

Dane County Rezone & Conditional Use Permit

Application Date	Petition Number
12/20/2017	DCPREZ-2017-11249
Public Hearing Date	C.U.P. Number
02/27/2018	

OWNER INFORMATION	AGENT INFORMATION
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OWNER NAME JOSEPH M SCHWARZ & SON LLC	PHONE (with Area Code) (608) 831-7875	AGENT NAME	PHONE (with Area Code)
BILLING ADDRESS (Number & Street) 7393 RILES RD		ADDRESS (Number & Street)	
(City, State, Zip) MIDDLETON, WI 53562		(City, State, Zip)	
E-MAIL ADDRESS Jschwarz@chorus.net		E-MAIL ADDRESS	

ADDRESS/LOCATION 1	ADDRESS/LOCATION 2	ADDRESS/LOCATION 3
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ADDRESS OR LOCATION OF REZONE/CUP North of 4473 Blue Mounds Trl	ADDRESS OR LOCATION OF REZONE/CUP Blue Mounds Trl	ADDRESS OR LOCATION OF REZONE/CUP
TOWNSHIP VERMONT	SECTION 9	TOWNSHIP
TOWNSHIP	SECTION 9	TOWNSHIP
SECTION	SECTION	SECTION
PARCEL NUMBERS INVOLVED 0706-091-8501-3	PARCEL NUMBERS INVOLVED 0706-091-8691-0	PARCEL NUMBERS INVOLVED

REASON FOR REZONE	CUP DESCRIPTION
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CREATING ONE RESIDENTIAL LOT	
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FROM DISTRICT: A-1Ex Exclusive Ag District	TO DISTRICT: RH-1 Rural Homes District	ACRES 3.0	DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
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C.S.M REQUIRED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials <i>JMS</i>	PLAT REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials <i>JMS</i>	DEED RESTRICTION REQUIRED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials <i>JMS</i>	INSPECTOR'S INITIALS SSA1	SIGNATURE: (Owner or Agent) <i>Joseph M. Schwarz</i>
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PRINT NAME: <i>Joseph M. Schwarz Member</i>
DATE: <i>12/20/2017</i>



DANE COUNTY
PLANNING DEVELOPMENT

Zoning Division
Room 116, City-County Building
210 Martin Luther King Jr. Blvd.
Madison, Wisconsin 53703-3342
Phone: (608) 266-4266
Fax: (608) 267-1540

Zoning Change Application

Items that must be submitted with your application:

- o **Written Legal Description of the proposed Zoning Boundaries**
Legal description of the land that is proposed to be changed. The description may be a lot in a plat, Certified Survey Map, or an exact metes and bounds description. A separate legal description is required for each zoning district proposed. The description shall include the area in acres or square feet.
- o **Scaled Drawing of the location of the proposed Zoning Boundaries**
The drawing shall include the existing and proposed zoning boundaries of the property. All existing buildings shall be shown on the drawing. The drawing shall include the area in acres or square feet.

Owner's Name Joseph M Schwarz + Son, LLC Agent's Name _____
 Address 7393 Riles Road, Middleton WI 53562 Address _____
 Phone (608) 831-7875 Phone _____
 Email Jschwarz@chorus.net Email _____

Town: Vermont Parcel numbers affected: 0706-091-8501-3

Section: 9 Property address or location: Blue Mounds Trail

Zoning District change: (To / From / # of acres) 3 Acres from A1-EX to RH-1
See attached memo

Soil classifications of area (percentages) Class I soils: ____% Class II soils: ____% Other: ____%
See Attached soil survey for previous owner

Narrative: (reason for change, intended land use, size of farm, time schedule)

- Separation of buildings from farmland
- Creation of a residential lot
- Compliance for existing structures and/or land uses
- Other:

Attached is the Density Study indicating one development right for the 6.3 acre parcel and one for the 35.55 parcel.

I authorize that I am the owner or have permission to act on behalf of the owner of the property.
 Submitted By: Joseph M. Schwarz, Member

Date: 12/19/2017

Zoning Change Memo
For Parcel #0706-091-8501-3

This Parcel consists of 35.55 acres and was purchased on November 30, 2017 through a tax free exchange (See Warranty Deed, EXHIBIT A for Legal Description and Maps reflecting the 35.5 Acres). From this parcel, we are requesting the rezoning of 3.0 acres to RH-1 for the ability to build a 4 bedroom home (See Preliminary Survey Map sheets 1 & 2). This leaves the balance of the area at 32.55 acres and would require a rezoning from A1-EX at this point.

The 35.55 parcel was purchased by Joseph M. Schwarz & Son, LLC, a LLC in which Joseph M. Schwarz has a 100% ownership in the capital and the son has an income interest when income is earned.

Joseph M. Schwarz is also a single member owner of Hidden Acres I, LLC, which is purchasing in January the 63 acres contiguous to the 35.5 parcel. The closing on this property will occur no later than January 12, 2018. As part of this purchase, Joseph M. Schwarz & Son, LLC will purchase 3.0 of the 63 acres. The 3.0 acres will come from Parcel #0706-092-8000-8, which is immediately to the West of the 35.55 acres (See EXHIBIT B for legal description provided by Full Circle). Also see the map illustrating the extra parcel labelled Exhibit B and that corresponds to the legal description on EXHIBIT B.

The result of this transaction to be completed no later than January 12, 2018 is to increase the ownership by Joseph M. Schwarz & Son, LLC up to 38.55 acres before the rezoning action of the 3 acres will be approved. This will thus leave the ownership of A1-EX property after the rezoning at 35.55 or more acres in this entity (Joseph M. Schwarz & Son, LLC) and thus no rezoning of the remaining land will be needed.

Attached is the legal description of the original 35.55 acres as EXHIBIT A, the 3.0 acres to be rezoned within the 35.55 acres (See the Preliminary Certified Survey Map pages 1 & 2), the legal description of the 3.0 acres to the immediate West of the 35.55 acres as EXHIBIT B that will be purchased by Joseph M Schwarz & Son, LLC by January 12th, and the 63 acres to be purchased (See Survey Map of 63 acres with legal description). Hidden Acres I, LLC and/or assign are to purchase the 63 acres again by January 12, 2018. Also attached is a survey map reflecting the location of the 3.0 acres taken from the 63 acres and adding it to the 35.55 acres. It is immediately located to the West boundary of the 35.55 acres.

To summarize the numbers:	<u>Gross</u>	<u>Net</u>
Original purchase by JMS & Son, LLC	35.55 acres	30.007
Purchase of 3 acres by JMS & Son, LLC from the 63 acre purchase	<u>3.00</u> acres	<u>3.000</u>
Total acres owned by JMS & Son, LLC as of January 12 th , 2018	38.55 acres	38.007
Area requested to be rezoned as RH-1	<u>(3.00)</u> acres	<u>(3.00)</u>
Remaining A1-EX acres owned by JMS & Son, LLC as of Jan. 12, 2018	<u>35.55</u> acres	<u>35.007</u>

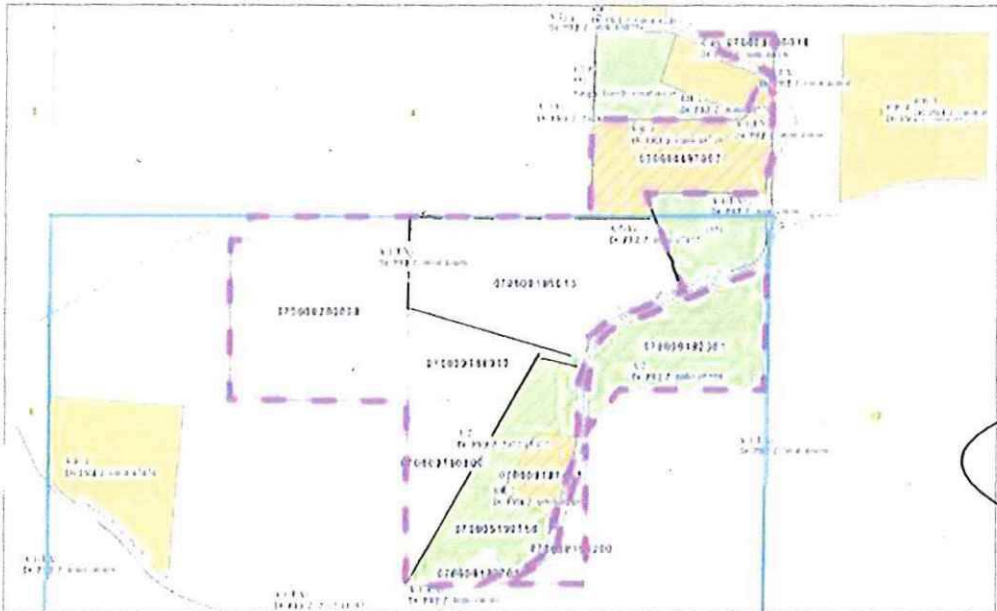
We have discussed the process we are using with Roger W. Lane and he indicated that we can submit the zoning change application by December 21, 2017 reflecting our plan and if the transaction of purchasing the 3.0 acres by JMS & Son, LLC occurs by the January 12 date, the process of replacing the 3 acres of land also zoned A1-EX in

Joseph M. Schwarz & Son, LLC will work to eliminate the need to rezone any A1-EX property not rezoned RH-1.

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.

Applicant: Joseph Schwarz & Son, LLC					
Town	Vermont	A-1EX Adoption	10/12/1979	Orig Farm Owner	William Aeschliman
Section:	04, 09	Density Number	35	Original Farm Acres	165.86
Density Study Date	10/13/2017	Original Splits	4.74	Available Density Unit(s)	2



Reasons/Notes:
 3 PDRs used per rezones 5749, 6100 and CSM 5865. 2 PDRs remain.

CSM 13408 separated the existing farm home and does not count against density cap. CSM 7143 separated a home on a separate 1985 parcel.

Stix and Aeschlimann each eligible for 1 PDR.

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
070609280008	39.21	AESCHLIMANN ENTERPRISES LLC	
070609190800	11.5	AESCHLIMANN ENTERPRISES LLC	
070609186910	11.34 ✓	AESCHLIMANN ENTERPRISES LLC	
070604495018	2.12	CHAD D BOLLENBACH & JILL M BOLLENBACH	
070609190150	18.73	DANIEL R MACHOTKA & TABITHA L SMITH	13408
070609192701	1.51	JACK A SCHULENBERG & JULIE SCHULENBERG	
070609193200	3.92	JOHN N HALLICK & JAMIE J HALLICK	
070604497007	18.82	KENNETH L JOHNSON	
070609191453	4.64	MARY F GEORGE	05865
070609182301	19.08	MICHAEL F MCDERMOTT	07143

Map Unit Legend

Dane County, Wisconsin (WI025)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
BaD2	Basco silt loam, 12 to 20 percent slopes, eroded	27.8	77.2%
EhE2	Eleva sandy loam, 20 to 30 percent slopes, eroded	3.1	8.6%
PrC	Port Byron silt loam, 6 to 12 percent slopes	5.1	14.2%
Totals for Area of Interest		36.1	100.0%

(State Bar of Wisconsin Form 1 - 2003)

WARRANTY DEED

purchase of 35.55 Acres
Document Name

Document Number

KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
5377881
12/13/2017 01:09 PM
Trans Fee: 708.00
Exempt #:
Rec. Fee: 30.00
Pages: 2

THIS DEED, made between
Sally A. Stix, an unmarried person

("Grantor," whether one or more), and
Joseph M. Schwarz & Son, LLC a Wisconsin limited liability company

("Grantee," whether one or more).
Grantor for a valuable consideration, conveys to Grantee 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): See Attached Exhibit A

Recording Area

Name and Return Address
Joseph M. Schwarz & Son, LLC
7393 Riles Rd
Middleton WI 53562

Grantor warrants that the title to the Property is good, indefeasible, in fee simple and free and clear of encumbrances except:
municipal and zoning ordinances and agreements entered under them, recorded easements for the distribution of utility and municipal services, recorded building and use restrictions and covenants, present uses of the Property in violation of the foregoing disclosed in the Grantor's (Seller's) Real Estate Condition Report, if any, and in the Offer to Purchase for the Property between the Grantor and Grantee, if any, and general taxes levied in the year of closing and will warrant and defend the same.

060/0706-091-8501-3

Parcel Identification Number (PIN)

This is not homestead property.

Dated 11/30/17

Sally A. Stix (SEAL)
* Sally A. Stix

____ (SEAL)
*

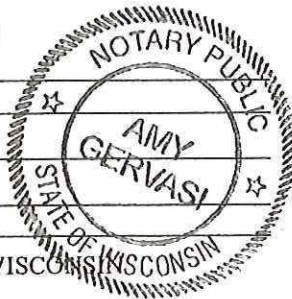
____ (SEAL)
*

____ (SEAL)
*

T- \$236,000.00
(708.00)

AUTHENTICATION

Signature(s) _____
authenticated on _____
*



ACKNOWLEDGMENT

STATE OF Wisconsin)
) ss.
Dane COUNTY)
personally came before me on November 30, 2017
the above-named Sally A. Stix
to me known to be the person(s) who executed the foregoing
instrument and acknowledged the same
* Amy Gervasi
Notary Public, State of Wisconsin
My commission (is permanent) (expires: March 12, 2021)

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

THIS INSTRUMENT DRAFTED BY:
Amy Gervasi / Scrivener / 922622
Knight Barry Title Services LLC



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

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATION TO THIS FORM SHOULD BE CLEARLY IDENTIFIED

EXHIBIT A

Part of the North 1/2 of the Northeast 1/4 of Section 9, Township 7 North, Range 6 East, Town of Vermont, Dane County, Wisconsin, more fully described as follows: Beginning at the North 1/4 corner of the said Section 9; thence South 89°50'31" East along the section line 1818.70 feet to the Westerly line of Certified Survey Map No. 3178; thence South 22°39'09" East along the said Certified Survey Map (previously recorded as South 22°18'55" East) 594.86 feet to the center of Blue Mounds Trail; thence South 67°41'05" West along the center of Blue Mounds Trail 617.42 feet; thence South 65°03'11" West 132.92 feet to a point on the right-of-way line of Blue Mounds Trail; thence South 57°42'24" West 259.25 feet; thence North 74°13'45" West 1181.07 feet; thence North 0°01'43" West 662.00 feet to the point of beginning.

Property Address: Vacant Land - Blue Mounds Trl, Black Earth, WI 53515
Tax Key No.: 060/0706-091-8501-3



EXHIBIT B

This description is for the 3.0 acres to be purchased by Joseph M Schwarz & Son, LLC by January 12, 2018 and that are part of the 63 acre parcel for which a Plat of Survey map is attached with the legal description for all 63 acres. The 3.0 acres will become added to the 35.5 acre parcel purchased from Sally Stix for which the legal description is given in EXHIBIT A.

The legal description of the 3 acres is as follows as determined by Full Circle, the provider of the surveyor of the total 63 acre parcel.

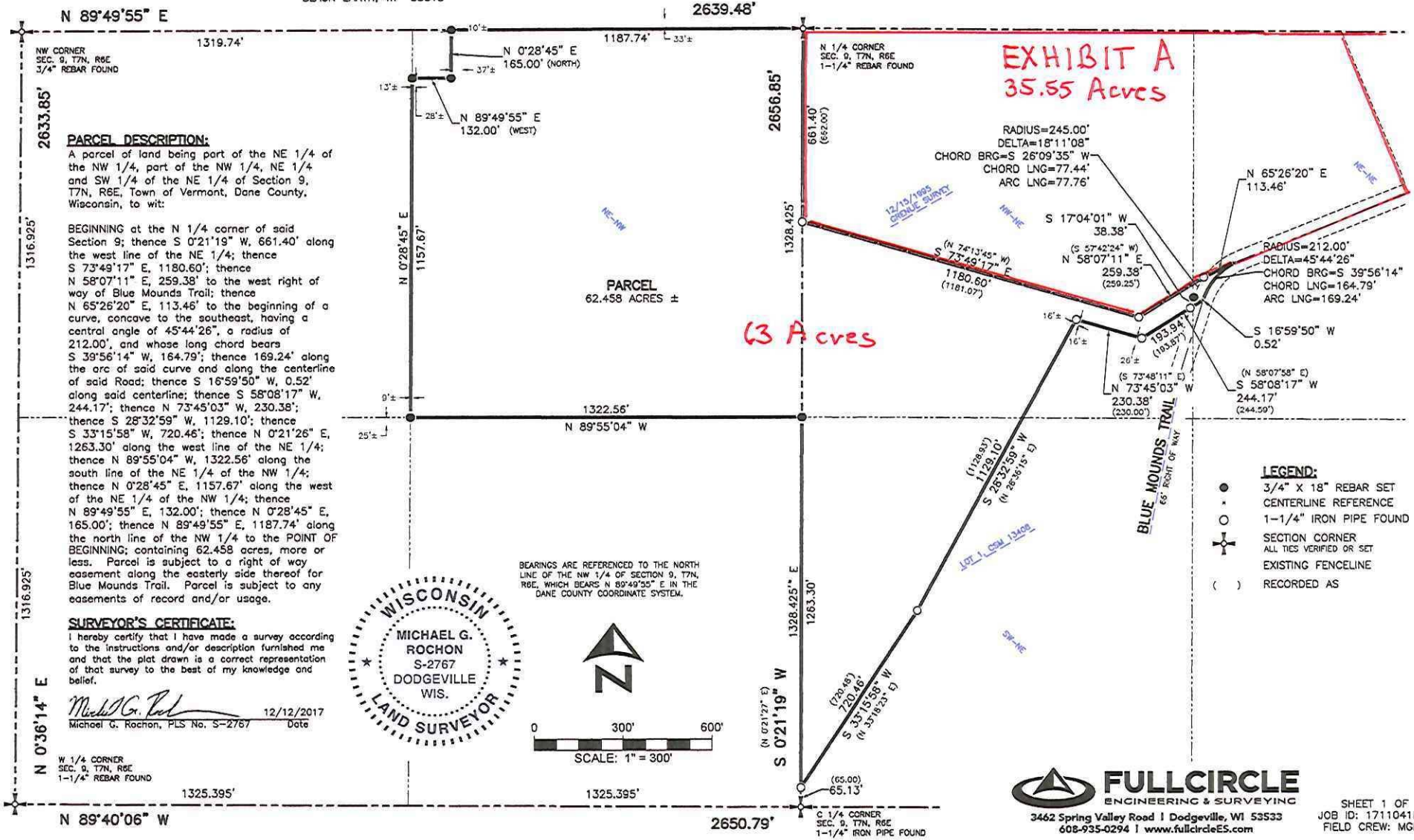
“A parcel of land being the north 661.40’ of the east 197.59’ of the NE ¼ of the NW ¼ of section 9, T7N, Town of Vermont, Dane County, Wisconsin, containing 3.000 acres, more or less.”

Thus the total acres owned by Joseph M. Schwarz & Son, LLC before the rezoning of the 3 acres will be 38.55 acres. This will take place before January 12, 2018 based on contracts in force.

Property Address: Vacant Land – Blue Mounds Trail, Black Earth
Part of parcel: 0706-092-8000-8

PLAT OF SURVEY

FOR: JOE SCHWARZ
4473 BLUE MOUNDS TRAIL
BLACK EARTH, WI 53515



PRELIMINARY 12/13/2017

DANE COUNTY CERTIFIED SURVEY MAP # _____

A parcel of land being part of the NW 1/4 and NE 1/4 of the NE 1/4 of Section 9, T7N, R6E, Town of Vermont, Dane County, Wisconsin, to wit:

SURVEYOR'S CERTIFICATE:

FOR: JOE SCHWARZ
4473 BLUE MOUNDS TRAIL
BLACK EARTH, WI 53515

I, Michael G. Rochon, professional land surveyor, hereby certify:

THAT under the direction of Joseph Schwarz, I have surveyed, divided and mapped the following described parcel of land:

A parcel of land being part of the NW 1/4 and NE 1/4 of the NE 1/4 of Section 9, T7N, R6E, Town of Vermont, Dane County, Wisconsin, to wit:

Commencing at the N 1/4 corner of said Section 9; thence S 0°21'19" W, 432.95' along the west line of the NE 1/4; thence N 90°00'00" E, 829.63' to the POINT OF BEGINNING; thence N 53°14'09" E, 300.00'; thence S 36°45'51" E, 376.00'; thence S 53°14'09" W, 111.65'; thence S 40°49'33" E, 95.75'; thence S 46°28'34" E, 169.57' to the beginning of a curve, concave to the southeast, having a central angle of 15°29'50", a radius of 245.00', and whose long chord bears S 40°58'10" W, 66.07'; thence 66.27' along the arc of said curve and along the westerly right of way of Blue Mounds Trail; thence N 46°28'34" W, 175.77'; thence N 40°49'33" W, 103.70'; thence S 53°14'09" W, 122.18'; thence N 36°45'51" W, 376.00' to the POINT OF BEGINNING; containing 130,680 square feet or 3.000 acres, more or less. Parcel is subject to any easements of record and/or usage.

THAT the description and plat is a correct representation of all exterior boundaries of the land surveyed and the division thereof made. That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes in surveying, dividing and mapping of the same and that the survey is correct to the best of my knowledge and belief.

Michael G. Rochon, S-2767 _____ Date

APPROVED FOR RECORDING PER DANE COUNTY ZONING AND LAND REGULATION COMMITTEE ACTION ON,

BY
DANIEL EVERSON - ASSISTANT ZONING ADMIN.

TOWN OF VERMONT CERTIFICATE
The Town of Vermont hereby accepts this CSM for recording.

CHRIS CHRISTIAN - CLERK _____ Date

CERTIFICATE OF GRANT CO. REGISTER OF DEEDS

Received for recording this ____ day of _____, 2018 at ____ o'clock __M, and recorded in Volume ____ of Certified Survey Maps, on Page(s) _____.

KRISTI CHLEBOWSKI, DANE CO. REGISTER OF DEEDS



FULLCIRCLE
ENGINEERING & SURVEYING

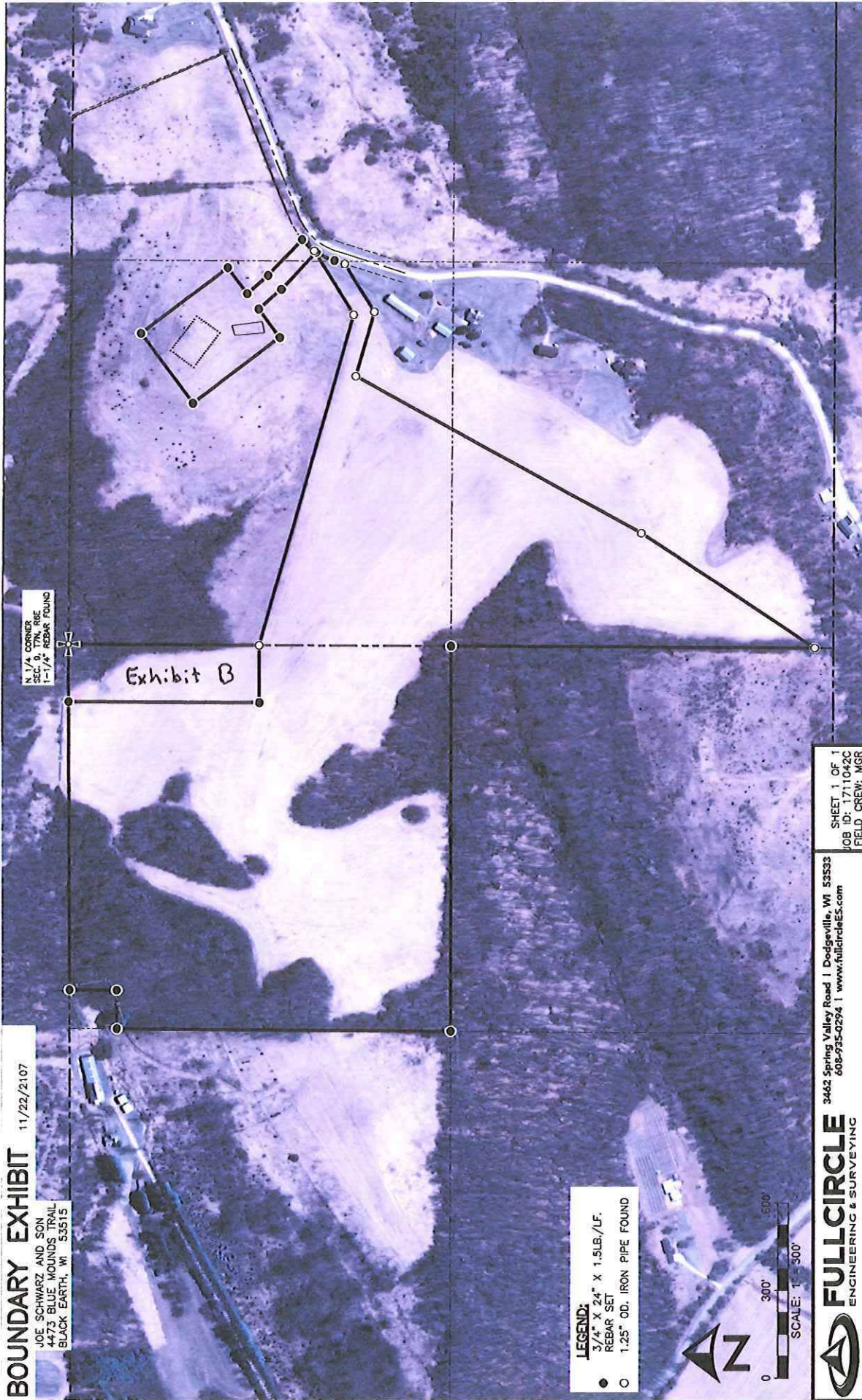
3462 Spring Valley Road | Dodgeville, WI 53533
608-935-0294 | www.fullcircleES.com

SHEET 2 OF 2
JOB ID: 1711042C
FIELD CREW: MGR

BOUNDARY EXHIBIT

11/22/2107

JOE SCHWARZ AND SON
4473 BLUE MOUNDS TRAIL
BLACK EARTH, WI 53515



N 1/4 CORNER
SEC. 9, T7N, R9E
1-1/4\"/>

Exhibit B

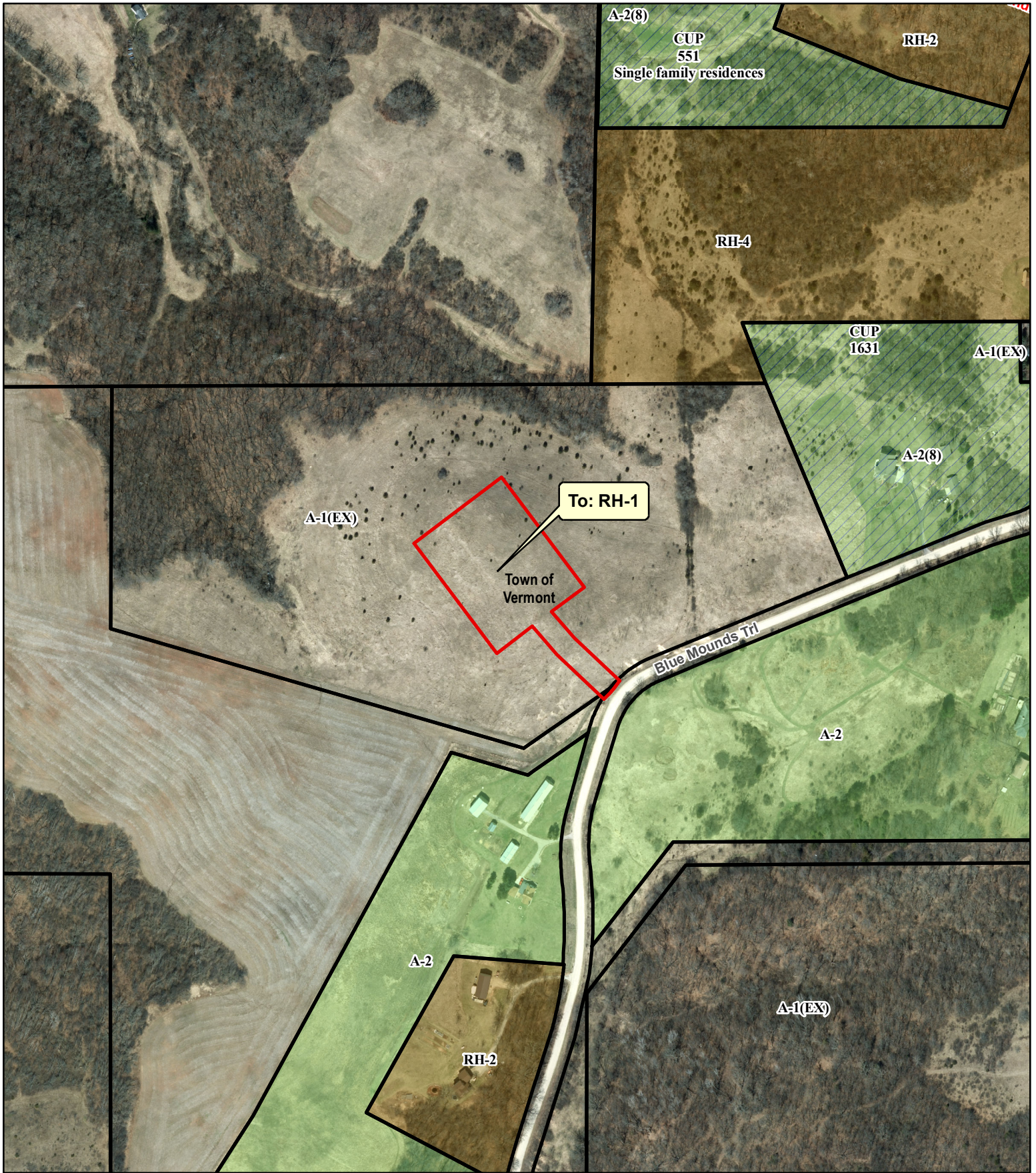
LEGEND:
● 3/4" X 24" X 1.5LB./LF.
REBAR SET
○ 1.25" OD. IRON PIPE FOUND



SHEET 1 OF 1
JOB ID: 1711042C
FIELD CREW: MGR

3462 Spring Valley Road | Dodgeville, WI 53533
608-935-0294 | www.fullcircleES.com





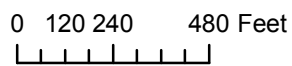
Legend

Significant Soils Floodplain

Class Wetland

Class 1

Class 2



Petition 11249
**JOSEPH M SCHWARZ &
 SON LLC**