County Register of Deeds at the time of the recording of the Final Plat. The Conservation Easements shall include all wetland setbacks. The ~~preliminary~~ plat "Conservation Easement Restrictions" notes shall be amended to include the Unified Development Ordinance restrictions applicable to wetland setbacks.

The applicant has indicated compliance; however, the notes do not match the conservation easement template. Per this condition, the conservation easement restrictions will be revised as follows:

- Construct or place buildings or any structure;
- Construct or make any improvements, unless, notwithstanding Covenant 1 above, the improvement is specifically and previously approved by the

Common Council of the City of Franklin, upon the advice of such other persons, entities, and agencies as it may elect; such improvements as may be so approved being intended to enhance the resource value of the protected property to the environment or the public and including, but not limited to animal and bird feeding stations, park benches, the removal of animal blockage of natural drainage or other occurring blockage of natural drainage, and the like;

- Excavate, dredge, grade, mine, drill, or change the topography of the land or its natural condition in any manner, including any cutting or removal of vegetation, except for the removal of dead or diseased trees;
- Conduct any filling, dumping, or depositing of any material whatsoever, including, but not limited to soil, yard waste, or other landscape materials, ashes, garbage, or debris;
- Plant any vegetation not native to the protected property or not typical wetland vegetation;
- Operate snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles.

3. Where a conservation easement exists on an individual lot, the applicant shall mark the location of the conservation easement onsite utilizing signage or boulders.

The applicant has indicated agreement to place signage on individual lots.

4. Any proposed subdivision monument sign(s) shall require a Subdivision Monument Sign Application, subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.

At this time, the applicant is not contemplating a monument sign for the subdivision.

5. The applicant shall place orange protective construction fencing outside the dripline of the large Oak tree near the park entrance on the north side of Evergreen Street, and along all protected natural resource features, prior to issuance of a Grading Permit.
6. All minor technical corrections, including but not limited to lot and outlot numbering, and legal descriptions shall be rectified prior to recording of the Final Plat.
7. The lands within the ~~Preliminary~~ Plat include lands specially benefitted and specially assessed for the installation of sanitary sewer, water main, sanitary sewer laterals, water main laterals, and the extension of a public street including curb and gutter associated with Evergreen Street pursuant to Resolution No. 2014-7001 as amended by Resolution No. 2016-7211. The applicant has paid in full outstanding assessments associated with two of the subject lots, and the outstanding assessments associated with the remaining two subject lots shall be due and paid in full upon the sale, transfer, or other conveyance of the subject lots, or this Resolution shall be null and void.



8. Final storm water plans, including consideration of appropriate maintenance costs assignable to the developer for the developer's impacts upon the existing tributary storm water pond, shall be reviewed and approved by the Engineering Department prior to recording of the Final Plat.
9. The applicant shall **deposit up to \$3,000 with the Engineering Department for the installation of ~~install all~~** required street trees pursuant to the City of Franklin Design Standards and Construction Specifications and pertinent City regulations.

As there are no other public improvements, this condition is in lieu of requiring a development agreement.

Below are staff recommended conditions of approval following review of the Final Plat Application.

10. Declaration of Deed Restrictions and Protective Covenants shall be administratively reviewed and approved by the Department of City Development and City Attorney prior to recording of the Final Plat.

The applicant has submitted draft declarations; however, they have not yet been reviewed by staff.

11. The final draft of the legal instruments and rules for any proposed Homeowners' Association shall be submitted for administrative review and approval by the Department of City Development and City Attorney prior to recording the Final Plat.

The applicant has indicated that an HOA is not being proposed as there are no common elements. Staff, however, is suggesting that Outlot 1 not be deeded to the City and instead be fractionally owned by an HOA or owned by Lot 4.

The developer appears to prefer the outlot be City owned or deeded to Lot 4. This condition may be removed if the outlot is City owned or deeded to Lot 4.

12. The location of We Energies pedestals shall be no closer to the street than the front of the home on each individual lot.

The applicant is requesting We Energies pedestals be allowed within the front yards, adjacent to W. Evergreen Street. City practice is to locate these types of utilities in the rear yard of lots. A letter from the applicant is attached detailing their request.

13. The Final Plat shall be revised to note the approximate location of the Ordinary High Watermark, prior to recording the Final Plat.

14. The Final Plat shall be revised to include the Floodplain Conservancy District, prior to recording the Final Plat.

The applicant has indicated that the floodplain is fully contained within Outlot 1, which is being protected by a conservation easement in its entirety.

This is true; however, the Floodplain Conservancy District is an existing zoning district on the property and must be noted on the plat, similar to the FW Floodway District. Page 2 includes zoning data that does not currently note the FC District.

**Staff Suggestions:**

1. Staff suggests that Outlot 1 not be City owned, but rather fractionally owned by an HOA or deeded to Lot 4.

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

A RESOLUTION CONDITIONALLY APPROVING A  
FINAL PLAT FOR EVERGREEN PARK ESTATES SUBDIVISION  
(AT APPROXIMATELY 7501 SOUTH 49TH STREET)  
(RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT)

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WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a final plat for Evergreen Park Estates Subdivision, such plat being unplatted lands lying within and being a part of the Southwest 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at approximately 7501 South 49th Street [the Preliminary Plat includes three lots north of West Evergreen Street (Lots 1, 2 and 3) and one lot south of West Evergreen Street (Lot 4), lot sizes ranging in size from 22,102 square feet to 43,504 square feet (the Preliminary Plat was conditionally approved at the February 6, 2018 Common Council meeting), bearing Tax Key No. 788-9981-001, Rick J. Przybyla, President of Creative Homes, Inc., 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 April 19, 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 Evergreen Park Estates Subdivision, as submitted by Rick J. Przybyla, President of Creative Homes, Inc., 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 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.

RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC. - FINAL PLAT FOR  
EVERGREEN PARK ESTATES SUBDIVISION  
RESOLUTION NO. 2018-\_\_\_\_\_

Page 2

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 Evergreen Park Estates 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 letter of credit 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 Rick J. Przybyla, President of Creative Homes, Inc. 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. Creative Homes, Inc., successors and assigns and any developer of the Evergreen Park Estates 4 lot single-family residential subdivision development shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Evergreen Park Estates 4 lot single-family residential subdivision development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC. - FINAL PLAT FOR  
EVERGREEN PARK ESTATES SUBDIVISION  
RESOLUTION NO. 2018-\_\_\_\_\_

Page 3

7. The approval granted hereunder is conditional upon Rick J. Przybyla, President of Creative Homes, Inc. and the Evergreen Park Estates 4 lot single-family residential subdivision development project for the property located at approximately 7501 South 49th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
8. The Evergreen Park Estates 4 lot single-family residential subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.
9. Final grading, erosion control, and drainage plans, incorporating protection of the existing tree line on the east side of the subject property north of Evergreen Street and all protected natural resource features, shall be reviewed and approved by the Engineering Department and the Department of City Development prior to recording the Final Plat.
10. A written conservation easement document shall be reviewed and approved by the Common Council and recorded with the Milwaukee County Register of Deeds at the time of the recording of the Final Plat. The Conservation Easements shall include all wetland setbacks. The plat "Conservation Easement Restrictions" notes shall be amended to include the Unified Development Ordinance restrictions applicable to wetland setbacks.
11. Where a conservation easement exists on an individual lot, the applicant shall mark the location of the conservation easement onsite utilizing signage or boulders.
12. Any proposed subdivision monument sign(s) shall require a Subdivision Monument Sign Application, subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.
13. The applicant shall place orange protective construction fencing outside the dripline of the large Oak tree near the park entrance on the north side of Evergreen Street, and along all protected natural resource features, prior to issuance of a Grading Permit.
14. All minor technical corrections, including but not limited to lot and outlot numbering, and legal descriptions shall be rectified prior to recording of the Final Plat.
15. The lands within the Plat include lands specially benefitted and specially assessed for the installation of sanitary sewer, water main, sanitary sewer laterals, water main laterals, and the extension of a public street including curb and gutter associated with Evergreen Street pursuant to Resolution No. 2014-7001 as amended by Resolution

RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC. - FINAL PLAT FOR  
EVERGREEN PARK ESTATES SUBDIVISION  
RESOLUTION NO. 2018-\_\_\_\_\_

Page 4

No. 2016-7211. The applicant has paid in full outstanding assessments associated with two of the subject lots, and the outstanding assessments associated with the remaining two subject lots shall be due and paid in full upon the sale, transfer, or other conveyance of the subject lots, or this Resolution shall be null and void.

16. Final storm water plans, including consideration of appropriate maintenance costs assignable to the developer for the developer's impacts upon the existing tributary storm water pond, shall be reviewed and approved by the Engineering Department prior to recording of the Final Plat.
17. The applicant shall deposit up to \$3,000 with the Engineering Department for the installation of required street trees pursuant to the City of Franklin Design Standards and Construction Specifications and pertinent City regulations.
18. Declaration of Deed Restrictions and Protective Covenants shall be administratively reviewed and approved by the Department of City Development and City Attorney prior to recording of the Final Plat.
19. The final draft of the legal instruments and rules for any proposed Homeowners' Association shall be submitted for administrative review and approval by the Department of City Development and City Attorney prior to recording the Final Plat.
20. The location of We Energies pedestals shall be no closer to the street than the front of the home on each individual lot.
21. The Final Plat shall be revised to note the approximate location of the Ordinary High Watermark, prior to recording the Final Plat.
22. The Final Plat shall be revised to include the Floodplain Conservancy District, prior to recording the Final Plat.

BE IT FURTHER RESOLVED, that the Final Plat of Evergreen Park Estates 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 Evergreen Park Estates Subdivision with the Office of the

RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC. - FINAL PLAT FOR  
EVERGREEN PARK ESTATES SUBDIVISION  
RESOLUTION NO. 2018-\_\_\_\_\_

Page 5

Register of Deeds for Milwaukee County.

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 \_\_\_\_\_

## PRELIMINARY PLAT

LEGAL DESCRIPTION

[illegible]

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

42

SUBJECT:  
JAMES R BEATY, RLS 1894

WALLES, WI 53183  
www.brickonlandfill-wellington.net

Our advice  
Consulting

BOUNCE LOG  
BROOKFIELD, VT 05040  
CITY, VT 05040  
ZC  
ZC

**OWNERS DEVELOPING—PREPARED FOR:**  
**Creative Homes, Inc.**

Franklin, W/ 53132  
64143 529-0058

Single Family Residential

One Dwell Unit per Lot

Net = (32.67 acres)

Section 236 Wisconsin Statutes, some jobs may contain a

basement construction. It is recommended that either a licensed professional engineer or other soils expert design a basement.

that special measures be taken. Soil conditions should be

## CONSERVATION EASEMENT RESTRICTIONS

1. Grading and mining shall be promoted.
2. The removal of topsoil or other earthen materials shall be

vegetation at the discretion of landowner, or silvicultural the  
a collected and the consent of the City of Escondido

natural area shall be prohibited.

7. Developer or successor to work with the City of Franklin Fire Academy Corps or English.

**Figure 1**



# EVERGREEN PARK ESTATES

## PRELIMINARY PLAT

PART OF THE SOUTH-WEST 1/4 AND NORTHWEST 1/4 OF THE  
SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21  
EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



0' 100' 200' 300'  
SCALE 1" = 60'



DATED PLUS 4th DAY OF JANUARY, 2018

*James R. Bratty*  
JAMES R. BRATTY



Unregistered Lands  
Tax No. 7868987000  
Robert and Julie Remick  
7630 S. 51st Street  
Franklin, WI 53132

Unregistered Lands  
Tax No. 7868987000  
Hatch Construction and Sons Corp  
7630 S. 51st Street  
Franklin, WI 53132

Parcel 2 CS0405276

Part of Parcel 1 CS0405276

Parcel 1 CS0405275  
Tax No. 7868986011  
Franklin Shores of  
W.C. Olsen, Inc.  
1000 S. 51st Street  
Franklin, WI 53132

Parcel 2 CS0405275  
Tax No. 7868986012  
Franklin Shores of  
W.C. Olsen, Inc.  
1000 S. 51st Street  
Franklin, WI 53132

Unregistered Lands  
Tax No. 7868985000  
John and Jennifer Campbell  
1000 S. 51st Street  
Franklin, WI 53132

Parcel 1 CS0405276  
Tax No. 7868986009  
Chen Holdings, LLC  
7700 S. 51st Street  
Franklin, WI 53132

MzdB2

N01°27'12"E 1724.49'

781.78'

OUTLOT 2  
281,526 S.F.  
6.46 AC

OUTLOT 3  
119,489 S.F.  
2.74 AC

MzdB2

MzdB2

OUTLOT 1 CS0405276  
Tax No. 7868986009  
Chen Holdings, LLC  
7700 S. 51st Street  
Franklin, WI 53132

WETLANDS Delineated  
BY DAVID MEYER  
ON 10/08/2015

OUTLOT 1 CS0405276  
Tax No. 7868986009  
Chen Holdings, LLC  
7700 S. 51st Street  
Franklin, WI 53132

OUTLOT 2 CS0405276  
Tax No. 7868986011  
Franklin Shores of  
W.C. Olsen, Inc.  
1000 S. 51st Street  
Franklin, WI 53132

THIS INSTRUMENT DATED BY JAMES R. BRATTY, P.E., 1/4 PAGE 2 OF 4

# EVERGREEN PARK ESTATES

## PRELIMINARY PLAT

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

Mzdc2

Parcel 2, GSW2153

Tax No. 7859981010

Waller R. Hildebrand

7418 S 49th St.

Franklin, WI 53124

NORTH LINE BE 1/4 SECTION 14-5-21

S89°14'22"E 7914.30' MEAS.

CORNER LBS

(IN TREE)

N85°12'27"E 147.71'

SE 1/4

SEC. 11-5-21

CONGO MONU

WIRASSA D.P.

UNREGISTERED LANDS

Tax No. 7859981010

7418 S 49th St.

Franklin, WI 53124

DATED THIS 4th DAY OF JANUARY, 2018

*James R. Reaty*  
JAMES R. REATY

-30FT WETLAND BUFFER (BPP)

-20FT WETLAND SETBACK (BPP)



CSW/MSR

Tax No. 7859981010

David & W. Paschen

7208 S. 5th Street

Franklin, WI 53124

UNREGISTERED LANDS

Tax No. 7859981010

7418 S 49th St.

Franklin, WI 53124

UNREGISTERED LANDS

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Franklin, WI 53124



SCALE 1" = 60'

0' 100' 200' 300'

49th Street

Marquette Avenue

29th Asphalt Pavement

N89°15'18"E 439.96'

S01°27'09"W 2153.10'

UNREGISTERED LANDS

Tax No. 7859981010

7418 S 49th St.

Franklin, WI 53124

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Franklin, WI 53124

UNREGISTERED LANDS

Tax No. 7859981010

7418 S 49th St.

&lt;

# EVERGREEN PARK ESTATES

## PRELIMINARY PLAT

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



DATED 21st DAY OF JANUARY, 2018

*James R. Beatty*  
JAMES R. BEATTY

CONSERVATION EASEMENT UNIT TABLE	
UNIT	ACRES
1	1.00
2	1.00
3	1.00
4	1.00
5	1.00
6	1.00
7	1.00
8	1.00
9	1.00
10	1.00
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96	1.00
97	1.00
98	1.00
99	1.00
100	1.00

WETLAND UNIT TABLE	
UNIT	ACRES
1	1.00
2	1.00
3	1.00
4	1.00
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6	1.00
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10	1.00
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95	1.00
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97	1.00
98	1.00
99	1.00
100	1.00

### CORPORATE OWNER'S CERTIFICATE OF DEDICATION

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

### OBJECTING AGENCIES

DEPARTMENT OF ADMINISTRATION - PLAT REVIEW

### APPROVING AGENCIES

CITY OF FRANKLIN

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

In the presence of:

Creative Homes, Inc. (Corporate Seal)

President

### STATE OF WISCONSIN

MILWAUKEE COUNTY SS

I, \_\_\_\_\_, Notary Public for the State of Wisconsin, do hereby certify that the foregoing instrument was executed by the President of the above named corporation, to me known to be the persons who executed the foregoing instrument as such officers of said corporation, by its authority.

My commission expires \_\_\_\_\_ (Notary Seal)

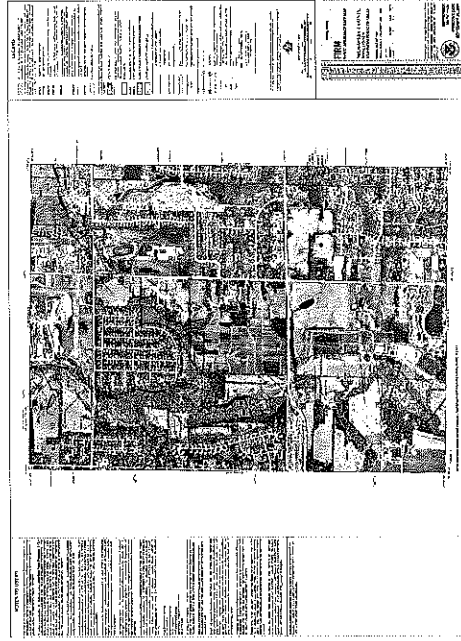
### CERTIFICATE OF CITY TREASURER

STATE OF WISCONSIN

MILWAUKEE COUNTY SS

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

(Date) \_\_\_\_\_ 2018 Paul Rotenberg, City Treasurer



CITY OF FRANKLIN COMMON COUNCIL APPROVAL CERTIFICATE  
RESOLVED, that the plat of EVERGREEN PARK ESTATES, part of the southwest 1/4 and northeast 1/4 of the southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, being the same as heretofore approved and dedicated by the City of Franklin Common Council, being the same as heretofore approved and dedicated by the City of Franklin Common Council, be and the same be hereby approved and the dedications shown hereon accepted by the Common Council of the City of Franklin on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

Steve Olson, Mayor

Date \_\_\_\_\_ Signed

Steve Olson, Mayor

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

Sandra L. Wesolowski, City Clerk

### COUNTY TREASURER'S CERTIFICATE

STATE OF WISCONSIN

MILWAUKEE COUNTY SS

I, David Cullen, being the duly elected, qualified and acting treasurer of the County of Milwaukee, do hereby certify that the records in my office show no redeemed tax sales and no unpaid special assessments as of the \_\_\_\_\_ day of \_\_\_\_\_, 2018 affecting the lands included in the plat of EVERGREEN PARK ESTATES.

(Date) \_\_\_\_\_ 2018 David Cullen, Treasurer



April 10, 2018

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

**Franklin**

**APR 10 2018**

RE: PLANNING COMMISSION  
EVERGREEN PARK ESTATES

City Development

Dear Nick,

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

**STAFF COMMENTS**

1. Section 15-7.0603 Requirements of UDO

**A. Declaration of Restrictions and Protective Covenants**

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

**B. Conservation Easement**

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

**C. Wisconsin Non-Profit Membership**

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

**D. Purpose and City Attorney Review**

We understand the review process by the City Attorney.

2. Partial Platting

**E. Partial Platting / Phase**

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

*"A Builder of Quality Homes & Developments"*

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

3. Development Agreement  
We accept and will deposit funds for city trees.
4. Conservation Easement  
We followed the template that was provided from the City of Franklin, and has been submitted. Please advise if changes to this is recommended.
5. NRPP  
This property does not fall under the guidelines set forth by the UDO to designate a protected area, however, please see number 7.
6. Individual Lot Conservation Easements  
We would prefer to install conservation easement signage on the applicable lots. Please advise if there is preferred language to be printed on the signage.
7. 20 Foot No Build  
We will revise the language as specified on final plat.
8. Trail Connection  
This was not discussed or included in or during the preliminary plat approval and is not desirable to the developer or potential buyers.
9. Outlot 1 Ownership  
We are proposing that Outlot 1 be deeded to the City of Franklin OR to the adjacent owner of Lot 4.
10. Watermark  
If not currently included on the plat, will be added at the final plat.
11. Floodplain Conservancy District  
If not currently included on the plat, will be added at the final plat.

#### ENGINEERING COMMENTS

1. Technical Review  
All technical corrections will be made per engineering specifications
2. Conservation Easement  
A copy has been submitted with the final plat. An additional copy was also dropped off at the engineering department. A PDF file of the conservation easement was also emailed.
3. AutoCad  
Will be submitted prior to recording of final plat.
4. Engineering Note  
We agree with engineering comment, and will work with engineering department upon building permits.

ALDW. WILHELM COMMENTS

1. Match legal descriptions of conservation easements

All legal descriptions will be checked for accuracy.

2. Removal of Outlots 2 & 3

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

3. Trail / Connection Request

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

4. Winterhaven Lot 8 Owner Desires Buffer

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

5. Preliminary Plat Resolutions

No major changes to the approved resolution.

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

Sincerely,

Rick J. Przybyla  
President  
Creative Homes, Inc.



One Source  
Consulting

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

Construction Minded | Value Sensitive | Civil Engineers

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

March 9, 2018

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

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

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

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

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

Conditions:

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.  
*The exterior boundary of the final plat includes only that part of the preliminary plat comprising Lots 1-4 and Outlot 1 (south of Evergreen Street) as permitting in UDO 15-9.0305.E – Plat Phasing. The final plat will be reviewed by the City of Franklin, Milwaukee County and Wisconsin DOA – Plat Review staff and all review comments will be resolved prior to recording.*
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.  
*Creative Homes, Inc. acknowledges this condition without objection.*
3. Creative Homes, Inc., successors and assigns and any developer of the Evergreen Park Estates 4 lot single-family residential subdivision development shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Evergreen Park Estates 5 lot single-family residential subdivision development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.  
*Creative Homes, Inc. acknowledges this condition without objection.*

4. The approval granted hereunder is conditional upon Rick J. Przybyla, President of Creative Homes, Inc. and the Evergreen Park Estates 5 lot single-family residential subdivision development project for the property located at approximately 7501 South 49th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.  
*No response necessary. The final plat is being submitted as a 5 lot subdivision (4 buildable lots and 1 outlot)*
5. The Evergreen Park Estates 5 lot single-family residential subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.  
*Creative Homes, Inc. acknowledges this condition without objection.*
6. Final grading, erosion control, and drainage plans, incorporating protection of the existing tree line on the east side of the subject property north of Evergreen Street and all protected natural resource features, shall be reviewed and approved by the Engineering Department and the Department of City Development prior to recording the Final Plat.  
*One Source Consulting has contacted the City of Franklin Engineering Department regarding this condition. A master grading plan will be prepared for the 4 buildable lots for the convenience of the Engineering Department in the review of building permit applications. No grading is anticipated to occur prior to construction of the individual homes on Lots 1-4. Tree preservation fencing will be installed along the east side of Lot 3 prior to issuance of a building permit by Creative Homes, Inc. or Builder and/or Owner of said lot.*
7. Notwithstanding any prior filings of concept plans or maps, or prior Preliminary Plats for the Lot 5 land area on the subject Preliminary Plat, or discussions by the developer with the City or others with regard thereto, and any depiction of a future right-of-way for West Marquette Avenue, no approvals whatsoever have been granted and no understanding or consensus has been reached by or with the City during the preliminary plat application process, with regard to any plans for the potential future development and use(s) upon the Lot 5 land area.  
*Creative Homes, Inc. acknowledges this condition without objection.*
8. The applicant shall revise the Site Intensity Calculations, the Natural Resource Protection Plan, and the plat to correctly identify and include the FC Floodplain Conservancy District and wetland located south of Evergreen Street, and to correctly identify the amount, if any, of protected woodlands, for staff review and approval prior to submittal of a Final Plat.  
*Creative Homes, Inc. acknowledges this condition without objection and will submit updated Site Intensity Calculations in conjunction with the Final Plat.*
9. A written conservation easement document shall be reviewed and approved by



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

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

10. Where a conservation easement exists on an individual lot, the applicant shall mark the location of the conservation easement onsite utilizing signage or boulders.

*Creative Homes, Inc. acknowledges this condition without objection and will install boulders or conservation area signs prior to lot sale.*

11. Any proposed subdivision monument sign(s) shall require a Subdivision Monument Sign Application, subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.

*Creative Homes, Inc. acknowledges this condition without objection. At this time, a monument sign is not anticipated.*

12. The applicant shall place orange protective construction fencing outside the dripline of the large Oak tree near the park entrance on the north side of Evergreen Street, and along all protected natural resource features, prior to issuance of a Grading Permit.

*Creative Homes, Inc. acknowledges this condition without objection. The orange protective construction fencing will be shown in the master grading plan and installed prior to lot sale by Creative Homes, Inc. or Builder and/or Owner of said lot.*

13. All minor technical corrections, including but not limited to lot and outlot numbering, and legal descriptions shall be rectified prior to recording of the Final Plat.

*Creative Homes, Inc. acknowledges this condition without objection.*

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

*Creative Homes, Inc. acknowledges this condition without objection.*

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

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

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

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

Respectfully,  
**ONE SOURCE CONSULTING, LLC**

Craig Donze, PE  
Principal

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

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

DEPARTMENT OF CITY DEVELOPMENT

- 7. Staff recommends that the "20FT NO BUILD AREA" note on Lot 3 be revised as follows:  
"20FT NO BUILD AREA FOR TREE PRESERVATION PURPOSES"  
Change was made as requested.
- 10. Please label the Ordinary High Watermark as "approximate" since it was not determined or verified by the WDNR.  
Recent changes to State Statute allow professional land surveyors to make determinations as to the location of the ordinary high water marks. The WDNR must still make navigability determinations.
- 11. Please include the Floodplain Conservancy District on the plat.  
The floodplain is fully contained within Outlot 1 which is being encumbered by a conservation easement in it's entirety.

ENGINEERING DEPARTMENT

- Sheet 1 of 2; indicate the document number, the date when the road was dedicated (Warranty Deed, Doc#10277006, Recorded, July 31, 2013), check the area (2.4486?) of the dedicated Road, and show the coordinates of the two reference monuments.

The final plat dedicates Evergreen Street in its entirety, since the Clerk was unable to locate a record of the land purchased by the referenced warranty deed in the City's files. Reference to the deed is therefore not necessary.

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

- Sheet 2 of 2; change the Mayor's name to Stephen instead of Steve, and remove the duplicate line of Mayor's signature.  
The correction was made as requested. Please note the City's website lists the mayor's name as previously shown.

Craig Donze, PE

**One Source Consulting | Principal**

19435 W. Capitol Drive, Suite L05

Brookfield, WI 53045

**P 262-781-9005 | M 262-364-7515**

[www.onesourceconsult.com](http://www.onesourceconsult.com)



April 3, 2018

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

RE: EVERGREEN PARK ESTATES  
WE ENERGIES SERVICES

Dear Ronnie,

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

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

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

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

Thank you for your cooperation with this matter.

Sincerely,

A handwritten signature in cursive script that reads "Rick J. Przybyla".

Rick J. Przybyla  
Owner / President  
Creative Homes, Inc.

Franklin

APR 10 2018

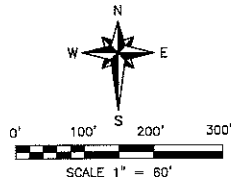
City Development

*"A Builder of Quality Homes & Developments"*

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

# EVERGREEN PARK ESTATES

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



**BEARING REFERENCE**  
ALL BEARINGS ON THIS PLAT REFERENCED TO WISCONSIN STATE PLANE COORDINATE SYSTEM, GRID NORTH, SOUTH ZONE WITHIN WHICH THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 11 T8N R21E HAS AN ASSUMED BEARING IS N00°04'36"E (PER SEWRPC CSD AS REVISED JANUARY 2016)

**VERTICAL DATUM IS BASED ON MEAN SEA LEVEL, NAVD(88)**  
SAME DATUM AS FEMA FLOOD MAPPING.

**FEMA 100 YEAR BASE FLOOD ELEVATION**  
718.09 (NAVD83)  
137.18 LOCAL DATUM  
SHOWN PER FEMA MAP 45079C00163C  
EFFECTIVE DATE OF SEPTEMBER 26, 2008

## LEGEND

- ( ) INDICATES RECORDED DIMENSION WHERE DIFFERENT FROM ACTUAL MEASUREMENT
- OR SECTION OR 1/4 SECTION CORNER AS DESCRIBED
- IRON PIPE / ROD / CROSS FOUND (AS NOTED)
- 1.25" O.D. IRON ROD 18" LONG SET MIN. WEIGHT 3.65 LBS. PER LINEAL FOOT
- 3/4" O.D. IRON ROD 18" LONG SET AT ALL OTHER LOT CORNERS MIN. WEIGHT 1.13 LBS. PER LINEAL FOOT
- WETLAND AREA

**OWNER/DEVELOPER/PLAT PREPARED FOR:**  
Creative Homes, Inc.  
Rick J. Prochyla  
9244 W. Grandview Ct.  
Franklin, WI 53132  
(414) 554-0563

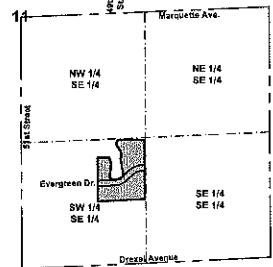
**TYPE OF PLAT:**  
Single Family Residential

**SITE DATA:**  
Number of Lots  
Four (4) & One (1) Outlot  
One Building Unit per Lot  
Gross Site Area = 252,931 S.F. (5.8066 ACRES)  
(Includes Evergreen Street the which is dedicated hereon)  
Net = 219,595 S.F. (5.0436 ACRES)



DATED THIS 2nd DAY OF MARCH, 2018

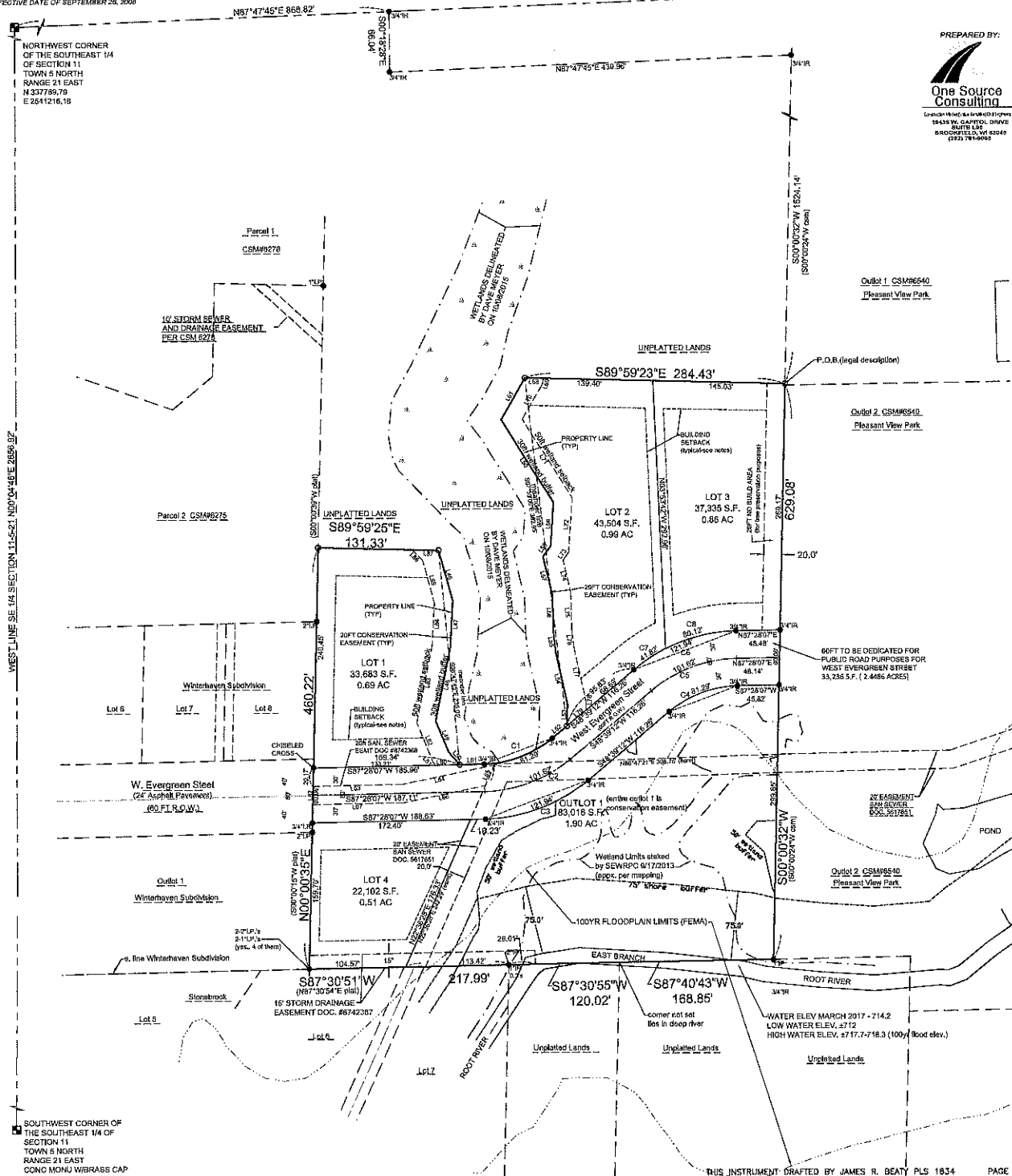
*James R. Beatty*  
JAMES R. BEATTY, PLS 1834



**VICINITY MAP**  
SE 1/4 SECTION 11, T5N, R21E

NE CORNER  
SE 1/4 SECTION 11  
T5N R21E  
CONC. MONU  
BRASS CAP  
N 33°07'04.49"  
E 264°39'32.37"

- NOTES:**
- OUTLOT 1 TO BE DEDED TO THE CITY OF FRANKLIN
  - OUTLOT 1 IN ITS ENTIRETY IS A CONSERVATION EASEMENT
  - EVERGREEN PARK ESTATES IS LOCATED WITHIN 600 FEET OF AN ACTIVE NON METALLIC QUARRY REGULATED BY THE CITY OF FRANKLIN AND THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES
  - ANY LAND BELOW THE ORDINARY HIGH WATER MARK (20' MIN OF A LAKE OR STREAM) IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE OF WISCONSIN CONSTITUTION



PREPARED BY:

**One Source Consulting**  
Landscape Architect & Surveyor  
18435 W. CADET DRIVE  
SUITE 140  
BROOKFIELD, WI 53005  
(262) 781-0000

SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, CONC. MONU W/BRASS CAP

# EVERGREEN PARK ESTATES

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

## LEGAL DESCRIPTION

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

COMMENCING AT A FOUND CONCRETE MONUMENT WITH BRASS CAP MARKING THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF AFORESAID SECTION 11; THENCE N 00°04'48" E, A DISTANCE OF 2656.92 FEET ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 11 TO A FOUND CONCRETE MONUMENT WITH BRASS CAP MARKING THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF AFORESAID SECTION 11; THENCE N 87°47'45" E, A DISTANCE OF 868.82 FEET ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 11 TO FOUND 3/4" IRON ROD; THENCE S00°19'28"W, A DISTANCE OF 66.04 FEET TO FOUND 3/4" IRON ROD; THENCE N 87°47'45" E, A DISTANCE OF 439.96 FEET TO FOUND 3/4" IRON ROD; THENCE S00°09'32"W, A DISTANCE OF 1524.14 FEET TO THE POINT OF BEGINNING OF THE LANDS HERINAFTER DESCRIBED; THENCE CONTINUING S00°09'32"W, A DISTANCE OF 529.08 FEET TO A FOUND 1" IRON PIPE; THENCE S87°40'43"W, A DISTANCE OF 168.85 FEET TO A POINT; THENCE S87°30'55"W, A DISTANCE OF 120.02 FEET TO A FOUND 2" IRON PIPE; THENCE S87°30'51"W, A DISTANCE OF 217.89 FEET TO A FOUND 2" IRON PIPE; THENCE N00°09'35"E, A DISTANCE OF 480.22 FEET TO A POINT; THENCE S88°58'25"E, A DISTANCE OF 131.33 FEET TO A POINT; THENCE S15°50'05"E, A DISTANCE OF 36.98 FEET TO A POINT; THENCE S01°46'47"W, A DISTANCE OF 50.68 FEET TO A POINT; THENCE S10°01'38"W, A DISTANCE OF 82.25 FEET TO A POINT; THENCE S23°44'07"E, A DISTANCE OF 36.85 FEET TO A POINT; THENCE S42°34'39"E, A DISTANCE OF 18.29 FEET TO A POINT; THENCE N67°28'07"E, A DISTANCE OF 36.82 FEET TO A FOUND 3/4" IRON ROD AND THE POINT OF CURVATURE; THENCE A DISTANCE OF 81.39 FEET ALONG THE ARC OF A CURVE WHOSE CENTER LIES TO THE NORTH, WHOSE RADIUS IS 126.00 FEET AND WHOSE CHORD BEARS N68°09'39.5"E, A DISTANCE OF 79.75 FEET TO A FOUND 3/4" IRON ROD AND POINT OF TANGENCY; THENCE N48°39'12"E ALONG SAID NORTH LINE, A DISTANCE OF 20.62 FEET TO A POINT; THENCE N00°43'09"E, A DISTANCE OF 23.67 FEET TO A POINT; THENCE N13°05'17"W, A DISTANCE OF 58.19 FEET TO A POINT; THENCE N08°16'02"W, A DISTANCE OF 22.47 FEET TO A POINT; THENCE N03°02'10"W, A DISTANCE OF 40.82 FEET TO A POINT; THENCE N14°39'42"W, A DISTANCE OF 42.52 FEET TO A POINT; THENCE N33°22'37"E, A DISTANCE OF 14.34 FEET TO A POINT; THENCE N02°29'08"E, A DISTANCE OF 47.58 FEET TO A POINT; THENCE N33°23'34"W, A DISTANCE OF 106.91 FEET TO A POINT; THENCE N28°49'55"E, A DISTANCE OF 52.52 FEET TO A POINT; THENCE S49°59'23"E A DISTANCE OF 294.43 FEET TO THE POINT OF BEGINNING. SAID DESCRIBED LANDS CONTAINING 252.931 S.F. (5.8055 ACRES), MORE OR LESS OF LAND, INCLUDING LANDS TO BE DEDICATED AS WEST EVERGREEN STREET FOR PUBLIC ROAD PURPOSES AS SHOWN. LANDS TO BE DEDICATED CONTAIN 33,236 S.F. (2.4486 ACRES), MORE OR LESS OF LAND, NET AREA REMAINING CONTAINS 219,695 S.F. (5.0435 ACRES), MORE OR LESS OF LAND.

## SURVEYORS CERTIFICATE

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

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

**SURVEYOR**  
JAMES R. BEATY, RLS 1634  
HORIZON LAND DEVELOPMENT  
SERVICES, LLC  
W313 S2582 PENNY LN  
WALES, WI 53183  
www.jrbeattylanddevelopment.com

*James R. Beaty*  
JAMES R. BEATY PLS 1634



## CORPORATE OWNER'S CERTIFICATE OF DEDICATION:

Creative Homes, Inc., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this plat to be surveyed, divided, mapped, and dedicated as represented on this plat. Creative Homes, Inc. does further certify that this plat is required by s.236.10 or s.238.12 to be submitted to the following for approval or objection:

**OBJECTING AGENCIES**  
WISCONSIN DEPARTMENT OF ADMINISTRATION - PLAT REVIEW  
CITY OF FRANKLIN

## APPROVING AGENCIES

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

In the presence of:

Creative Homes, Inc. (Corporate Seal)

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

## STATE OF WISCONSIN)

MILWAUKEE COUNTY) SS

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

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

## BASEMENT RESTRICTION

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

## CONSERVATION EASEMENT RESTRICTIONS

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

- Grading and filling shall be prohibited.
- The removal of topsoil or other earthen materials shall be prohibited.
- The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc., shall be prohibited with the exception of the removal of dead, diseased or dying vegetation at the discretion of landowner, or silvicultural thinning upon the approval of a naturalist and the approval of the City of Franklin.
- Grazing by domesticated animals, i.e., horses, cows, etc., shall be prohibited.
- The introduction of plant material not indigenous to the existing environment of the natural area shall be prohibited.
- Ponds may be permitted subject to the approval of the municipality in which they are located and, if applicable, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
- Developer or successor to work with the City of Franklin to ensure UDO codes and or City Ordinances are complied with regarding the tree line along existing Lot 8 of Winterhaven Subdivision.

## ZONING DATA / SETBACKS

Existing Zoning: R-6, FW

Proposed Zoning: R-6, Suburban Single-Family Residential, FW

Minimum Lot Area=11,000 Sq. Ft.

Minimum Lot Width at Setback Line = 90 Feet

Minimum Lot Width at Setback Line

(Corner Lot) = 100 Feet

Minimum Front Yard Setback = 30 Feet

Minimum Side Yard Setback = 10 Feet/ 19 Feet Corner

Minimum Rear Yard Setback = 30 Feet

Minimum Wetland Buffer = 30 Feet

Minimum Wetland Setback = 50 Feet

Minimum Shore Setback = 75 Feet

## CITY OF FRANKLIN COMMON COUNCIL APPROVAL CERTIFICATE:

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

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

Stephen Olson, Mayor

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

Sandra L. Weselowski, City Clerk

## CERTIFICATE OF CITY TREASURER:

STATE OF WISCONSIN)  
WAUKESHA COUNTY) SS

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

(Date) \_\_\_\_\_ Paul Rotenberg, City Treasurer

## COUNTY TREASURER'S CERTIFICATE:

STATE OF WISCONSIN)  
MILWAUKEE COUNTY) SS

I, David Cullen, being the duly elected, qualified and acting treasurer of the County of Milwaukee, do hereby certify that the records in my office show no unredemmed tax sales and no unpaid taxes or special assessments as of the \_\_\_\_ day of \_\_\_\_\_, 2018 affecting the lands included in the plat of EVERGREEN PARK ESTATES.

(Date) \_\_\_\_\_ David Cullen, Treasurer

LINE TABLE			
LINE	LENGTH	BEARING	
L46	66.38	S16°50'05"E	
L47	60.89	S01°46'47"W	
L48	62.26	S10°01'38"W	
L49	36.85	S23°44'07"E	
L50	18.29	S42°34'39"E	
L51	20.62	N87°28'07"E	
L52	20.62	N43°29'12"E	
L53	23.87	N04°02'05"E	
L54	58.10	N13°39'17"W	
L55	22.47	N08°16'02"W	
L56	40.82	N03°02'10"W	
L57	42.52	N14°39'42"W	
L58	14.34	N33°22'37"E	
L59	47.58	N02°29'08"E	
L60	106.91	N23°23'34"W	
L61	52.52	N28°49'55"E	
L62	20.49	S88°56'23"E	
L63	7.29	S12°34'20"W	
L70	43.32	S28°40'55"W	
L71	101.35	S33°23'34"E	
L72	60.89	S02°09'08"W	
L73	19.95	S33°22'37"W	
L74	35.65	S14°39'42"E	
L75	42.05	S03°02'10"E	
L76	20.63	S08°16'02"E	
L77	59.68	S13°35'17"E	
L78	8.13	S00°43'09"W	
L79	28.34	S49°05'12"W	
L80	28.13	S92°28'07"W	
L81	4.80	N42°34'39"W	
L82	48.23	N23°44'07"W	
L83	66.88	N10°01'38"E	
L84	45.97	N01°46'47"E	
L85	47.46	N16°50'05"W	
L86	16.14	N45°43'22"W	
L87	28.04	S89°59'25"E	

CURVE TABLE						
CURVE	ARC	RADIUS	CHORD	CHORD BRG	DELTA ANGLE	TANGENT
C2	101.82	160.00	99.69	N68°03'38.5"E	38°48'55"	62.85
C3	121.84	180.00	119.62	N68°03'39.5"E	38°48'55"	63.41
C4	81.29	120.00	76.75	S68°03'39.5"W	38°48'55"	42.26
C5	101.62	160.00	99.69	S68°03'39.5"W	38°48'55"	62.85
C6	121.84	180.00	119.62	S68°03'39.5"W	38°48'55"	63.41
C7	41.62	180.00	41.72	S85°18'24.0"W	13°18'24"	21.07
C8	80.12	180.00	78.46	S14°43'01.5"W	25°32'11"	40.73

## MAIN CURVE TABLE - EXTERIOR

CURVE	ARC	RADIUS	CHORD	CHORD BRG	DELTA ANGLE	TANGENT	TANGENT BRG 1	TANGENT BRG 2
C1	81.29	120.00	76.75	N68°03'38.5"E	38°48'55"	42.26	N87°28'07"E	N48°59'12"E

<b>APPROVAL</b>  <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>May 1, 2018</b>
<b>REPORTS AND RECOMMENDATIONS</b>	A Resolution to Release the Right of Access Restriction Between the West Puetz Road Right of Way and the Property Abutting the Right of Way to the South, Located at Approximately South 51st Street and West Puetz Road, Bearing Tax Key No. 853-9995-010 (VH Acquisitions, LLC, Applicant; Borislav Kresovic, Owner)	<b>ITEM NUMBER</b>  <i>G. 11.</i>

Attached is a copy of the draft resolution above-entitled. Also attached is an aerial view map of the area property involved and a copy of the Deed creating the access restriction, with the access restriction highlighted. The property is the Aspen Woods Subdivision, for which the Common Council conditionally approved a Special Use and a Preliminary Plat at its regular meeting on April 17, 2008. The Department of City Development and the Engineering Department recommend approval.

### COUNCIL ACTION REQUESTED

A motion to adopt A Resolution to Release the Right of Access Restriction Between the West Puetz Road Right of Way and the Property Abutting the Right of Way to the South, Located at Approximately South 51st Street and West Puetz Road, Bearing Tax Key No. 853-9995-010 (VH Acquisitions, LLC, Applicant; Borislav Kresovic, Owner)

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 4-26-18]*

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

A RESOLUTION TO RELEASE THE RIGHT OF ACCESS RESTRICTION BETWEEN THE WEST PUETZ ROAD RIGHT OF WAY AND THE PROPERTY ABUTTING THE RIGHT OF WAY TO THE SOUTH, LOCATED AT APPROXIMATELY SOUTH 51ST STREET AND WEST PUETZ ROAD, BEARING TAX KEY NO. 853-9995-010 (VH ACQUISITIONS, LLC, APPLICANT; BORISLAV KRESOVIC, OWNER)

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WHEREAS, there exists a right of access restriction between the West Puetz Road right of way and the property abutting the right of way to the south, located at approximately South 51st Street and West Puetz Road, bearing Tax Key No. 853-9995-010, set forth in a Warranty Deed dated August 6, 1998, Dragomir Kresovic and Borislav Kresovic, Grantors, and City of Franklin, Grantee, recorded in the Office of the Register of Deeds of Milwaukee County, Reel 4366, Image 1816, as Document Number 7577872; and

WHEREAS, the restriction in the Deed provides as follows: "[n]o right of access shall accrue between the right-of-way of the highway, currently designated as Puetz Road, and all of the abutting remaining property of the owner."; and

WHEREAS, the applicant has proposed subdividing the property owned by Borislav Kresovic into a residential subdivision, which subdivision requires access to and from West Puetz Road, which access is currently prohibited by the restriction contained in the Deed; and

WHEREAS, the proposed development also requires access to West Puetz Road from that certain walking/bike trail which is shown on the preliminary plat of the proposed subdivision; and

WHEREAS, the property subject to the aforesaid restriction is more particularly described as follows:

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; and

WHEREAS, the legal description of the proposed street access to West Puetz Road is as follows:



Commencing at the Northeast corner of 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; thence South 87°-49'-16" West along a North line of said Lot 4, a distance of 1,239.78 feet to a North corner of said Lot 4; thence Southwesterly 129.59 feet along a North line of said Lot 4 on a curve to the left having a radius of 2,256.59 feet, the chord of said curve bears South 86°-10'-33" West, a chord distance of 129.57 feet to a North corner of said Lot 4; thence South 84°-31'-50" West along a North line of said Lot 4, a distance of 17.33 feet to the point of beginning of a street access location; thence continuing South 84°-31'-50" West along said North line, a distance of 60.00 feet to the point of terminus of said street access; and

WHEREAS, the legal description of the proposed walking/bike trail access to West Puetz Road is as follows:

Commencing at the Northeast corner of 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; thence South 87°-49'-16" West along a North line of said Lot 4, a distance of 237.00 feet to the point of beginning of a walking/bike trail access location; thence continuing South 87°-49'-16" West along said North line, a distance of 12.00 feet to the point of terminus of said walking/bike trail access; and

WHEREAS, Wis. Stats. § 236.293 provides in part that any restriction placed on platted land by covenant, grant of easement or in any other manner, which was required by a public body vests in the public body the right to enforce the restriction at law or in equity and that the restriction may be released or waived in writing by the public body having the right of enforcement; and

WHEREAS, the Common Council having received an application request on behalf of VH Acquisitions, LLC and the owner of the property subject to the restriction, Borislav Kresovic, for the release of the access restriction as aforesaid to allow for construction of a public street to West Puetz Road and a walking/bike trail to West Puetz Road.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the restriction against access to West Puetz Road from the property of the owner established pursuant to the Warranty Deed recorded as Document No. 7577872, be and the same is hereby waived and released as to those portions of the owner's property described above.

BE IT FURTHER RESOLVED, that the Certification of Right of Access Release and Waiver set forth below, upon execution and delivery to the City by the owner, be and the same is hereby accepted and incorporated herein.

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

Page 3

BE IT FINALLY RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of this Resolution with the Office of the Register of Deeds for Milwaukee County.

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

Certification of Right of Access Release and Waiver

I, Borislav Kresovic, hereby certify that I am the sole owner of the property described in the above Resolution, that I have full authority to, and on behalf of all prior owners of the property described in the above Resolution and myself, in conjunction with the adoption of the above Resolution by the Common Council of the City of Franklin, hereby waive and release the right of access restriction as set forth in the BE IT RESOLVED set forth in the above Resolution.

\_\_\_\_\_  
Borislav Kresovic

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

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2018, the above-named Borislav Kresovic, the person who executed the foregoing instrument and acknowledged the same.

Name:  
Notary Public,  
My Commission:



7577872

Document Number  
**WARRANTY DEED**  
Exempt from fee, s. 77.36(2) Wis. Stats.  
HS0004 LPA-0/07

THIS DEED, made by Mr. Dragomir Kresovic and Mr. Borislav Kresovic

GRANTOR, conveys and warrants the property described below to the City of Franklin. GRANTEE, for the sum of Ten thousand Seven hundred and no/100  
Dollars

(\$10,700.00)

Any person named in this deed may make an appeal from the amount of compensation within six months after the date of recording of this deed as set forth in s. 32.06(2) Wisconsin Statutes. For the purpose of any such appeal, the amount of compensation stated on the deed shall be treated as the award, and the date the deed is recorded shall be treated as the date of taking and the date of evaluation.

Other persons having an interest of record in the property: NONE

Legal Description This (is) (is not) homestead property:

LEGAL DESCRIPTION IS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

REEL 4366 IMAG 1816

REGISTER'S OFFICE } 88  
Milwaukee County, WI }  
RECORDED AT - 17 15 PM

AUG 6 1998 1816 To 1818  
REEL 4366 IMAGE INCL.  
Walter C. Brown, Jr. REGISTER  
OF DEEDS

This space is reserved for recording date

Return to

HNTB Corp.  
c/o John L. McCordle  
One Park Plaza, Suite 500  
11270 West Park Place  
Milwaukee, WI 53224

Parcel Identification Number/Tax Key Number  
853-9994-000

7577872 H

RECORD 14.00

Dragomir Kresovic  
(Signature)  
Dragomir Kresovic  
(Print Name)  
Borislav Kresovic  
(Signature)  
Borislav Kresovic  
(Print Name)  
John L. McCordle  
(Signature)  
John L. McCordle  
(Print Name)  
March 31, 2002  
(Date)

August 6, 1998  
(Date)

State of Wisconsin

County) ss.  
On the above date, this instrument was acknowledged  
before me by the named person(s).

John L. McCordle  
(Signature, Notary Public, State of Wisconsin)  
John L. McCordle  
(Print Name, Notary Public, State of Wisconsin)  
March 31, 2002  
(Date Expiration Expires)

Project ID 2315-01-21

This instrument was drafted by John L. McCordle

Parcel No. 4

1400

REEL 4366 IMAG 1817

LEGAL DESCRIPTION

Fee Title in and to the following tract of land in Milwaukee County, State of Wisconsin, described as:

That part of the Northwest 1/4 and 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, bounded and described as follows: Commencing at a standard Milwaukee County concrete monument with a brass cap at the Northeast corner of said Northeast 1/4; thence South 87°49'08" West, on and along the North line of said Northeast 1/4, 654.51 feet to a point on the owner's East property line and the point of beginning; thence South 00°27'23" East, on and along said owner's East property line, 40.02 feet to a point; thence South 87°49'08" West, 1,239.75 feet to a point on a curve to the left, said curve having a radius of 2256.59 feet and a long chord bearing South 86°10'25" West, 129.57 feet; thence Southwesterly, on and along the arc of said curve, 129.59 feet to a point; thence South 84°31'42" West, 279.59 feet to a point on a curve to the right, said curve having a radius of 2336.59 feet and a long chord bearing South 86°10'25" West, 134.17 feet; thence Southwesterly, on and along the arc of said curve, 134.19 feet to a point; thence South 87°49'08" West, 106.30 feet to a point; thence South 48°44'18" West, 55.52 feet to a point on the East right-of-way line of 51st Street; thence North 00°25'10" West, on and along said East right-of-way line, 98.67 feet to a point on said North line of said Northeast 1/4; thence North 87°49'08" East, 1,930.07 feet to the point of beginning.

This parcel contains 2.02 acres, more or less.

No right of access shall accrue between the right of way of the highway, currently designated as Puetz Road, and all of the abutting remaining property of the owner.

Also, a Temporary Limited Easement for the right to construct side slopes, including for such purpose the right to operate the necessary equipment thereon and the right of ingress and egress as long as required for such public purpose, including the right to preserve, protect, remove, or plant thereon any vegetation that the highway authorities may deem necessary or desirable, in and to the following tract of land in Milwaukee County, State of Wisconsin described as:

That part of the Northwest 1/4 and 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, bounded and described as follows: Commencing at a standard Milwaukee County concrete monument with a brass cap at the Northeast corner of said Northeast 1/4; thence South 87°49'08" West, on and along the North line of said Northeast 1/4, 654.51 feet to a point on the owner's East property line; thence South 00°27'23" East, on and along said owner's East property line, 40.02 feet to the point of beginning; thence continuing South 00°27'23" East, on and along said East property line, 13.13 feet to a

Project I.D. 2315-01-21

6/30/97  
Page 1 of 2

Parcel 4

Puetz Road

REEL 4366 INAC 1818

point; thence South 87°49'08" West, 666.31 feet to a point; thence South 02°10'52" West, 19.69 feet to a point; thence South 87°49'08" West, 573.44 feet to the beginning of a curve to the left, having a radius of 2,223.78 feet and a long chord bearing South 86°10'25" West, 127.69 feet; thence Westerly, on and along the arc of said curve, 127.71 feet to a point; thence South 84°31'42" West, 279.59 feet to the beginning of a curve to the right, having a radius of 2,369.39 feet and a long chord bearing South 86°10'25" West, 136.05 feet; thence Westerly, on and along the arc of said curve, 136.07 feet to a point; thence South 87°49'08" West, 146.69 feet to a point on the East right-of-way line of South 51st Street; thence North 48°44'18" East, 55.52 feet to a point; thence North 87°49'08" East, 106.30 feet to the beginning of a curve to the left, having a radius of 2,336.59 feet and a long chord bearing of North 86°10'25" East, 134.17 feet; thence Easterly, on and along the arc of said curve, 134.19 feet to a point; thence North 84°31'42" East, 279.59 feet to the beginning of a curve to the right, having a radius of 2,256.59 feet and a long chord bearing North 86°10'25" East, 129.57 feet; thence Easterly, on and along the arc of said curve, 129.59 feet to a point; thence North 87°49'08" East, 1,239.75 feet to the point of beginning.

This parcel contains 1.14 acres, more or less.

The above easement is to terminate upon the completion of this project or on the day the highway is open to the traveling public, whichever is later.

Project I.D. 2315-01-21

6/30/97  
Page 2 of 2

Parcel 4

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