

# Dane County Rezone Petition

<b>Application Date</b>	<b>Petition Number</b>
05/20/2024	DCPREZ-2024-12070
<b>Public Hearing Date</b>	
07/23/2024	

OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME JE ACRES LLC	PHONE (with Area Code) (317) 691-4347	AGENT NAME JOSEPH AND ELIZABETH HENEGHAN	PHONE (with Area Code) (317) 691-4347
BILLING ADDRESS (Number & Street) 4204 BANNON RD		ADDRESS (Number & Street) 4204 BANNON ROAD	
(City, State, Zip) MARSHALL, WI 53559		(City, State, Zip) Marshall, WI 53559	
E-MAIL ADDRESS jhenegh@gmail.com		E-MAIL ADDRESS JHENEGH@GMAIL.COM	

ADDRESS/LOCATION 1		ADDRESS/LOCATION 2		ADDRESS/LOCATION 3	
ADDRESS OR LOCATION OF REZONE		ADDRESS OR LOCATION OF REZONE		ADDRESS OR LOCATION OF REZONE	
West of 338 US Highway 51					
TOWNSHIP ALBION	SECTION 6	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0512-064-9660-3					

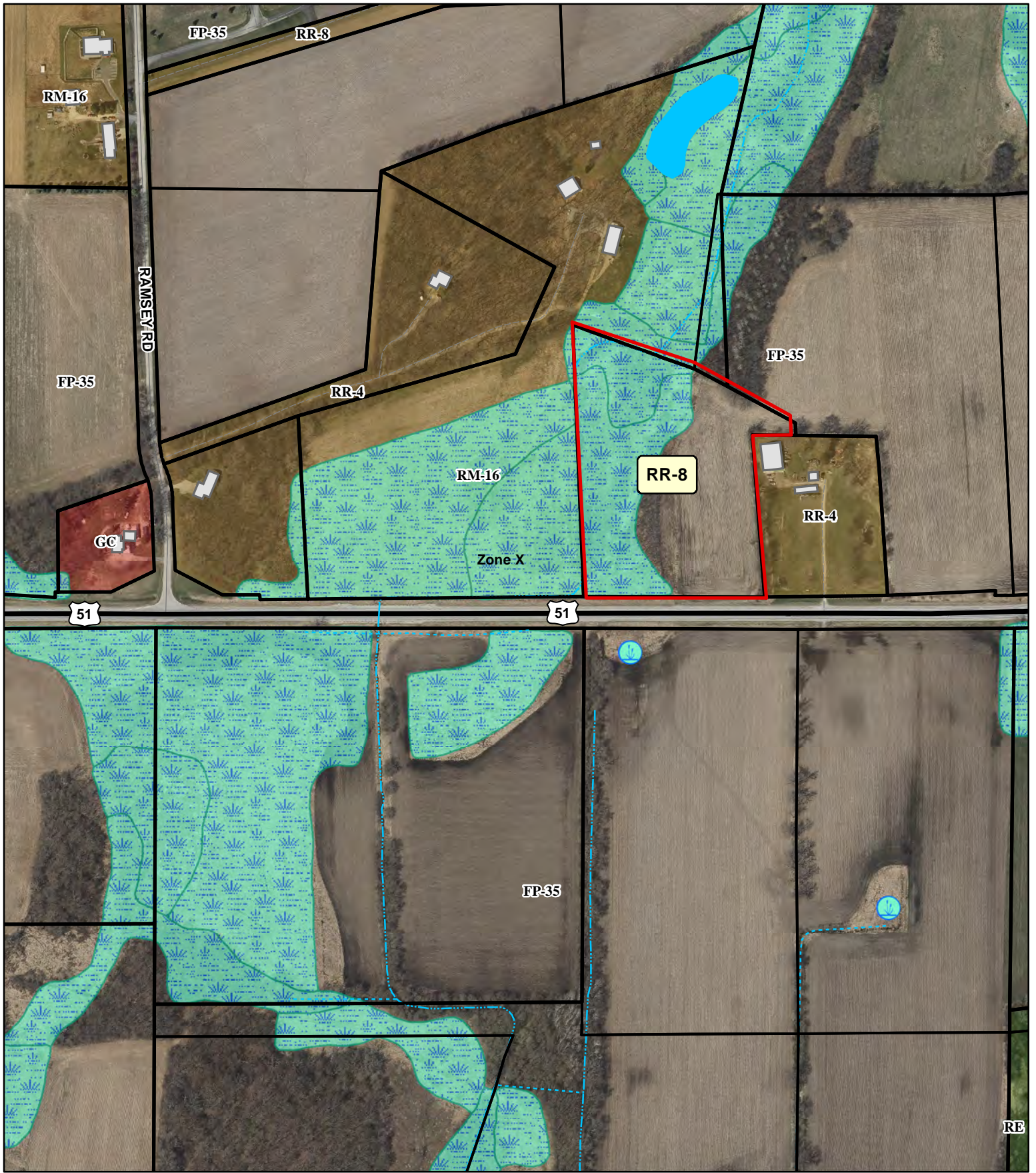
## REASON FOR REZONE

CREATING ONE RESIDENTIAL LOT




FROM DISTRICT:	TO DISTRICT:	ACRES
FP-35 Farmland Preservation District	RR-8 Rural Residential District	9.9

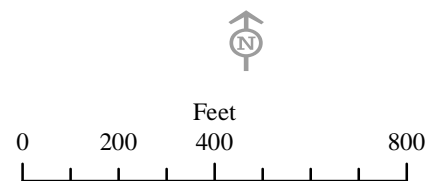
<b>C.S.M REQUIRED?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials _____	<b>PLAT REQUIRED?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials _____	<b>DEED RESTRICTION REQUIRED?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials _____	<b>INSPECTOR'S INITIALS</b>  RUH1	<b>SIGNATURE:(Owner or Agent)</b>   <b>PRINT NAME:</b>   <b>DATE:</b>
---	--	--	---	---

COMMENTS: ACCESS PERMIT FOR RESIDENTIAL USE MUST BE OBTAINED FROM WDOT PRIOR TO REZONING. WETLAND DELINEATION AND SETBACK REVIEW NEEDED.



# REZONE 12070

-  Wetland
-  Floodway Areas in Zone AE
-  Floodplain





**Dane County**  
**Department of Planning and Development**  
 Zoning Division  
 Room 116, City-County Building  
 210 Martin Luther King Jr. Blvd.  
 Madison, Wisconsin 53703  
 (608) 266-4266

Application Fees	
General:	\$395
Farmland Preservation:	\$495
Commercial:	\$545
<ul style="list-style-type: none"> <li>• PERMIT FEES DOUBLE FOR VIOLATIONS.</li> <li>• ADDITIONAL FEES MAY APPLY. CONTACT DANE COUNTY ZONING AT 608-266-4266 FOR MORE INFORMATION.</li> </ul>	

## REZONE APPLICATION

### APPLICANT INFORMATION

Property Owner Name:	JE Acres LLC	Agent Name:	Joseph & Elizabeth Heneghan
Address (Number & Street):	4204 Bannon Road	Address (Number & Street):	4204 Bannon Road
Address (City, State, Zip):	Marshall, WI, 53559	Address (City, State, Zip):	Marshall, WI, 53559
Email Address:	jhenegh@gmail.com	Email Address:	jhenegh@gmail.com
Phone#:	317-691-4347	Phone#:	317-691-4347

### PROPERTY INFORMATION

Township:	T05NR12E	Parcel Number(s):	002/0512-064-9660-3
Section:	06	Property Address or Location:	No address. Located east of Stoughton on north side of US 51

### REZONE DESCRIPTION

**Reason for the request.** In the space below, please provide a brief but detailed explanation of the rezoning request. Include both current and proposed land uses, number of parcels or lots to be created, and any other relevant information. For more significant development proposals, attach additional pages as needed.

Is this application being submitted to correct a violation?  
 Yes  No

The request is to rezone the entire parcel from FP-35 to RR-8. Therefore no new parcels or lots would be created. The current land use is agriculture & open land. The proposed land use is single family so that a residential home could be built.

Existing Zoning District(s)	Proposed Zoning District(s)	Acres
FP-35	RR-8	9.93

**Applications will not be accepted until the applicant has contacted the town and consulted with department staff to determine that all necessary information has been provided. Only complete applications will be accepted. All information from the checklist below must be included. Note that additional application submittal requirements apply for commercial development proposals, or as may be required by the Zoning Administrator.**

<input checked="" type="checkbox"/> Scaled drawing of proposed property boundaries	<input checked="" type="checkbox"/> Legal description of zoning boundaries	<input type="checkbox"/> Information for commercial development (if applicable)	<input checked="" type="checkbox"/> Pre-application consultation with town and department staff	<input checked="" type="checkbox"/> Application fee ( <b>non-refundable</b> ), payable to the Dane County Treasurer
--	--	---	---	---

I certify by my signature that all information provided with this application is true and correct to the best of my knowledge and understand that submittal of false or incorrect information may be grounds for denial. Permission is hereby granted for Department staff to access the property if necessary to collect information as part of the review of this application. Any agent signing below verifies that he/she has the consent of the owner to file the application.

Owner/Agent Signature Elizabeth Heneghan

Date 5/16/24

**TRUSTEE'S DEED**

Document Number

Document Name

**THIS DEED**, made between

Dale Beske, as Trustee of the Oris Possin and Elaine A. Possin Living Trust, dated September 27, 1993

("Grantor," whether one or more), and

JE Acres, LLC

("Grantee," whether one or more).

Grantor conveys to Grantee, without warranty, the following described real estate, together with the rents, profits, fixtures, and other appurtenant interests, in Dane County, State of Wisconsin ("Property") (If more space is needed, please attach addendum):

Part of the Southeast 1/4 of the Southeast 1/4 of Section 6, Township 5 North, Range 12 East, in the Town of Albion, Dane County, Wisconsin, described as follows: Commencing at the Southeast corner of Section 6; thence North 89° 59' 07" West along the South line of the Southeast 1/4, 775.72 feet; thence North 04° 44' 27" West, 50.98 feet to the North line of U.S. Highway 51 and the point of beginning; thence continue North 04° 44' 27" West, 509.75 feet to a 1" diameter pipe found; thence North 89° 47' 51" East, 120.55 feet; thence North 03° 16' 43" West, 61.57 feet; thence North 60° 59' 37" West, 340.78 feet to the Easterly line of Lot 3 of Certified Survey Map 6248; thence North 71° 37' 14" West along said Easterly line, 403.30 feet; thence South 02° 55' 40" East along said line, 863.94 feet to the aforesaid North line of U.S. Highway 51; thence North 89° 56' 55" East, 561.74 feet to the point of beginning.

Recording Area

Name and Return Address:  
JE Acres, LLC  
c/o Joseph M. and Elizabeth Heneghan, 4204  
Bannon Rd  
Marshall, WI 53559

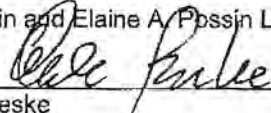
The Oris and Elaine A. Possin Living Trust has seven (7) available Density units in addition to the existing farm residence per the Density Study Date of 10/18/2018. One (1) of the seven (7) available Density Units shall be transferred with this sale consisting of 9.93 acres. See the attached Density Study Exhibit.

002-0512-064-9660-3

Parcel Identification Number (PIN)

Dated: 30th day of April, 2024

Oris Possin and Elaine A. Possin Living Trust, dated September 27, 1993

BY:   
Dale Beske  
Trustee

**AUTHENTICATION**

Signature(s): \_\_\_\_\_

\_\_\_\_\_

Authenticated on: \_\_\_\_\_

\_\_\_\_\_

TITLE: MEMBER STATE BAR OF WISCONSIN  
(if not \_\_\_\_\_  
authorized by Wis. Stat. § 706.06)

THIS INSTRUMENT DRAFTED BY:  
Perry J. Armstrong  
File # 124030351

**ACKNOWLEDGMENT**

STATE OF WISCONSIN )  
) ss.  
DANE COUNTY )

Personally came before me on 30th day of April, 2024  
the above-named Dale Beske  
to me known to be the person(s) who executed the foregoing  
instrument and acknowledged the same.

*Sara J. Kluth*  
Sara J. Kluth

Notary Public, State of Wisconsin  
My Commission (is permanent) (expires: )

1/24/25

(Signatures may be authenticated or acknowledged. Both are not necessary.)

**NOTE: THIS IS A STANDARD BAR FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.**

TRUSTEE'S DEED

\* Type name below signatures

©2020 STATE BAR OF WISCONSIN

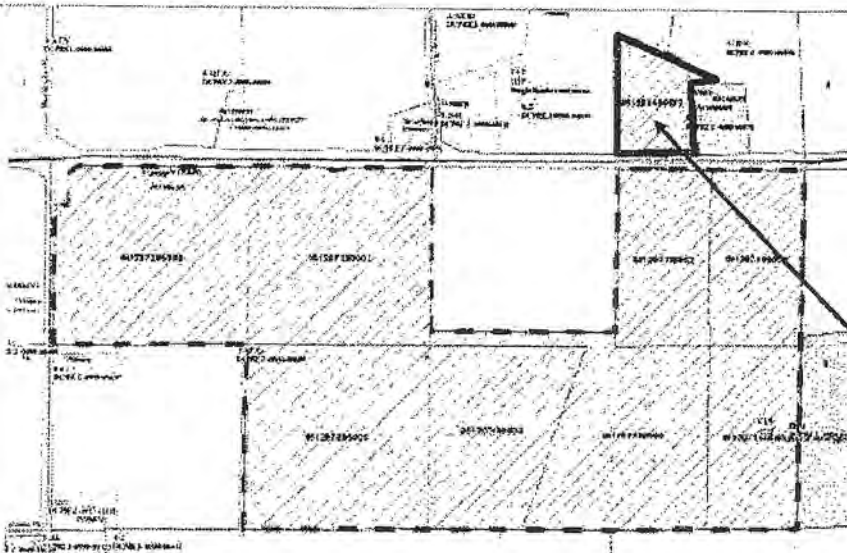
FORM NO. 7-2003  
(REV. 2020)



# DRAFT: FOR DISCUSSION PURPOSES ONLY

**IMPORTANT NOTE: ACREAGE VALUES AND OWNERSHIP HEREIN ARE DERIVED FROM HISTORICAL AND CURRENT RECORDS LOCATED AT THE DANE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT (EG. GIS, PLAT BOOKS, ZONING PERMIT DATA, CSM'S, ETC). DENSITY POLICIES VARY AMONG TOWNS AND MAY REQUIRE INTERPRETATION.**

		<b>Applicant:</b> Dale Beske			
<b>Town</b>	Albion	<b>A-1EX Adoption</b>	6/29/1979	<b>Drig Farm Owner</b>	Elaine A. Possin
<b>Section:</b>	06, 07	<b>Density Number</b>	35	<b>Original Farm Acres</b>	250.23
<b>Density Study Date</b>	10/17/2018	<b>Original Splits</b>	7.15	<b>Available Density Unit(s)</b>	7



**Reasons/Notes:**

The property remains eligible for seven (7) possible splits in addition to the existing farm residence. Note that the town of Albion does not count separation of residences existing as of 6/29/1979.

**Parcel transferred by this Deed**

Note: Parcels included in the density study reflect farm ownership and acreage as of the date of town plan adoption, or other date specified. Density study is based on the original farm acreage, NOT acreage currently owned.

Parcel #	Acres	Owner Name	CSM
051207295006	39.79	POSSIN LIVING TR, ORIS & ELAINE A	
051207285008	40.19	POSSIN LIVING TR, ORIS & ELAINE A	
051207280003	38.35	POSSIN LIVING TR, ORIS & ELAINE A	
051207195605	36.42	POSSIN LIVING TR, ORIS & ELAINE A	
051207195007	19.82	POSSIN LIVING TR, ORIS & ELAINE A	
051207190002	27.03	POSSIN LIVING TR, ORIS & ELAINE A	
051207180602	19.48	POSSIN LIVING TR, ORIS & ELAINE A	
051207180004	19.46	POSSIN LIVING TR, ORIS & ELAINE A	
051206496603	9.69	POSSIN LIVING TR, ORIS & ELAINE A	

Plat of Survey

PART OF THE N 1/2 OF SECTION 7, & PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 6, T.5N., R.12E., TOWN OF ALBION, DANE COUNTY, WISCONSIN.

Wisconsin Mapping, LLC

Surveying and mapping services  
306 West Quarry Street, Deerfield, Wisconsin 53531  
(608) 764-5602

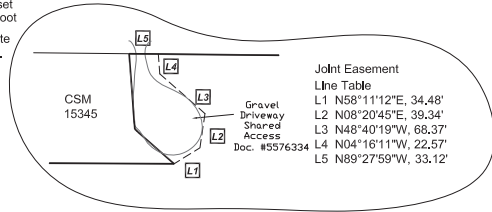
Dwg. No. 6165-23B Date 04/01/2024  
Sheet 1 of 1

Surveyors Certificate  
I, David C. Riesop, Wisconsin Registered Land Surveyor, hereby certify that I have surveyed, mapped and monumented the lands as described hereon, and that such map is a true and correct representation of the boundaries of the lands surveyed, including any features shown hereon, and that I have fully complied with the State of Wisconsin Administration Code Number 7.01 in surveying and mapping the same, to the best of my knowledge and belief.

David C. Riesop S-1551 4/09/2024



Legend:  
● = 3/4" dia. Iron rod found as noted  
○ = 3/4" X 18" rebar set 1.5lbs. per Lineal Foot  
Parentheses indicate recorded as values.



Joint Easement Line Table  
L1 N88°11'12"E, 34.48'  
L2 N08°20'45"E, 39.34'  
L3 N48°40'19"W, 68.37'  
L4 N04°16'11"W, 22.57'  
L5 N89°27'59"W, 33.12'

Referred to the Dane County Coordinate System.

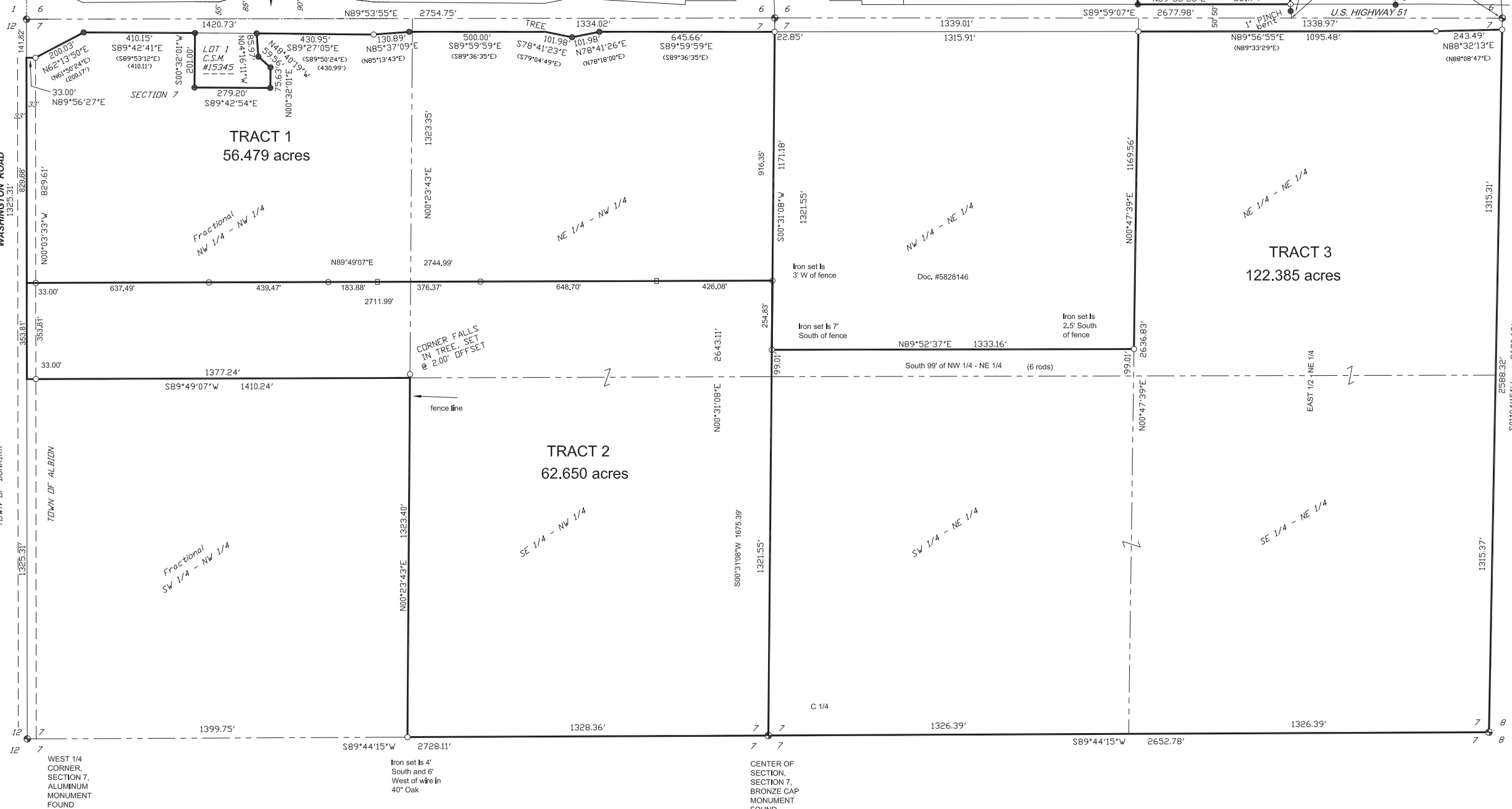
NORTHWEST CORNER, SECTION 7, ALUMINUM MONUMENT FOUND

R/W Project Number 5845-02-21  
SECTION 6 U.S. HIGHWAY 51 r.o.w. varies

NORTH 1/4 CORNER, SECTION 7, ALUMINUM MONUMENT FOUND

LDT 1 C.S.M. #6248

NORTHEAST CORNER, SECTION 7, ALUMINUM MONUMENT FOUND



Tract 1  
Parts of the Fractional NW 1/4 of the NW 1/4 and the NE 1/4 of the NW 1/4 of Section 7, Town 5 North, Range 12 East, Town of Albion, Dane County, Wisconsin, described as follows:  
Commencing at the Northwest corner of Section 7; thence S00°03'33"W along the West line of the NW 1/4, 141.82 feet to the point of beginning; thence N89°59'07"W along the South line of the NW 1/4, 1326.39 feet to the Northeast corner of Lot 1, of Certified Survey Map number 15345; thence S00°32'01"W along the West line of said lot, 201.00 feet; thence S89°42'54"E, 279.20 feet to the Northeast corner of said lot, and the South line of U.S. Highway 51; thence along said South highway line, the following sk courses, S89°27'05"E, 430.95 feet; thence S89°59'59"E, 500.00 feet; thence N78°41'23"E, 101.98 feet; thence N78°41'23"E, 101.98 feet to the East line of the NE 1/4 of the NW 1/4; thence S00°31'08"W along said East line, 916.35 feet; thence S89°49'07"W, 2744.99 feet to the West line of the Fractional NW 1/4 of the NW 1/4; thence N00°03'33"W, 829.68 feet to the point of beginning. The above described containing 56.479 acres.

Tract 2  
Parts of the Fractional NW 1/4 of the NW 1/4 and the NE 1/4 of the NW 1/4 of Section 7, Town 5 North, Range 12 East, Town of Albion, Dane County, Wisconsin, described as follows:  
Commencing at the West 1/2 corner of Section 7; thence N00°03'33"W, 1325.31 feet to the Southwest corner of the Fractional NW 1/4 of the NW 1/4 and the point of beginning; thence continue N00°03'33"W, 353.81 feet; thence N89°49'07"E, 2744.99 feet to the East line of the NE 1/4 of the NW 1/4; thence S00°31'08"W, 1075.38 feet to the Southeast corner of the SE 1/4 of the NW 1/4; thence S89°44'15"W, 1328.36 feet to the Southwest corner of said 1/4 - 1/4; thence N00°23'43"E, 1323.40 feet to the Northwest corner of the SE 1/4 of the NW 1/4; thence S89°49'07"W, 1410.24 feet to the point of beginning.  
The above described containing 62.650 acres, being subject to a right of way for Washington Road across the Westerly 33 feet thereof.

Tract 3  
Parts of the NE 1/4 of the NE 1/4, then SE 1/4 of the NE 1/4, the SW 1/4 of the NE 1/4, and the NW 1/4 of the NE 1/4 of Section 7, Town 5 North, Range 12 East, Town of Albion, Dane County, Wisconsin, described as follows:  
Beginning at the concrete monument marking the East 1/2 corner of Section 7; thence S89°44'15"W, 2652.78 feet to the Southwest corner of the SW 1/4 of the NE 1/4; thence N00°31'08"E, 1321.01 feet to the Northwest corner of said 1/4 - 1/4; thence continue N00°31'08"E, 99.01 feet; thence N89°52'37"E, 1333.16 feet to the West line of the NE 1/4 of the NE 1/4; thence N00°47'39"E along the West line of said 1/4 - 1/4, 1169.56 feet to the South line of U.S. Highway 51; thence N89°56'55"E along the South line of said highway, 1095.48 feet; thence N88°32'13"E along said line, 243.49 feet to the East line of the NE 1/4 of the NE 1/4; thence S01°04'15"W along the East line of the NE 1/4, 2588.32 feet to the point of beginning.  
The above described containing 122.385 acres.

Tract 5  
Part of the SE 1/4 of the SE 1/4 of Section 6, Town 5 North, Range 12 East, Town of Albion, Dane County, Wisconsin, described as follows:  
Commencing at the Southeast corner of Section 6; thence N89°59'07"W along the South line of the SE 1/4, 775.72 feet; thence N04°42'27"W, 50.98 feet to the North line of U.S. Highway 51 and the point of beginning; thence continue N04°42'27"W, 509.75 feet to a 1" diameter pipe found; thence N89°47'51"E, 120.55 feet; thence N03°16'43"W, 61.57 feet; thence N60°59'37"W, 340.78 feet; thence N71°37'14"W, 403.30 feet to the East line of U.S. Highway 51; thence along said line, 863.94 feet to the aforesaid North line of U.S. 51; thence N89°56'55"E, 561.74 feet to the point of beginning. The above described containing 9.932 acres.

WEST 1/4 CORNER, SECTION 7, ALUMINUM MONUMENT FOUND

Iron set Is 4" South and 6" West of wire in 40" Oak

CENTER OF SECTION, SECTION 7, BRONZE CAP MONUMENT FOUND

EAST 1/4 CORNER, SECTION 7, CONCRETE MONUMENT FOUND

**Document Number**  
**AUTHORIZATION FOR ACCESS TO OR ACROSS A CONTROLLED-ACCESS HIGHWAY**

Wisconsin Department of Transportation  
ED1002 697

Pursuant to the provisions of s.84.25 Wisconsin Statutes, the Department of Transportation has established a section of U.S.H. 51 in Dane County, as a Controlled-Access Highway, designated as Controlled-Access Project 5845-02-29, effective on and after April 19, 2004; as recorded in Dane County as the Document Number 3906022.

The Department of Transportation approves and consents to direct access between said highway and the lands of the owner(s) in the

NW 1/4 of the NW 1/4 of Section 7, SE 1/4 of the SE 1/4 of Section 6, the NE 1/4 of the NE 1/4 of Section 7, in T5N, R12E, Town of Albion, and in the SE 1/4 of the SE 1/4 of Section 2, and the NW 1/4 of the NW 1/4 of Section 12, T5N, R11E, Town of Dunkirk, Dane County, Wisconsin.

by means of 4 Private Driveways, 2 Private Driveways restricted to agricultural use only and 1 Private Driveway (unconstructed) restricted to agricultural use only, located as follows: One unrestricted private driveway (number 60) located on the west side of Tower Drive, One private driveway (number 61) restricted to agricultural purposes located on the west side of Tower Drive, One unrestricted private driveway (number 72) located on the south side of USH 51, One unrestricted private driveway (number 83) located on the north side of USH 51, One unrestricted private driveway (number 85) located on the south side of USH 51, One private drive (number 82) restricted to agricultural purposes only located on the south side of USH 51, and on private driveway (number 143) restricted to agricultural purposes only which is not constructed, located on the east side of Tower Drive.

\* Agricultural use is limited to planting, maintaining and harvesting crops, grazing cattle. The authorized access shall be located entirely within the limits of the above-described property subject to the terms and conditions as are set forth in the "APPLICATION/PERMIT TO CONSTRUCT ACCESS DRIVEWAY TO STATE TRUNK HIGHWAY," required by s.86.07(2), Wisconsin Statutes.

DANE COUNTY  
REGISTER OF DEEDS

DOCUMENT #  
3934614

06/29/2004 09:44:44AM

Trans. Fee:  
Exempt #:

Rec. Fee: 13.00  
Pages: 2

000704

This space is reserved for recording data

Return to:

Wisconsin Department of Transportation  
District 1  
Planning Unit  
Madison, WI 53704

Parcel Identification Number/Tax Key Number

051207285008, 051206496603, 051207180602,  
051207180004, 051112285009, 051102495006.

THIS AUTHORIZATION, superseding any and all prior Authorizations, is issued to the following owner(s) of the above-described property, the heirs, successors and assigns.

Elaine Altemus Possin

(Owner Name)

854 US Highway 51 East, Stoughton WI 53589

(Address)

(Owner Name)

(Address)

Wisconsin Department of Transportation



JAY R. BUCHITE  
(Print Name)

6-23-04

(Date)

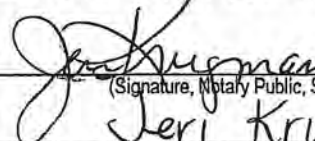
State of Wisconsin

Dane

County

} ss.

On the above date, this instrument was acknowledged before me by the above-named person(s) or officers.



(Signature, Notary Public, State of Wisconsin)

Jeri Krusman

(Print or Type Name, Notary Public, State of Wisconsin)

3-13-05

(Date Commission Expires)

5845-02-29

1 of 2

P. 49 2/13



Sheet Number 4.5, 4.6, 4.7  
Project ID 5845-02-29

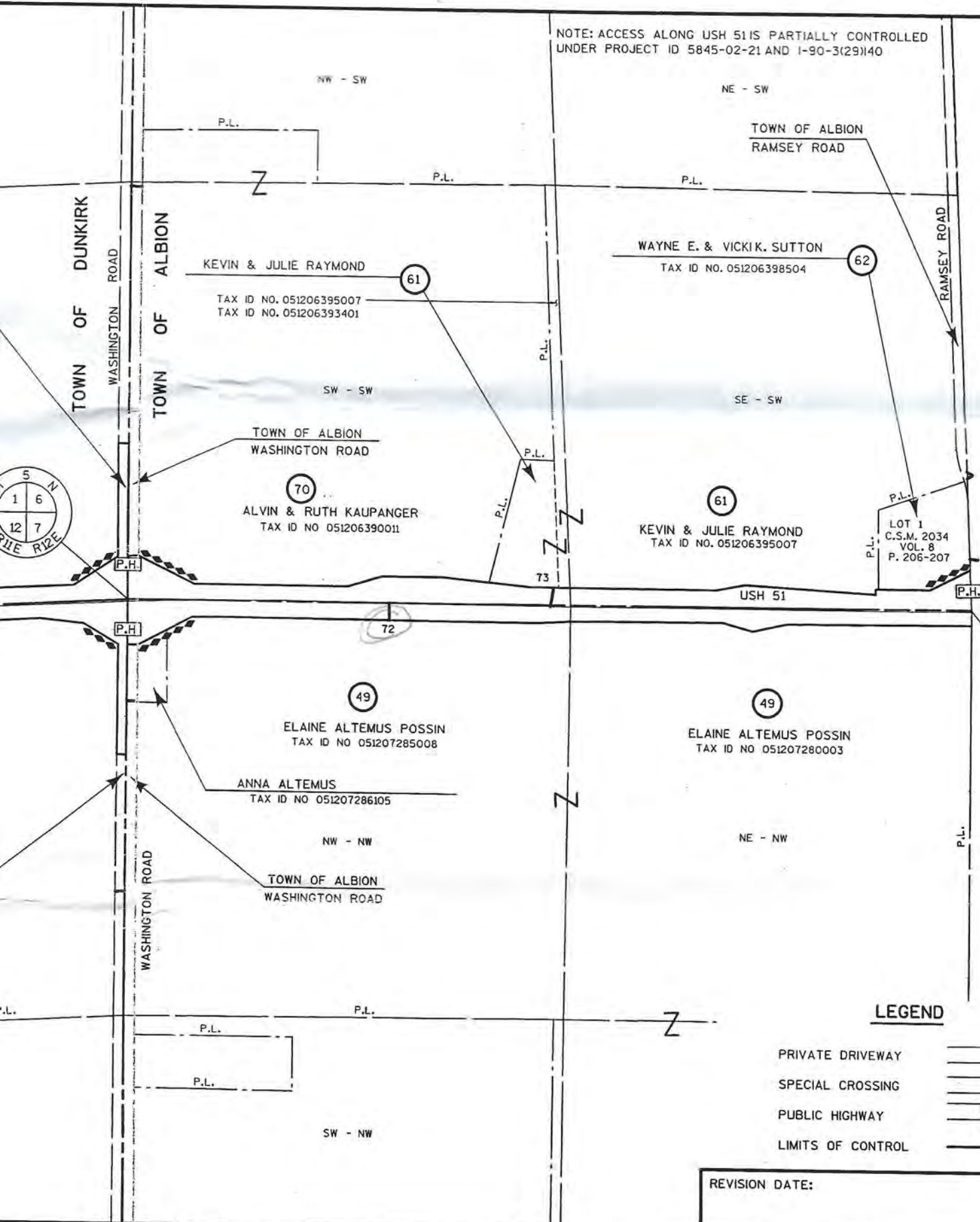
Driveway No.s 60,61,72, 83, 85, 82 and 143.

This instrument was drafted by Strand Associates, Inc for the Wisconsin Department of Transportation

Parcel No. 49

000705

NOTE: ACCESS ALONG USH 51 IS PARTIALLY CONTROLLED UNDER PROJECT ID 5845-02-21 AND 1-90-3(29)140



**LEGEND**

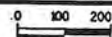
- PRIVATE DRIVEWAY
- SPECIAL CROSSING
- PUBLIC HIGHWAY
- LIMITS OF CONTROL

REVISION DATE:

ANE CONTROLLED ACCESS PLAN

DATE:

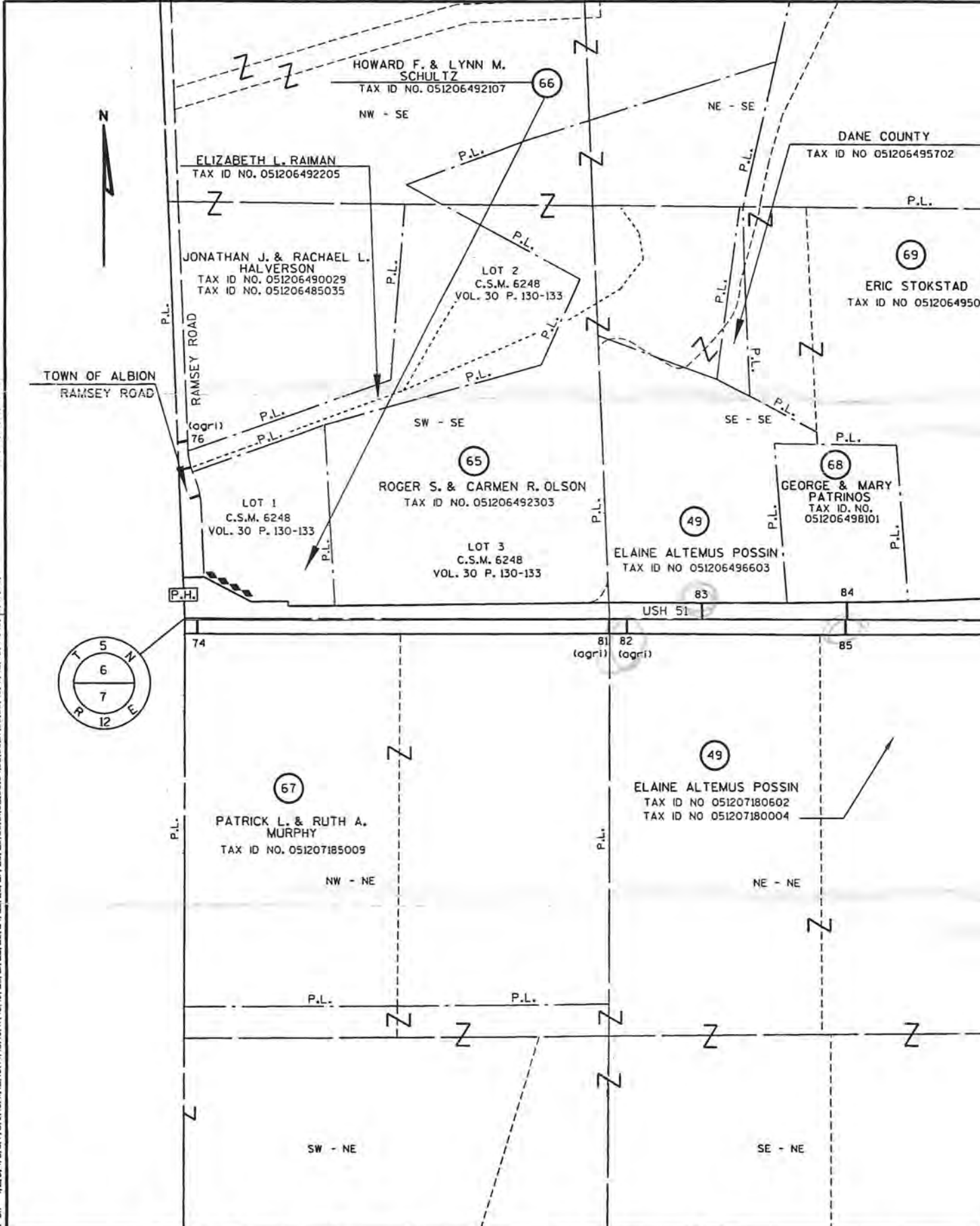
SCALE, FT.



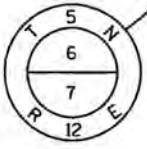
SHEET NUMBER: **4.6**

PLOT DATE : 05/20/2004

WISDOT/CADS SHEET






LEVELS ON - 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 57, 58, 59, 60, 61, 62, 63




PROJECT NUMBER: ID 5845-02-29	HIGHWAY: USH 51	COUNTY: DANE
FILE NAME : *FILE*	PLOT BY : DOTC4C	PLOT SCALE : 200.000000:1.000000



-  Study Area (9.69 ac)
-  Dane Co 1' Contours
-  Field Delineated Wetlands (6.49 ac)

**Sample Points**

-  Upland
-  Wetland



**Heartland**  
 ECOLOGICAL GROUP INC

Figure 7. Field Delineated Wetlands  
 Dane County  
 Parcel 0512-064-9660-3  
 Project #20241262  
 T5N, R12E, S06  
 T Albion, Dane Co

2022 Orthophoto  
 Dane Co, HEG

LRR: NCNE

Figure Created: 5/15/2024

## FP-35 to RR-8

Part of the SE¼ of the SE¼ of Section 6, Town 5 North, Range 12 East, Town of Albion, Dane County, Wisconsin, described as follows:

Commencing at the Southeast corner of Section 6; thence N89°59'07"W along the South line of the SE¼, 775.72 feet; thence N04°44'27"W, 50.98 feet to the North line of U.S. Highway 51 and the point of beginning; thence continue N04°44'27"W, 509.75 feet to a 1" diameter pipe found; thence N89°47'51"E, 120.55 feet; thence N03°16'43"W, 61.57 feet; thence N60°59'37"W, 340.78 feet to the Easterly line of Lot 3 of Certified Survey Map number 6248; thence N71°37'14"W along said Easterly line, 403.30 feet; thence S02°55'40"E along said line, 863.94 feet to the aforesaid North line of U.S. 51; thence N89°56'55"E, 561.74 feet to the point of beginning. The above described containing 9.932 acres.

