

Dane County Rezone Petition

Application Date	Petition Number
07/21/2022	DCPREZ-2022-11884
Public Hearing Date	
09/20/2022	

OWNER INFORMATION	AGENT INFORMATION
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OWNER NAME DINO LUKAVACKIC AND NOELY KATHY PINEDO	PHONE (with Area Code) (702) 688-2799	AGENT NAME RONALD TRACHTENBERG	PHONE (with Area Code) (608) 444-5699
BILLING ADDRESS (Number & Street) 604 FEATHER SOUND DR APT 312		ADDRESS (Number & Street) 2501 PARMENTER STREET SUITE 100A	
(City, State, Zip) VERONA, WI 53593		(City, State, Zip) Middleton, WI 53562	
E-MAIL ADDRESS itsdinoluck@gmail.com		E-MAIL ADDRESS rtrachtenberg@fuhrmandodge.com	

ADDRESS/LOCATION 1	ADDRESS/LOCATION 2	ADDRESS/LOCATION 3
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ADDRESS OR LOCATION OF REZONE		ADDRESS OR LOCATION OF REZONE		ADDRESS OR LOCATION OF REZONE	
West of 9713 Kahl Road					
TOWNSHIP BLACK EARTH	SECTION 25	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0806-253-9030-0					

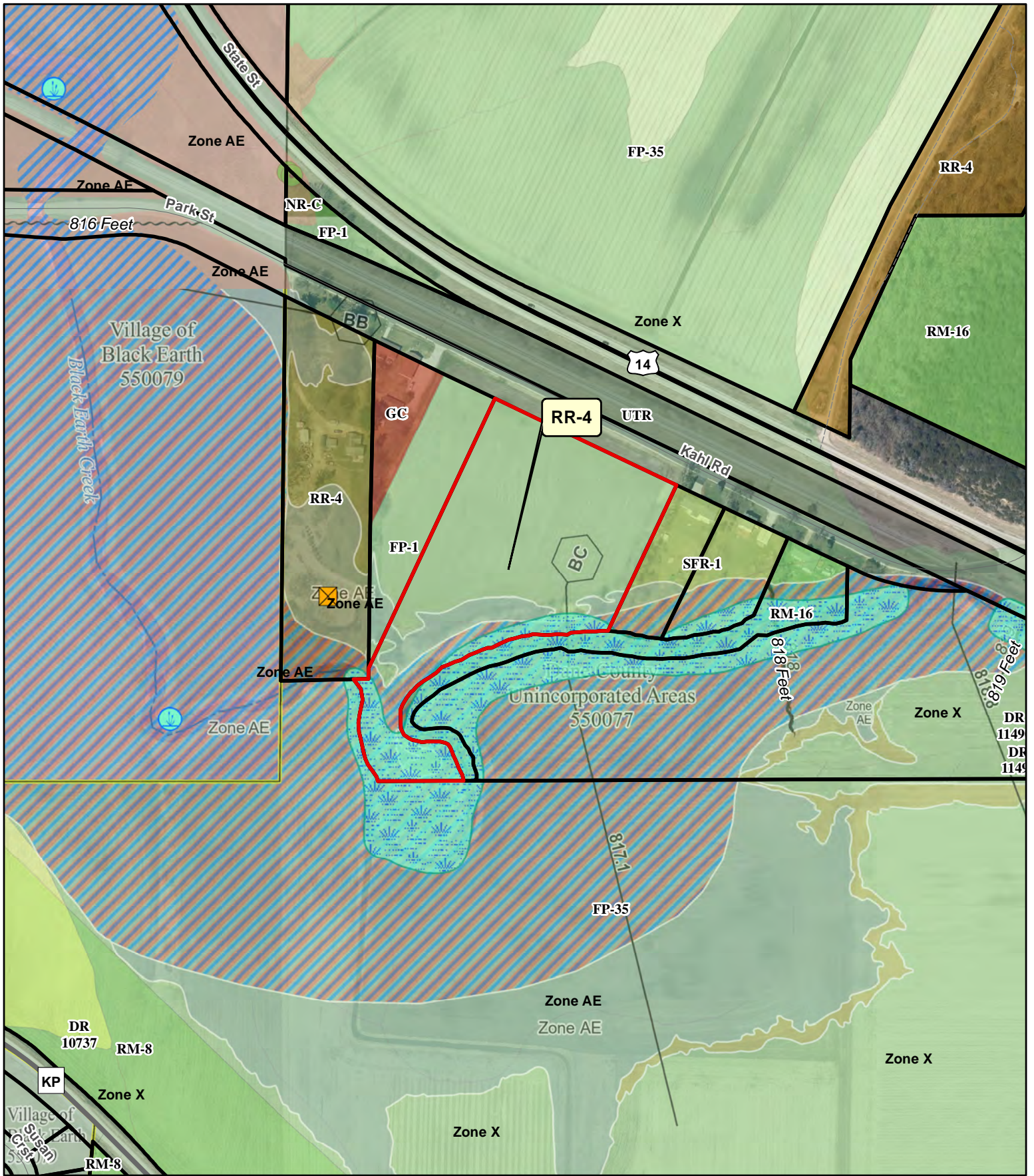
REASON FOR REZONE

ZONING TO ALLOW RESIDENTIAL USE



FROM DISTRICT:	TO DISTRICT:	ACRES
FP-1 Farmland Preservation District	RR-4 Rural Residential District	7.6

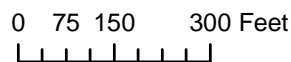
C.S.M REQUIRED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials _____	PLAT REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials _____	DEED RESTRICTION REQUIRED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials _____	INSPECTOR'S INITIALS RUH1	SIGNATURE:(Owner or Agent) PRINT NAME: DATE:
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COMMENTS: PROPERTY CONTAINS FLOODPLAIN AND WETLANDS. THE PROPERTY IS SUBJECT TO SHORELAND REGULATIONS. ZONING FEE \$395 AND CSM FEE \$265 BOTH PAID AS PART OF THE APPLICATION.



Legend

- | | |
|---|---|
|  Wetland | Significant Soils |
|  Floodplain |  Class 1 |
| |  Class 2 |



Petition 11884
 DINO LUKAVACKIC AND
 NOELY KATHY PINEDO



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

- PERMIT FEES DOUBLE FOR VIOLATIONS.
- ADDITIONAL FEES MAY APPLY. CONTACT DANE COUNTY ZONING AT 608-266-4266 FOR MORE INFORMATION.

REZONE APPLICATION

APPLICANT INFORMATION

Property Owner Name:	Dino Lukavackic and Noely Kathy Pinedo	Agent Name:	Atty. Ronald M. Trachtenberg
Address (Number & Street):	604 Sound Feather Drive #312	Address (Number & Street):	2501 Parmenter Street, Suite 100A
Address (City, State, Zip):	Verona, WI 53593	Address (City, State, Zip):	Middleton, WI 53562
Email Address:	itsdinoluck@gmail.com	Email Address:	rtrachtenberg@fuhrmandodge.com
Phone#:	702-688-2799	Phone#:	608-444-5699

PROPERTY INFORMATION

Township:	Black Earth	Parcel Number(s):	006/0806-253-9030-0
Section:	25	Property Address or Location:	(No number assigned) Kahl Road

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

Applicant desires to rezone from FP-1 to RR-4 to allow for the construction of a single family detached residential dwelling with large vegetable/fruit bed on vacant portion of parcel. See attached site plan. No subdivision is being requested, but a concurrent one lot CSM to correct a prior metes and bound subdivision is being requested.

Existing Zoning District(s)	Proposed Zoning District(s)	Acres
FP-1	RR-4	7.6 exc of ROW

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.

- Scaled drawing of proposed property boundaries
 Legal description of zoning boundaries
 Information for commercial development (if applicable)
 Pre-application consultation with town and department staff
 Application fee (**non-refundable**), 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:
Dino Lukavackic

Date: 7/20/22

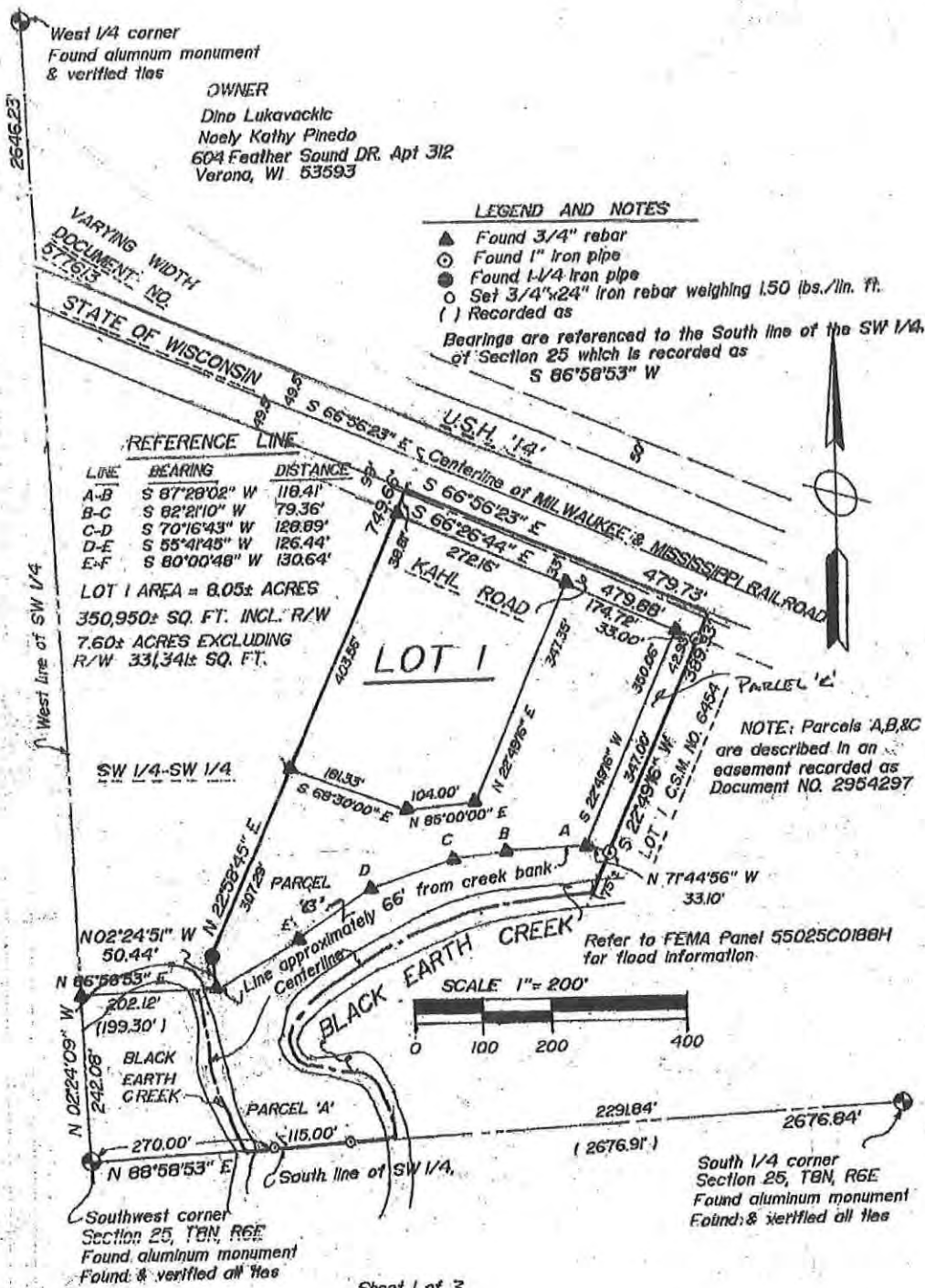
Lukavackic/Pinedo Zoning Change and Land Division Application Narrative

1. Description of Project: The subject 7.6-acre parcel (as surveyed) is presently a metes-and-bounds parcel and is zoned FP-1. The purpose of the project is to “convert” the parcel to a certified survey map lot and rezone the parcel from FP-1 to RR-4 to allow for the construction of a single-family house with an associated accessory building, with lawn and a vegetable-fruit garden. Please see the attached plot drawing. The property is bordered on the north by Kahl Road (and beyond that by the Milwaukee & Mississippi Railroad ROW and tracks), on the east by a 1.2 acre single family dwelling parcel (zoned SFR-1) with an address of 9713 Kahl Road to the east owned by Bernard Bach and Jacolyn Bach Living Trust (with additional single family parcels further east zoned SFR-1 and MR-16), on the south by the Black Earth Creek, , and on the west by a 1.9 vacant parcel (zoned FP-1) with an address of 9755 Kahl Road with unlisted owner (with a .7 acre parcel with an address of 9755 Kahl Road zoned GC without a listed owner further west and with a 4.3 acre parcel with an address of 9763 Kahl Road zoned RR-4 owned by David Pulvermacher still further west). The proposed development is consistent with the adjacent area uses. The parcel has an available density unit.
2. Description of the Property: The property is level. Parts of the property are shoreland, wetland and floodplain. However, the northwest portion is outside those areas and any public easement areas, and is appropriate for construction of a single-family house. The parcel has an available density unit. See attached.
3. The subject parcel is presently vacant. The proposed development consists of a single family detached dwelling with an accessory building, lawn and vegetable-fruit garden bed. The timetable for the improvements is 1 year.
4. The proposed development is consistent with the adjacent uses, which are generally residential. No negative impacts will result from this development.
5. Consistency with Town Plan: The proposed development is consistent with the paragraph 12 of the Town Land Plan as amended in 2016: Rezoning for nonfarm residential use. Specifically, and primarily, the area proposed for rezoning is limited to the acreage necessary for the residential and hobby farm use, is infill development, the planned development is on level land and outside of any shoreland, wetland or floodplain areas or prime agricultural land, does not result in the crossing any productive agricultural lands, and will not conflict with any agricultural uses.
6. Other: Please see that attached maps, plot plan, and graphics.

Lukavackic/Pinedo Zoning Change and Land Division Application Narrative

1. Description of Project: The subject 7.6-acre parcel (as surveyed) is presently a metes-and-bounds parcel and is zoned FP-1. The purpose of the project is to “convert” the parcel to a certified survey map lot and rezone the parcel from FP-1 to RR-4 to allow for the construction of a single-family house with an associated accessory building, with lawn and a vegetable-fruit garden. Please see the attached plot drawing. The property is bordered on the north by Kahl Road (and beyond that by the Milwaukee & Mississippi Railroad ROW and tracks), on the east by a 1.2 acre single family dwelling parcel (zoned SFR-1) with an address of 9713 Kahl Road to the east owned by Bernard Bach and Jacolyn Bach Living Trust (with additional single family parcels further east zoned SFR-1 and MR-16), on the south by the Black Earth Creek, , and on the west by a 1.9 vacant parcel (zoned FP-1) with an address of 9755 Kahl Road with unlisted owner (with a .7 acre parcel with an address of 9755 Kahl Road zoned GC without a listed owner further west and with a 4.3 acre parcel with

DANE COUNTY CERTIFIED SURVEY MAP NO. _____
LOCATED IN THE SW 1/4-SW 1/4 OF SECTION 25, TOWN 8 NORTH, RANGE 6 EAST, TOWN OF BLACK EARTH, DANE COUNTY, WISCONSIN.



DANE COUNTY CERTIFIED SURVEY MAP NO. _____
LOCATED IN THE SW ¼-SW ¼ OF SECTION 25, TOWN 8 NORTH, RANGE 6 EAST, TOWN OF
BLACK EARTH, DANE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

I, John M. Halverson, Professional Land Surveyor, hereby certify that I have surveyed a parcel of land located in the SW ¼-SW ¼ of Section 25, Town 8 North, Range 6 East, Town of Black Earth, Dane County, Wisconsin, more particularly described as follows:

Commencing at the Southwest corner of said Section 25; thence N 00°24'09" W, 242.08 feet along the West line of the SW ¼-SW ¼ of said Section 25; thence N 86°58'53" E, 202.12 feet to the point of beginning, said point being N 86°58'53" E, 35 feet, more or less, from the centerline of the Black Earth Creek; thence N 02°24'51" W, 50.44 feet; thence N 22°58'45" E, 749.66 feet to a point on the South line of the former Milwaukee and Mississippi Railroad or Chicago, Milwaukee, St. Paul and Pacific Railroad; thence S 66°56'23" E, 479.73 feet along the South line of said former Milwaukee and Mississippi Railroad or Chicago, Milwaukee, St. Paul and Pacific Railroad; thence S 22°49'16" W, 389.93 feet to a 1" iron pipe; thence S 22°49'16" W, 75 feet, more or less, to the centerline of the Black Earth Creek, and is the point of beginning of a reference line; thence N 22°49'16" E, 75 feet, more or less, to an existing 1" iron pipe; thence N 71°44'56" W, 33.10 feet; thence S 87°28'02" W, 118.41 feet; thence S 82°21'10" W, 79.36 feet; thence S 70°16'43" W, 128.89 feet; thence S 55°41'45" W, 126.44 feet; thence S 80°00'49" W, 130.64 feet to the point of beginning, thence S 86°58'53" W, 30 feet, more or less, to a point in the centerline of the Black Earth Creek and end of said reference line. INCLUDING all that part of the SW ¼-SW ¼ of said Section 25 which lies Southerly of the above described reference line, Westerly of the centerline of the Black Earth Creek at the first course of the above described reference line, and Easterly of the centerline of the Black Earth Creek at the final course of the above described reference line, containing 8.06 acres, more or less.

That I have prepared the above certified survey map for Dino Lukavackic.

That I have complied with the provisions of Section 236.34 of the Wisconsin State Statutes and the Dane County Land Division and Subdivision Regulations to the best of my knowledge and belief. That such certified survey map is a true and correct representation of all the exterior boundaries of the land surveyed and the division thereof made.

John M. Halverson
Professional Land Surveyor
6381 Coon Rock Road
Arena, WI 53503

Dated this _____ day of _____, 2022

OWNER'S CERTIFICATE:

As Owner, We hereby certify that We caused the land described on this Certified Survey Map to be surveyed, divided and mapped as shown on this Certified Survey Map. We also certify that this Certified Survey Map is required by S.75.17(1)(a), Dane County Code of Ordinances to be submitted to the Dane County Zoning and Land Regulation Committee for approval.

Dino Lufavackic

Noely Kathy Pinedo

Personally came before me this _____ day of _____, 2022. The above named to me known to be the person who executed the foregoing instrument and acknowledged the same.

STATE OF WISCONSIN)
County of Dane)

Notary Public
My Commission Expires _____

DANE COUNTY CERTIFIED SURVEY MAP NO. _____
LOCATED IN THE SW ¼-SW ¼ OF SECTION 25, TOWN 8 NORTH, RANGE 6 EAST, TOWN OF
BLACK EARTH, DANE COUNTY, WISCONSIN.

TOWN OF BLACK EARTH CERTIFICATE:

“Resolved that this Certified Survey Map, which has been duly filed for approval of the Town of Black Earth, Dane County, Wisconsin, be and the same hereby acknowledged and accepted by the Town of Black Earth.” We hereby certify that the above is a true and correct copy of a resolution adopted by the Town of Black Earth on this _____ day of _____, 2022.

Stephanie Zwettler, Town Clerk

Date

VILLAGE OF BLACK EARTH:

Approved for recording by the Village of Black Earth, dated this _____ day of _____, 2022.

Shellie Benish, Village Clerk

Date

DANE COUNTY ZONING AND LAND REGULATION COMMITTEE

Approved for recording by the Dane County Zoning and Land Regulation Committee action of _____, 2022.

Dan Everson, Authorized Representative

REGISTER OF DEEDS CERTIFICATE:

Received for recording this _____ day of _____, 2022 at _____ M. and recorded in Volume _____ of Certified Survey Maps on Pages _____ as Certified Survey Map No. _____ and Document Number _____.

Kristi Cielebowski
Register of Deeds

Legal Description

A parcel of land located in the SW $\frac{1}{4}$ -SW $\frac{1}{4}$ of Section 25, Town 8 North, Range 6 East, Town of Black Earth, Dane County, Wisconsin, more particularly described as follows:

Commencing at the Southwest corner of said Section 25; thence N $00^{\circ}24'09''$ W, 242.08 feet along the West line of the SW $\frac{1}{4}$ -SW $\frac{1}{4}$ of said Section 25; thence N $86^{\circ}58'53''$ E, 202.12 feet to the point of beginning, said point being N $86^{\circ}58'53''$ E, 35 feet, more or less, from the centerline of the Black Earth Creek; thence N $02^{\circ}24'51''$ W, 50.44 feet; thence N $22^{\circ}58'45''$ E, 749.66 feet to a point on the South line of the former Milwaukee and Mississippi Railroad or Chicago, Milwaukee, St. Paul and Pacific Railroad; thence S $66^{\circ}56'23''$ E, 479.73 feet along the South line of said former Milwaukee and Mississippi Railroad or Chicago, Milwaukee, St. Paul and Pacific Railroad; thence S $22^{\circ}49'16''$ W, 389.93 feet to a 1" iron pipe; thence S $22^{\circ}49'16''$ W, 75 feet, more or less, to the centerline of the Black Earth Creek, and is the point of beginning of a reference line; thence N $22^{\circ}49'16''$ E, 75 feet, more or less, to an existing 1" iron pipe; thence N $71^{\circ}44'56''$ W, 33.10 feet; thence S $87^{\circ}28'02''$ W, 118.41 feet; thence S $82^{\circ}21'10''$ W, 79.36 feet; thence S $70^{\circ}16'43''$ W, 128.89 feet; thence S $55^{\circ}41'45''$ W, 126.44 feet; thence S $80^{\circ}00'49''$ W, 130.64 feet to the point of beginning, thence S $86^{\circ}58'53''$ W, 30 feet, more or less, to a point in the centerline of the Black Earth Creek and end of said reference line.

INCLUDING all that part of the SW $\frac{1}{4}$ -SW $\frac{1}{4}$ of said Section 25 which lies Southerly of the above described reference line, Westerly of the centerline of the Black Earth Creek at the first course of the above described reference line, and Easterly of the centerline of the Black Earth Creek at the final course of the above described reference line, containing 7.60 acres, more or less.

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.

080625390200	1.06	RIPP FARMLAND LLC
080625390100	7.13	VERNON L HALVERSON
080625385200	0.17	VERNON L HALVERSON
080625391553	1.71	WILLIAMS INCOME TR, W IRVING & WILLIAMS INCOME TR, SHIR

Easement

Title of Document

DANE COUNTY
REGISTER OF DEEDS

Doc No 2954297

1998-04-08	01:11 PM
Trans. Fee	0.00
Rec. Fee	24.00
Pages	8

000565

Name and return address:

Department of Natural Resources
Attn: Karl Hansen
P.O. Box 7921
Madison, WI 53707

Parcel Identification Number(s):

03-0806-253-9002-7

Dane County Title

Serving the Community with Quality Since 1846. Oldest and Most Complete Title Plant in Dane County.

8/24

THIS EASEMENT, made this 23rd day of September, 1997, by and between Vernon L. Halverson, John M. Halverson and Dennis A Halverson, Grantor, and the State of Wisconsin Department of Natural Resources, Grantee.

WHEREAS, the Grantor is the owner in fee simple of certain real estate which is in, near, or adjacent to the Grantee's project area known as Black Earth Creek Fishery Area and located in Dane County, Wisconsin, and

WHEREAS, the Grantee desires to develop, operate and maintain such lands as a public fishing area for use and benefit of the general public, and to control land use with the project,

NOW, THEREFORE, the Grantor for and in consideration of the sum of One (\$1.00) Dollar and the mutual terms and conditions hereinafter contained, conveys to the Grantee, upon acceptance by the Grantee, within three (3) months from the date hereof, an easement and right in perpetuity to develop, operate and maintain a public fishing area on the following described real estate parcels A, B and C:

Parcel A shall consist of a strip of fast and unflowed land four rods wide on each bank of the stream known as Black Earth Creek, including the bed therein, together with all connecting bayous, sloughs, backwaters and tributary springs as they lie and flow through that part of the following described property identified as Parcel B:

Parcel B: That part of the Southwest 1/4 of the Southwest 1/4 of Section 25, Township 8 North, Range 6 East, Town of Black Earth, Dane County, Wisconsin described as follows: Beginning at the Southwest corner of Section 25, thence North along section line 249.2 feet, thence East 199.3 feet, thence N25°24'E, approximately 330.00 feet, thence Southeasterly along floodplain line, approximately 280.00 feet, thence Northeasterly approximately 350 feet to the right of way line of Kahl Road, thence Southeasterly approximately 200 feet, thence S22°49'16"W, 380 feet to the centerline of Black Earth Creek, thence, along centerline of Creek approximately 560 feet, thence, South along the East line of the Southwest 1/4 of the Southwest 1/4 approximately 400 feet, thence West along section line 1324.9 feet to the point of beginning.

Parcel C: That part of Parcel B described as follows: Beginning at the Southwest corner of Section 25, thence North along section line 249.2 feet, thence East 199.3 feet, thence N25°24'E, approximately 330.00 feet, thence Southeasterly along floodplain line, approximately 280.00 feet, thence Northeasterly approximately 350 feet to the right of way line of Kahl Road, thence Southeasterly approximately 167 feet along said right-of-way line to the point of beginning, thence continuing southeasterly along said right-of-way line 33 feet, thence S22°49'16"W, 380 feet to the centerline of Black Earth Creek, thence westerly along center line of said Creek to a point 33 feet westerly of, as measured perpendicular, to the last course, thence N22°49'16"W, approximately 380 feet, to the point of beginning.

The legal description is approximate. The property to be conveyed shall be surveyed to provide a more precise legal description. The Grantor shall provide the survey. SEE ATTACHED EXHIBIT B FOR SURVEYED LEGAL DESCRIPTION

The location of said easement is shown on Exhibit "A" attached hereto, and made a part hereof.

The Premises shall move consistent with any movement of the stream within the limits of the legal description.

Upon recording this document and receiving a title insurance policy indicating merchantable title in the Grantor, the Grantee shall pay Four thousand seven hundred and fifty dollars per acre (\$4,750) times the surveyed size of Parcel B to the Grantor for this easement. The rights of the easement and the covenants the owner shall abide by include:

1. TRANSFERRED RIGHTS TO THE DEPARTMENT (GRANTEE) PARCEL A

- A. The public shall have the right: (a) to enter upon and utilize the Premises to the extent necessary for the full enjoyment and use of the rights and privileges granted by this easement; (b) to catch and take fish from the waters thereon by legal means; and (c) to observe wildlife and enjoy scenic beauty. Public travel on the Premises shall be by foot, snowshoe or ski.
- B. The Grantee shall have the right: (a) to protect and develop the waters within Parcel A by the installation and maintenance of stream improvement measures deemed necessary by the Grantee for the purpose of fostering, improving and enhancing fishing, the fish populations, the aquatic habitat, and the quality of the waters therein; (b) to post signs on the Premises in order to delineate authorized public use; (c) to protect the Premises from erosion by the installation and maintenance of mechanical and physical means such as fencing, machinery crossings, livestock crossings, livestock watering areas, stream bank riprap, stream bank grading, building erosion control works and structures; (d) to cut, maintain, or plant trees, shrubs or plants where and to the extent deemed necessary for the protection of the stream; and (e) to manage fish and wildlife habitat and populations within the easement area, including the removal or destruction of beaver dams. If required by law, the Grantor shall co-apply with the Grantee for any and all federal, state and local licenses, permits or approvals necessary for exercising the rights granted to the Grantee pursuant to this easement. The Grantee shall pay all fees and incidental expenses for permits, approvals or licenses applied for pursuant to this easement.

- C. The Grantee assumes the responsibility for the adjustment and payment of damages arising from the operation of the above described property as a public fishing area, but within the limits of the funds available for such purpose pursuant to s. 29.555, Stats. The Grantor shall submit a verified statement of the resultant damage to his/her property within ten (10) days from the date such alleged damage was first noted by the Grantor. The Grantor's failure to report this damage within the prescribed time period shall bar any recovery herein provided.

2. COVENANTS OF OWNER (GRANTOR) PARCEL A

- A. The Grantor shall not take any action which results in the degradation or loss of any wetlands, streams, springs, lakes, ponds, marshes, sloughs, swales, swamps, or potholes now existing or hereinafter occurring on the Premises, except as noted in 3.D.
- B. The Grantor may not adversely affect the natural flow of surface or underground waters, into, within and out of the Premises on property under the Grantor's control except as noted in 3.D.
- C. The Grantor shall not change the general topography of the landscape and stream frontage of the Premises from its present condition.
- D. The Grantor may not burn the vegetation of the Premises without the prior permission of the Grantee.
- E. The Grantor shall not remove or destroy any trees or shrubs on the Premises without prior approval of the Grantee.
- F. The Grantor may not till, crop, or cut the vegetation of the Premises without prior written approval of the Grantee.
- G. The Grantor may not place livestock on the Premises without prior written approval of the Grantee.
- H. The Grantor shall not erect, display, place or maintain upon or within the Premises any sign, billboard, outdoor advertising structure or advertisement of any kind except signs which protect the Grantors retained rights.
- I. The Grantor shall not place or erect any new structures upon or in the Premises unless otherwise provided for in this easement.
- J. The Grantor shall not dump or place ashes, trash, garbage, sewage, sawdust, manure piles or any unsightly or offensive material upon or in the Premises.

3. RESERVED RIGHTS OF GRANTOR PARCEL A

- A. The Grantor shall have the right to sell, give or otherwise convey the Premises, provided such conveyance is subject to the terms of this easement.
- B. The Grantor may use the Premises in the same manner as the "public".
- C. The Grantor controls the Premises for hunting and trapping in accordance with applicable regulations, except as provided for in 1.B.(e).
- D. The Grantor may maintain and replace existing tiles and ditches draining lands from outside the Premises through the Premises in accordance with applicable regulations.

4. COVENANTS OF OWNER (GRANTOR) PARCEL B

- A. The Grantor shall cooperate and assist in the maintenance of the Premises as wetland, flowage, and wildlife habitat area, including streams, springs, lakes, ponds, marshes, sloughs, swales, swamps, or potholes, now existing or thereafter occurring on Parcel B (1) by not draining or permitting the draining through the transfer of appurtenant water rights; (2) by not ditching or any other means; (3) by not filling in with earth or any other material; and (4) by not burning any areas covered with marsh vegetation.
- B. Except as otherwise provided, the general topography of the landscape including water frontage shall be maintained in its present condition.
- C. No dumping of ashes, trash, garbage, sewage, sawdust, manure piles, or any unsightly or offensive material shall be placed upon, under or in the Premises.
- D. No sign, billboard, outdoor advertising structure or advertisement of any kind shall be erected, displayed, placed or maintained upon or within the Premises.
- E. No new structures of any kind shall be placed or erected upon the Premises without the prior written permission of the Grantee.

F. The Grantor may not pasture, graze or otherwise allow the use of Parcel B by any livestock unless the Grantee approves in writing.

5. RESERVED RIGHTS OF OWNER (GRANTOR) PARCEL B

- A. The grantor shall have the right to continue to use Parcel B as park land including use as recreational sport playing fields; and cropland as long as such use conforms to accepted, standard best management agricultural practices as detailed in a separate management plan pertaining to this parcel as prepared by the United States Department of Agriculture FSA and/or NRCS office(s). The agricultural practices allowed shall not contribute to pollutants, degradation of habitat or runoff to Black Earth Creek.
- B. Nothing herein shall be construed as limiting the right of the Grantor to sell, give or otherwise convey the Premises, provided such conveyance is subject to the terms of this easement.

6. TRANSFERRED RIGHTS TO THE DEPARTMENT (GRANTEE) PARCEL C

- A. The Grantee, its employees, officers, and agents, and the public shall have the right of ingress and egress from the Premises across Parcel C for the purpose of carrying out the rights which are provided for in Paragraphs 1A and 1B; and for the purposes of assessing and maintaining the aquatic community.

GENERAL PROVISIONS WHICH APPLY TO PARCELS A, B AND C.

1. If any provision of this easement is found to be invalid, the remainder of the provisions shall not be affected thereby.
2. Any ambiguity, in this easement shall be construed in a manner which best effectuates conservation and protects or enhances fishing, the fish populations, the aquatic habitat, and the quality of the waters therein.
3. The terms Grantor and Grantee, when used herein, shall mean either masculine or feminine, singular or plural, as the case may be and the provisions of this easement shall bind the parties mutually, their heirs, successors, personal representatives and assigns and shall run with the land.
4. This easement will become effective when signed by both parties and recorded.
5. The Grantor releases the Grantee from any claims of damage which may arise as a result of floods and flash floods on the lands.
6. The Grantor shall neither lease nor convey any other easement in any way affecting the use and enjoyment of this easement without the prior written permission of the Grantee.

WITNESS the hands and seals of the Grantor and of any person joining in and consenting to this conveyance on the day and year hereinbefore written.

Vernon L. Halverson
Vernon L. Halverson

(SEAL) John M. Halverson (SEAL)
John M. Halverson

(SEAL) Dennis A. Halverson (SEAL)
Dennis A Halverson,

STATE OF WISCONSIN)
)ss.
DANE COUNTY)

Personally appeared before me this 23rd day of September, 1997, the above named Vernon L. Halverson, John M. Halverson and Dennis A Halverson, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Doug Delwiche
Notary Public, State of Wisconsin
My commission expires (is) May 23, 1999

ACCEPTED this 17th day of November, 1997

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By David C. Morehouse
David C. Morehouse

STATE OF WISCONSIN)
Dane)ss.
COUNTY)

Personally appeared before me this 17th day of November, 1997, the above named
David C. Morehouse

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same
Karl E. Hansen
Karl E. Hansen
Notary Public, State of Wisconsin
My commission (expires) () 11/29/00

THIS INSTRUMENT WAS DRAFTED BY THE
STATE OF WISCONSIN DEPARTMENT OF
NATURAL RESOURCES.

copy in
survey
etc

SURVEY PLAT

LOCATED IN THE SW 1/4-SW 1/4 OF SECTION 25, TOWN B NORTH, RANGE 6 EAST, TOWN OF BLACK EARTH, DANE COUNTY, WISCONSIN

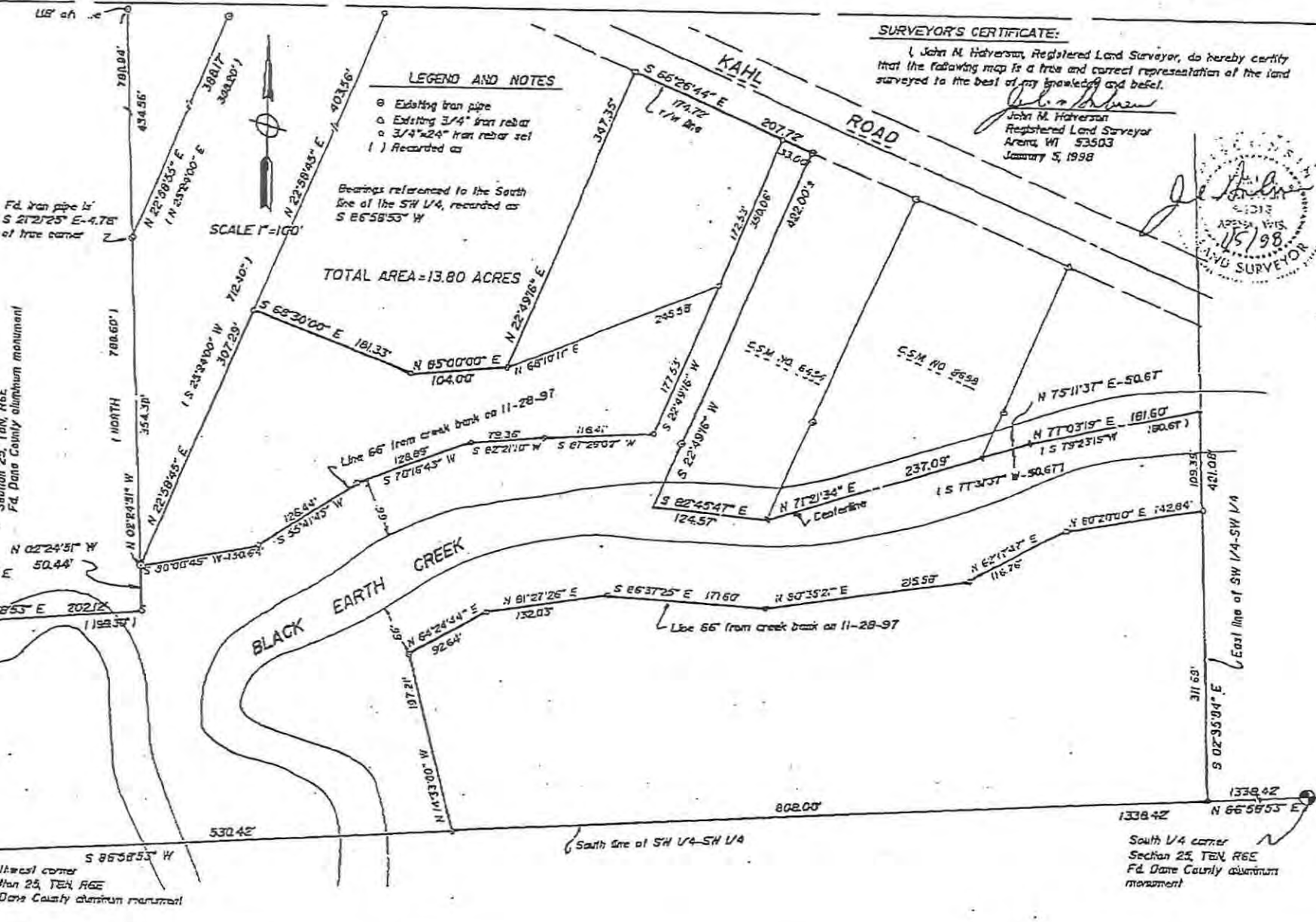
West 1/4 corner
Section 25, T10N, R6E
F.d. Dane County aluminum monument

Southwest corner
Section 25, T10N, R6E
F.d. Dane County aluminum monument

F.d. iron pipe in
S 27°25' E-4.78'
of true corner

F.d. iron pipe in
S 16°25' E
72' of corner

West line of SW 1/4-SW 1/4
N 02°24'09" W
170.33'



LEGEND AND NOTES

- ⊙ Existing iron pipe
- Existing 3/4" iron rebar
- 3/4"x24" iron rebar set
- () Recorded as

Bearings referenced to the South line of the SW 1/4, recorded as S 85°58'53" W

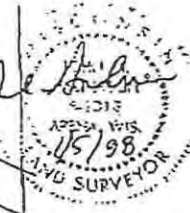
SCALE 1"=100'

TOTAL AREA=13.80 ACRES

SURVEYOR'S CERTIFICATE:

I, John M. Halverson, Registered Land Surveyor, do hereby certify that the following map is a true and correct representation of the land surveyed to the best of my knowledge and belief.

John M. Halverson
 John M. Halverson
 Registered Land Surveyor
 Arena, WI 53503
 January 5, 1998





**Assured Wetland Delineation
Report**

Kahl Road Parcel

Town of Black Earth, Dane County, WI

Stantec Project #:193708850

Lead Delineator: Kate Remus

May 13, 2022

Prepared for:

Dino Lukavackic aka Dino Luck
604 Feather Sound Drive, Apt 312
Verona, WI 53593

Prepared by:

Stantec Consulting Services Inc.
209 Commerce Parkway
PO Box 128
Cottage Grove, WI 53527
Phone: (608) 839-1998
Fax: (608) 839-1995



April 1, 2022

Kate Remus
Stantec
209 Commerce Parkway
P.O. Box 128
Cottage Grove, WI 53527

Subject: 2022 Assured Wetland Delineator Confirmation

Dear Ms. Remus:

This letter provides Wisconsin Department of Natural Resources (WDNR) confirmation for the wetland delineations you conduct during the 2022 growing season. You and your clients will not need to wait for the WDNR to review your wetland delineations before moving forward with project planning. This will help expedite the review process for WDNR's wetland regulatory program. Your name and contact information will continue to be listed on our website at: <http://dnr.wi.gov/topic/wetlands/assurance.html>.

In the instance where a municipality may require a letter of confirmation for your work prior to moving forward in the local regulatory process, this letter shall serve as that confirmation. Although your wetland delineations do not require WDNR field review, inclusion of a Wetland Delineation Report is required for projects needing State authorized wetland, waterway and/or storm water permit approvals.

In order to comply with Chapter 23.321, State Statutes, please supply the department with a polygon shapefile of the wetland boundaries delineated within the project area. Please do not include data such as parcel boundaries, project limits, wetland graphic representation symbols, etc. If internal upland polygons are found within a wetland polygon, then please label as UPLAND. The shapefile should utilize a State Plane Projection and be overlain onto recent aerial photography. If a different projection system is used, please indicate in which system the data are projected. In the correspondence sent with the shapefile, please supply a brief description of each wetland's plant community (eg: wet meadow, floodplain forest, etc.). Please send these data to Calvin Lawrence (608-266-0756 or email at calvin.lawrence@wisconsin.gov).

If you or any client has a question regarding your status in the Wetland Delineation Professional Assurance Program, contact me by email at kara.brooks@wisconsin.gov or phone at 414-308-6780. Thank you for all your hard work and best wishes for the upcoming field season.

Sincerely,

Kara Brooks
Wetland Identification Coordinator
Bureau of Watershed Management

WETLAND DELINEATION REPORT

Kahl Road Parcel
Figures
May 13, 2022

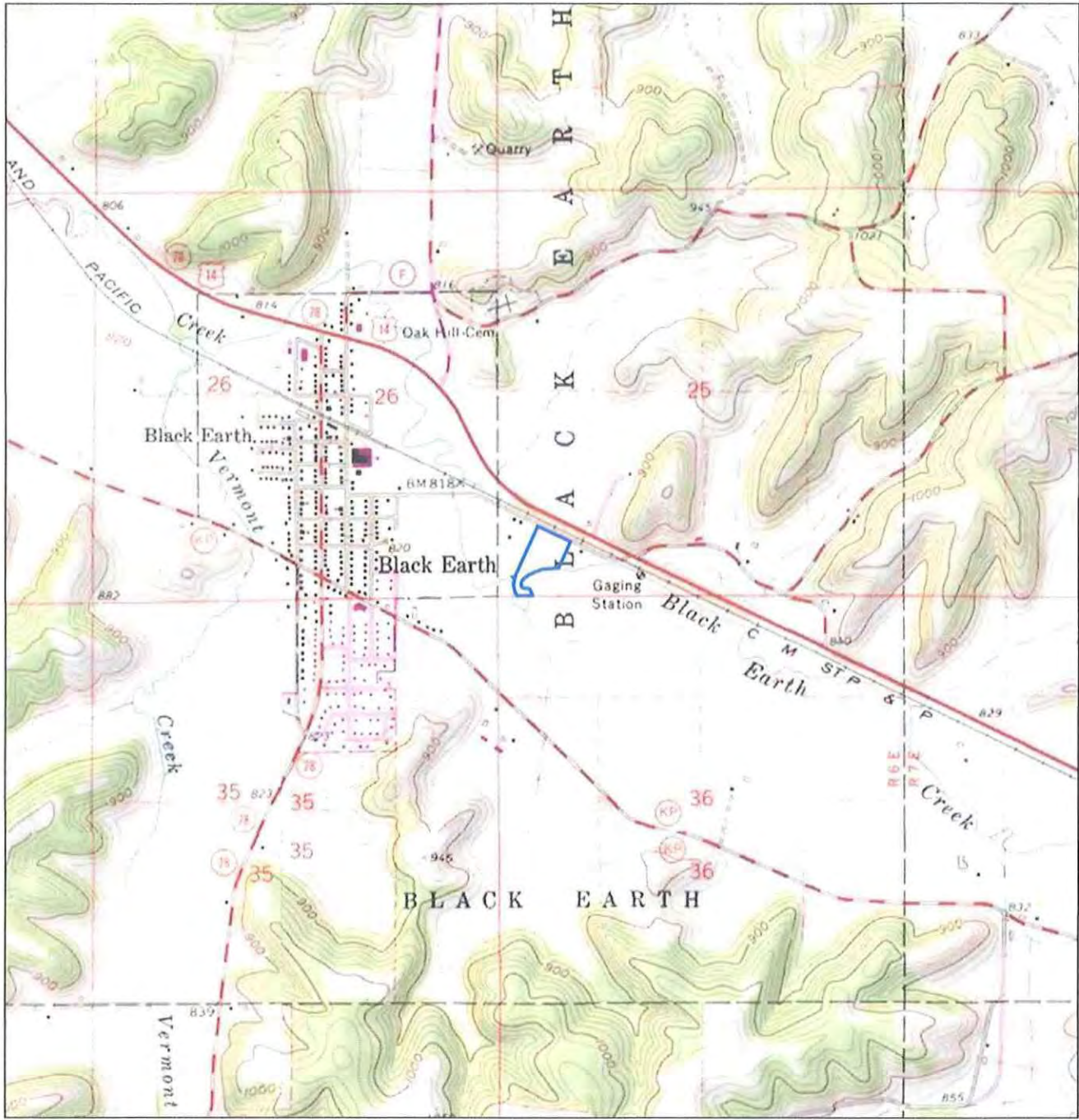
Appendix B FIGURES

Figure 1. Project Location and Topography

Figure 2. NRCS Soil Survey Data – Hydric Ratings

Figure 3. Wisconsin Wetland Inventory

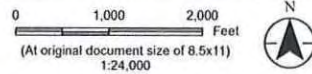
Figure 4. Field Collected Data



C:\Temp\topo\dpi\road... 1937 Acv... 10/17/2020 02_48:30m... Kahl_Rd_Verland_Dimension.aprx Rev... 2025-05-02 By: jprebol



Legend
 Project Boundary



Project Location
 TOWN: RIDGE, S25 & 36
 T. of Black Earth, Dane Co., WI

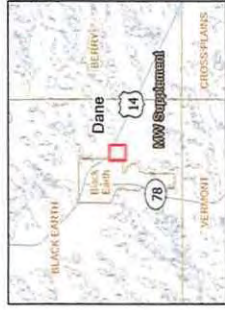
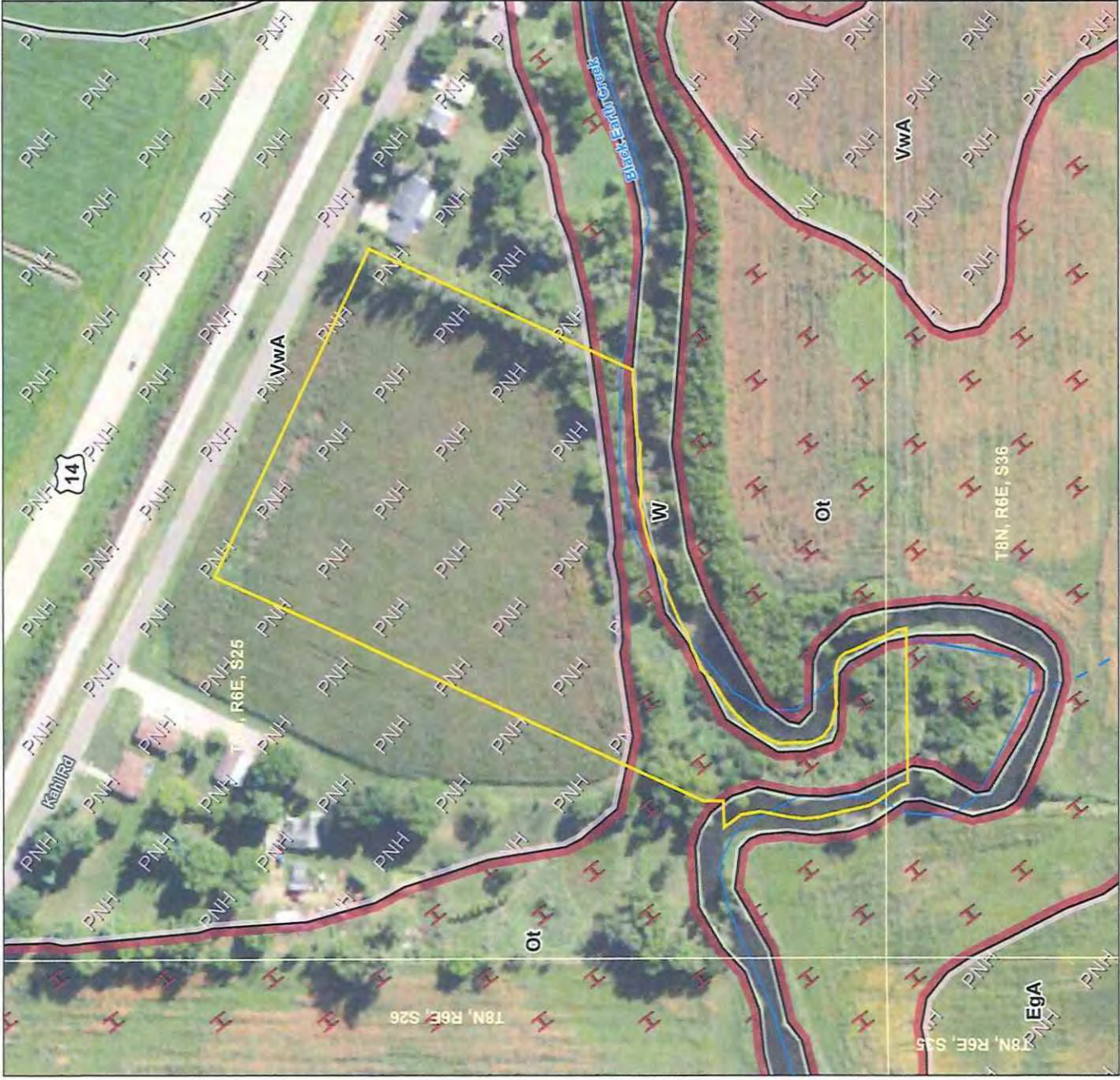
Prepared by JDS on 2022-03-31
 TR by RA on 2022-04-04
 IR by KR on 2022-04-29

Client/Project
 Dino Lukavackic
 Kahl Road Parcel
 Wetland Delineation

Figure No.
1

Title
Project Location and Topography

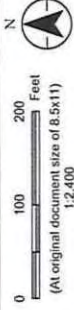
Notes
 1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
 2. Data Sources: Stantec, SCO, WisDOT, WDNR
 3. Background: USGS 7.5' Topographic Quadrangles



- Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin, South FIPS 4803 Feet
 2. Data Sources: Stantec, SCO, WisDOT, WDNR, NRCS
 3. Background: NAD 2011

- Legend**
- Project Boundary
 - NRCS Soil Survey Data
 - Hydrography
 - Hydric (H)
 - Predominantly Hydric (PrH)*
 - Partially Hydric (PaH)*
 - Predominantly Non-Hydric (PNH)
 - Non-Hydric

- DNR 24k Hydrography
- Perennial Stream
- Intermittent Stream*
- Waterbody*



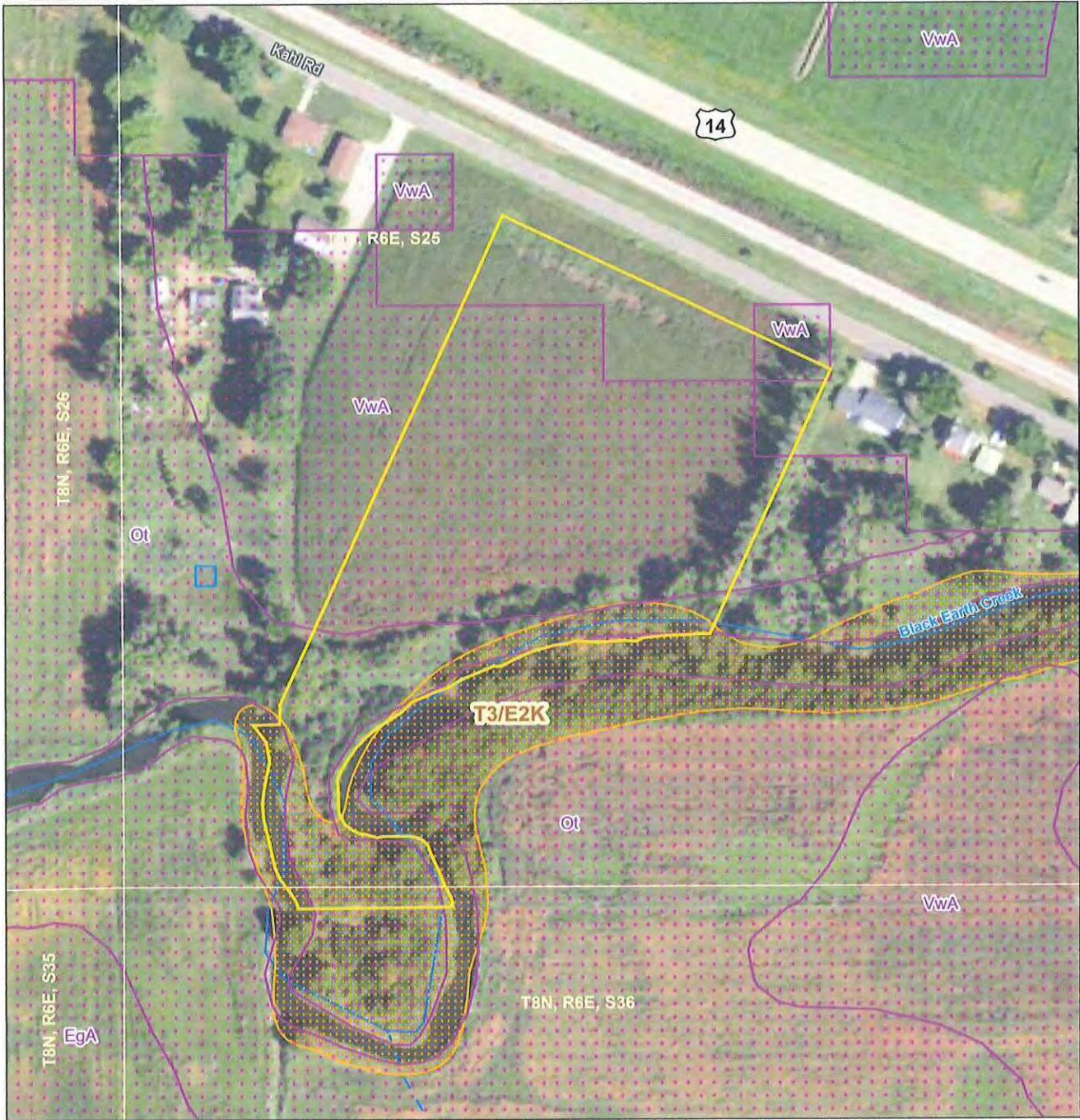
Project Location: T8N, R6E, S36
 Prepared by: JDS on 2022-03-31
 Checked by: JDS on 2022-04-29
 I. of Black Earth, Dane Co., WI
 IR by RFR on 2022-04-29
 2022060002
 Dino Lukarackic
 193708550

Figure No. **2**
 Title
**NRCS Soil Survey Data
 Hydric Ratings**

*No Features Within Data Frame

Disclaimer: This document has been prepared based on information provided by others as cited in the Notes section. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic format, and the recipient accepts full responsibility for the accuracy and completeness of the data.

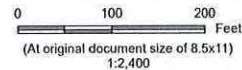
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 Revised: 2022-06-02 By: jpsibel



- Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
 2. Data Sources: Stantec, SCO, WisDOT, WDNR
 3. Background: NAIP 2020

Legend

- Project Boundary
 - WWI Wetland Class Points
 - Excavated Pond
 - Wetland Too Small to Delineate*
 - Wetland Indicators
 - New WWI/NWI Wetland Class Areas*
 - WWI Wetland Class Areas
 - Wetland
- DNR 24k Hydrography
 - ~ Perennial Stream
 - - - Intermittent Stream*
 - Waterbody*



Project Location: T08N, R06E, S25 & 36
 T. of Black Earth, Dane Co., WI
 Prepared by JDS on 2022-03-31
 TR by RA on 2022-04-04
 IR by KR on 2022-04-29

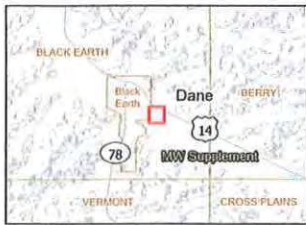
Client/Project: Dino Lukavackic
 Kahl Road Parcel
 Wetland Delineation
 193708850

Figure No. 3
 Title: Wisconsin Wetland Inventory

*No Features Within Data Frame

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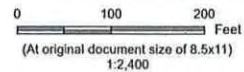
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- Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
 2. Data Sources: Stantec, SCO, WisDOT, WDNR, Dane Co.
 3. Background: NAIP 2020

- Legend**
- Project Boundary
 - Sample Point
 - Field Delineated Waterway
 - Field Delineated Waterway Area
 - Field Delineated Wetland
 - 2ft Elevation Contour
 - DNR 24k Hydrography
 - ~ Perennial Stream
 - - - Intermittent Stream*
 - Waterbody*

*No Features Within Data Frame



Project Location
T8N, R6E, S25 & 36
T. of Black Earth, Dane Co., WI

Prepared by JDS on 2022-04-29
TR by RA on 2022-04-04
IR by KR on 2022-04-29

Client/Project
Dino Lukavackic
Kahl Road Parcel
Wetland Delineation

Figure No.
4

Title
Field Collected Data