

Attorney Christa O. Westerberg  
cwesterberg@pinesbach.com

January 17, 2018

**VIA HAND DELIVERY**

Dane County Zoning & Land Regulation  
Committee  
City-County Building, Room 116  
210 Martin Luther King, Jr. Blvd.  
Madison, WI 53703

Re: Request to revoke Dane County conditional use permit #2175


Dear Members of the Committee:

Enclosed for your review, please find a memorandum requesting the revocation of Dane County Conditional Use Permit #2175 that is being submitted on behalf of Alex and Jamie Tukiendorf.

Thank you for your consideration.

Sincerely,

PINES BACH LLP

  
Christa O. Westerberg

COW:hmm

Enclosure

cc: The Tukiendorfs (*via e-mail*)

**RECEIVED**

**JAN 17 2018**

**DANE COUNTY PLANNING & DEVELOPMENT**

**TO:** Dane County Zoning & Land Regulation Committee  
**FROM:** Christa O. Westerberg  
on behalf of Alex & Jamie Tukiendorf  
**DATE:** January 17, 2018  
**RE:** Request to revoke Dane County conditional use permit #2175

---

On behalf of its clients, Alex and Jamie Tukiendorf, this firm requests the revocation of Dane County Conditional Use Permit #2175, issued to Raymond P. Cattell, Inc., for a concrete batch plant (the "Plant") located at 2294 U.S. Highways 12 and 18 in the Town of Cottage Grove, Dane County. The request is based on the permittee's failure to meet the standards of Dane County Ordinance § 10.255(2)(h) and continuing compliance concerns.

I. Factual Background

A. The Concrete Plant and 2011 CUP

The Cattell conditional use permit (CUP) has a brief and troubled history. Granted in 2011, it permits the operation of a large, concrete batch plant on 2 acres within a larger, non-conforming non-metallic mine site. At the time, Mr. Cattell promised the Town of Cottage Grove Plan Commission that he would not do highway work--a concern, since highway work frequently entails night operations--and that he would close and lock a gate to the site when it was not in operation. (**Exhibit A.**)

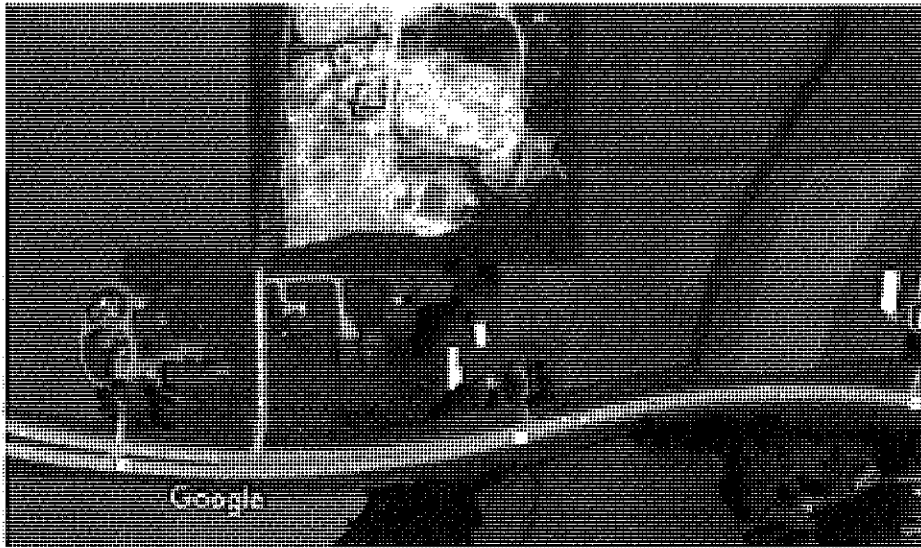
The CUP contains several conditions, including limits on days and hours of operation; specific soil erosion, landscaping, and fencing requirements; and compliance with local, state and federal regulations including DNR particulate emissions standards.<sup>1</sup>

---

<sup>1</sup> The 12 enumerated conditions of the CUP are:

1. The applicant shall submit an erosion control plan covering the entire CUP area for the duration of operations.
2. The applicant shall apply for and receive all other required local, state and federal permits.
3. Hours of operation shall be from 6.00 a.m. to 6:00 p.m. Monday through Friday, and some Saturdays when necessary from 6:00 a.m. to 4 00 p.m. Operation outside of those times will require at least 7 days' notice to the Town and immediate neighbors, and shall be limited to no more than 6 projects not to exceed 30 total days/year.
4. CUP 2175 shall not become effective until a permit for connection to state trunk highway has been issued from the Wisconsin Department of Transportation (WisDOT), and operations may not begin until all improvements, as defined in the permit for connection to state trunk highway, have been completed.

The Tukiendorfs' home, along with two others, sits on a two-acre parcel directly south of the Cattell property. The driveway used by the trucks hauling material to and from the plant is only 80 feet to the west of the Tukiendorfs home.



Imagery ©2018 DigitalGlobe, USDA Farm Service Agency Map data ©2018 Google 200 ft

Since 2011, the dust, noise, and truck traffic from the Plant have prevented the Tukiendorfs from sleeping, spending time outdoors, keeping their windows open, or generally enjoying their home. Trucks roar up the driveway and track mud, which later

5. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed then current industry standards for noise abatement.
6. Trucks shall not use "jake" brakes.
7. The operator shall maintain the driveway in a dust free manner in accordance with local, state, and federal regulations, and shall clean any dust or mud tracked onto public roads.
8. Landscaping/screening: The berm along the southern boundary of the mineral extraction operation area shall be uniformly graded with pine trees at least 3 feet high, incorporating neighbor input, berms shall be built on the east boundary of the mineral extraction operation, and the berm on the western boundary must be built in such a way that maintains the access easement
9. Install fence on northern boundary of the mineral extraction operation
10. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415 076
11. Operations shall cease no later than twenty-five (25) years from the date of CUP approval, with a review by the town once every 5 years. The town will report the outcome of their review to Dane County Zoning.
12. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Unless the operation is in reasonable compliance with these terms of this approval, such approval is subject to amendment or revocation

dries and becomes dust that blows eastward across the Tukiendorfs' property. (E.g., **Exhibit B**.) Once at the plant, the trucks' back up beepers and banging truck gates are extremely loud, and can easily be heard within the Tukiendorfs' home. Other equipment at the plant contributes to this noise, like crushers and dryers. These disturbances are highly unpleasant and distressing to the Tukiendorf family.

#### B. The Tukiendorfs' Loss of Property Value

The Tukiendorfs purchased their home in 2005 for \$255,300, assuming it would be the home where they finished their careers and retired. They were told the existing non-metallic mine (then owned by Cattell's predecessor) had little material left and would soon close, and the Tukiendorfs did not find the mine site bothersome after they moved in.

Since the CUP was issued in 2011 and concrete plant constructed, noise and other impacts have substantially increased, and the Town of Cottage Grove assessor has continually reduced the assessed value of the Tukiendorf property. As of 2013, the property was still assessed at \$255,300.00. In 2014, after Mr. Tukiendorf complained about the plant, it was reduced by \$29,200.00, and in 2017, it was reduced by another \$48,200.00. The total loss according to the County is \$77,400.00, or -33% from the pre-concrete plant value. (**Exhibit D**.) The assessor has applied similar reductions to property belonging to the Tukiendorfs' neighbors. (**Exhibit E**.)

In September 2017, the Tukiendorfs hired appraiser Craig D. Hungerford of Real Estate Dynamics, Inc., to conduct an appraisal of their property. Mr. Hungerford has over thirty years of appraisal experience and is well-respected in the industry. After a site visit and analysis, he found that "the [Tukiendorfs'] property is so impacted by the adjacent uses that any practical use of the property as residential is implausible." (**Exhibit C**, Executive Summary.) He further found,

The house is no longer considered to have utility as a residential property. To sell the property the seller will be required to complete a Real Estate Condition Report which will reveal the current and historic conditions on and surrounding the property which a reasonable future residential use buyer will not find acceptable.

(**Exhibit C** at 21.) As a result, Mr. Hungerford found the highest and best use of the Tukiendorfs' property is now as an industrial use – not a residence. Using the sales comparison approach, Hungerford calculated that the total market value of the Tukiendorfs' property is now just \$121,320. The \$121,320 reflects \$106,000 in property value as an industrial site and \$15,320 salvage value for the home.

The Town's assessments are not based on site visits and, thus, are not as accurate as Hungerford's valuation, but both together provide undisputed evidence that the concrete batch plant has substantially reduced the Tukiendorfs' property value.

### C. Site Compliance History

The Tukiendorfs have made numerous complaints about the plant to the Town of Cottage Grove, sheriff's office, Dane County Zoning Department, Dane County Land & Water, and this very committee. Separately, it has complained to the Department of Natural Resources (DNR) and the Environmental Protection Agency. These complaints are well-documented but have not always resulted in relief for the Tukiendorfs.

One of the most persistent problems has been the facility's hours of operation. The CUP permits the plant to run from 6 AM to 6 PM on weekdays, 6 AM to 4 PM on Saturdays "when necessary," and operation outside of those times up to 30 total days each year with seven days' notice to the neighbors. This is already a significant time range which permits all the noise, dust, and disturbance associated with the plant during most waking hours and many times when neighbors are trying to sleep. The Tukiendorfs have also witnessed the facility operate outside of these hours and have repeatedly complained to the Town and County, with few results. (See, for example, **Exhibit J**.) The facility has not consistently provided seven days' notice to neighbors, but when it has, it has confirmed it is doing highway work, contrary to its prior representations. (**Exhibit F**.)

The Tukiendorfs have also complained about dust. The DNR agreed in 2013 that the facility generated too much dust (**Exhibit G**), and took action which has reduced but not eliminated the dust problem. Dane County claimed that since the dust was generated from a private drive that it did not have jurisdiction over the problem.

The Tukiendorfs requested that this Committee modify the CUP in 2013 to address the concrete plant's excessive noise and hours of operations. The Committee discussed these concerns at its meeting on May 28, 2013, and delegated to Dane County zoning staff the task of addressing excess noise. (**Exhibit H**.) Mr. Tukiendorf was not included in any subsequent discussions of the problem, and nothing came of the Committee's direction.

Dane County Zoning has at times claimed it cannot address complaints since the problematic activities are for the non-conforming mine site and not the concrete batch plant. The Tukiendorfs literally have a front-row seat to the site and can confirm the concrete plant is a significant source of the problems they have experienced. Further,

there may be other activities occurring on-site that are not authorized either by the CUP or the mine site's non-conforming status under Dane County Ord. § 10.21, but that exacerbate the impacts to neighbors. In an email recently obtained under the Open Records law, Mr. Cattell stated that "[w]ith regards [sic] to the entire property we do have other operations that have no connection [sic] to the CUP [i.e.,] Recycle (asphalt, concrete, Sand fill, dumping, and topsoil sales.)" (**Exhibit I.**) These activities may be occurring outside of hours authorized in the Town's non-metallic mine permit or the County's CUP. Additionally, it is unclear whether the recycling is in fact unconnected to the batch plant and associated CUP requirements, since the recycling may be for reuse in concrete mixtures as envisioned in Dane County Ord. § 10.21(1)(e).

Overall, the Tukiendorfs have been frustrated by lack of compliance with the CUP, and with the Dane County Zoning Department's unwillingness to investigate and enforce problems with the CUP, having written off complaints as just coming from one person and dismissing violations.<sup>2</sup> This is not only untrue – the Tukiendorfs and other neighbors have made complaints to the Town, County, and others (for example, **Exhibit J**) – but is also a poor reason to permit non-compliance with the County's ordinances. Zoning laws are in place to protect everyone, in neighborhoods big and small.

## II. The County Should Revoke the Concrete Plant CUP

Wisconsin counties, including Dane County, have broad authority to revoke conditional use permits. "A CUP is merely a type of zoning designation, not a piece of property." *Rainbow Springs Golf Co. v. Town of Mukwonago*, 2005 WI App 163, ¶ 18, 284 Wis. 2d 519, 529, 702 N.W.2d 40, 45. As its name suggests, a CUP is necessarily conditional and the permittee continually must meet the conditions contained therein. *Sills v. Walworth Cty. Land Mgmt. Comm.*, 2002 WI App 111, ¶ 7, 254 Wis. 2d 538, 547, 648 N.W.2d 878, 882. Once obtained, the permittee maintains no vested rights in the CUP. *Rainbow Springs*, 2005 WI App 163, ¶ 12, 284 Wis. 2d 519, 526, 702 N.W.2d 40, 43.

The Dane County Ordinances provide direct authority for the Zoning Land Regulation (ZLR) committee to revoke a CUP:

If the zoning committee finds that the standards in subsection (2)(h) and the conditions stipulated therein are not being complied with, the zoning committee, after a public hearing as provided in subs. (2)(f) and (g), may

---

<sup>2</sup> County staff have also offered, as reasons the County has not taken action on the existing site, that there's no inspector working on the weekends, Dane County needs concrete, it's too bad these homes are so close to the facility, Mr Cattell is not as bad as some operators, and the facility is well-located on a highway and in a sparsely populated area. These dismissive comments do not address the root problem

revoke the conditional use permit. Appeals from the action of the zoning committee may be as provided in sub. (2)(j).

Dane Co. Ord. § 10.255(m). The six standards of § 10.255(2)(h), in turn, are clear and unequivocal. A permittee is under a continuous obligation to show:

1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use;
3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made;
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Dane Co. Ord. § 10.255(2)(h)(2). Notably, the ordinance does not allow a balancing of these standards to constitute compliance; each standard must be met individually.

Here, by the Town's assessment and further supported by the Hungerford appraisal, the Cattell site has substantially impaired and diminished the value of the Tukiendorf property by one-third to one-half of its value before the CUP. It is beyond dispute that § 10.255(2)(h)(2) is not met in this case and, thus, the CUP should be revoked.

Additionally, the Tukiendorfs' experiences show § 10.255(2)(h)(1) and (3) are not met, either. The plant is detrimental to and endangers the public health, safety, comfort or general welfare, by reducing the use and enjoyment of the Tukiendorfs' property and that of their neighbors, and creating dust and noise that crosses over the property line. The plant has also impeded the development and improvement of neighbors' properties as residences. The CUP should be revoked for these reasons as well.

Other municipalities have revoked CUPs on similar or lesser grounds, and the Wisconsin courts have upheld their decisions. In *Delta Biological Resources, Inc. v. Board of Zoning Appeals*, the court agreed the City of Milwaukee could deny a CUP reapplication for a plasma center where neighbors reported the center increased the number of loiterers in the area and impaired the public convenience and protection of health and property. 160 Wis. 2d 905, 914-15, 467 N.W.2d 168 (Ct. App. 1991). The court pointed to the City's own ordinance requiring that the CUP use "will not impact adversely on adjoining property or the neighborhood in general" and will "operate[] in a manner so that the public health, safety and welfare is protected." *Id.* at 911. In light of the violations brought to the zoning board's attention by neighbors, the court upheld the decision to deny the CUP reapplication, stating "we cannot say that [the board's] decision is not reasonably supported by the record." *Id.* at 913.

Similarly, a Wisconsin court upheld a municipality's outright denial of a concrete batch plan CUP based specifically on impact to surrounding property values. The town in *Carew Concrete & Supply Co. v. Town of Humboldt* drew on its experience with another concrete batch plant within its jurisdiction to conclude that the CUP being considered would also adversely impact neighbors' property values. 2001 WI App 75, ¶ 14, 242 Wis. 2d 472, 625 N.W.2d 360 (unpublished). The court held this was reasonable, constituting credible evidence to support the denial. *Id.* at ¶ 14.

The Tukiendorfs have presented definitive and compelling evidence that their home has lost as much as half of its value due to the Cattell Plant. The standards of Dane Co. Ord. § 10.255(2)(h) are no longer met, and the CUP should be revoked under Dane Co. Ord. § 10.255(m). Additionally, the CUP was not properly issued to begin with, as Mr. Cattell applied to the Town of Cottage Grove for its permit first, without applying to the County first as required by Dane County Ord. § 10.255(2)(e).

Finally, Dane County's CUP revocation procedure requires a public hearing. Dane Co. Ord. § 10.255(2)(m). Local zoning decisions require due process protections like public notice and hearing "to give owners of property involved and other interested parties a fair opportunity to be heard." *Weber v. Town of Saukville*, 209 Wis. 2d 214, 234, 562 N.W.2d 412, 420 (1997). We urge the ZLR to hold a public hearing on this revocation request in order to facilitate a fair and impartial review of the Cattell CUP, and to exercise its oversight over Dane County zoning staff on this matter to date.

In sum, the Cattell CUP violates the law in Dane County. As the Wisconsin Supreme Court has cautioned, "[c]onditional uses...may well create special problems and hazards if allowed to develop." *State ex rel. Skelly Oil Co. v. Common Council, City of Delafield*, 58 Wis. 2d 695, 700-01, 207 N.W.2d 585, 587 (1973). The Cattell Plant's seven years of operation have created problems and hazards that are incompatible with the



surrounding uses and that have caused substantial property value loss to the Tukiendorfs.

For these reasons, the ZLR should revoke the Cattell CUP and hold a public hearing for these purposes.

Thank you for your consideration.

TOWN OF COTTAGE GROVE  
PLAN COMMISSION  
JUNE 22, 2011

1. Notice of the meeting was posted at Town Hall, Gaston Road at Brown Thrush, American Way and USH 12 & 18 at County BN. A quorum was present with Silvin Kurt, Kris Hampton, Steve Anders, David Muehl, Phillip Bultman, Kristi Williams and Wilmer Larson in attendance. A list of other attendees is available in the Clerk's office.
2. Chair Silvin Kurt called the meeting to order at 7:00 p.m.
3. Approve minutes of previous meetings: **MOTION** by Williams/Bultman to approve the minutes of the May 25, 2011 Plan Commission meeting as printed. **MOTION CARRIED 7-0.**
4. Public Concerns: None.
5. Wade Cattel, Applicant, Sun Prairie Sand & Gravel, landowner – 2294 US Highway 12 & 18, parcel 0711-341-8600-0: Conditional Use Permit for a Concrete Batch Plant on 2 acres: Mr. Cattel said he is looking to relocate due to the economy, and plans to run a clean operation. He had an email expressing that WDOT has no issues relating to the entrance on U S. Hwy 12 & 18. He presented an overview of the operation, including new berms on the east, west and south, with the north fenced. He said the manufacturing process will not produce any dust, and roads will be watered to control dust from truck traffic. The operation will use the existing well at a rate of about 6,000 gal/day.

Anders pointed out problems with the current non-metallic mining operation on the site, including a break in the east berm that allows run-off from the site during heavy rains, along with water flowing on the property to the north. He asked about gate maintenance, and Cattel said the gate will be closed and locked when the plant is not in operation. He estimated 2-6 trucks would be hauling on an average day, with 100 loads per week on average. He said this would be less truck traffic than the current operation. Hours of operation would be 6 a.m. to 6 p.m. usually. The plant would not make much noise, a generator would only be temporary until power could be brought in.

Larson questioned how long the material on the site will last, and whether the operation would continue after that point using trucked-in materials. Cattel's answer: for intents and purposes – yes. Larson asked for input on the actual amount of gravel on the site, to help determine whether the site is a good fit. Muehl suggested limiting incoming materials to limit the duration of truck traffic. Bultman also asked what the time frame for operation would be once on site materials were exhausted. It was noted that this is a non-conforming site so mining can continue indefinitely.

Cattel said existing material on the site will last 30-40 years at the planned workload. He occasionally recycles some material from job sites, so this site would be advantageous. He would not want to be limited, but once this site is exhausted, he will probably move on. Regrading will be done as needed to clean up the site and ensure that all water stays captive on the site.

Duane Swalheim, owner of land to the west, said he heard that borings made by Yahara were not suitable for a cement plant

Donald Viney, owner of land to the east, said that tiling has been needed, and washouts from run-off are terrible. Traffic could also be an issue.

Noel Johnson, 2272 US Hwy. 12 & 18, thinks traffic will be an issue, especially with highway rebuilding. Cattel said he does not do, nor does he have any intents to do highway work.

An unnamed resident said he thought there would be a reclaimed pit, not a concrete plant, and he is concerned about well water.

Kirk Eihlenfeldt, owner of property to the north, wants to make sure the easement to his property is maintained with access, and said there is water flowing north from the pond.

TOWN OF COTTAGE GROVE  
PLAN COMMISSION  
JUNE 22, 2011

The Plan Commission considered the conditions per section 10.255(2)(h), and found them all to be satisfied **MOTION** by Bultman/Hampton to recommend approval of the Conditional Use Permit for a concrete batch plant on two acres zoned A-2 for with the following conditions:

- o No use of jake brakes by trucks
- o An email must be furnished from the WDOT allowing for continued truck ingress/egress.
- o Inquire with the WDOT regarding a "Truck Entrance" sign on west bound Hwy 12 & 18.
- o The berm to the south is to be uniformly graded with pine trees at least 3 feet high, with existing neighbor's input.
- o Berms to the west and east, and a fence to the north, are to be completed.
- o Owner to work with neighbors to straighten out meandering berm and restore/maintain *easement to the property to the north.*
- o All work to be completed prior to the beginning of operation of the batch plant
- o Acceptable work hours of 6 a.m. to 6 p.m., and some Saturdays. Operation outside of those times will require at least 7 days' notice to the Town and neighbors.

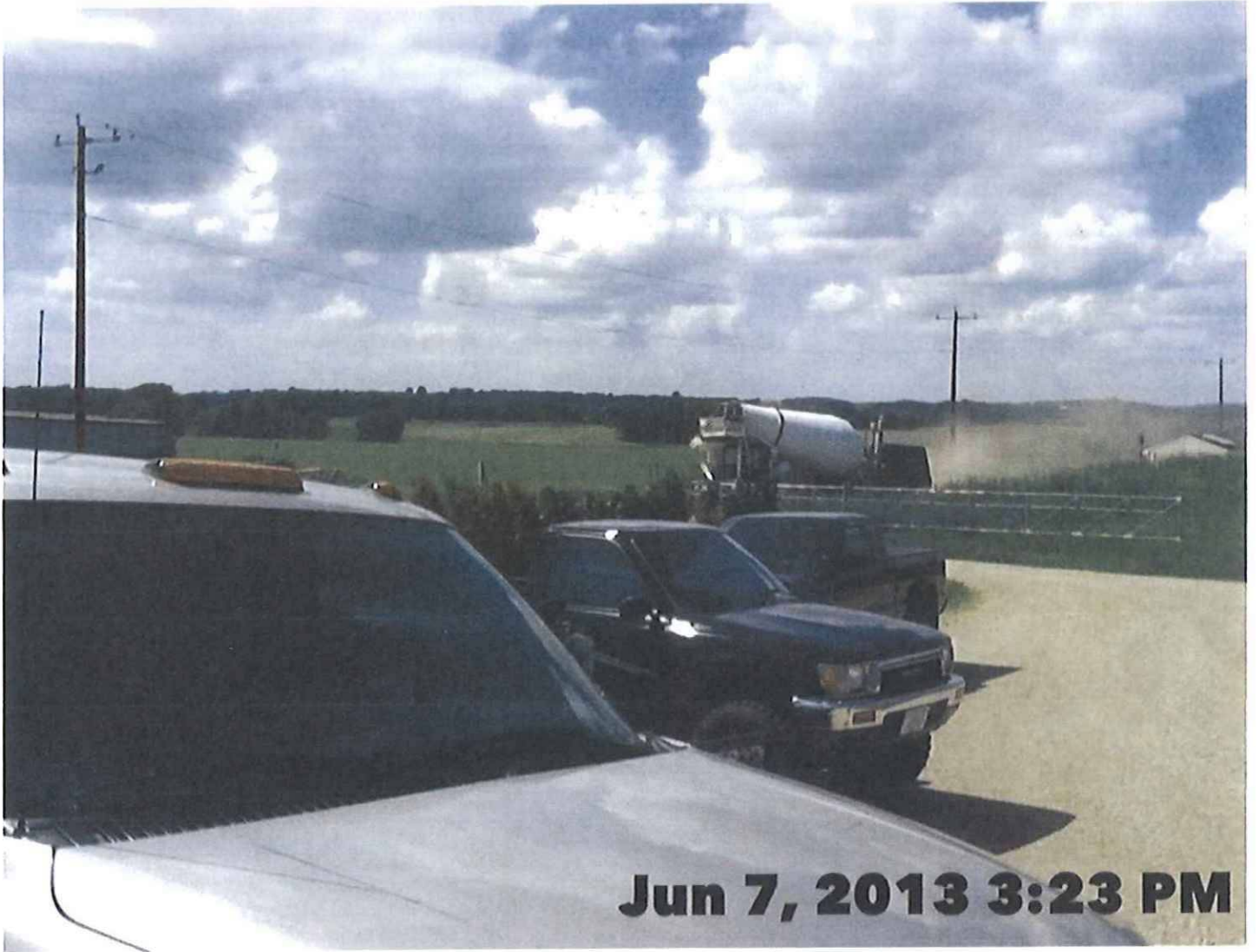
**MOTION CARRIED 6-1** (Larson opposed.)

6. Walter J. Olson, vacant land on Kennedy Road, parcels 0711-101-8501-0 and 0711-034-9001-0: Discussion only regarding options to rezone from A-1EX to R-1 to create 4 residential lots: Olson said he wants to "test the market": to gauge the demand for the whole 24 lots. He presented additional alternatives A & B, and stated he hopes to transfer development rights from land he owns in the Village of Deerfield. Hampton said it is OK to proceed, especially if the lawsuit goes away, and it doesn't matter where the development rights come from.
7. Per Dane County ZLR Committee request: Reconsider rezone of 2 acres from A1-EX to RH-1 for new single family residence for Dave Hanson, applicant, Marc Lea Farms, LLC, Landowner, parcels 0711-2728-000-9 and 0711-2718-500-5 at 2257 Nora Road: Hampton updated the commission on the recent denial by the Dane County ZLR committee due to a negative impact on the rustic road. He provided the rustic road regulations, which do not limit development on rustic roads. Hampton had discussed the driveway length with the Fire and EMS Chiefs, who had no concerns as long as the driveway is maintained. **MOTION** by Hampton/Larson to approve the rezone of 2 acres from A-1EX to RH-1 for a new single family residence, with the same conditions that the Town Board approved on April 18, 2011 (The road right-of-way along all of Hanson's property is to be dedicated to the Town.) **MOTION CARRIED 4-3** (Anders, Bultman and Williams opposed.)
8. ADJOURNMENT: **MOTION** by Hampton/Kurt to adjourn. **MOTION CARRIED 7-0**. The meeting was adjourned at 9:26 P.M.

Submitted by: Dave Muehl  
Approved 9-28-2011



Exhibit B - 1



THE APPRAISAL OF PROPERTY AT 2292  
US HIGHWAY 12 & 18, TOWN OF  
COTTAGE GROVE, WISCONSIN

---

Prepared for: Alex and Jamie Tukiendorf

September 13, 2017

**Real Estate Dynamics, Inc.**

448 West Washington Avenue  
Madison, WI 53703

THE APPRAISAL OF PROPERTY AT 2292  
US HIGHWAY 12 & 18, TOWN OF  
COTTAGE GROVE, WISCONSIN

---

Prepared for: Alex and Jamie Tukiendorf

September 13, 2017

**Real Estate Dynamics, Inc.**

448 West Washington Avenue  
Madison, WI 53703

# Real Estate Dynamics, Inc.

September 13, 2017

Mr. Alex Tukiendorf  
2292 US Highway 12/18  
Cottage Grove, WI 53527

Re: Appraisal of the market value of the fee simple interest of a two acre improved property located at 2292 US Highway 12/18 in the Town of Cottage Grove, Wisconsin

Dear Mr. Tukiendorf:


At your request, Real Estate Dynamics, Inc. (REDI) has appraised the market value of your 2.0 acre improved property. The property is owned by you and your wife Jamie of Cottage Grove, WI. The property was appraised for the purpose of documenting the change in market value given the proximity of the property to the relatively new and adjacent concrete batch plant and historical gravel quarry.

The date of value is August 15, 2017. We have performed a highest and best use analysis as a prelude to our value estimate in which we address the use issues facing the property, within the constraints of market forces. Craig Hungerford inspected the property on August 15, 2017. We estimate the market value to be \$121,320.

The report summarizes our methodology, data, analysis and conclusions. If we can be of any additional service, please feel free to contact us.

Sincerely,

REAL ESTATE DYNAMICS, INC.

  
Craig D. Hungerford, CRE  
President



## Executive Summary

---

- Real Estate Dynamics, Inc. (REDI) has estimated the market value of a 2.0 acre property improved with a single family residence owned by Alex and Jamie Tukiendorf with frontage on US Highway 12 & 18, and located in the Village of Cottage Grove, Dane County, Wisconsin. The property is identified as parcel number 0711-342-9800-0.
- The purpose of the report is to estimate market value. Further, this report was written to assist the owners and their agent(s) with documenting damages to the property resulting from the operation of a concrete batch plant which was approved for use through a conditional use permit on July 12, 2011.
- The subject property is improved with a one story 1,704 square foot single family residence.
- The subject property is zoned RH-1, Rural Homes District. This zoning district for single family homes with agricultural uses allowed.
- Subsequent to the operation of the plant, the subject property owners have filed numerous formal complaints regarding the operation of the plant. Specifically, hours of operation and dust and noise from the trucks and general operation that have prevented the owner from keeping windows open, sleeping, spending time outdoors, and generally enjoying the use of their property.

- Regardless of zoning, the property is so impacted by the adjacent uses that any practical use of the property as residential is implausible.
- Given the property's location and surrounding uses, we believe that an industrial use supplemental to or complementary with the existing uses of a gravel pit and concrete batch plant would be most appropriate and most probable for the subject property as improved. *Therefore, the highest and best use of the subject site is as industrial use.*
- The Sales Comparison Approach is used to estimate value.
- The total just compensation due to the owner as of August 15, 2017 is \$121,320.

VALUE SUMMARY	
Comparable Sales Approach	\$106,000
Salvage Value	\$15,320
<b>Total Market Value</b>	<b>\$121,320</b>

Table of Contents

Introduction ..... 1

    Scope of Work ..... 1

        Interest(s) Valued and Definitions ..... 1

        Date of Value ..... 2

        Scope of Analysis ..... 2

        Special Valuation Assumptions ..... 3

        Statement of Competency ..... 3

        Market Exposure Period ..... 3

    Definition of Value ..... 4

    Property Rights Appraised ..... 5

Description and Analysis of the Subject Property ..... 6

    Subject Property Characteristics ..... 6

        Size and Shape ..... 6

        Topography and Flooding ..... 6

        Environmental Concerns ..... 6

        Utilities ..... 6

        Linkages ..... 6

        Zoning ..... 7

        Surrounding Uses/Conflicts ..... 7

    Subject Property Improvements ..... 9

    Property History and Assessments ..... 10

        Property History ..... 10

        Assessment ..... 10

    Area Characteristics ..... 11

        Neighborhood ..... 11

        Village of Cottage Grove ..... 11

        City of Madison and Dane County ..... 11

    Conclusion ..... 13

Highest and Best Use ..... 14

    Subject Property As Improved ..... 15

        Legal Constraints ..... 15

        Physical Constraints ..... 16

Financial Constraints .....	16
Maximal Productivity Constraints .....	16
Valuation of the Subject Property .....	17
Comparable Sales Approach .....	18
Comparable Sale 1 .....	18
Comparable Sale 2 .....	19
Comparable Sale 3 .....	19
Comparable Sale 4 .....	19
Comparable Sale 5 .....	20
Reconciliation of Comparable Sales .....	20
Salvage Value/Deconstruction Value .....	20
Reconciliation and Summary .....	21
Certification of Value .....	22

## List of Appendices

---

- A. General Assumptions and Limiting Conditions
- B. Qualifications
- C. Zoning Code
- D. Subject Property Maps and Photographs
- E. Legal Description
- F. Comparable Sales Map and Photographs
- G. Supporting Documents

# Introduction

---

Real Estate Dynamics, Inc. (REDI) has estimated the market value of a 2.0 acre property improved with a single family residence owned by Alex and Jamie Tukiendorf with frontage on US Highway 12 & 18, and located in the Village of Cottage Grove, Dane County, Wisconsin. The property is identified as parcel number 0711-342-9800-0. A complete legal description of the property is located in Appendix E. The date of value is August 15, 2017.

Craig D. Hungerford inspected the subject property on August 15, 2017. Subject property maps and photographs are provided in Appendix D.

## SCOPE OF WORK

This document and supporting analysis is to function as the basis for estimating market value. Authorized by Alex Tukiendorf, this appraisal has been prepared to estimate market value and assist the owners and their agent(s) with concerns over damages resulting from the operation of a concrete batch plant that was approved for use through a conditional use permit on July 12, 2011.

## INTEREST(S) VALUED AND DEFINITIONS

We have estimated the market value of the Fee Simple Estate of the subject parcel as of August 15, 2017. This is defined in the Appraisal of Real Estate, 12th Edition, published by the Appraisal Foundation as follows:

A fee simple estate implies absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power and escheat

A leased fee estate is an ownership interest held by a landlord with the right of use and occupancy conveyed by lease to others; the rights of lessor (the leased fee owner) and leased fee are specified by contract terms contained within the lease.

This report has been written in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Foundation and is considered to be an Appraisal Report. This report is subject to the Statement of Assumptions and Limiting Conditions contained in Appendix A.

#### DATE OF VALUE

The market value conclusions presented herein are based on economic conditions prevailing in the four weeks preceding the date of value and perceptions of future events existing as of August 15, 2017.

#### SCOPE OF ANALYSIS

We have investigated the overall health of the Town of Cottage Grove and Dane County area markets for sales data from similar market rate sales. We have applied one of the three approaches to value, the Sales Comparison Approach to value the property. Consideration was given primarily to overall investment similarity, property type and location. Adjustments were considered for market conditions (time) in the Sales Comparison Approach to help set a market-based framework for comparison. The Cost and Income Approaches to value are typically not considered by buyers and sellers of properties similar to the subject property.

The organization of this report parallels our valuation process and summarizes our methods, data, analyses, and conclusions. This introductory section defines the problems and provides an overview of our primary assumptions. The following section provides a physical description of the site and demographic data on the surrounding area. The next section describes the Highest and Best Use analysis for the property. Finally, the Valuation of the subject properties describes our

valuation processes, including the method(s) of approach, data used, and estimated values for the property.

This appraisal is subject to General Assumptions and Limiting Conditions presented in Appendix A. Craig D. Hungerford and other members of the Real Estate Dynamics, Inc. staff have prepared this report in accordance with appropriate valuation standards.

SPECIAL VALUATION ASSUMPTIONS

There are no extraordinary assumptions or hypothetical conditions impacting this analysis and valuation.

Other general assumptions are as follows:

1. We have relied on the plat and the Dane County DCIMap program to confirm the acreage of the subject property and comparable sales.
2. We are unaware of any current environmental issues with respect to the subject property. We have not made any adjustments to value to account for such concerns.
3. If any of these assumption change or are deemed incorrect, we reserve the right to make changes or adjustments to our report and/or values.

STATEMENT OF COMPETENCY

Craig D. Hungerford has valued a wide variety of residential, commercial, and vacant properties in Wisconsin over the past 32 years.

MARKET EXPOSURE PERIOD

A reasonable exposure period is the amount of time necessary to expose a property to the open market in order to achieve a sale. The estimate of a reasonable exposure time is not intended to be a prediction of a date of sale. Furthermore, exposure time is always



presumed to occur prior to the effective date of the appraisal. Implicit in this definition are the following characteristics:

1. The property is actively exposed and aggressively marketed to potential purchasers through marketing channels commonly used by sellers of similar property.
2. The property is offered at a price reflecting the most probable markup over market value used by sellers of similar property.
3. Sale is consummated under the terms and conditions of the definition of Market Value.

After speaking with local Realtors and reviewing prior transactions, the market exposure period, or the length of time necessary for the subject property to be exposed to the market prior to an arm's length sale occurring at the market value as concluded herein, is six months to one year.

#### DEFINITION OF VALUE

Market value as used in this analysis is defined as:

the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby.

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised, and acting in what they consider their own best interests;
3. A reasonable time is allowed for exposure in the open market;

4. Payment is made in terms of cash in U S. dollars or in terms of financial arrangements comparable thereto; and
- 5 The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.<sup>1</sup>

#### PROPERTY RIGHTS APPRAISED

The right or interest being valued is a fee simple interest in the subject property. A fee simple estate is defined as an absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.<sup>2</sup> Except for standard utility easements, any mortgages on the property, and those noted in this report, there are no other known encumbrances on this project.

---

<sup>1</sup> The Appraisal Institute, *The Appraisal of Real Estate*, Twelfth Edition 2001, p. 23. Definition taken from *Federal Register*, Vol 55, No 163, August 22, 1990, p p 34228 and 34229

<sup>2</sup> The Appraisal Institute, *The Appraisal of Real Estate*, Twelfth Edition, 2001, p. 69

# Description and Analysis of the Subject Property

---

## SUBJECT PROPERTY CHARACTERISTICS

The subject property is defined as one parcel with number 0711-342-9800-0 totaling 2.0 acres. The property is improved with a one story 1,704 square foot single family residence.

### SIZE AND SHAPE

The subject property is rectangular in shape with 178 feet of frontage along US Highway 12 & 18. The subject property land is 87,120 square feet.

### TOPOGRAPHY AND FLOODING

The site topography is generally level with elevations ranging from 936 to 924. The subject property is not located in a flood zone.

### ENVIRONMENTAL CONCERNS

There are no known environmental concerns with respect to the subject property. REDI has not performed or reviewed a Phase I environmental review.

### UTILITIES

Well water, on-site septic, telephone, and electric utilities are available to the site.

### LINKAGES

The property is adjacent to US Highway 12 & 18 and has legal access from the adjacent private road and shared gravel drive. The private road provides the property access to US Highway 12 & 18. US

Highway 12 & 18 provides access west to Madison and east to Deerfield and Cambridge.

ZONING

The subject property is zoned RH-1, Rural Homes District. This zoning district is for single family homes with agricultural uses allowed. Permitted uses include: single family homes, agricultural uses, utility services, home occupations, incidental uses and accessory buildings, community living arrangements for less than 9 people and foster homes for less than 5 children. The minimum lot width is 150 feet and the minimum lot size is 2 acres.

SURROUNDING USES/CONFLICTS

Surrounding uses include a gravel quarry, concrete batch plant, single family homes and farms with structures. To the east and west are single family developments and southwest is another large business park with industrial, commercial and retail uses. The nearest significant development is two miles north on CTH N to a residential subdivision and west on US Highway 12 & 18 3.5 miles to Yahara Hills golf course.

The owner purchased the subject property in 2005. At that time, they were given verbal assurances from the seller that the gravel quarry had little material remaining and might have no more than a 10 year supply of material. The subject property is adjacent to a non-conforming (NC) mineral extraction site. NC sites are mineral extraction operations that were registered with Dane County in the late 1960s in advance of an ordinance change requiring a conditional use permit (CUP) for new mineral extraction sites. While the assurance from the seller was non-binding, there was a reasonable expectation that the gravel pit would eventually cease operation.

On July 12, 2011, a concrete batch plant was approved for use through a conditional use permit within the gravel pit in close proximity to the subject property. Conditional Use Permit #2175 details 12 conditions that the operator Rocky Rights, LLC must follow

as shown in Appendix G. Further, the County has six general standards that must be met for a CUP to be issued. Items 1 and 2 appear to be relevant in this case.

1 That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare;

2 That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use,

Subsequent to the operation of the plant, the subject property owners have file numerous formal complaints regarding the operation of the plant. Specifically, hours of operation and dust and noise from the trucks and general operation that have prevented the owner from keeping windows open, sleeping, spending time outdoors, and generally enjoying the use of their property. As of April 19, 2015, there have been six Public Nuisance Complaints to the Cottage Grove Police Department, five written complaints and eleven phone complaints to various entities. Some attempts have been made to address the noise and dust concerns by the operator; however, the owner states that these efforts have been unsatisfactory. Regarding the hours of operation, item 3 of the conditions states:

3 Hours of operation shall be from 6.00 a.m. to 6.00 p.m. Monday through Friday, and some Saturdays when necessary fro 6 00 a m to 4:00 p.m. Operation outside of those times will require at least 7 days notice to the Town and immediate neighbors, and shall be limited to no more than 6 projects not to exceed 30 total days/year

The owner has filed complaints that the concrete plant owner was operating outside these parameters including later on Saturday, Sunday early morning hours and during the day, with no 7 day notice. Subsequently, the County zoning administrator stated that operating 24 hours a day outside of the normal hours and days of operation was permissible 30 days a year, even though those times are not explicitly stated in the CUP and that interpretation was considered discretionary

authority which allows large trucks to operate within 80 feet of the residence bedroom at 2:30 a.m.

Finally, the batch plant has insufficient gravel resources from the existing pit and the owner has been hauling in gravel from another location, thus adding to the traffic and noise. The gravel pit owner is proposing a northern addition to the pit to solve localized supply issues and access to the new pit would continue to be from US Highway 12 & 18 past the subject property.

#### **SUBJECT PROPERTY IMPROVEMENTS**

The subject improvements are residential dwelling unit with a 2.0 acre landscaped site.

<b>Year Constructed</b>	2005
<b>Number of Buildings</b>	One one-story building with a full basement
<b>Gross Building Area</b>	1,704 SF above ground living area
<b>Foundation</b>	Concrete
<b>Framing</b>	Wood
<b>Exterior Walls</b>	Vinyl siding
<b>Windows</b>	Casement, double hung
<b>Interior Walls</b>	Painted drywall, ceramic tile
<b>Roof</b>	Asphalt shingle
<b>Flooring/ceiling</b>	Drywall/Plaster

Building Layout	Main floor: kitchen, dining, living room, 3-bedrooms, 2-full bath
HVAC	Forced air LP gas and central air
Finishes	Hardwood flooring, tile, vinyl, carpet Doors: solid core 6 panel wood. Chrome finish plumbing fixtures, recessed light and standard fixtures, laminate countertops, and standard appliances.
Plumbing/Electrical	200 amp service and 50 gallon water heater
Parking	3 car garage, gravel drive and parking area

## PROPERTY HISTORY AND ASSESSMENTS

### PROPERTY HISTORY

The subject property has been owned by Alex and Jamie Tukiendorf for more than five years. They originally purchased the property in June 2005. There have been no recent arms-length transactions involving the subject property.

### ASSESSMENT

The subject property's total assessment from Access Dane for 2017 is shown as follows.

SUBJECT PROPERTY ASSESSMENT				
Parcel #	Acres	Improvements	Land	Total
0711-342-9800-0	2	\$177,900	\$25,000	\$202,900

The 2017 assessment was reduced \$48,200 and the 2014 assessment was reduced \$29,200 for a total reduction of \$77,400. The owner has expressed concerns to the assessor regarding the

activities of the adjacent concrete plant and these reductions were provided.

## AREA CHARACTERISTICS

### NEIGHBORHOOD

The subject is located on US Highway 12 & 18 in the Town of Cottage Grove, Dane County, Wisconsin. The subject property is surrounded by farmland, some residential development and a concrete batch plant with the adjacent gravel pit.

### VILLAGE OF COTTAGE GROVE

As of 2016, Cottage Grove's population was 3,956 people. Since 2000, it has had a population growth of 12.23%. The median home cost in Cottage Grove is \$253,200. Home appreciation in the last 10 years has been 3.73%. Cottage Groves's cost of living is 16.2% higher than the U.S. average. Cottage Grove public schools spend \$12,610 per student. The average school expenditure in the U.S. is \$12,383. There are about 14.1 students per teacher in Cottage Grove. The unemployment rate in Cottage Grove is 3.3% whereas the U.S. average is 4.4%. Recent job growth is positive. Cottage Grove jobs have increased by 1.77%.

### CITY OF MADISON AND DANE COUNTY

As of 2017, Madison's population is 248,951 people. Since 2000, it has had a population growth of 30.16%. The median home cost in Madison is \$215,400. Home appreciation in the last 10 years has been 3.89%. Madison's cost of living is 9.6% higher than the U.S. average. Madison public schools spend \$14,412 per student. The average school expenditure in the U.S. is \$12,383. There are about 12.6 students per teacher in Madison. The unemployment rate in Madison is 3.4% whereas the U.S. average is 5.2%. Recent job growth is positive. Madison jobs have increased by 1.77%.

Madison is the largest city in the county and the second largest in Wisconsin. It is the state capital and the location of the state's largest



and only Big 10 campus, the University of Wisconsin-Madison. With its economic base grounded in these two institutions, as well as its location on a chain of lakes, Madison is recognized among the Nation's cities for having a high quality of life.

The following tables and information, which is compiled from the Dane County Workforce and Economic Profile 2015 prepared by the Wisconsin Department of Workforce Development, summarize labor force trends in Madison, Dane County and Wisconsin. Wisconsin lost 137,000 jobs during the recent downturn which is almost 5% of the job base since the recession began in December of 2007. Wisconsin's total non-farm jobs have increased by 200,000 from February 2010 through October 2015. Employment concentrations in the largest industries for Dane County can be seen in the following chart.

Industry	2014 Dane County
Education & Health	80,053
Trade, Transportation, Utilities	51,467
Professional & Business Services	44,443
Leisure & Hospitality	30,073
Public Administration	23,963
Manufacturing	23,363
Financial Activities	21,604
Information	13,476
Construction	13,024
Natural Resources	1,833

The largest employers in the Madison Area are listed in the following table.

Employer	2016 Employees
UW Hospital and Clinics	1000+
American Family Insurance	1000+
Dean Health Systems	1000+
Cuna Mutual Holdings	1000+
WPS Health Insurance	1000+
Epic Systems	1000+
Meriter Health Services	1000+
TDS Telecommunications Corp.	1000+
Covance Laboratories	1000+
UW Medical Foundation	1000+

CONCLUSION

Compared to most Midwestern cities of similar demographics, the Madison MSA has a disproportionately high percentage of its workforce in government and service sectors and a low percentage in manufacturing. With strong economic growth in service and technology oriented business (bio- and genetic engineering and medical) and an emphasis on quality of life, Madison MSA continues to weather the economic storm better than most communities in Wisconsin. Dane County continues to return faster to stronger growth and with healthier economic development than most areas in Wisconsin for the foreseeable future.

# Highest and Best Use

---

Five attributes determine the full value potential for real estate. They are: (1) utility, (2) effective demand, (3) relative scarcity, (4) transferability, and (5) an environment of law and order so no sense of loss will occur due to legal or political uncertainty. Generally accepted appraisal principles hold that "real estate should be appraised at its highest and best use for market valuation purposes."<sup>3</sup> The term highest and best use is defined in Real Estate Appraisal Terminology as:

The reasonable and probable use that will support the highest present value, as defined, as of the effective date of appraisal.

Alternatively, that use, from among reasonably probable and legal alternative uses, found to be physically possible, appropriately supported, financially feasible, and which results in highest land value

The definition immediately above applies specifically to the highest and best use of land. It is to be recognized that, in cases where a site has existing improvements on it, the highest and best use may very well be determined to be different from the existing use. The existing use will continue, however, unless and until land value in its highest and best use exceeds the total value of the property in its existing use

Implied within these definitions is recognition of the contribution of that specific use to community environment or to community development goals in addition to wealth maximization of individual property owners. Also implied is that the determination of highest and best use results from the appraiser's judgement and analytical skill, i.e., that the use determined from analysis represents an opinion, not a fact to be found. In appraisal practice, the concept of highest and best use represents the premise upon which value is based. In the context of most probable selling price (market value), another appropriate term to reflect highest and best use would be

---

<sup>3</sup>Jerome Dasso and Alfred Ring, Real Estate Principles and Practices, 10th ed, Prentice Hall, Inc, Englewood Cliffs, N J, p 404

most probable use. In the context of investment value, an alternative term would be most profitable use<sup>4</sup>

One method for selecting highest and best use is a sequential application of the following four analytic steps:<sup>5</sup>

1. Physically Possible: The site must possess adequate size, shape and soil conditions to support the proposed use.
2. Legally Permissible: The proposed use of the property must conform to all local and state zoning and use restrictions for the site.
3. Financially Feasible: The proposed use must be capable of providing a net return to the property owner.
4. Maximally Productive. Of those legally permissible, physically possible, and financially feasible uses, the highest and best use for a property is that use which provides the greatest net return to the property owner over a period of time.

Typically, the criteria are applied to the site to determine its highest and best use as if vacant and as improved. In cases of vacant land valuation, the latter step is excluded.

## **SUBJECT PROPERTY AS IMPROVED**

The analysis begins with a description of the legal constraints affecting the property.

### **LEGAL CONSTRAINTS**

The subject property is zoned RH-1, Rural Homes District. This zoning district for single family homes with agricultural uses allowed.

---

<sup>4</sup>Byrl N. Boyce, Real Estate Appraisal Terminology, Revised Edition, AIREA, SREA, Ballinger, Cambridge, Mass., 1981, p p 126-127

<sup>5</sup>The four criteria test is discussed in the Appraisal of Real Estate, Twelfth Edition, p. 307-308, Copyright 2001, by the American Institute of Real Estate Appraisers (now known as the Appraisal Institute)

Permitted uses include: single family homes, agricultural uses, utility services, home occupations, incidental uses and accessory buildings, community living arrangements for less than 9 people and foster homes for less than 5 children. The property is adjacent to a gravel pit and a concrete batch plant that is zone A-1 exclusive and A-2 with CUPs for gravel mining and concrete production.

PHYSICAL CONSTRAINTS

Site topography is conducive to single family use or access for extractive use and we assume soil conditions are sufficient to support these uses.

FINANCIAL CONSTRAINTS

Of the physically possible and legally permissible uses such as residential, all may be expected to generate a net return to a property owner. These uses require capital improvements; therefore, at some acquisition price the property can be expected to generate a net return. Residential properties are frequently sold, traded, or leased, thereby generating a net return to the property owner.

MAXIMAL PRODUCTIVITY CONSTRAINTS

The maximally productive use is determined by that use which generates the greatest demand and net return. Regardless of zoning, the property is so impacted by the adjacent uses that any practical use of the property as residential is implausible. As previously discussed, the adjacent activity of the concrete batch plant, the impacts from general operation in terms of noise and dust, the serious and detrimental impacts from after hours operation that have an air of being arbitrary and capricious, we preclude a reasonable person from wanting a residence in this location. Given the property's location and surrounding uses, we believe that an industrial use supplemental to or complementary with the existing uses of a gravel pit and concrete batch plant would be most appropriate and most probable for the subject property as improved. *Therefore, the highest and best use of the subject site is as industrial use.*

## Valuation of the Subject Property

---

The Cost, Sales Comparison, and Income Approaches to valuation have been considered for this appraisal. All three approaches were considered to directly value the subject property.

The Cost Approach simulates the build versus buy alternative available to some buyers. The Sales Comparison Approach is an analysis of comparable transactions which simulates buyer and seller behavior. In applying the Income Approach, the appraiser simulates the investment analysis of the most probable buyer group to derive an estimate of the price that they would be willing to pay.

The Sales Comparison Approach simulates buyer and seller behavior. The assumption that buyers and sellers will make a reasonable effort to educate themselves about current market behavior is implicit in this approach. Well informed purchasers are less likely to bid a sale price that significantly exceeds prices they would have to pay for property of equivalent utility in the same marketplace. Likewise, sellers who are informed will know the minimum price they may reasonably expect to receive upon sale of the property. The Sales Comparison Approach reflects the spectrum of information available to and the decision process used by these parties to act prudently.

As previously stated, we have prepared this report after considering all three approaches to value. We have applied one approach to value; the Sales Comparison Approach, to value the property. Consideration was given primarily to overall investment similarity, property type and location. The Cost Approach and Income Approach to value are typically not considered by buyers and sellers of vacant land properties similar to the subject property.

## COMPARABLE SALES APPROACH

We have valued the land as though vacant and available according to its highest and best use, which is for industrial use to support the existing gravel pit and concrete batch plant. We focused our search on sales in areas of east Dane County or immediately adjacent areas including but not limited to, Stoughton, Belleville, Sun Prairie, and Evansville. Five sales were found and they are presented in the table below.

There has been modest sales activity in the past three years. The sales represent suitable alternative sites for industrial uses. We have considered the site size differences in pricing per square foot between the sales and the subject site as smaller sites tend to sell for higher unit prices than larger properties and concluded there was no consistent quantifiable adjustment. Further, we considered an adjustment for market conditions and concluded that based on the improving economy there was a price and time relationship that would warrant an adjustment of 1.275%. We relied on the changes in the CPI from 2014 to 2017.

LARGE COMPARABLE SINGLE FAMILY LAND SALES					
Location	Acres	Sale Date	Sale Price	\$/Acre	Adj \$/Acre
1. 300 Business Park Cir Stoughton, WI	1.64	2/26/16	\$52,804	\$32,198	\$32,824
2. Lot 21 Bell West Plat Belleville, WI	1.94	6/16/17	\$109,758	\$56,576	\$56,727
3. 1870 Haynes Dr Sun Prairie, WI	3.70	9/16/16	\$210,000	\$56,757	\$57,453
4. 820 Progress Way Sun Prairie, WI	1.50	6/30/14	\$92,000	\$61,333	\$63,865
5. 410 Water St Evansville, WI	1.78	3/23/17	\$120,000	\$67,416	\$67,796

### COMPARABLE SALE 1

Comparable Sale 1, a 1.64 net acre site located at 300 Business Park Circle in Stoughton, Wisconsin, sold for \$52,804 on February 26,

2016, or \$32,198 per acre and \$32,824 per acre adjusted. This 2.24 acre parcel has a perpetual conservancy easement of .6 acres resulting in 1.64 net usable acres. The parcel is within a city-owned planned industrial development on the northeast side of the city. The location of Comparable Sale 1 is considered to be similar to the subject. Overall, the comparable is similar to the subject property reflecting a price that is inferior to the subject property.

#### COMPARABLE SALE 2

Comparable Sale 2, a 1.94 acre site located at Lot 21 in the Bell West Plat in Belleville, Wisconsin, sold for \$109,758 on June 16, 2017, or \$56,576 per acre and \$56,727 per acre adjusted. This parcel is planned for light manufacturing use with business park zoning. The location of Comparable Sale 2 is considered to be similar to the subject property. Overall, the comparable is similar to the subject property and the business/light industrial use reflects a price that is similar to the subject property.

#### COMPARABLE SALE 3

Comparable Sale 3, a 3.7 acre site located at 1870 Haynes Drive in Sun Prairie, Wisconsin, sold for \$210,000 on September 16, 2016, or \$56,757 per acre and \$57,453 per acre adjusted. This parcel is planned for a We Energies service center use with urban industrial zoning. The location of Comparable Sale 3 is considered to be similar to the subject property. Overall, the comparable is similar to the subject property and the business/light industrial use reflects a price that is similar to the subject property.

#### COMPARABLE SALE 4

Comparable Sale 4, a 1.5 acre site located at 820 Progress Way in Sun Prairie, Wisconsin, sold for \$92,000 on June 30, 2014, or \$61,333 per acre and \$63,865 per acre adjusted. This parcel is the site of a metal and pipe fabrication company with urban industrial zoning. The location of Comparable Sale 4 is considered to be similar to the subject property. Overall, the comparable is similar to the subject property and the business/light industrial use and a more



urban location size reflects a price that is superior to the subject property.

#### COMPARABLE SALE 5

Comparable Sale 5, a 1.78 acre site located at 410 Water Street in Evansville, Wisconsin, sold for \$120,000 on March 23, 2017, or \$67,416 per acre and \$67,796 per acre adjusted. This parcel is the site of a new post office facility with small scale industrial zoning. The location of Comparable Sale 5 is considered to be similar to the subject property. Overall, the comparable is similar to the subject property and the business/light industrial use and a more urban location size reflects a price that is superior to the subject property.

#### RECONCILIATION OF COMPARABLE SALES

All comparables suggest a price range for the subject property as industrial use. The range of adjusted data is from \$32,824 to \$67,796 per acre with a mean of \$55,733 and a midpoint of \$50,310 per acre. Comparables 1 and 3 are the most similar to the subject property, as they represent the most rural locations and conversely Comparables 2, 4, and 5 represent the most urban locations. Sizes are similar to the subject and there is not a price size adjustment that is warranted. No properties are adjacent to a concrete plant or stone quarry; however, all properties reflect industrial and/or business park zoning. The size and location of the subject property suggests a price between the midpoint and the mean of the range data or \$53,000 per acre rounded. Therefore, applying \$53,000 per acre to the 2.0 acres of subject property yields a value of \$106,000.

#### SALVAGE VALUE/DECONSTRUCTION VALUE

There is likely some salvage and/or deconstruction value to the home given its relatively recent construction. Deconstruction is a process where the home is taken apart and materials are saved for use elsewhere. The cost or salvage value of deconstruction is approximately twice the cost of traditional demolition according to lifeofanarchitect.com. They estimate as follows:

On average, the cost to demolish a house is about ½ as much as it is to deconstruction a house (i.e. \$15,000 for demolition vs. \$30,000 for deconstruction )

Based on Marshall Valuation Service the cost of demolition for a Class D wood frame house is on average \$4.50 per square foot. Multiplying this unit cost times 1,704 square feet results in a demolition cost of \$7,660 rounded. Doubling this cost or \$15,320 is an estimate of the deconstruction cost or the salvage value which is equal to the amount some one would pay to acquire the home for deconstruction.

### RECONCILIATION AND SUMMARY

The following table summarizes the results of our valuation analysis and shows the total estimated market value. We have considered all approaches and conclude that the value derived by the sales comparison approach is the most reliable estimate. The house is no longer considered to have utility as a residential property. To sell the property the seller will be required to complete a Real Estate Condition Report which will reveal the current and historic conditions on and surrounding the property which a reasonable future residential use buyer would find unacceptable. Therefore, we conclude that the total market value of the subject property is \$121,320.

VALUE SUMMARY	
Comparable Sales Approach	\$106,000
Salvage value	\$15,320
<b>Total Market Value</b>	<b>\$121,320</b>

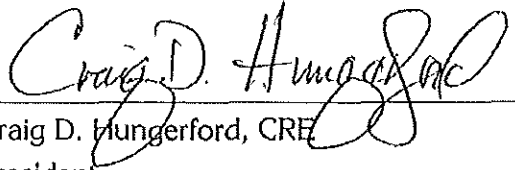
# Certification of Value

---

We certify that, to the best of our knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, unbiased professional analyses, opinions, and conclusions.
- We have no present or prospective interest in the property that is the subject of this report, and we have no personal interest or bias with respect to the parties involved.
- Our compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
- Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and the Uniform Standards of Professional Appraisal Practice.
- Craig Hungerford made a personal inspection of the property that is the subject of this report.
- The appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.

- No one provided significant professional assistance to the undersigned. However, technical assistance was provided by other members of the Real Estate Dynamics, Inc. staff in regards to data collection, report writing, property description, and cost estimates.
- We have performed no valuation services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.



Craig D. Hungerford, CRE  
President  
Real Estate Dynamics, Inc.

APPENDIX A

---

General Assumptions and Limiting Conditions

## GENERAL ASSUMPTIONS AND LIMITING CONDITIONS

- No investigation was made for environmental hazards such as underground fuel tanks, asbestos, urea-formaldehyde foam insulation, dump sites, or other hazardous materials, and no responsibility is assumed for hazardous waste water quality or adequacy of the septic system.
- Where the property being considered is part of a larger parcel or tract, any values reported relate only to the portion being considered and should not be construed as applying with equal validity to other portions of the larger portion or tract.
- Opinions expressed regarding legal attributes of the subject property are based on the consultant's best judgement given the available information and do not represent professional legal counsel. No warranty or representation is made regarding the accuracy of these legal opinions.
- We have made no survey of the property. If a survey should show a difference in acreage, the value should be adjusted accordingly.
- Data will be included only if believed reliable, but its accuracy cannot be guaranteed. No warranty or representation is made regarding the accuracy of data, and information submitted may be subject to errors, omissions, changes of price, prior sales, leases, financing, or withdrawals without notice.
- Any projections of future rents, expenses, net operating income, mortgage debt service, capital outlays, cash flows, inflation, capitalization rates, discount rates, or interest rates are intended solely for analytical purposes and are not to be construed as predictions of Real Estate Dynamics, Inc. They represent only the judgment of the authors as to the assumptions likely to be used by purchasers and sellers active in the marketplace, and their accuracy is not guaranteed.
- Conclusions of the analysis assume competent management and responsible ownership of the property.
- Conclusions of the analysis will represent the best judgement of the consultant given all available data. Real Estate Dynamics, Inc. will not alter conclusions at the request of any person or corporation.

- To the best of our knowledge and belief, the statements of fact contained in this report, upon which the analyses, opinions and conclusions expressed herein are based, are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, unbiased professional analyses, opinions, and conclusions.
- We have no present or prospective interest in the property that is the subject of this report, and we have no personal interest or bias with respect to the parties involved.
- Our compensation is not contingent upon the reporting of a predetermined opinion or direction in value that favors the cause of the client, the amount of any value estimates, the attainment of a stipulated result, or the occurrence of a subsequent event.
- REDI staff provided professional assistance to the person(s) signing this report.

APPENDIX B

Qualifications



## Craig D. Hungerford, ASLA, CRE

448 West Washington Avenue  
Suite 200  
Madison, WI 53703

Telephone. (608) 255-4676 x11  
Fax (608) 255-7384  
E-Mail [craig@realestateproswisconsin.com](mailto:craig@realestateproswisconsin.com)

---

### EXPERIENCE

TRIO DEVELOPMENT, LLC, Real Estate Development, Madison, WI

Partner, 2004 to Present

- Development Manager

REAL ESTATE DYNAMICS, INC , Real Estate Consulting, Madison, WI

President/Partner, 1989 to Present

Consultant, Feasibility Analyst, Appraiser, and Expert Witness

Vice President/Partner 1986 to 1989

- Consultant, Market Analyst, and Appraiser

LANDMARK RESEARCH, INC., Real Estate Consulting, Madison, WI

Appraiser/Real Estate Analyst, 1984 to 1986

UNIVERSITY OF WISCONSIN-MADISON, Guest Lecturer, Madison, WI

Guest Lecturer, 1985 to Present

Residential Development

- Market Analysis for Retail Centers
- Valuation of Unique Properties
- Advanced Consulting and Appraisal Seminar
- Residential Tax Credit Development
- Real Estate Valuation

UNIVERSITY OF WISCONSIN-MILWAUKEE, Instructor, Milwaukee, WI

Instructor, 1985 to 1986

The Real Estate Process

EARTHWORKS, Landscape Architecture, River Falls, WI

Landscape Architect, 1978 to 1980

---

### EDUCATION

UNIVERSITY OF WISCONSIN-MADISON

Masters of Science May 1984

Real Estate Appraisal and Investment Analysis

Masters of Arts May 1984

Landscape Architecture

UNIVERSITY OF WISCONSIN-MADISON

Bachelor of Science May 1977

- Major Landscape Architecture

---

### PROFESSIONAL AFFILIATIONS/BOARDS

American Society of Landscape Architects (ASLA)

The Counselors of Real Estate (CRE)

Attic Angel Prairie Point Board Member

APPENDIX C

---

Zoning Code

## RH-1 Rural Homes District

Zoning district for single family homes with agricultural uses allowed – CH. 10-Zoning 10.09

### Permitted Uses 10.09(1)

- o Single family homes – one per parcel
- o Agricultural uses
- o Utility services
- o Home occupations
- o Incidental uses and accessory buildings
- o Community living arrangements for less than 9 people
- o Foster homes for less than 5 children

### Conditional Uses 10.09(2)

- o Daycare centers
- o Community living arrangements for 9 or more people
- o Bed & Breakfasts
- o Governmental uses
- o Religious uses
- o Dependency living arrangements
- o Schools

### Setbacks and Height Requirements for Structures 10.09(3); 10.16; 10.17

**Front setback for all structures from highway centerline / right-of-way line (whichever is greater)**  
 State or Federal Highway: 100/42 feet minimum  
 County Highway: 75/42 feet minimum  
 Town Road: 63/30 feet minimum  
 Subdivision streets platted prior to ordinance: 20 feet minimum  
 All other streets: 30 feet minimum from right-of-way

**Side yard:**  
 25 feet total, with no single side less than 10 feet minimum  
**Rear yard for homes:** 50 feet minimum  
 For uncovered decks/porches: 38 feet minimum

**Maximum Height:** For homes and accessory buildings:  
 Two and one-half stories or 35 feet (mean of roof)

**Side yard and Rear yard for accessory buildings.**  
 10 feet minimum with no livestock  
 50 feet minimum when housing livestock OR  
 100 feet minimum when housing livestock and within 100 feet of an abutting R-Residence district

### Minimum Requirement for Lot Width & Area

Minimum width: 150 feet at location of structure      Minimum Area: 2 acres

### Maximum Lot Coverage: All buildings and structures

Maximum building coverage of lot: 10% of lot area

### Accessory Buildings Requirements 10.04(1); 10.16(6)

Any number of detached accessory buildings associated with a permitted or conditional residential use is permitted, provided that the following conditions are met

- A principal residential use (home) exists or is under construction before a Zoning Permit for an accessory building may be issued
- Sanitary fixtures are prohibited in accessory buildings
- No living spaces are allowed in accessory buildings.
- Reduced setbacks may be used for accessory buildings. The building must be located in the rear yard and must be at least 10 feet away from the principal building
  - o Minimum 4-foot side yard and rear yard setbacks on lots 60 feet or more in width
  - o Minimum 2 5-foot side yard and rear yard setbacks on lots less than 60 feet in width

**NOTE:** A Zoning Permit is required for every building larger than 120 square feet in size. Zoning Permits are not required for accessory buildings equal to or less than 120 square feet on non-permanent foundations, provided they meet setback, height, and lot coverage requirements

### Livestock 10.09(1)

- o The number of livestock kept is limited to one (1) animal unit for each full acre.
- o An animal unit is defined as the equivalent of 1 cow, 4 hogs, 10 sheep or goats, 100 poultry or rabbits, 1 horse, pony, or mule, or an equivalent combination thereof
- o All structures housing livestock must be located 50 feet from each side and rear lot line, EXCEPT they must be 100 feet from a lot line abutting an R-Residence Zoning District (in most cases)

**Legend**

Proposed Zoning



Tax Parcel Boundary



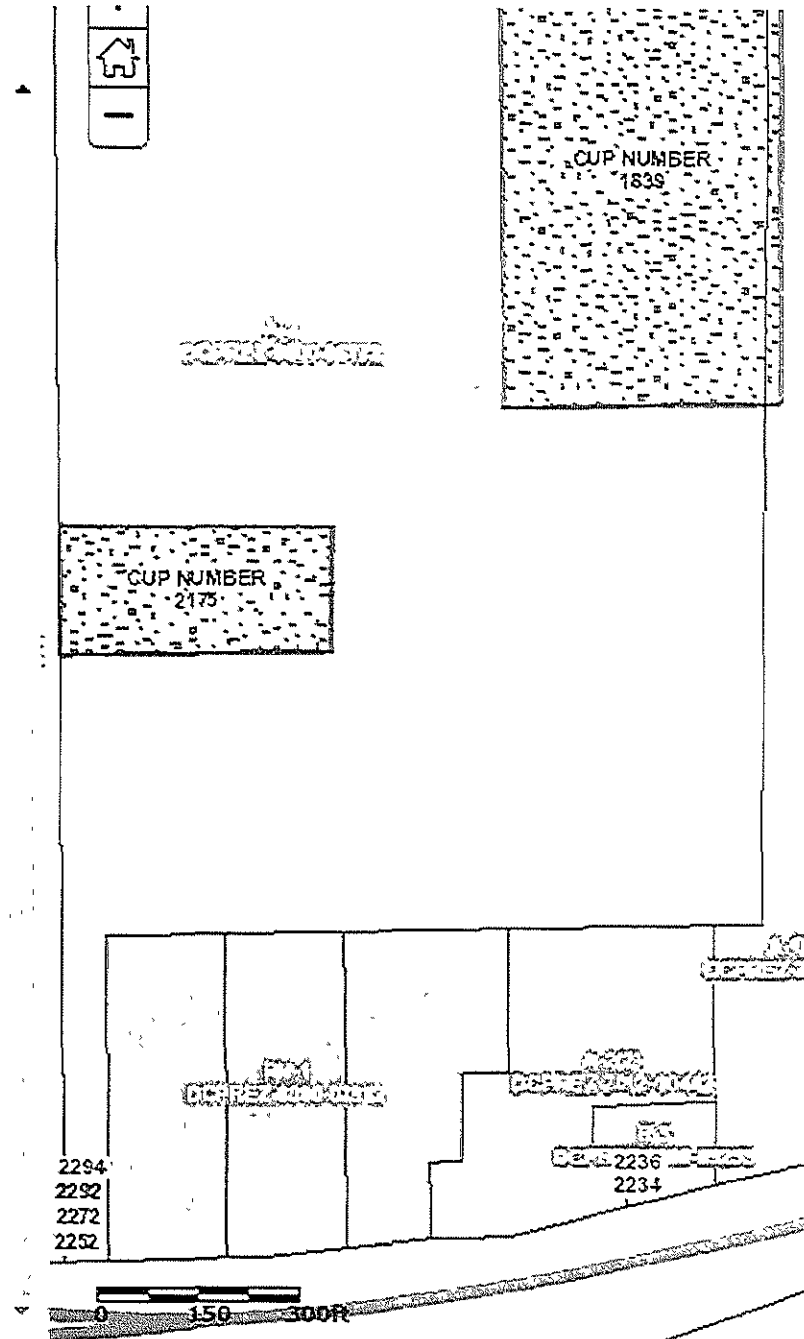
Conditional Use Permit



Deed Restriction

**Zoning District**

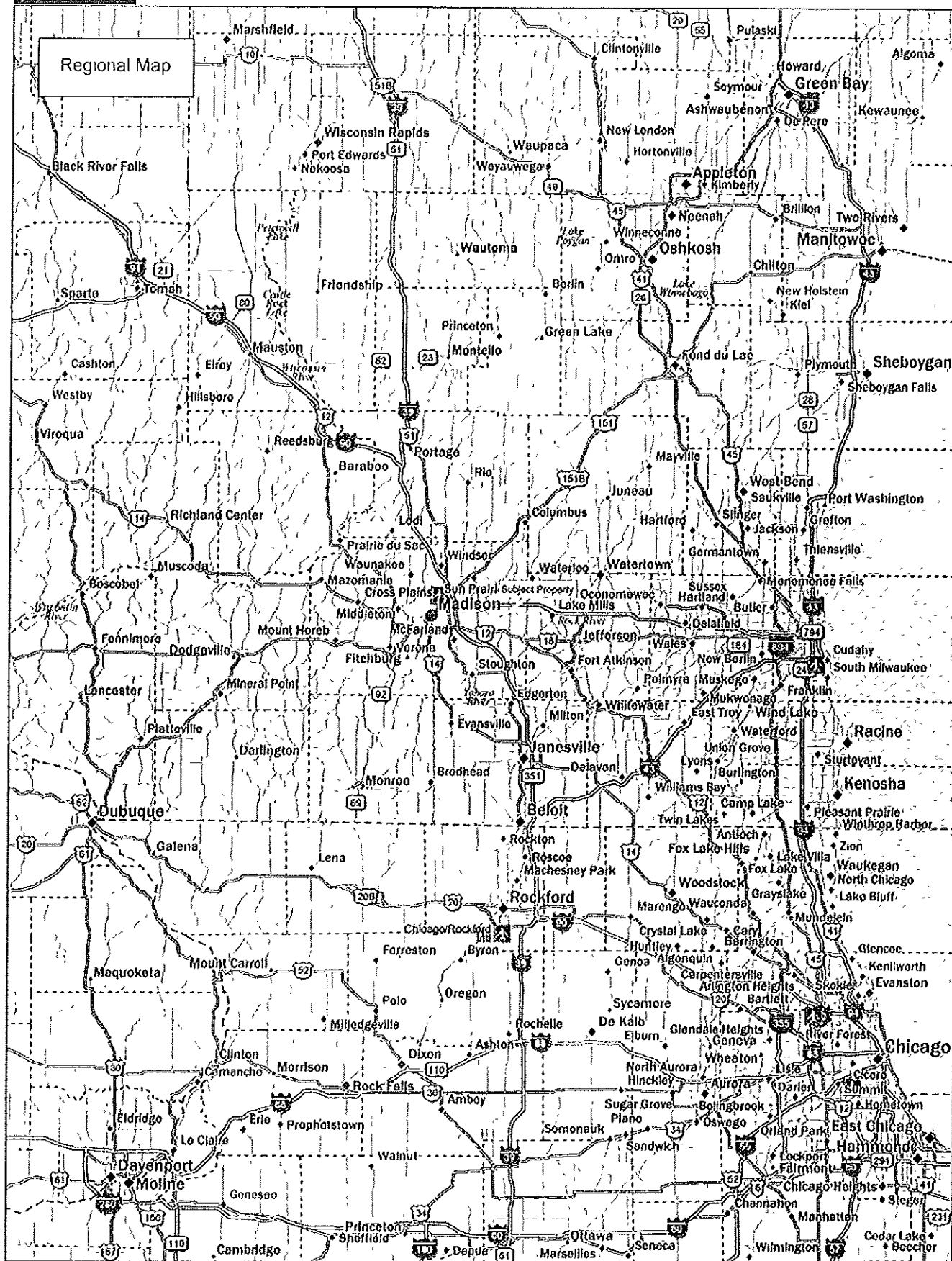
- A-1 or A-1EX Agricultural
- A-2, A-2(1), A-2(2), A-2(4), A-2(8), A-3 Agricultural
- A-4
- A-6 Agricultural Business
- B-1 Local Business
- C-1 Light Commercial
- C-2 Heavy Commercial
- CO-1 Conservancy
- ETZ
- EXP-1 Expo
- LC-1 Limited Commercial
- M-1 Industrial
- NONWTLND
- PUD Planned Unit Development
- R-1, R-1A, R-2, R-3
- R-3A, R-4
- RE-1 Recreational
- RH-1, RH-2, RH-3, RH-4



APPENDIX D

---

Subject Property Maps and Photographs



Regional Map

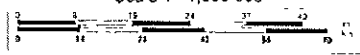
Data use subject to license.

© DeLorme DeLorme Street Atlas USA© 2015

www.delorme.com

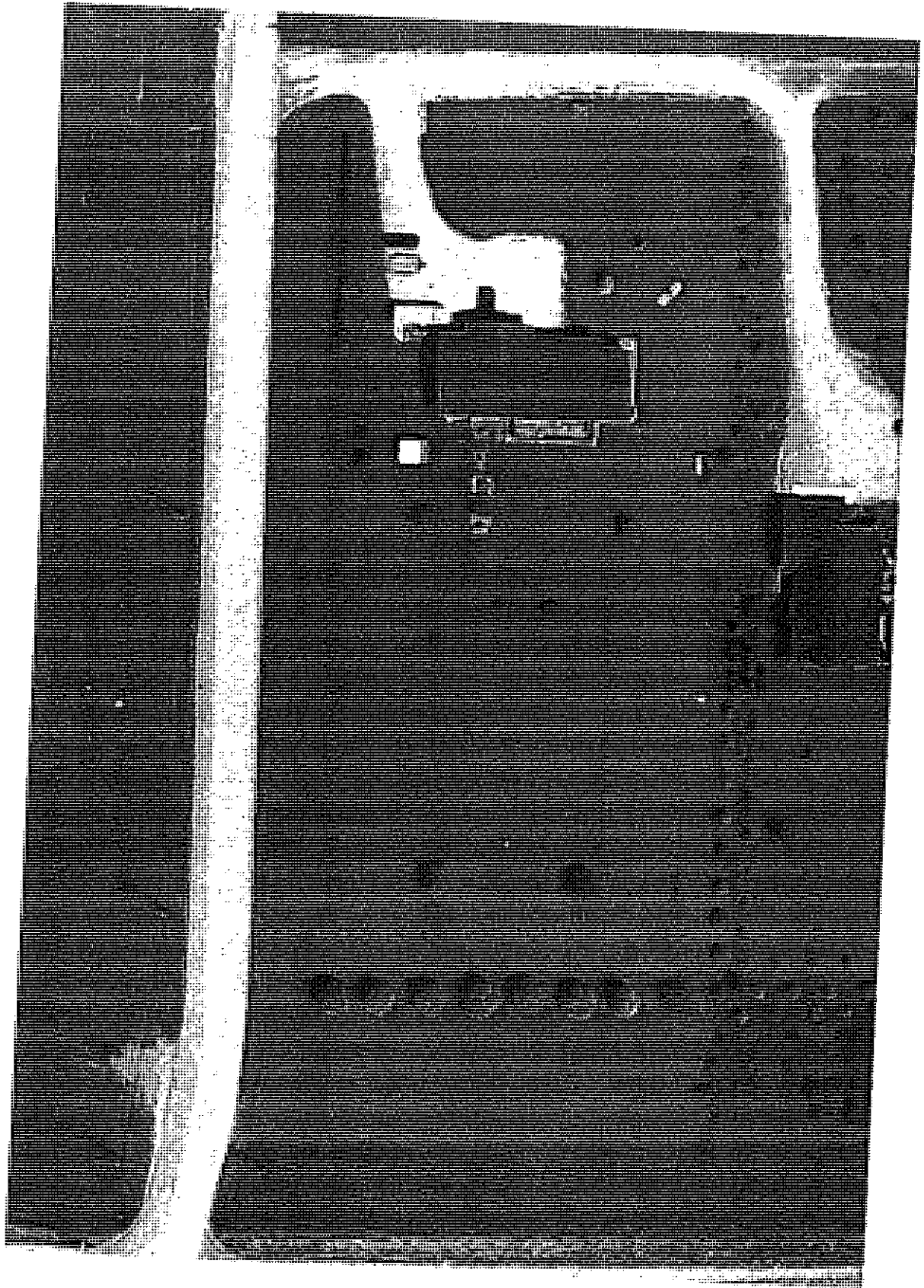


Scale 1 : 1,600,000



1" = 25.25 mi

Exhibit C - 41



2P-167-204



**BIRRENKOTT  
SURVEYING, INC.**

P.O. Box 237  
1677 N. Bristol Street  
Sun Prairie, WI, 53590  
Phone (608) 837-7463  
Fax (608) 837-1081

# PLAT OF SURVEY

## SURVEYOR'S CERTIFICATE:

I, Daniel V. Birrenkott, hereby certify that this survey is in compliance of Wisconsin Administrative Code. I also certify that I have surveyed and mapped the lands described hereon and that the map is a correct representation in accordance with the information provided.

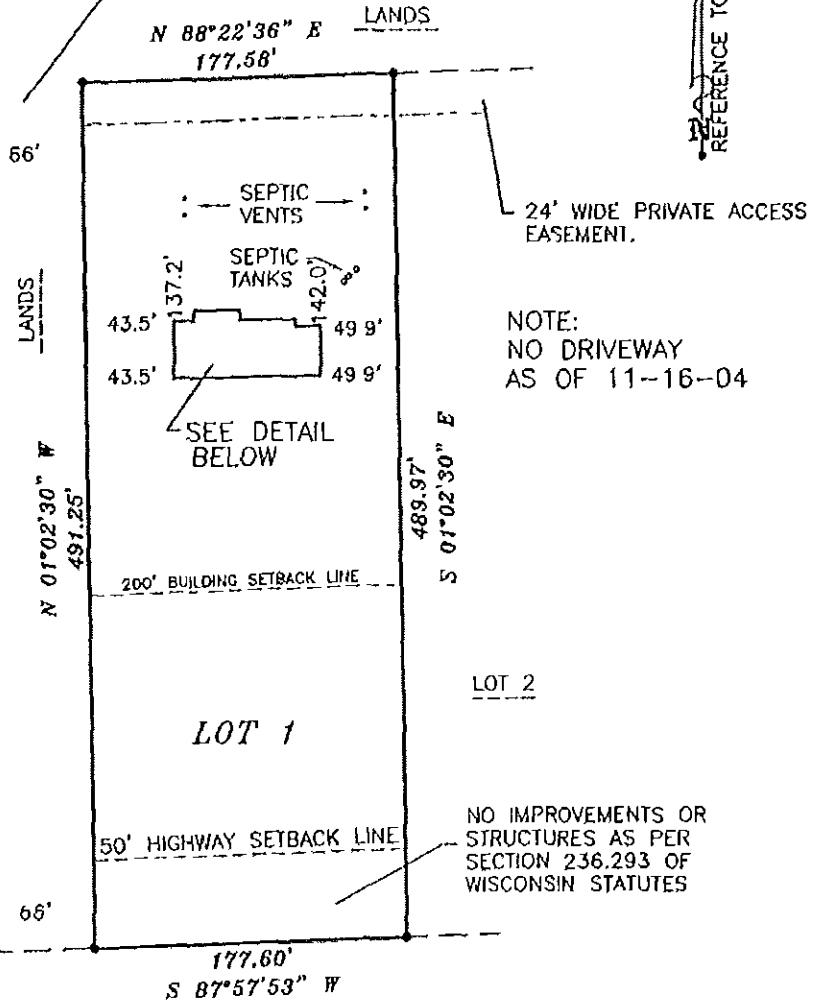
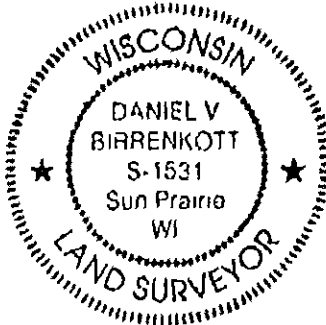
*Daniel V. Birrenkott* 11-18-2004  
Daniel V. Birrenkott  
Wisconsin Registered Land Surveyor No. S-1531.

### Description:

LOT 1, CERTIFIED SURVEY MAP NUMBER 9984, LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 34, T7N, R11E, TOWN OF COTTAGE GROVE, DANE COUNTY, WISCONSIN.

A NON-EXCLUSIVE ACCESS EASEMENT OVER THIS PARCEL TO BE PROVIDED VIA SEPERATE DOCUMENT TO PROVIDE HIGHWAY ACCESS FOR LOTS 1-3.

REFERENCE TO C.S.M. 9984.



NOTE:  
NO DRIVEWAY  
AS OF 11-16-04

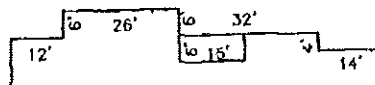
NO IMPROVEMENTS OR  
STRUCTURES AS PER  
SECTION 236.293 OF  
WISCONSIN STATUTES

## U.S. HIGHWAYS 12 & 18

(WIDTH VARIES)

### Legend:

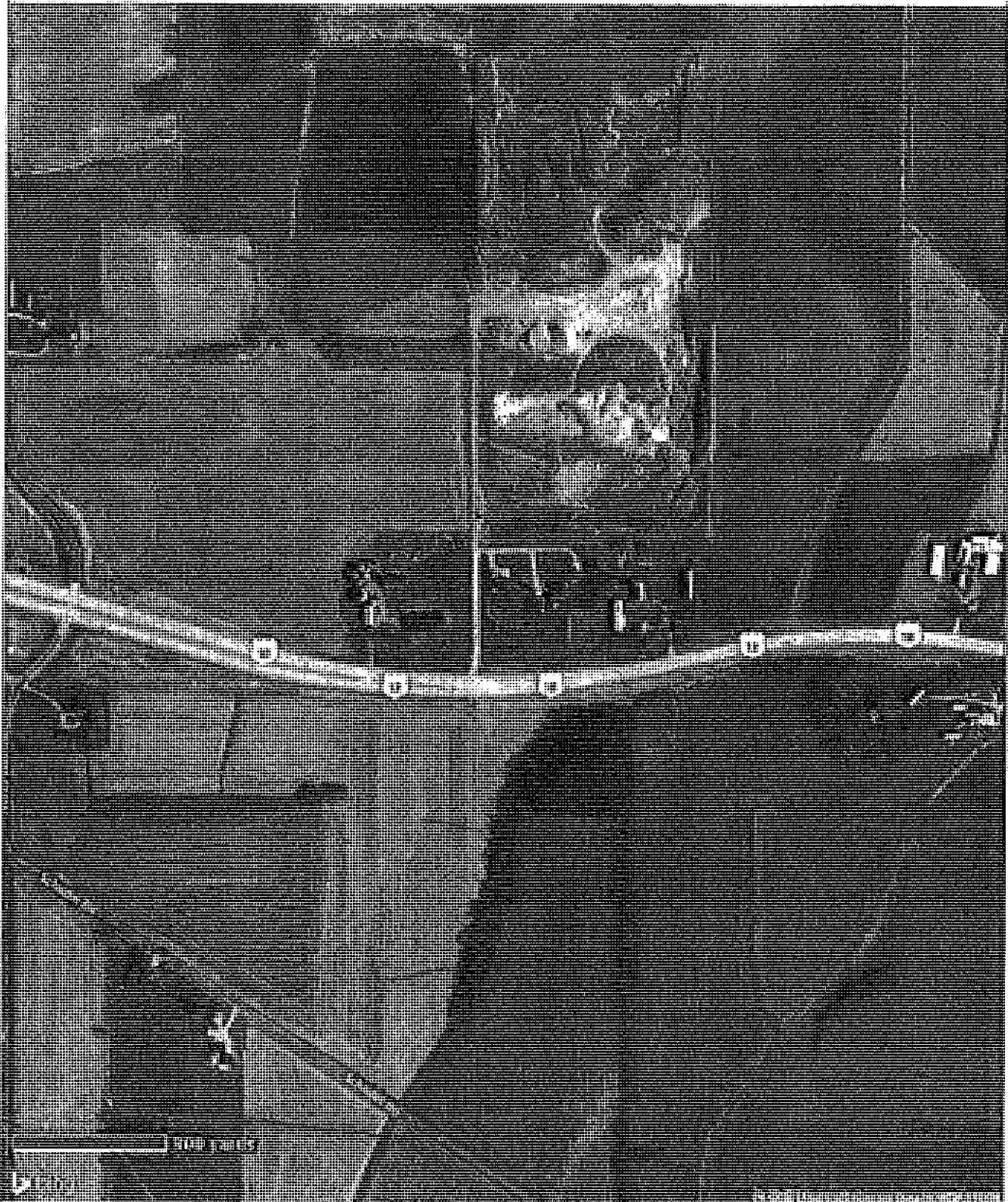
Scale: 1 inch = 100 feet





# InterFlood by airmobile




Prepared for Real Estate Dynamics  
2292 US Highway 12






### MAP DATA

FEMA Special Flood Hazard Area: No  
Map Number: 2202502-0702  
Zone: X  
Map Date: January 02, 2000  
FIPS: 55026

### MAP LEGEND

-  Areas Inundated by 500-year Flooding
-  Areas Inundated by 100-year Flooding
-  Velocity Hazard

Prepared by GeoVista, Inc.

-  Protected Areas
-  Floodway
-  Boundary C-1



Front Elevation



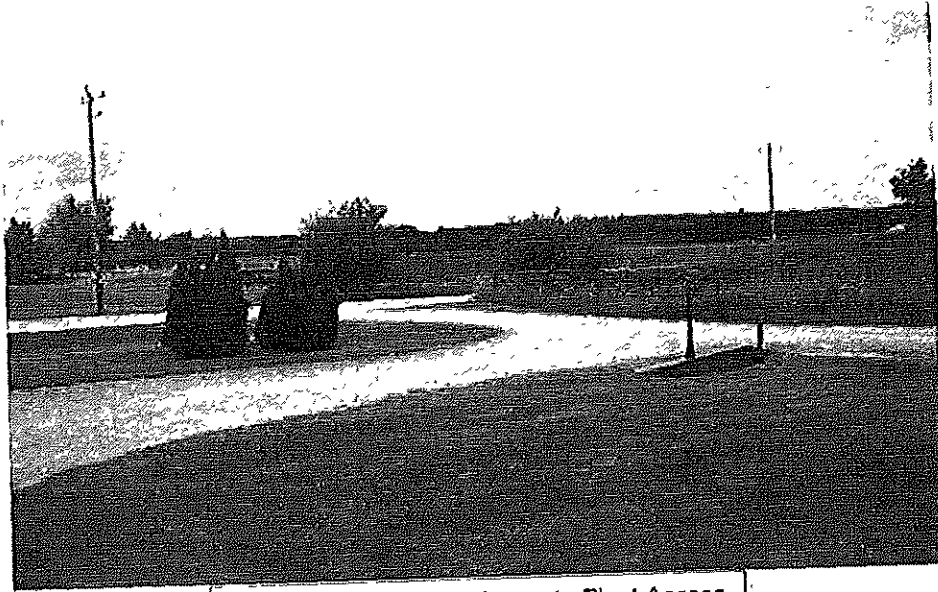
Rear Elevation



Access Road



Gravel Pit and Concrete Plant Access



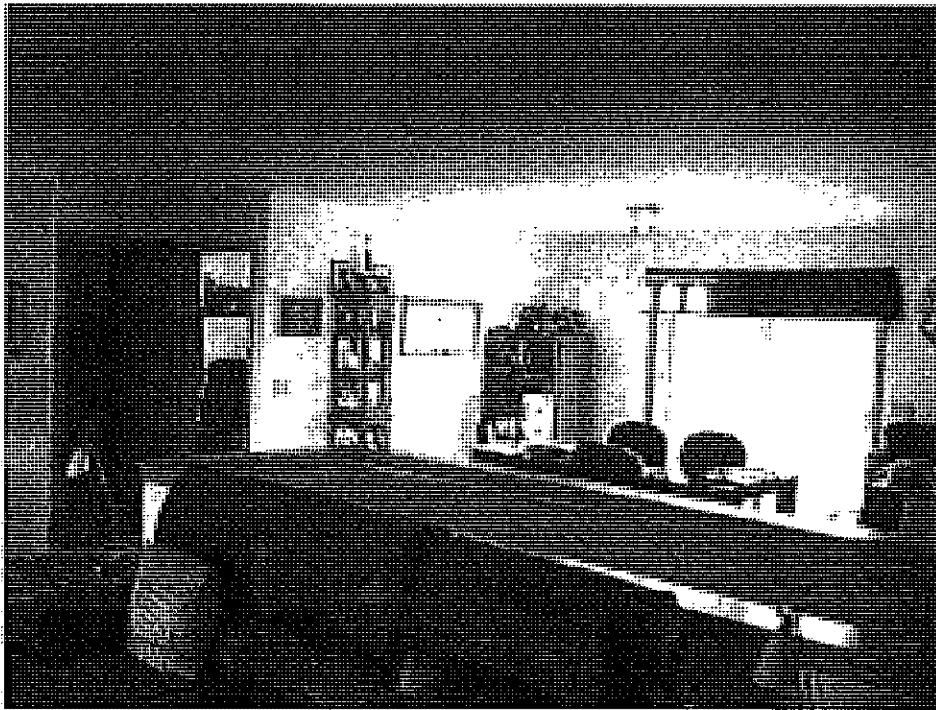
Subject Driveway and Concrete Plant Access



Access Drive and Berm



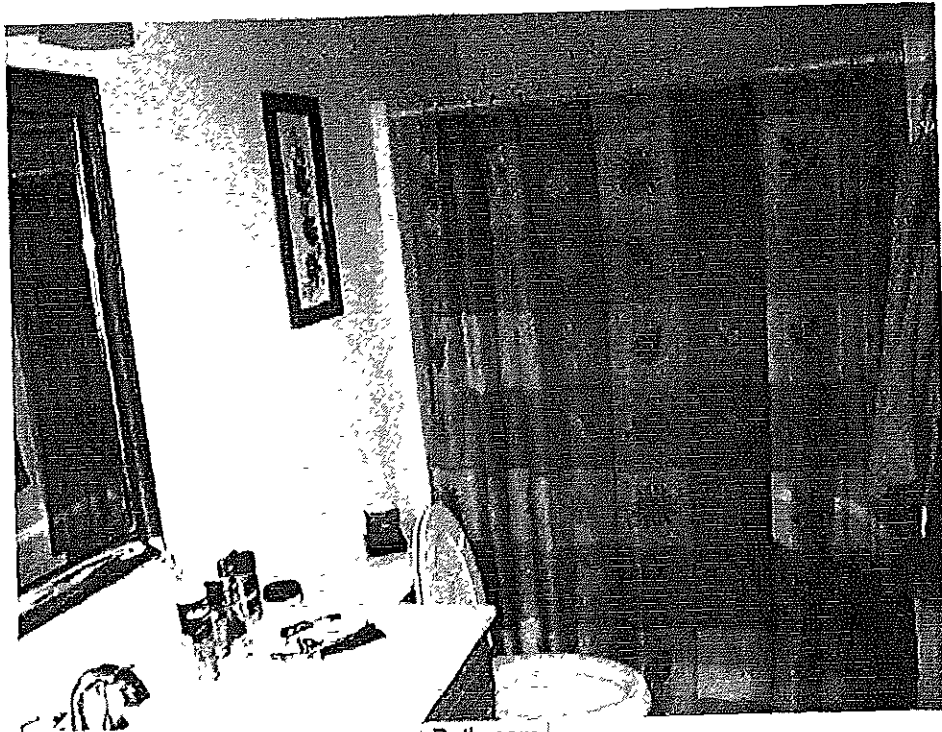
[ Kitchen ]



[ Dining Area ]



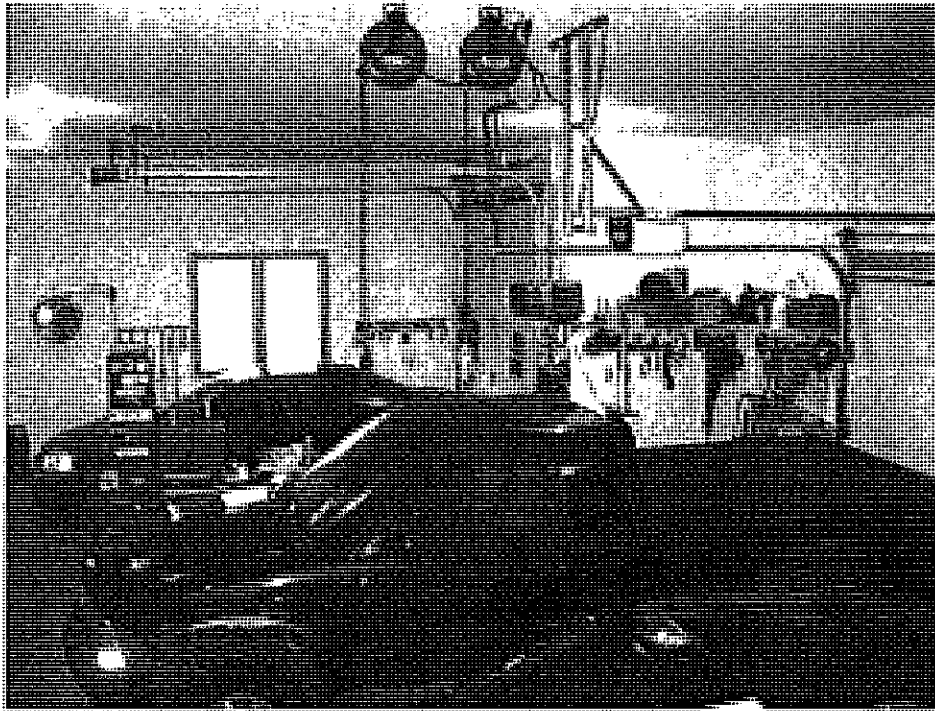
Laundry Room



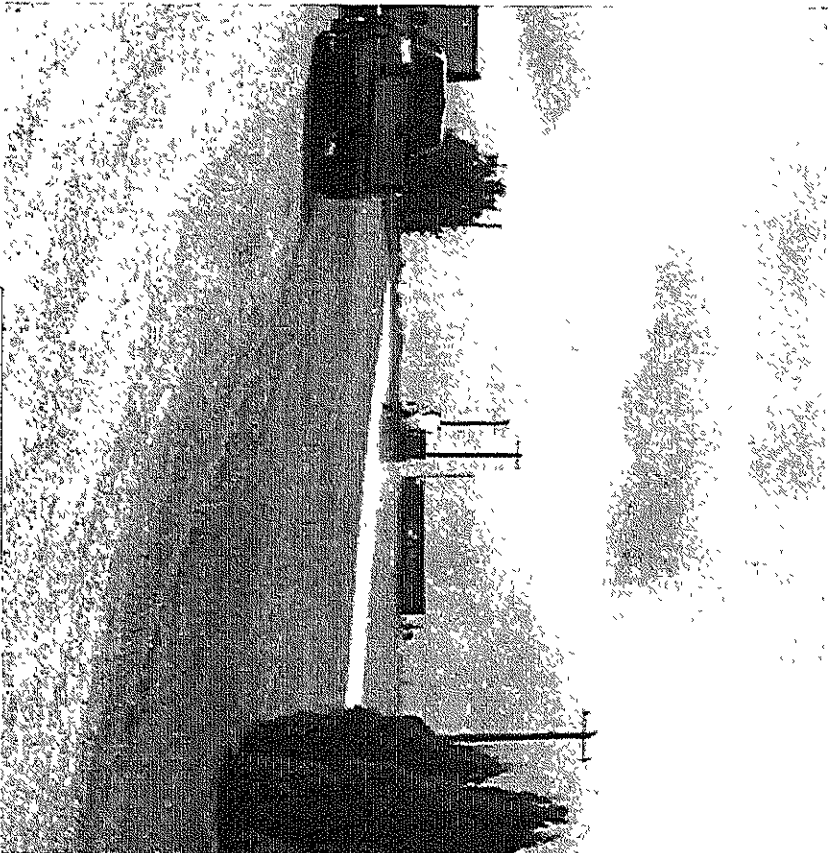
Bathroom



Basement



Garage



Concrete Truck Exiting



APPENDIX E

---

Legal Description

Legal Description

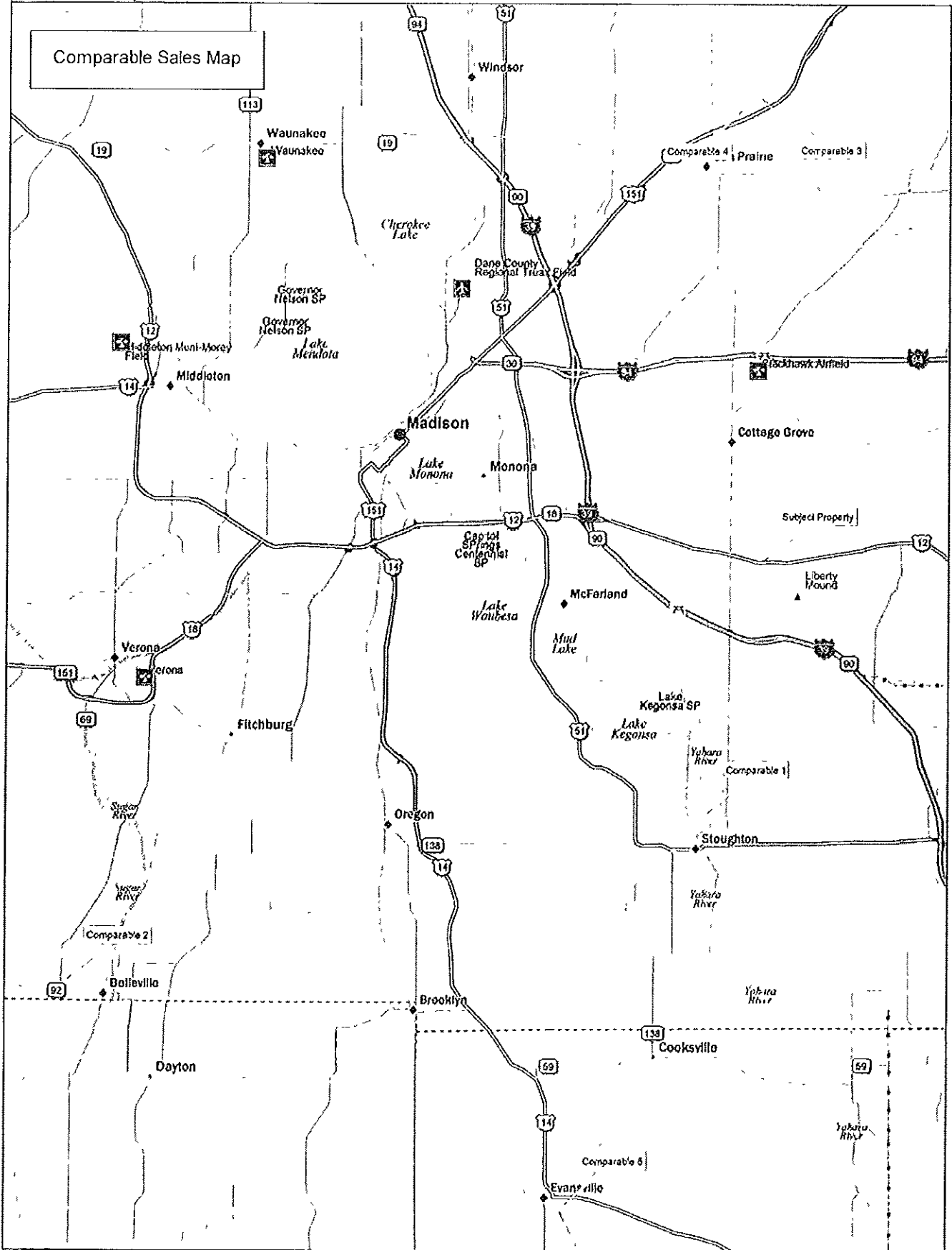
LOT 1 CSM 9984 CS58/144&145 3/14/01 DESCR AS SEC 34-7-11 PRT SE1/4NW1/4  
(2.000 ACRES)

APPENDIX F

---

Comparable Sales Map and Photographs

Comparable Sales Map



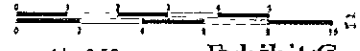
Data use subject to license

© DeLorme DeLorme Street Atlas USA© 2015

www.delorme.com

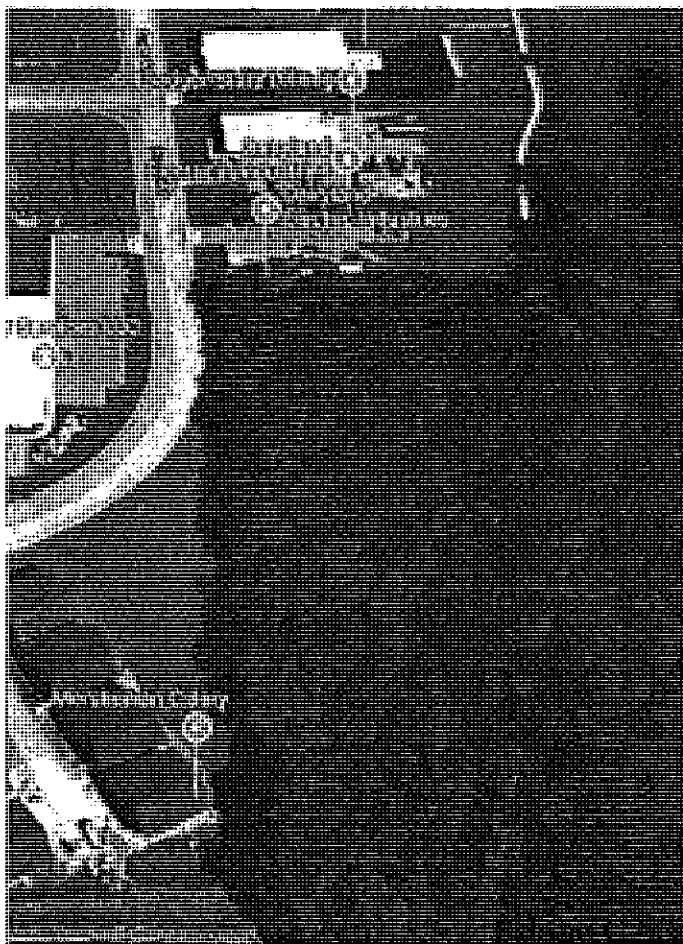


Scale 1:225,000



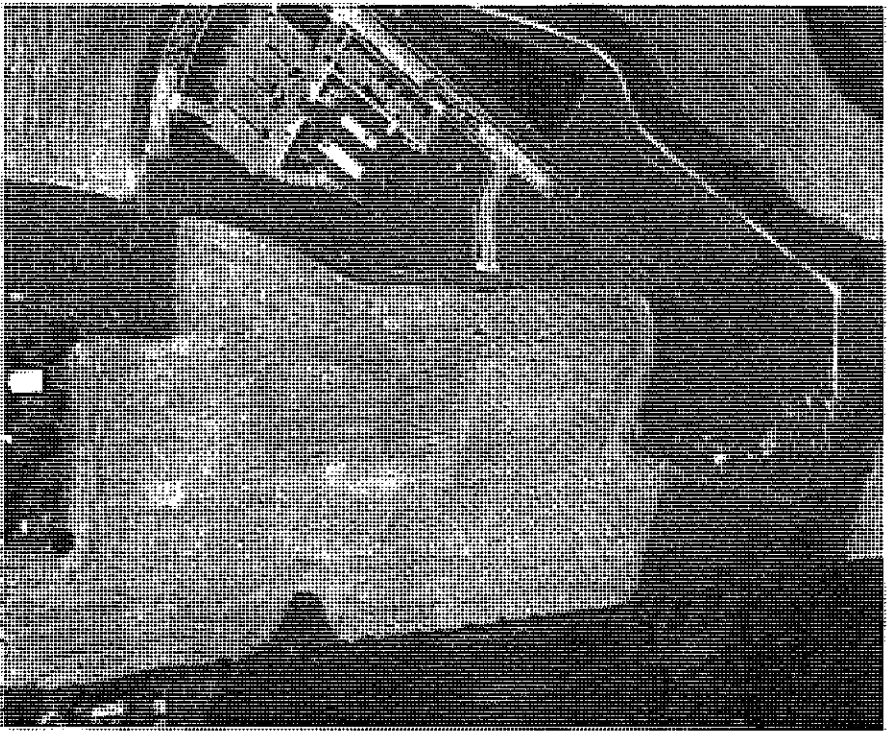
1" = 3.55 mi

Comparable 1: 300 Business Park Circle

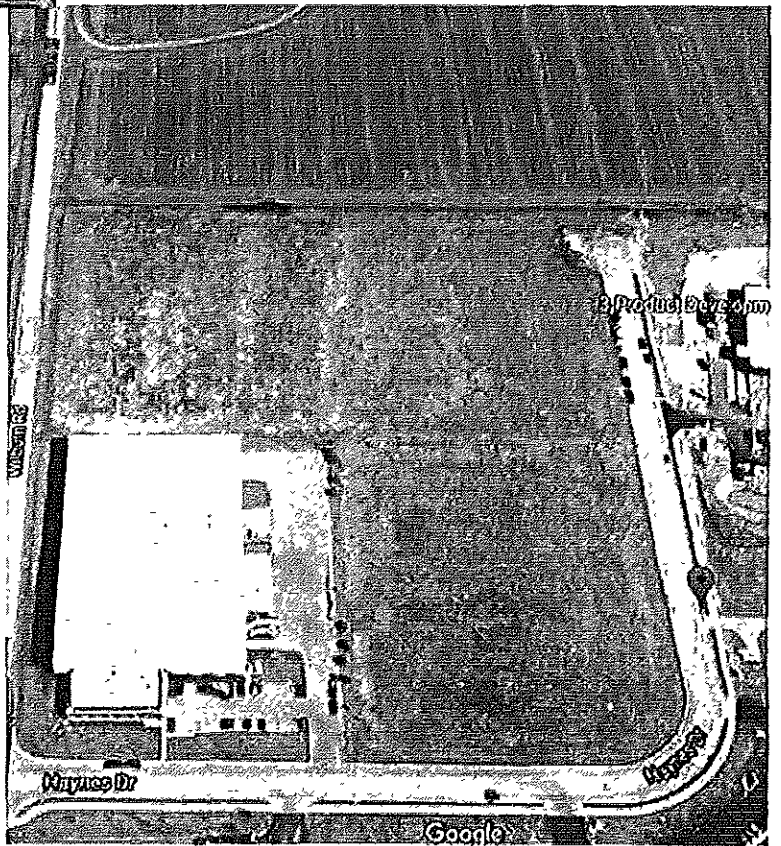




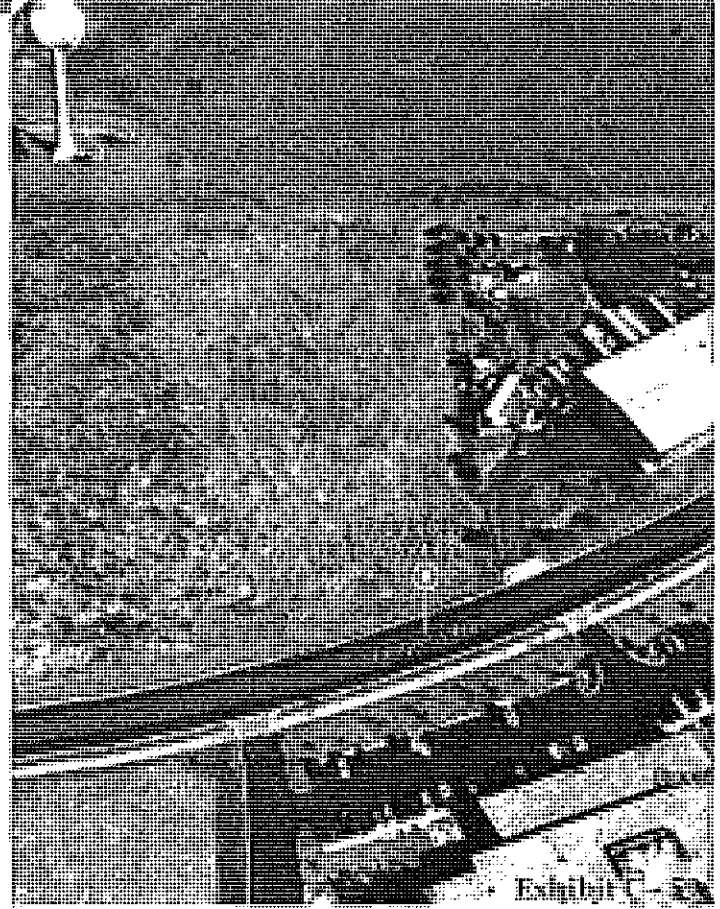
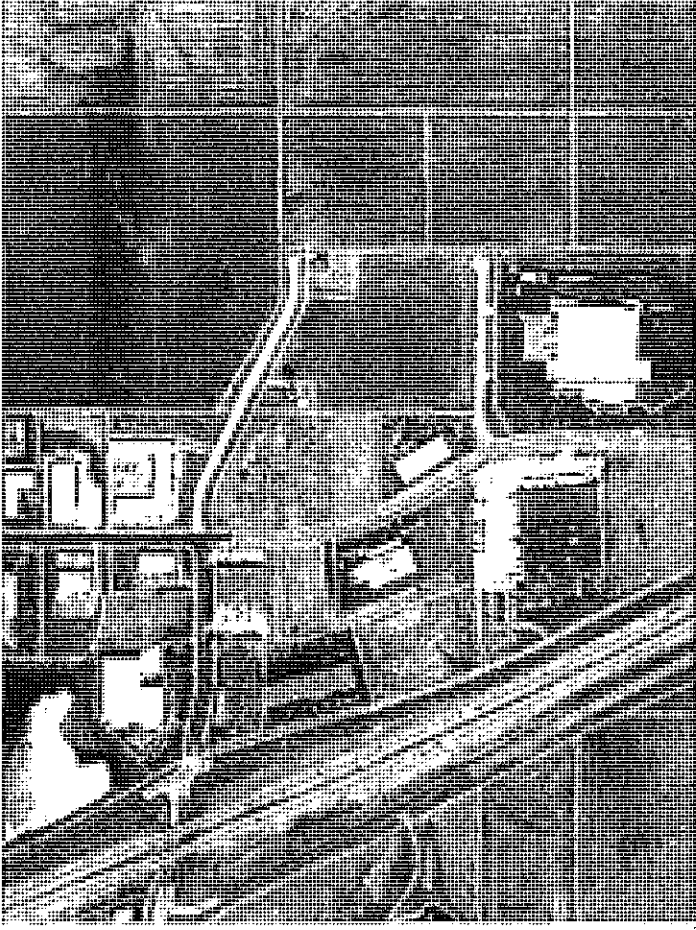
Comparable 2: Lot 21 Bell West Plat



Comparable 3: 1870 Haynes Drive



Comparable 4. 820 Progress Way





Comparable 5, 410 Water Street

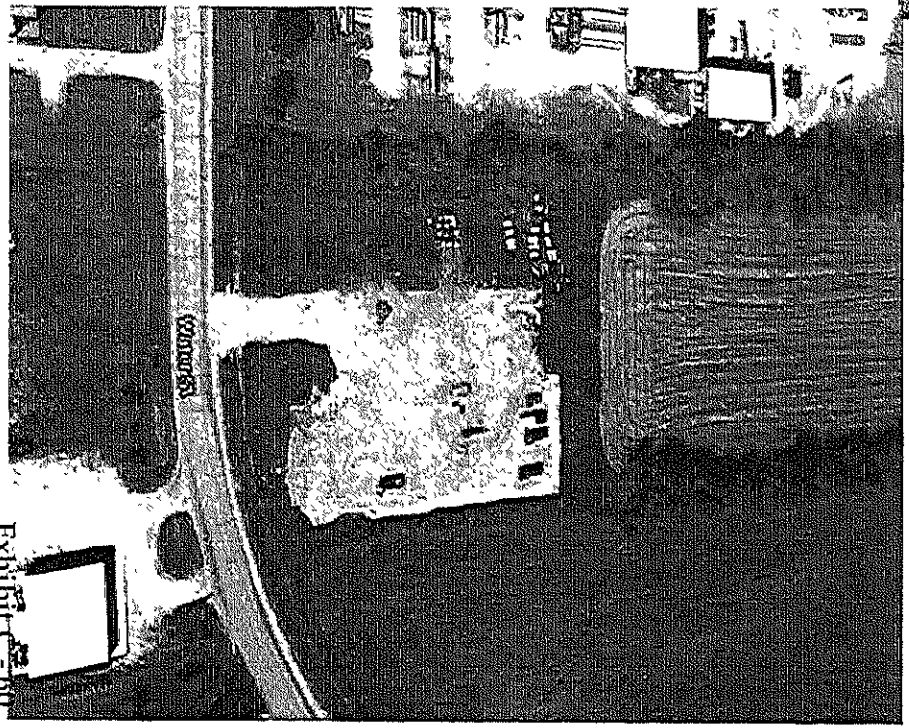
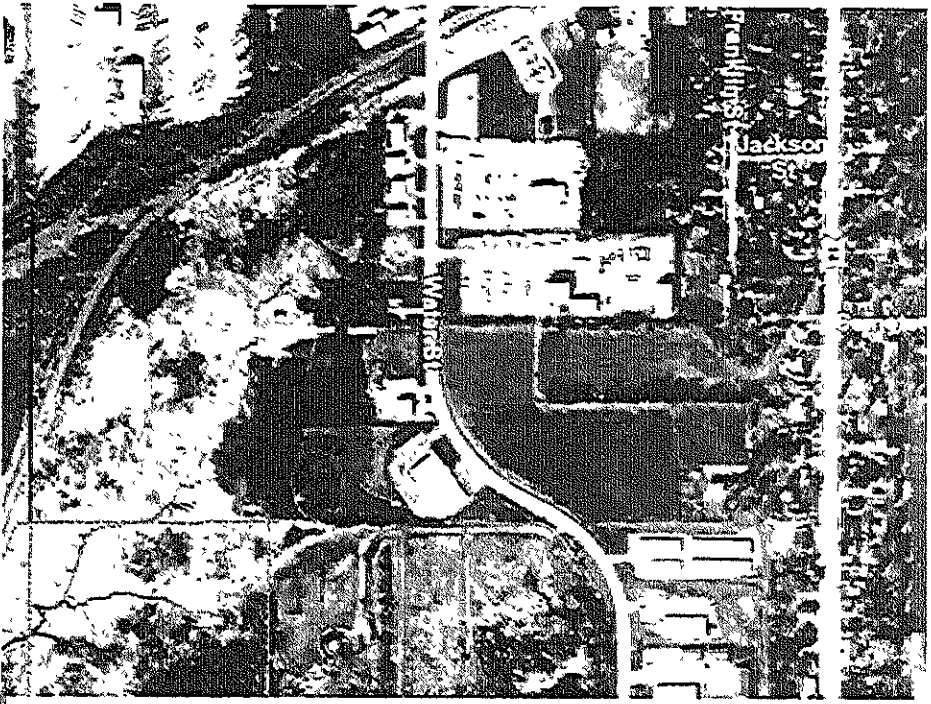
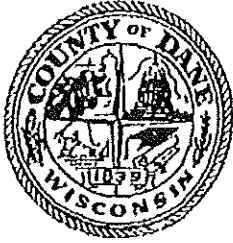


Exhibit C-80

APPENDIX G

Supporting Documents



Dane County Zoning Division  
City-County Building  
210 Martin Luther King, Jr., Blvd, Room 116  
Madison Wisconsin 53703  
(608) 266-4266/266-9083 Fax (608) 267-1540

## DANE COUNTY CONDITIONAL USE PERMIT #2175

THE ZONING AND LAND REGULATION COMMITTEE OF THE DANE COUNTY BOARD PURSUANT TO SECTION 10.255(2) OF THE DANE COUNTY CODE OF ORDINANCES DOES HEREBY:

GRANT Conditional Use Permit #2175 for a concrete batch plant pursuant to Dane County Code of Ordinance Sections 10.126(3)(a), and subject to any conditions contained herein.

EFFECTIVE DATE OF PERMIT: JULY 12, 2011

THE CONDITIONAL USE SHALL BE LOCATED ON THE PROPERTY DESCRIBED AS FOLLOWS: 2272 US Highway 12/18, Town of Cottage Grove, Dane County

### LEGAL DESCRIPTION:

Part of the E 1/2 NE 1/4 and W 1/2 NW 1/4 Section 34, Town of Cottage Grove described as follows: Commencing at the Northwest corner of NE 1/4 of said Section then South 773.94 feet; thence West 670 feet; thence South 950 feet to the point of beginning. Beginning at this point, the 2 acre plant site shall be described as thence North 200 feet, thence East 425; thence South 200', thence West 425; back to the point of beginning and containing the 2 acres, being part of Section No. 34.

Tax Parcel # 0711-341-8600-0

### CONDITIONS:

1. The applicant shall submit an erosion control plan covering the entire CUP area for the duration of operations
2. The applicant shall apply for and receive all other required local, state and federal permits.
3. Hours of operation shall be from 6:00 a.m. to 6:00 p.m. Monday through Friday, and some Saturdays when necessary from 6:00 a.m. to 4:00 p.m. Operation outside of those times will require at least 7 days notice to the Town and immediate neighbors, and shall be limited to no more than 6 projects not to exceed 30 total days / year
4. CUP 2175 shall not become effective until a *permit for connection to state trunk highway* has been issued from the Wisconsin Department of Transportation (WisDOT); and operations may not begin until all improvements, as defined in the *permit for connection to state trunk highway*, have been completed
5. The operator shall require all trucks and excavation equipment to have muffler systems that meet or exceed then current industry standards for noise abatement

II \Zoning\ZLR\Conditional Use Permits\CUP #2175.doc

6. Trucks shall not use "jake" brakes.
7. The operator shall maintain the driveway in a dust free manner in accordance with local, state, and federal regulations, and shall clean any dust or mud tracked onto public roads.
8. Landscaping/screening: The berm along the southern boundary of the mineral extraction operation area shall be uniformly graded with pine trees at least 3 feet high, incorporating neighbor input, berms shall be built on the east boundary of the mineral extraction operation; and the berm on the western boundary must be built in such a way that maintains the access easement.
9. Install fence on northern boundary of the mineral extraction operation
10. The operator shall meet DNR standards for particulate emissions as described in NR 415.075 and NR 415 076
11. Operations shall cease no later than twenty-five (25) years from the date of CUP approval, with a review by the town once every 5 years. The town will report the outcome of their review to Dane County Zoning.
12. The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Unless the operation is in reasonable compliance with these terms of this approval, such approval is subject to amendment or revocation.

**THE ZONING AND LAND REGULATION COMMITTEE AFTER PUBLIC HEARING AND IN THEIR CONSIDERATION OF THE CONDITIONAL USE PERMIT MADE THE FOLLOWING FINDINGS OF FACT:**

1. That the establishment, maintenance and operation of the proposed conditional use will not be detrimental to or endanger the public health, safety, morals comfort or general welfare
2. That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted will not be substantially impaired or diminished by the establishment, maintenance, and operation of the proposed conditional use.
3. That the establishment of the proposed conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and other necessary site improvements will be made.
5. That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. That the proposed conditional use does conform to all applicable regulations of the district in which it is proposed to be located

**EXPIRATION OF PERMIT**

In addition to any time limit established as a condition in granting this CUP, Section 10 25(2)(n) of the Dane County Code of Ordinances provides that any use for which a conditional use permit has been issued, upon its cessation or abandonment for a period of one year, will be deemed to have been terminated and any future use shall be in conformity with the ordinance.

< Parcel Parents

Parcel Summary		More +
Municipality Name	TOWN OF COTTAGE GROVE	
Parcel Description	LOT 1 CSM 9984 CS58/144&145 3/14/01 DESC	
Owner Name		
Primary Address	2292 US HIGHWAY 12 & 18	
Billing Address	2292 US HIGHWAY 12 & 18 COTTAGE GROVE WI 53527	

Assessment Summary		More +
Assessment Year	2017	
Valuation Classification	G1	
Assessment Acres	2.000	
Land Value	\$25,000.00	
Improved Value	\$152,900.00	
Total Value	\$177,900.00	

Show Valuation Breakout

**Open Book**  
 Open Book dates have passed for the year  
 Starts: ~~04/20/2017 - 08:00 AM~~  
 Ends: ~~04/20/2017 - 10:00 AM~~  
 About Open Book

**Board Of Review**  
 Starts 05/31/2017 - 07:00 PM  
 Ends 05/31/2017 - 09:00 PM  
 About Board Of Review

Show Assessment Contact Information ▾

**Zoning Information**  
 For the most current and complete zoning information, contact the Division of Zoning

Zoning
RH-1 DCPREZ-0000-07982

Zoning District Fact Sheets



DCiMap Google Map Bing Map

Tax Summary (2016)		More
	E-Statement	E-Bill
	E-Receipt	
Assessed Land Value	Assessed Improvement Value	Total Assessed Val
\$52,500.00	\$173,600.00	\$226,100
Taxes:		\$4,089
Lottery Credit(-)		\$142
First Dollar Credit(-):		\$75
Specials(+):		\$165
Amount:		\$4,037

District Information		
Type	State Code	Description
REGULAR SCHOOL	5621	STOUGHTON SCHOOL DIST
TECHNICAL COLLEGE	0400	MADISON TECH COLLEGE
OTHER DISTRICT	09DG	DEERGROVE EMS
OTHER DISTRICT	09CG	COTTAGE GROVE FIRE

Recorded Documents				
Doc. Type	Date Recorded	Doc Number	Volume	Page
QCD	01/30/2009	4498894		

Show More ▾

**DocLink**  
 DocLink is a feature that connects this property to recorded documents. If you'd like use DocLink, all you need to do is select a link in this section. There is a fee that will require either a credit card or user account. Click here for instructions.

By Parcel Number 0711-342-9800-0  
 Document Types and their Abbreviations  
 Document Types and their Definitions  
 PLEASE TURN OFF YOUR POP UP BLOCKER TO VIEW DOCLINK DOCUMENTS. If you're unsure how to do this, please contact your IT support staff for assistance. You will be unable to view any documents purchased if your pop up blocker is on.

# Valuations by Assessment Year

<u>2017</u>	03/30/2017						
		G1 - RESIDENTIAL	2.000	\$25,000		\$152,900	\$177,900
2017 Total			2.000	\$25,000		\$152,900	\$177,900
<u>2016</u>	05/14/2014						
		G1 - RESIDENTIAL	2.000	\$52,500		\$173,600	\$226,100
2016 Total			2.000	\$52,500		\$173,600	\$226,100
<u>2015</u>	05/14/2014						
		G1 - RESIDENTIAL	2.000	\$52,500		\$173,600	\$226,100
2015 Total			2.000	\$52,500		\$173,600	\$226,100
<u>2014</u>	05/14/2014						
		G1 - RESIDENTIAL	2.000	\$52,500		\$173,600	\$226,100
2014 Total			2.000	\$52,500		\$173,600	\$226,100
<u>2013</u>	08/12/2009						
		G1 - RESIDENTIAL	2.000	\$63,000		\$192,300	\$255,300
2013 Total			2.000	\$63,000		\$192,300	\$255,300
<u>2012</u>	08/12/2009						
		G1 - RESIDENTIAL	2.000	\$63,000		\$192,300	\$255,300
2012 Total			2.000	\$63,000		\$192,300	\$255,300
<u>2011</u>	08/12/2009						
		G1 - RESIDENTIAL	2.000	\$63,000		\$192,300	\$255,300
2011 Total			2.000	\$63,000		\$192,300	\$255,300
<u>2010</u>	08/12/2009						
		G1 - RESIDENTIAL	2.000	\$63,000		\$192,300	\$255,300
2010 Total			2.000	\$63,000		\$192,300	\$255,300
<u>2009</u>	08/12/2009						
<u>2008</u>	06/07/2006						

[← Parcel Parents](#)

Parcel Summary		More +
Municipality Name	TOWN OF COTTAGE GROVE	
Parcel Description	LOT 2 CSM 9984 CS58/144&145 3/14/01 DESC	
Owner Name	ANDREW O JOHNSON	
Primary Address	2272 US HIGHWAY 12 & 18	
Billing Address	2272 US HIGHWAY 12 & 18 COTTAGE GROVE WI 53527	

Assessment Detail Less -

« < Newer Older > »

Assessment Year	2017	2016
Valuation Classification	G1	G1
Assessment Acres	2.000	2.000
Land Value	\$25,000.00	\$52,500.00
Improved Value	\$179,600.00	\$196,800.00
Total Value	\$204,600.00	\$249,300.00
Average Assessment Ratio	N/A	0.9679
Estimated Fair Market Value	N/A	\$257,569
Valuation Date	03/30/2017	05/14/2014

Show Valuation Breakout

<p><b>Open Book</b></p> <p>Open Book dates have passed for the year</p> <p>Starts: <del>04/20/2017-08:00 AM</del></p> <p>Ends: <del>04/20/2017-10:00 AM</del></p> <p><a href="#">About Open Book</a></p>	<p><b>Board Of Review</b></p> <p>Starts: 05/31/2017 - 07 00 PM</p> <p>Ends: 05/31/2017 - 09 00 PM</p> <p><a href="#">About Board Of Review</a></p>
--	--

Show Assessment Contact Information ▾

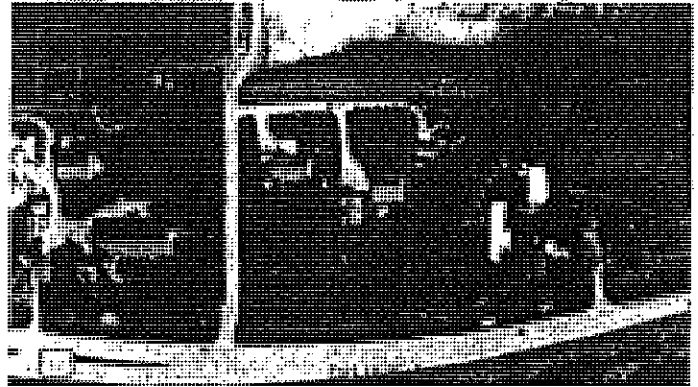
**Zoning Information**

For the most current and complete zoning information, contact the Division of Zoning

<b>Zoning</b>
RH-1 DCPREZ-0000-07982

Zoning District Fact Sheets

Parcel Maps



[DCiMap](#)     [Google Map](#)     [Bing Map](#)

Tax Summary (2016) More

	E-Statement	E-Bill	E-Receipt
<b>Assessed Land Value</b>	\$52,500.00		
<b>Assessed Improvement Value</b>		\$196,800.00	
<b>Total Assessed Val</b>			\$249,300
<b>Taxes:</b>			\$4,509
<b>Lottery Credit(-):</b>			\$142
<b>First Dollar Credit(-):</b>			\$75
<b>Specials(+):</b>			\$165
<b>Amount:</b>			\$4,457

District Information

Type	State Code	Description
REGULAR SCHOOL	5621	STOUGHTON SCHOOL DIST
TECHNICAL COLLEGE	0400	MADISON TECH COLLEGE
OTHER DISTRICT	09CG	COTTAGE GROVE FIRE
OTHER DISTRICT	09DG	DEERGROVE EMS

Recorded Documents

Doc Type	Date Recorded	Doc. Number	Volume	Page
WD	04/27/2001	3312594		

Show More ▾

DocLink

DocLink is a feature that connects this property to recorded documents. If you'd like use DocLink, all you need to do is select a link in this section. There is a fee that will require either a credit card or user account. [Click here for instructions](#)

By Parcel Number 0711-342-9830 0

Document Types and their Abbreviations

Document Types and their Definitions

PLEASE TURN OFF YOUR POP UP BLOCKER TO VIEW DOCLINK DOCUMENTS. If you're unsure how to do this, please contact your IT support staff for assistance. You will be unable to view any documents purchased if your pop up blocker is on.

# Valuations by Assessment Year

<u>2017</u>	03/30/2017						
		G1 - RESIDENTIAL	2.000	\$25,000		\$179,600	\$204,600
2017 Total			2.000	\$25,000		\$179,600	\$204,600
<u>2016</u>	05/14/2014						
		G1 - RESIDENTIAL	2.000	\$52,500		\$196,800	\$249,300
2016 Total			2.000	\$52,500		\$196,800	\$249,300
<u>2015</u>	05/14/2014						
		G1 - RESIDENTIAL	2.000	\$52,500		\$196,800	\$249,300
2015 Total			2.000	\$52,500		\$196,800	\$249,300
<u>2014</u>	05/14/2014						
		G1 - RESIDENTIAL	2.000	\$52,500		\$196,800	\$249,300
2014 Total			2.000	\$52,500		\$196,800	\$249,300
<u>2013</u>	08/12/2009						
		G1 - RESIDENTIAL	2.000	\$63,000		\$218,200	\$281,200
2013 Total			2.000	\$63,000		\$218,200	\$281,200
<u>2012</u>	08/12/2009						
		G1 - RESIDENTIAL	2.000	\$63,000		\$218,200	\$281,200
2012 Total			2.000	\$63,000		\$218,200	\$281,200
<u>2011</u>	08/12/2009						
		G1 - RESIDENTIAL	2.000	\$63,000		\$218,200	\$281,200
2011 Total			2.000	\$63,000		\$218,200	\$281,200
<u>2010</u>	08/12/2009						
		G1 - RESIDENTIAL	2.000	\$63,000		\$218,200	\$281,200
2010 Total			2.000	\$63,000		\$218,200	\$281,200
<u>2009</u>	08/12/2009						
<u>2008</u>	05/04/2007						



[← Parcel Parents](#)

Parcel Summary		More +
Municipality Name	TOWN OF COTTAGE GROVE	
Parcel Description	LOT 3 CSM 9984 C558/144&145 3/14/01 DESC.	
Owner Name	CHRISTINE S MOERKE	
Primary Address	2252 US HIGHWAY 12 & 18	
Billing Address	2252 US HIGHWAY 12 & 18 COTTAGE GROVE WI 53527	

Assessment Summary		More +
Assessment Year	2017	
Valuation Classification	G1	
Assessment Acres	2.120	
Land Value	\$30,000.00	
Improved Value	\$142,800.00	
Total Value	\$172,800.00	

[Show Valuation Breakout](#)

**Open Book**  
 Open Book dates have passed for the year  
 Starts: ~~04/20/2017 08:00 AM~~  
 Ends: ~~04/20/2017 10:00 AM~~  
[About Open Book](#)

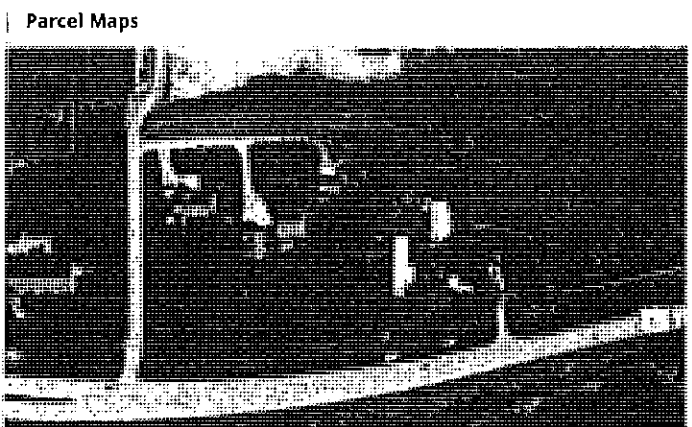
**Board Of Review**  
 Starts: 05/31/2017 - 07:00 PM  
 Ends: 05/31/2017 - 09:00 PM  
[About Board Of Review](#)

[Show Assessment Contact Information](#)

**Zoning Information**  
 For the most current and complete zoning information, contact the Division of Zoning

<b>Zoning</b>
RH-1 DCPREZ-0000-07982

[Zoning District Fact Sheets](#)



[DCIMap](#)     [Google Map](#)     [Bing Map](#)

**Tax Summary (2016)** [More](#)

	E-Statement	E-Bill	E-Receipt
<b>Assessed Land Value</b>			
\$52,900.00			
<b>Assessed Improvement Value</b>			
\$159,900.00			
<b>Total Assessed Val</b>			\$212,800
<b>Taxes:</b>			\$3,849
<b>Lottery Credit(-):</b>			\$142
<b>First Dollar Credit(-):</b>			\$75
<b>Specials(+):</b>			\$165
<b>Amount:</b>			\$3,797

**District Information**

Type	State Code	Description
REGULAR SCHOOL	5621	STOUGHTON SCHOOL DIST
TECHNICAL COLLEGE	0400	MADISON TECH COLLEGE
OTHER DISTRICT	09DG	DEERGROVE EMS
OTHER DISTRICT	09CG	COTTAGE GROVE FIRE

**Recorded Documents**

Doc. Type	Date Recorded	Doc. Number	Volume	Page
WD	03/04/2009	4514330		

[Show More](#)

**DocLink**  
 DocLink is a feature that connects this property to recorded documents. If you'd like to use DocLink, all you need to do is select a link in this section. There is a fee that will require either a credit card or user account. [Click here for instructions.](#)

By Parcel Number 0711-342-9860 0  
 Document Types and their Abbreviations  
 Document Types and their Definitions  
 PLEASE TURN OFF YOUR POP UP BLOCKER TO VIEW DOCLINK DOCUMENTS. If you're unsure how to do this, please contact your IT support staff for assistance. You will be unable to view any documents purchased if your pop up blocker is on.

# Valuations by Assessment Year

<u>2017</u>	03/30/2017						
		G1 - RESIDENTIAL	2.120	\$30,000		\$142,800	\$172,800
2017 Total			2.120	\$30,000		\$142,800	\$172,800
<u>2016</u>	05/14/2014						
		G1 - RESIDENTIAL	2.120	\$52,900		\$159,900	\$212,800
2016 Total			2.120	\$52,900		\$159,900	\$212,800
<u>2015</u>	05/14/2014						
		G1 - RESIDENTIAL	2.120	\$52,900		\$159,900	\$212,800
2015 Total			2.120	\$52,900		\$159,900	\$212,800
<u>2014</u>	05/14/2014						
		G1 - RESIDENTIAL	2.120	\$52,900		\$159,900	\$212,800
2014 Total			2.120	\$52,900		\$159,900	\$212,800
<u>2013</u>	08/12/2009						
		G1 - RESIDENTIAL	2.120	\$63,400		\$181,700	\$245,100
2013 Total			2.120	\$63,400		\$181,700	\$245,100
<u>2012</u>	08/12/2009						
		G1 - RESIDENTIAL	2.120	\$63,400		\$181,700	\$245,100
2012 Total			2.120	\$63,400		\$181,700	\$245,100
<u>2011</u>	08/12/2009						
		G1 - RESIDENTIAL	2.120	\$63,400		\$181,700	\$245,100
2011 Total			2.120	\$63,400		\$181,700	\$245,100
<u>2010</u>	08/12/2009						
		G1 - RESIDENTIAL	2.120	\$63,400		\$181,700	\$245,100
2010 Total			2.120	\$63,400		\$181,700	\$245,100
<u>2009</u>	08/12/2009						
<u>2008</u>	06/17/2004						

**RAYMOND P. CATTELL, INC.**

2401 Vondron Road  
Madison, WI 53718

Phone (608) 222-3180  
Fax (608) 222-2753

July 30, 2013

To all the Neighbors of The Hellickson Quarry

RE: Updated Night Work Information

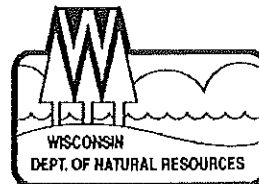
We are planning on finishing up the Beltline project next week. We have two or three nights of work left that we anticipate being done from 8/7/13 and 8/9/13. (weather permitting).

If you have any questions please call me at 608-222-3180 Ext 13.

Thanks  
Wade Cattell

**State of Wisconsin**  
DEPARTMENT OF NATURAL RESOURCES  
South Central Region Headquarters  
3911 Fish Hatchery Road  
Fitchburg WI 53711-5397

Scott Walker, Governor  
Cathy Stepp, Secretary  
Mark Aquino, Regional Director  
Telephone 608-275-3266  
FAX 608-275-3338  
TTY Access via relay - 711



August 6, 2013

Raymond P. Cattell Inc.  
2401 Vondron Road  
Madison, WI 53718  
Attn: Wade Cattell

RE. Letter of Inquiry Regarding Fugitive Dust at Rocky Rights LLC, 2294 U.S.Hwy 12 and 18  
Cottage Grove, WI

Dear Mr. Cattell:

I have been forwarded a complaint regarding excessive dust being generated from truck traffic at the above facility. Pictures have also been given to me and it is quite clear that there is a problem.

The Department of Natural Resources Air Management program has jurisdiction with air quality. Wisconsin Administrative Code NR 415 outlines steps that all facilities must meet. The appropriate cite is as follows:

**NR 415.04 Fugitive dust.** No person may cause, allow or permit any materials to be handled, transported or stored without taking precautions to prevent particulate matter from becoming airborne. Nor may a person allow a structure, a parking lot, or a road to be used, constructed, altered, repaired, sand blasted or demolished without taking such precautions.

(1) Such precautions shall include, but not be limited to:

(b) Application of asphalt, water, suitable chemicals or plastic covering on dirt roads, material stockpiles and other surfaces which can create airborne dust, provided such application does not create a hydrocarbon, odor or water pollution problem.

(c) Installation and use of hoods, fans, and air cleaning devices to enclose and vent the areas where dusty materials are handled.

(d) Covering or securing of materials likely to become airborne while being moved on public roads, railroads or navigable waters.

(f) The paving or maintenance of roadway areas so as not to create air pollution.

Please respond with what preventative measures you are currently using to control dust within 14 days of the date of this letter or what steps you will take to control the dust.

I am hopeful that this situation can be resolved in a timely and reasonable manner. Should you have any questions, I can be reached at 608-768-5693, Monday – Friday from 7:45 to 4:30. My address is P.O. Box 281, Reedsburg, WI 539598

Sincerely,

Michael Sloat  
Air Management Compliance Inspector  
South Central Region

C. Rick Wentz – Dane County Public Health

Tom Roushar – SCR Air Management

**Motion** by Hendrick / Bollig to certify the plat as non-objectionable with respect to the provisions of S 236 12(2)(b), Wisconsin Statutes, motion carried, 5-0 YGP vote 1-0

**3. Certified Survey Maps**

- a Waiver request for Thomas Johnson, Town of Springdale, Section 1, from Ch 75 19(6)(b) for proposed lot 2 of a proposed 2-lot Certified Survey Map to have no public road frontage.

**Motion** by Bollig / Hendrick to grant a waiver from Dane County Code of Ordinance Section 75.19(6)(b) to allow proposed lot 2 to have no frontage along a public road conditioned upon the existing easement being maintained, Motion carried 5-0

**Finding of fact:** This proposal is a minor adjustment to an existing land division that was previously approved.

**VI. RESOLUTIONS**

None

**VII. ORDINANCE AMENDMENTS**

- 1 **ORDINANCE AMENDMENT 2, 2013-2014** Amending Chapter 82 of the Dane County Code of Ordinances, incorporating the Town of Sun Prairie Comprehensive Plan into the Dane County Comprehensive Plan.

See motion above

- 2 **ORDINANCE AMENDMENT 3, 2013-2014.** Amending Chapter 82 of the Dane County Code of Ordinances, Incorporating the Town of Roxbury Comprehensive Plan into the Dane County Comprehensive Plan.

See motion above.

- 3 **ORDINANCE AMENDMENT 4, 2013-2014.** Amending Chapter 82 of the Dane County Code of Ordinances, Incorporating the Town of Black Earth Comprehensive Plan into the Dane County Comprehensive Plan.

See motion above

- 4 **ORDINANCE AMENDMENT 5, 2013-2014.** Amending Chapter 11 & 14 of the Dane County Code of Ordinances regarding changes to storm water regulations

See motion above

**OTHER BUSINESS**

- 5 Discussion of neighborhood complaints regarding the hours of operation of a concrete batch plant located at 2294 US Highway 12&18, Section 34, Town of Cottage Grove The concrete batch plant was approved under Conditional Use Permit #2175 The land owner is Rocky Rights, LLC

**Motion** by Hendrick / Kolar to suspend the rules of the Zoning and Land Regulation Committee to allow the landowners an opportunity to provide testimony regarding the complaint, motion carried, 5-0 YGP 1-0

Ian Pitz, attorney for Rocky Right LLC, explained the operation of the batch plant and mineral extraction site and stated that the operations were being run in compliance with all approvals.

Alex Tukiendorf, 2292 US Highway 12/18, explained that the neighbors were never informed that the concrete batch plant would be running at night

The Committee asked staff to continue to work with the landowners to resolve the land use conflicts No action taken by Committee

**ADJOURN**

**Motion** by Hendrick / Bollig to adjourn the meeting at 8:31pm, motion carried, 5-0 YGP 1-0

Roger Lane,  
Recording Secretary

Minutes filed with the County Clerk 05/29/13

Note: These minutes are the notes of the recorder and are subject to change at a subsequent meeting of the committee.

**To:** Grafton, Jennifer  
**Subject:** Fwd: Compliant involving hours of Operation Violations - Hellickson Mineral Extraction Site

Hi Jen, see below. Do you know, or can you ask the deputy who responded, if he observed any mining or concrete batch operations taking place when he was there?

Kim Banigan  
Clerk, Town of Cottage Grove  
4058 County Road N  
Cottage Grove, WI 53527

Phone: [608-839-5021](tel:608-839-5021)

Fax: [608-839-4432](tel:608-839-4432)  
[www.tn.cottagegrove.wi.gov](http://www.tn.cottagegrove.wi.gov)  
Office Hours: 8:00 a.m. to 12:30 p.m., M-F

----- Forwarded message -----

**From:** Wade Cattell <[wcattell@rpcattell.com](mailto:wcattell@rpcattell.com)>  
**Date:** Tue, Apr 18, 2017 at 11:28 AM  
**Subject:** RE: Compliant involving hours of Operation Violations - Hellickson Mineral Extraction Site  
**To:** "Everson, Daniel" <[Everson.daniel@countyofdane.com](mailto:Everson.daniel@countyofdane.com)>  
**Cc:** Kim Banigan <[clerk@towncgr.net](mailto:clerk@towncgr.net)>, "Charles V. Sweeney" <[CSweeney@axley.com](mailto:CSweeney@axley.com)>

Hi Dan The people in the photo were not working , My guys were working out of town and went to grab their cars to go home. The gate was locked and they had to call the plant operator at home to come over and cut off the lock as the sheriff locked it with a lock that we did not have a key for . There was ABSOLUTLY no operations taking place at that time or after 6PM just a couple guys trying to get home. The picture shows no one doing any kind of quarry operation at all.

With regards to the entire property we do have other operations that have no conection to the CUP.ie Recycle ( asphalt, concrete, Sand fill, dumping, and topsoil sales.)

Any questions please call

Wade Cattell

**From:** Everson, Daniel [mailto:[Everson.daniel@countyofdane.com](mailto:Everson.daniel@countyofdane.com)]  
**Sent:** Monday, April 17, 2017 12:16 PM  
**To:** Wade Cattell <[wcattell@rpcattell.com](mailto:wcattell@rpcattell.com)>  
**Subject:** FW: Compliant involving hours of Operation Violations - Hellickson Mineral Extraction Site

Hi Wade,

Please take a look at the photo and respond back to me with regards to what type of work the individuals near the gate are doing.

TOWN OF COTTAGE GROVE  
PUBLIC HEARINGS AND TOWN BOARD MEETING  
JUNE 3, 2013

Licensed Premises limited to: Brick building, porch, deck, dining area, outdoor attached smoking area.

**MOTION CARRIED 5-0**

2. Operators and Managers Licenses: The Clerk stated that all required paperwork is in order for all applicants, and background checks turned up no concerns. **MOTION** by Fonger/Kindschi to approve July 2013-June 2014 Operators and Managers licenses for all applicants (list attached as appendix A). **MOTION CARRIED 5-0.**
- B. Discuss/Consider approval of July 2013 – June 2014 Non-metallic Mining Permits:
1. **MOTION** by Anders/DuPlayee to approve a July 2013 – June 2014 Non-metallic mining permit for Brad Huston of R.G. Huston Company, Inc. to operate the Gaston Road Quarry, 2543 Gaston Road, owned by Huston Holdings, LLC. Operating hours limited to 6:00 a.m. to 6:00 p.m., Monday thru Saturday. **MOTION CARRIED 5-0.**
  2. **MOTION** by DuPlayee/Fonger to approve a July 2013 – June 2014 Non-metallic mining permit for Wade Cattell of Raymond P. Cattell, Inc. to operate the pit at 2294 US Highway 12 & 18, owned by Rocky Rights, LLC. Operating hours to be limited to 6:00 a.m. to 6:00 p.m., Monday thru Saturday.

Discussion: Chris Moerke, 2252 US Highway 12 & 18, asked about the ownership and maintenance of the access road to the quarry, which is also used as access by the neighboring three homes. Wade Cattell said that he owns the road, and the homeowners have an easement to use it. The conditions of the CUP for the concrete plant require that the road be blacktopped. He does not operate the pit or concrete plant in the winter. If the homeowners want to use the road during that time, they need to plow it. Ms. Moerke was advised to look on her property deed for the easement information.

Ms. Moerke also complained about the weeds on the berm between the homes and the concrete plant. It was noted that this had been looked into before, and unless the weeds are noxious as defined by statute, the Town has no jurisdiction. The County had not advised removing the foliage due to possible erosion. Ms. Moerke was advised to work with Mr. Cattell to control the weeds closest to her property. Mr. Cattell said that he will replace any of the pines that did not survive last years drought.

Ms. Moerke again complained about operation of the concrete plant at all hours, and urged the Town Board not to approve the permit. The Clerk attempted to clarify that the permit under consideration tonight is not for the concrete plant, which is regulated by Dane County under a Conditional Use Permit. Complaints regarding operation of the concrete plant should be directed to the County. She then explained that since the pit is a "non-conforming site", the only possible regulation is by the Town's non-metallic mining ordinance, and if the permit is not approved, the owners would be free to operate in any fashion they so choose.

**MOTION CARRIED 5-0.**

3. **MOTION** by Fonger/DuPlayee to approve a July 2013 – June 2014 Non-metallic mining permit for Brad Huston of R.G. Huston Company, Inc. to operate the Skaar pit at 3355 County Road N, owned by Dale R. and Dwight D. Huston. Operating hours to be limited to 6:00 a.m. to 6:00 p.m., Monday thru Friday, and 8 a.m. to 3 p.m. on Saturday. **MOTION CARRIED 5-0.**



**---Sent:** Sunday, August 12, 2012 6.44 PM

**Subject:** 1st Notice of Complaint, 2294 U.S Hwy 12 and 18 Cottage Grove, Wisconsin

Mr. Russel Bartlett  
Zoning Inspector  
Dane County, Wisconsin

Mr. Bartlett, this Email is to inform Dane County Zoning, of the Non-Compliance relating to Conditional Use Permit # 2175, dated July 12, 2011.

This Permit is issued to Raymond P. Cattell, Inc. 2401 Vondron Road Madison, Wisconsin.

The permit in question, was granted for a Concrete Batch Plant located in front of my Home at, 2292 U.S.Hwy 12 and 18 and along a shared driveway on the side of the same Home. I have received a copy of permit # 2175 and understand the restrictions the Board has placed on the operation of said Plant.

However, the Permit holder has not complied with Conditions Numbers (3), (5), (7). And Zoning Committee Finding of Facts numbers (1), (2), (5).

The most egregious Permit Violation is Number (3), in the Conditions Section. The hours of operation stated in the permit, Monday thru Friday, 6:00 A.M. to 6:00 P.M. are more than enough to substantially impair the use, value and enjoyment of my property. However, the permit holder deems it necessary to operate from 3:50 A.M. to 8:10 P.M. ( Date of occurrence 8/7/2012). Saturdays are a different story, most every Saturday since March, 2012 the permit holder has had some type of hauling that had to be done. The hours vary depending on their needs. Even on Sunday (Date of occurrence 7/15/2012 and 7/29/2012, the permit holder deems it necessary to further impair the use, value and enjoyment of my property.

I understand the Boards Stipulation stating that Operations outside of those hours will require at least 7 Days notice to the Town and immediate neighbors and shall be limited to no more than 6 projects ( please define project ? ) not to exceed 30 total days / year ( please define 30 days ? ).

I can tell you that my property has never once received any type of notice that the permit holder was to work outside the normal hours.

I have called Town Board, Co-Chair, Kris Hampton (279-4470) on Four (4) Saturdays to ask him if the permit holder had contacted the Town and notified them of the work outside of permitted hours and on every occasion he told me "NO" they have not notified him.

The following are the the actual times that the permit holder has had the property in operation.

This has been the normal procedure since early spring 2012.

- 8/1/2012.....Wed... 5:15 A.M. until 6:50 P.M.
- 8/2/2012.....Thur... 4:30 A.M. until 8:00 P.M.
- 8/3/2012.....Fri..... 5:00 A.M. until 6:05 P.M.
- 8/4/2012.....Sat.....5:30 A.M. until 3:00 P.M.
- 8/5/2012.....Sun.....Closed
- 8/6/2012.....Mon....4:35 A.M. until 9:09 P.M.
- 8/7/2012.....Tue.....3:50 A.M. until 8:10 P.M.
- 8/8/2012.....Wed....4:35 A.M. until 4:50 P.M.
- 8/9/2012.....Thur....4:35 A.M. until 9:12 P.M. (Awakened by Semi Truck going into Property)

Moreover, the Concrete Plant and Quarry creates excessive noise disturbing the public peace. It is of sufficient loudness that it tends to unreasonably disturb the rights of enjoyment and use of land and property.

If operated normally, most original equipment in any "Road Vehicle" should not emit excessive noise. However, the aggressive use of "Off Road" equipment operated in making

Concrete and a Quarry Operation, in such close proximity to Residential Property's, exceeds most permissible noise limits.

Please feel free to contact any of the three (3) Residential Property Owners that abut the Permitted Property listed in the complaint, as all have signed on to this Compliant. We would all like to be kept informed on your progress with this complaint.

Alex Tukiendorf  
Christine Moerke  
2292 US Hwy. 12 and 18  
2292 US Hwy. 12 and 18  
Cottage Grove WI 53527  
Cottage Grove WI 53527  
608.338.4702  
Unknown

Andy, Noel & Barb Johnson  
2272 US Hwy. 12 and 18  
Cottage Grove WI 53527  
608.877.1045

Respectfully Submitted,

Alex Tukiendorf

.....