

Dane County Rezone & Conditional Use Permit


Application Date	Petition Number
10/20/2016	DCPREZ-2016-11071
Public Hearing Date	C.U.P. Number
12/13/2016	

OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME VETESNIK ENTERPRISES LLC	PHONE (with Area Code) (608) 249-0240	AGENT NAME JSD PROFESSIONAL SERVICES, INC	PHONE (with Area Code) (608) 848-5060
BILLING ADDRESS (Number & Street) 27475 US HIGHWAY 14		ADDRESS (Number & Street) 161 HORIZON DR SUITE 101	
(City, State, Zip) RICHLAND CENTER, WI 53581		(City, State, Zip) VERONA, WI 53593	
E-MAIL ADDRESS JR@VETESNIK.COM		E-MAIL ADDRESS RACHEL.HOLLOWAY@JSDINC.COM	

ADDRESS/LOCATION 1		ADDRESS/LOCATION 2		ADDRESS/LOCATION 3	
ADDRESS OR LOCATION OF REZONE/CUP		ADDRESS OR LOCATION OF REZONE/CUP		ADDRESS OR LOCATION OF REZONE/CUP	
4246 DAENTL RD					
TOWNSHIP BURKE	SECTION 5	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0810-054-9685-0					

REASON FOR REZONE	CUP DESCRIPTION
COMPLIANCE FOR OUTDOOR SALES DISPLAY	

FROM DISTRICT:	TO DISTRICT:	ACRES	DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
A-2 (2) Agriculture District	C-2 Commercial District	3.33		

C.S.M REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials <u>RH</u>	PLAT REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials <u>RH</u>	DEED RESTRICTION REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials <u>RH</u>	INSPECTOR'S INITIALS HJH3	SIGNATURE:(Owner or Agent) 
				PRINT NAME: <u>Rachel Holloway</u>
				DATE: <u>10/20/16</u>

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4246 DAENTL RD					
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C.S.M REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials _____	PLAT REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials _____	DEED RESTRICTION REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials _____	INSPECTOR'S INITIALS HJH3	SIGNATURE:(Owner or Agent) PRINT NAME: DATE:
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DANE COUNTY PLANNING DEVELOPMENT

Zoning Change Application

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

Items that must be submitted with your application:

- 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.
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 George Vetesnik / Vetesnik Enterprises LLC Agent's Name
Address 4246 Daenfl Rd Address
DeForest, WI 53532
Phone (608) 249-0240 Phone
Email jr@vetesnik.com Email

Town: Burke Parcel numbers affected: 014/0810-054-9685-0

Section: 05 Property address or location: 4246 Daenfl Rd, DeForest, WI 53532

Zoning District change: (To / From / # of acres) A-2 to C-2 / 3.33 acres

Soil classifications of area (percentages) Class I soils: 2% Class II soils: % Other: 98%

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:

Proposing to rezone Lot 1 CSM 12830 to C-2, for the purpose of allowing display of commercial goods for sale on the north side of Token Creek (see Zoning Exhibit). C-2 zoning also matches the existing zoning for Mad City Power Sports, which is the primary use of the Vetesnik property (on Lot 2 of CSM 12830). Deed restrictions for buildings on Lot 1 to remain in place.

I authorize that I am the owner or have permission to act on behalf of the owner of the property. Submitted By: [Signature]

Date: 10/13/16

Letter of Transmittal www.jsdinc.com

To:	Roger Lane, Zoning Administrator Dane County Planning & Development City County Building, Room 116 210 Martin Luther King Jr. Blvd Madison, WI 53703	cc:	Hans Justeson, JSD George Vetesnik, Mad City Power Sports Brenda Ayers, Town of Burke
From:	Rachel Holloway, JSD Professional Services, Inc.	JSD Project Name:	Mad City Power Sports Rezone
Re:	Rezone Petition	JSD Project No.	16-7354
Date:	October 18, 2016	Location:	4246 Daentl Rd, DeForest, WI 53532

These items have been transmitted via:

<input checked="" type="checkbox"/> US Mail	<input type="checkbox"/> DHL/FedEX/UPS	<input checked="" type="checkbox"/> Courier	<input type="checkbox"/> Other	<input type="checkbox"/> Pick-up
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We are transmitting the following:

Copies	Dated	No.	Item Description
15	10/18/16	1	Letter of Intent for Rezoning Petition
15	8/16/16	2	Zoning Exhibit / Site Map
15	8/16/16	3	Photos of Site Displays
15	8/4/16	4	Site Conditions Map
15	8/4/16	5	Environmental Corridor Map
15	10/28/09	6	CSM 12830
15	1/5/10	7	Existing Deed Restrictions (Doc #s 4623767 and 4623768)
1	10/13/16	8	County Reoning Application
1	10/14/16	9	Check for County Rezoning Application Fee (\$661)

They are transmitted as indicated:

<input type="checkbox"/> For your use	<input type="checkbox"/> For Review & Comment	<input checked="" type="checkbox"/> For Approval	<input type="checkbox"/> As Requested
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Notes:

If you have any questions about the enclosed documents, please do not hesitate to contact our office. Thank you.

Memorandum

www.jsdinc.com

To: Roger Lane, Dane County Zoning Administrator
From: Rachel Holloway, JSD Professional Services
Re: Mad City Power Sports Rezoning Submittal
JSD Project #: 16-7354
Date: October 18, 2016
cc: Hans Justeson, JSD Professional Services; George Vetesnik, Mad City Motor Sports

Introduction

On behalf of Vetesnik Enterprises LLC, JSD Professional Services (hereafter "JSD") is hereby requesting approval of the rezoning of Lot 1 CSM 12830 (parcel 0810-054-9685-0) from A-2 to C-2 zoning, for the purpose of enabling the display of commercial goods for sale north of Token Creek. The enclosed submittal documents consist of a Zoning Exhibit showing the area intended for commercial use, supplemental exhibit maps, application forms, and filing fees.

We recognize that coordination with Town of Burke, Dane County, and City of Madison staff is needed for the proposed rezoning. The applicant team consulted with Town, County and City staff via email on June 28 and July 14, 2016, and by phone with Town staff on July 28, 2016. The Town Plan Commission held a public hearing and recommended approval of the rezoning on October 12, 2016, and the Town Board is expected to take action on November 16. To achieve our goal of rezoning approval this year, we request the opportunity to obtain a recommendation from the County Zoning and Land Regulation Committee in December 2016, followed by County Board consideration and approval as soon as possible thereafter.

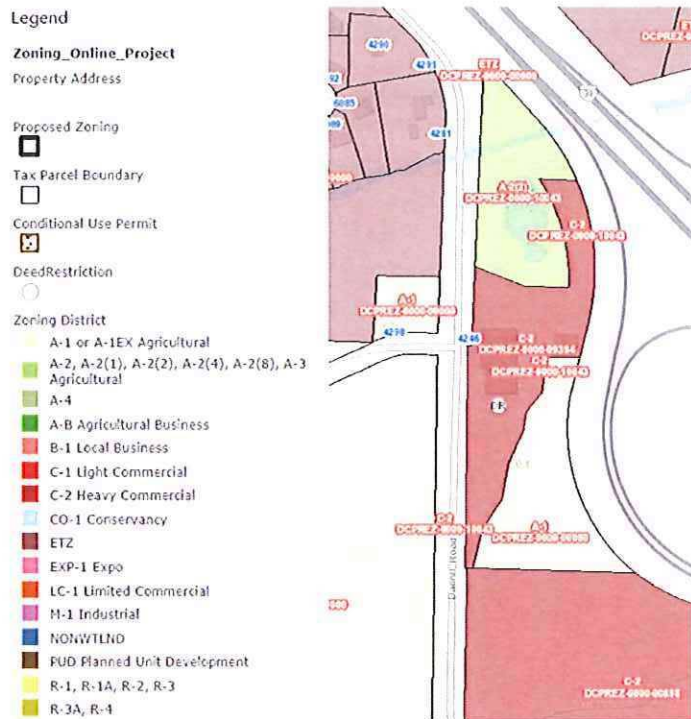
The applicants are committed to working with municipal staff to satisfy ordinance requirements and will, within reason, provide collaborative assistance in order to address any concerns.

Existing Conditions

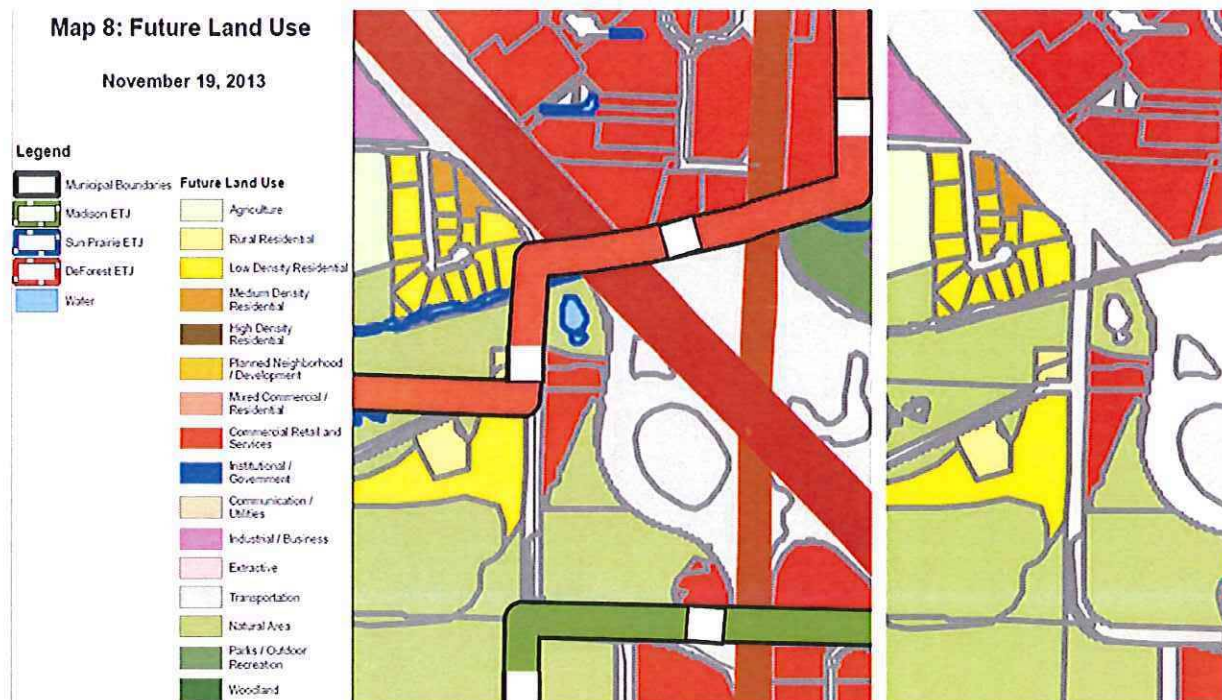
Lot 1 is located in the Town of Burke between Interstate 90/94/39 and Daentl Road, northwest of the I-90/USH 51 interchange. The parcel is bisected by Token Creek, which runs east to west from under the adjacent highway corridor into a wetland area to the west. The northern end of the parcel includes a gravel parking area (approximately 10,890 square feet); the south end contains a private stormwater management area. An overhead ATC electric line runs along the property edge along the Interstate right-of-way. Roughly 85% of the parcel is mapped Environmental Corridor, consisting of the stormwater management area and Token Creek, floodplain and wetlands.

The current zoning for Lot 1 is A-2, which is limited to agricultural, single-family residential, and related accessory uses. The remainder of the Vetesnik property is zoned C-2 Commercial (Lot 2 CSM 12830, home of Mad City Power Sports), and A-2 (Lot 3 in the south, which is undevelopable due to wetlands). See Zoning image below).

In 2009, a rezoning was approved in conjunction with a commercial signage proposal and an effort to match the zoning boundaries in the area to the existing wetland and stormwater management areas. The developable area of Lot 1 is constrained by several factors, including water features, wetlands, floodplain, the associated buffers and mapped Environmental Corridor, Shoreland Zoning, and a 50-foot electric utility easement for the overhead ATC lines (see attached CSM, Site Conditions Map, and Environmental Corridor Map for current conditions).



The Future Land Use maps for Lot 1 are ambiguous (see Future Land Use images below). The south end of Lot 1 is planned as a future Natural Area, but the north end of Lot 1 is obscured by the ETZ Boundary and appears to be colored as future Transportation use like the adjacent rights-of-way. Mapped Environmental Corridor on Lot 1 is comprised of the entire area south of Token Creek and some of the northern bank of the Creek. Most of the land north of the creek (approximately 77%) is outside of the mapped Corridor. The Town Plan Commission has clarified its intent by recommending the proposed zoning.



In addition to the environmental and regulatory conditions noted above, Lot 1 is also subject to a deed restriction (attached Register of Deeds document #4623768) that prohibits the construction of permanent or temporary buildings unless the lot is both further subdivided and the proposed use approved by the City of Madison. The applicant wishes to address this deed restriction by obtaining approval of the rezoning and the limited use of displaying portable goods for sale, without requiring further subdivision of the land or the removal of the existing deed restriction. The details of the proposed land use follow below.

Description of Propose Use

The rezoning to C-2 Commercial is proposed to enable the owner to use the northern portion of Lot 1 – approximately 10,890 square feet of area outside the Environmental Corridor – to display commercial goods for sale, including motorized and non-motorized vehicles, portable storage sheds, and other similar items (see attached Zoning Exhibit). The site has been used in the past to display goods, including motorized recreational vehicles and pre-fabricated portable storage sheds. Recently, this resulted in zoning violation notices from Dane County and the suggestion to rezone the land to C-2 Commercial to allow this use. In an April 14 email to the property owner, County staff indicated that “in order to display sheds on the property, the property will need to be rezoned to C-2 Commercial to allow sales and storage of building materials or sales of vehicles and recreational equipment.” In a pre-application consultation, Town staff expressed no objection to the proposed C-2 zoning.

C-2 zoning is requested because it allows various commercial uses, including retail and service uses, sales of new and used motor vehicles and recreational equipment, and sales and storage of lumber and building material, and the parking or storing of motor vehicles. The proposed use (commercial display of portable/mobile goods and materials) is believed to be consistent with retail and storage uses, and with the existing deed restriction.

The area proposed for display of goods is approximately 10,890 sq ft (.25 acres), and is outside of any areas designated for environmental corridor, including floodplain and wetlands. No permanent buildings or structures are proposed to be built on Lot 1, now or in the future, and no land disturbance is proposed.

Compatibility and Benefits of Rezoning

The proposed rezoning will be compatible surrounding development and provide benefits as follows:

- Surrounding development – The site is adjacent to the Interstate 90/94/39 corridor to the north and east, and a sanitary lift station for the Village of DeForest abuts the lot to the west within Daentl Road right-of-way (Vetesnik has previously allowed the Village to use his land north of Token Creek to serve the lift station). Across the Interstate to the northeast is a commercial industrial/warehouse site (the former NAMI site); to the south is the Mad City Power Sports commercial retail business and a wetland complex; to the west (across Daentl Road) is a small group of residences, two of which face the site. Only one residence is directly across from the site, and an existing vegetated strip along Daentl Road (in the public right-of-way) provides screening of the site from the residence (which also faces the Interstate).
- Value of land – Lot 1 is currently assessed at \$16,600. It has no developable value due to the existing building restrictions. Rezoning the land and allowing legal commercial displays of goods will provide value to the land owner and the Mad City Motor Sports business.

No new jobs would be created as a result of the rezoning and land use proposal. No public subsidy is requested in association with the proposal, which carries no cost aside from the rezoning application fees.

The proposed rezoning will help clean up an existing land use/zoning issue, and enable fuller use of a property in the Town that is suitable for selling goods.


Environmental Corridor - Lot 1 CSM 12830




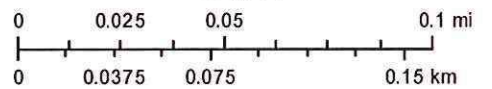
August 4, 2016

1:2,900

Parcel Number

 Environmental Corridor

 Tax Parcels



Planning
Geophysical
Water Resources
Recreation
Parcel Text

ZONING EXHIBIT



A2 TO C2 ZONING CHANGE



PROPOSED DISPLAY AREA

CERTIFIED SURVEY MAP NO. 12830

PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 5 AND PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 8, ALL IN T 8 N, R 10 E, TOWN OF BURKE, DANE COUNTY, WISCONSIN

NOTE PER THE CITY OF MADISON

LOT 2 IS DEPENDENT ON LOTS 1 AND 3 FOR STORM WATER CONVEYANCE. LOTS 1 AND 3 ACKNOWLEDGE AND ACCEPT DRAINAGE FROM LOT 2 AS SHOWN IN THE APPROVED STORMWATER MANAGEMENT PLAN.

15.5' WIDE RIGHT OF WAY GRANT TO WISCONSIN BELL, INC. PER DOCUMENT NO. 2172192.

ELECTRIC LINE EASEMENT PER DOCUMENT NO. 1733385 EASEMENT ASSIGNED TO AMERICAN TRADING & SERVICE CO. PER DOCUMENT NO. 3283153.

EAST 1/4 CORNER SECTION 5, T8N, R10E FOUND ALUMINUM MONUMENT. WISCONSIN COUNTY COORDINATE SYSTEM. DANE ZONE COORDINATES: N: 523,569.39 E: 837,190.69

NOTES PERTAINING TO EASEMENTS AND RESTRICTIONS

- E1. THIS PROPERTY IS SUBJECT TO DECLARATIONS OF CONDITIONS, COVENANTS AND RESTRICTIONS FOR MAINTENANCE OF STORMWATER MANAGEMENT MEASURES PER DOCUMENT NO. 4226623.
- E2. THIS PROPERTY IS SUBJECT TO RESTRICTIONS FOR MAINTENANCE OF STORMWATER MANAGEMENT MEASURES PER DOCUMENT NO. 4452384 AND AS CORRECTED BY AFFIDAVIT OF CORRECTION RECORDED AS DOCUMENT NO. 4453179.
- E3. THIS PROPERTY IS SUBJECT TO A TEMPORARY HOLDING TAX AGREEMENT PER DOCUMENT NO. 4488265.
- E4. LOT 2 IS SUBJECT TO RESTRICTIONS AS SET FORTH IN DOCUMENT NO. 4177358.

LEGEND

- ◆ GOVERNMENT CORNER
- 1" IRON PIPE FOUND
- 3/4" REBAR FOUND
- 3/4"x24" REBAR SET (1.50 LBS/LF)
- ⊗ 1-3/4"x24" REBAR SET (4.30 LBS/LF)
- PLAT BOUNDARY
- CHORD LINE
- CENTERLINE
- RIGHT-OF-WAY LINE
- RECORD LINE
- SECTION LINE
- EASEMENT LINE
- ▨ BUILDING
- ▭ DELINEATED WETLANDS
- () ELEVATION AT LOT CORNER
- () RECORDED INFORMATION

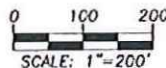
NOTES

1. BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, DANE COUNTY ZONE.
2. FIELD WORK PERFORMED BY JSD PROFESSIONAL SERVICES, INC. THE WEEK OF JULY 23, 2008.
3. REFER TO BUILDING SITE INFORMATION CONTAINED IN THE DANE COUNTY SOIL SURVEY.

LINE	LENGTH	BEARING
L-1	12.00'	S 87°58'35" E
L-2	117.09'	N 87°58'23" W
L-3	95.85'	S 11°20'23" W
L-4	115.31'	N 89°39'56" W
L-5	59.25'	S 00°20'04" W
L-6	51.77'	S 09°28'16" W
L-7	79.99'	S 41°04'32" W
L-8	83.40'	S 11°22'56" W
L-9	52.26'	S 27°50'03" W
L-10	56.41'	S 25°06'28" W
L-11	53.60'	S 11°54'15" W
L-12	58.96'	S 12°54'03" W
L-13	115.02'	S 34°36'37" W
L-14	124.19'	S 15°32'47" W
L-15	26.79'	N 87°31'19" W
L-16	130.25'	S 11°20'23" W

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C-1	673.91'	689.50'	55°00'00"	365.61'	647.40'	S 16°39'40" E
C-2	607.14'	575.30'	60°27'59"	335.28'	579.35'	S 18°53'36" E
C-3	216.28'	689.50'	17°58'19"	109.03'	215.39'	S 35°40'30" E
C-4	457.63'	689.50'	38°01'41"	237.60'	449.28'	S 07°40'30" E
C-5	354.50'	589.50'	34°27'17"	182.79'	349.18'	S 14°56'16" E

EASEMENT LOCATIONS AND DETAILS



north



STEVEN L. OFTE DAHL
#2594
EVANSVILLE
WISCONSIN
PROFESSIONAL LAND SURVEYOR

Stamp: *Steven L. Ofte Dahl*
OCTOBER 28, 2009

VOL. 81 PAGE 180
DOC. NO. 4623766
C.S.M. NO. 12830

PREPARED BY:
JSD Professional Services, Inc.
181 HORIZON DRIVE, SUITE 101
VERONA, WISCONSIN 53593
PHONE: (608)318-5689

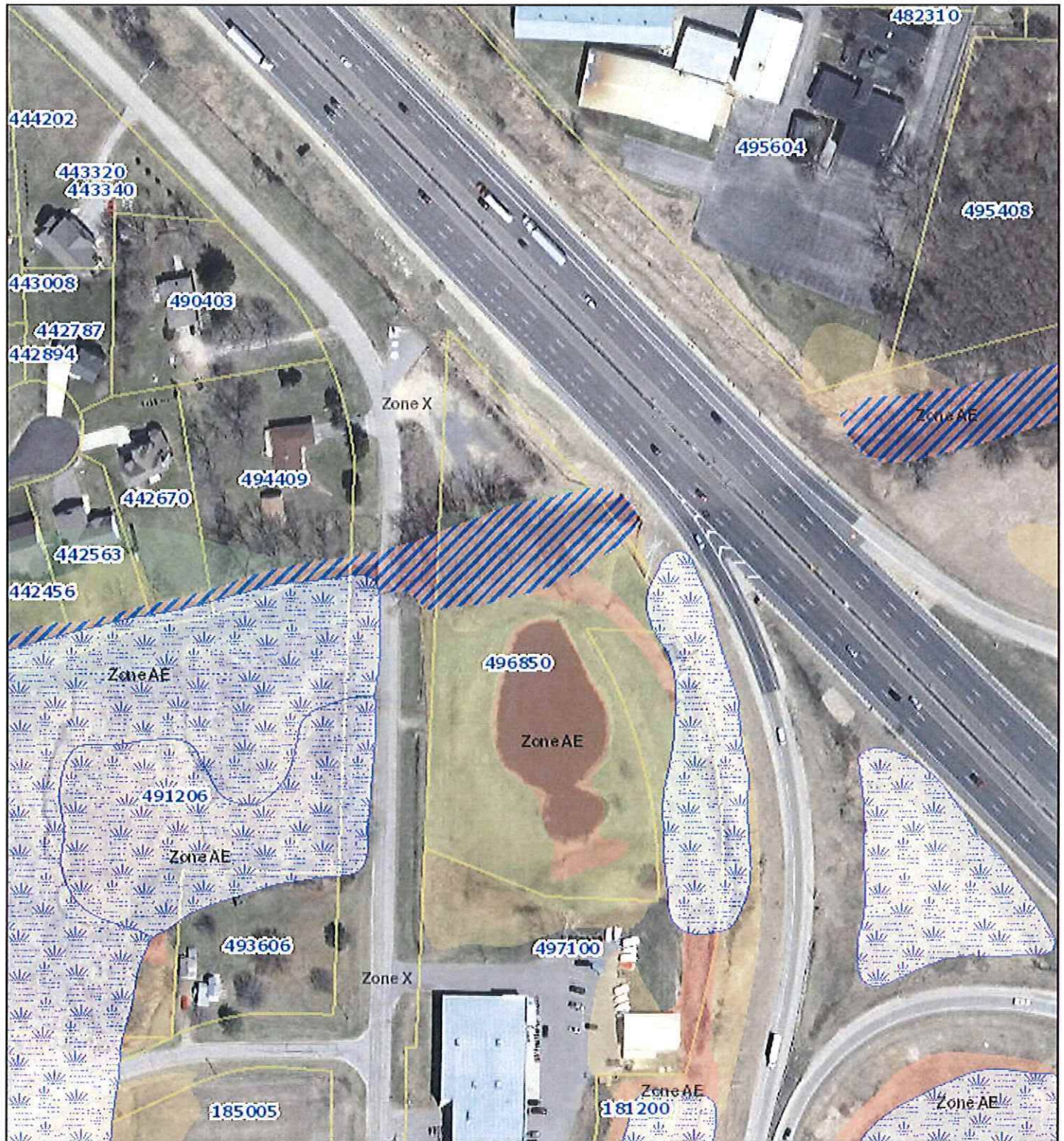
PREPARED FOR:
VETESHNIK ENTERPRISES, LLC
27475 US HIGHWAY 14
RICHLAND CENTER, WI 53581

PROJECT NO: 02-3021
FILE NO: B-139
FIELDBOOK/PG: 269/118
SHEET NO: 2 OF 5

SURVEYED BY: JK
DRAWN BY: SO
CHECKED BY: JK
APPROVED BY: HPI

J:\2007\072007\072007\07-3021.F:\csm:fdw

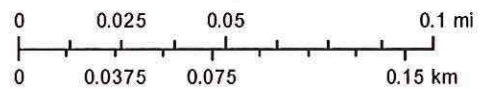
Site Conditions - Lot 1 CSM 12830



August 4, 2016

1:2,900

- Parcel Number
- Rivers and Streams
- DNR Wetlands
- Special Flood Hazard Text
- Floodway Areas in Zone AE
- (A; AE)
- 0.2 Percent Annual Flood Chance Area
- Environmental Corridor
- Tax Parcels



Planning
Geophysical
Water Resources
Recreation
ParcelText



DEED RESTRICTION

Petition No. 10043

DANE COUNTY REGISTER OF DEEDS

DOCUMENT #
4623767

01/05/2010 08:00 AM

Trans. Fee:
Exempt #:

Rec. Fee: 13.00
Pages: 2

WHEREAS, VETESNIK ENTERPRISES LLC

is/are the owner(s) of the following described real estate in the Town of Burke, Dane County, Wisconsin further described as follows:

- Lot 1, Certified Survey Map No. 12830, part of the SE ¼ of the SE ¼ of Section 5, T 8 N, R 10 E, Town of Burke, Dane County, Wisconsin.

Recording area

Name and return address:

MAD CITY POWER SPORTS
4246 DAENTL RD.
DEFOREST, WI 53532

WHEREAS, said owners desire to place certain restrictions and notice on the above-described real estate, to bind the owner(s) and those who may acquire title hereafter.

Parent Parcel Number(s):

0810-054-9670-1
0810-081-8090-2

WHEREAS, the restrictions provided herein shall be enforceable at law or equity against any party who has or acquires any interest in the land subject to this restriction by the following who are named as Grantees and beneficiaries with enforcement rights:

- The County Government of Dane County, Wisconsin provided that the land is under the jurisdiction of said County at the time the enforcement action is commenced, and;
- The Town Government of the Town of BURKE, Dane County, provided that the land is within the jurisdiction of said Town at the time the enforcement is commenced, and;
- The owner(s) of record of any lands that are located within 300 feet of the subject property.

THEREFORE, the following restrictions are hereby imposed:

1. The proposed A-2(2) Zoning District parcel shall be deed restricted to prohibit the construction of buildings south of Token Creek.
2. The northerly arm of the proposed C-2 Zoning District parcel shall be deed restricted to limit the land uses to an on-premise advertising sign and temporary outdoor display of recreational vehicles.

2/13

- The C-2 Zoning District parcel shall be deed restricted limiting the permitted uses exclusively to the following: 10.14(1)(a) all uses permitted in the C-1 Commercial District without limitations as to size; 10.14(1)(b) major repairs to motor vehicles; 10.14(1)(c) sales of new and used motor vehicles; 10.14(1)(d) sales of new and used mobile homes, recreational equipment rental, sales and service; 10.14(1)(e) sales of new and used contractor's machinery and equipment; 10.14(1)(f) repairs, storage and service of contractor's machinery and equipment; 10.14(1)(g) parking or storing of motor vehicles; 10.14(1)(h) warehouses.

The restrictions set forth herein may be amended or terminated in the following manner:

- The owner(s) of the subject property may submit a written petition calling for the amendment or termination of the restrictions. Such petition must be submitted to the Dane County Clerk who shall refer the petition to the Dane County Zoning and Land Regulation Committee (or successor committee), which shall then schedule and hold a public hearing on the petition.

The petition shall then be referred to the Town Government of the Town in which the subject property is located. The Zoning and Land Regulation Committee shall issue a written report on the petition to the County Board of Supervisors. The County Board shall, by majority vote, approve or reject the petition. Amendment or termination of the restrictions shall also require the approval of the Town Board.

- Upon approval of the petition calling for an amendment or termination of the restrictions, the owner(s) of the subject property shall draft the amendatory covenant instrument. The owner(s) shall then execute and record the amendatory covenant with the Dane County Register of Deeds.
- A rezoning of the subject property to a different zoning district shall also act to terminate the restrictions set forth herein.

10/20/09
 Date _____
 Signature of Grantor (owner) George Vetesnik
 Signature of Grantor (owner) _____
 GEORGE VETESNIK
 *Name printed

 Date _____
 Signature of Grantor (owner) _____
 Signature of Grantor (owner) _____

 *Name printed

This document was drafted by:
 (print or type name below)

DANE COUNTY ZONING

*Names of persons signing in any capacity must be typed or printed below their signature.
 P&D form 2/20/2001

STATE OF WISCONSIN, County of Richland

Subscribed and sworn to before me on 10-20-09 by the above named person(s).

Signature of notary or other person authorized to administer an oath (as per s. 706.06, 706.07) Kay Watson

Print or type name: Kay Watson

Title Notary Date commission expires: 1-6-13

**DECLARATION OF RESTRICTIVE
COVENANT**

WHEREAS, Vetesnik Enterprises, LLC is/are the sole owner(s) of the following described real estate in the Town of Burke, Dane County, Wisconsin in the City of Madison's Extraterritorial Jurisdiction (hereinafter referred to as "The City") further described as follows:

- Lots 1, Certified Survey Map No. 128 30, part of the SE ¼ of the SE ¼ of Section 5, T 8 N, R 10 E, Town of Burke, Dane County, Wisconsin.

WHEREAS, said owners desire to place certain restrictions and notice on the above-described real estate, to bind the owner(s) and those who may acquire title hereafter.

WHEREAS, Item No. 15 in the City's Letter of Conditional Approval for the CSM, dated July 21, 2009, requires the Property Owner to restrict the Property before the City shall approve the CSM;

WHEREAS, the restrictions provided herein shall be enforceable at law or equity against any party who has or acquires any interest in the land subject to this restriction by the City of Madison, Wisconsin provided that the land is under the jurisdiction of the City at the time the enforcement action is commenced.

NOW, THEREFORE, the following restrictions are hereby imposed:

1. That no permanent or temporary buildings shall be constructed on the portion of Lot 1 located north of Token Creek unless the lot is both further subdivided and the proposed use approved by the City of Madison
2. That no permanent or temporary buildings shall be constructed on the portion of Lot 1 located south of Token Creek and that use of that portion of the property shall be restricted to open space and agriculture. Any use or development of that parcel of other than open space or agriculture shall require the approval of the City of Madison.
3. That Lot 3 is undevelopable due to the presence of delineated wetlands. Any use or development of that parcel for other than open space shall require the approval of the City of Madison.
4. This Declaration may be released or modified only by written agreement executed by the Property Owner and the City of Madison, which agreement shall be recorded in the Office of the Dane County Register of Deeds.
5. This Declaration shall constitute a covenant that shall run with the land described herein and shall be binding upon the Property Owner and his/her heirs, successors and assigns.

**DANE COUNTY
REGISTER OF DEEDS**

**DOCUMENT #
4623768**

01/05/2010 08:00 AM

**Trans. Fee:
Exempt #:**

**Rec. Fee: 13.00
Pages: 2**

Recording area

Name and return address:

Parent Parcel Number(s):	Return To:
0810-054-9670-1	MAD CITY POWER SPORTS
0810-081-8090-2	4246 DAENTL RD.
	DEFORREST, WI 53532

6. This Declaration shall be recorded in the Office of the Dane County Register of Deeds.

VETESNIK ENTERPRISES, LLC

Date 10-23-09

George Vetesnik
Signature of Grantor (owner)

GEORGE VETESNIK
*Name printed

Date _____

Signature of Grantor (owner) _____

*Name printed _____

This document was drafted by:
(print or type name below)

CITY OF MADISON
PLANNING DIVISION

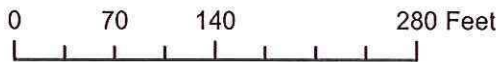
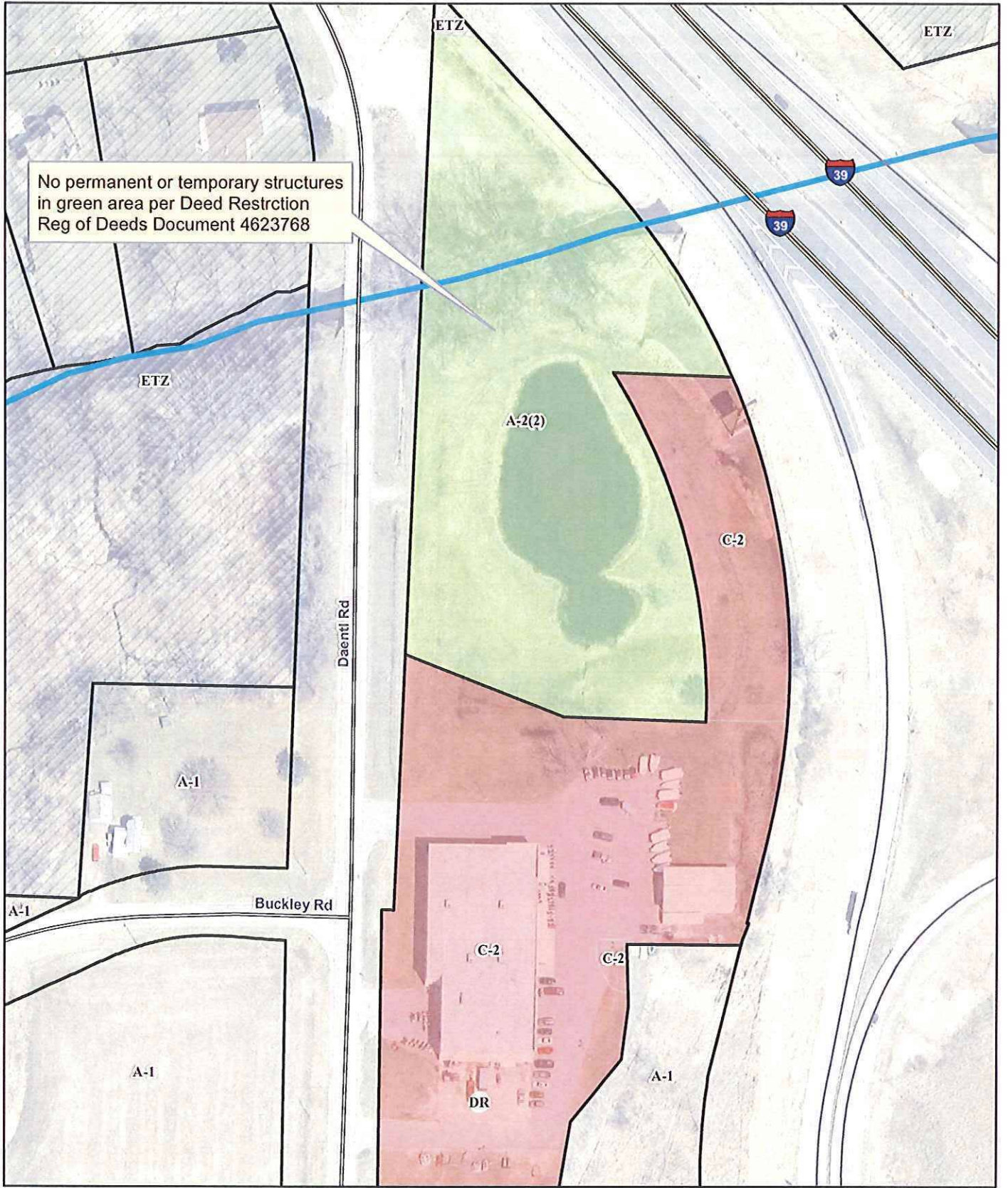
*Names of persons signing in any capacity must be typed or printed below their signature.
P&D form 2/20/2001

STATE OF WISCONSIN, County of Richland

Subscribed and sworn to before me on 10-23-09 by the above named person(s).

Signature of notary or other person authorized to administer an oath
Kay Watson
(as per s. 706.06, 706.07)

Print or type name: Kay Watson
exp. 1-6-13



CERTIFIED SURVEY MAP NO. 12830

PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 5 AND PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 8, ALL IN T 8 N, R 10 E, TOWN OF BURKE, DANE COUNTY, WISCONSIN

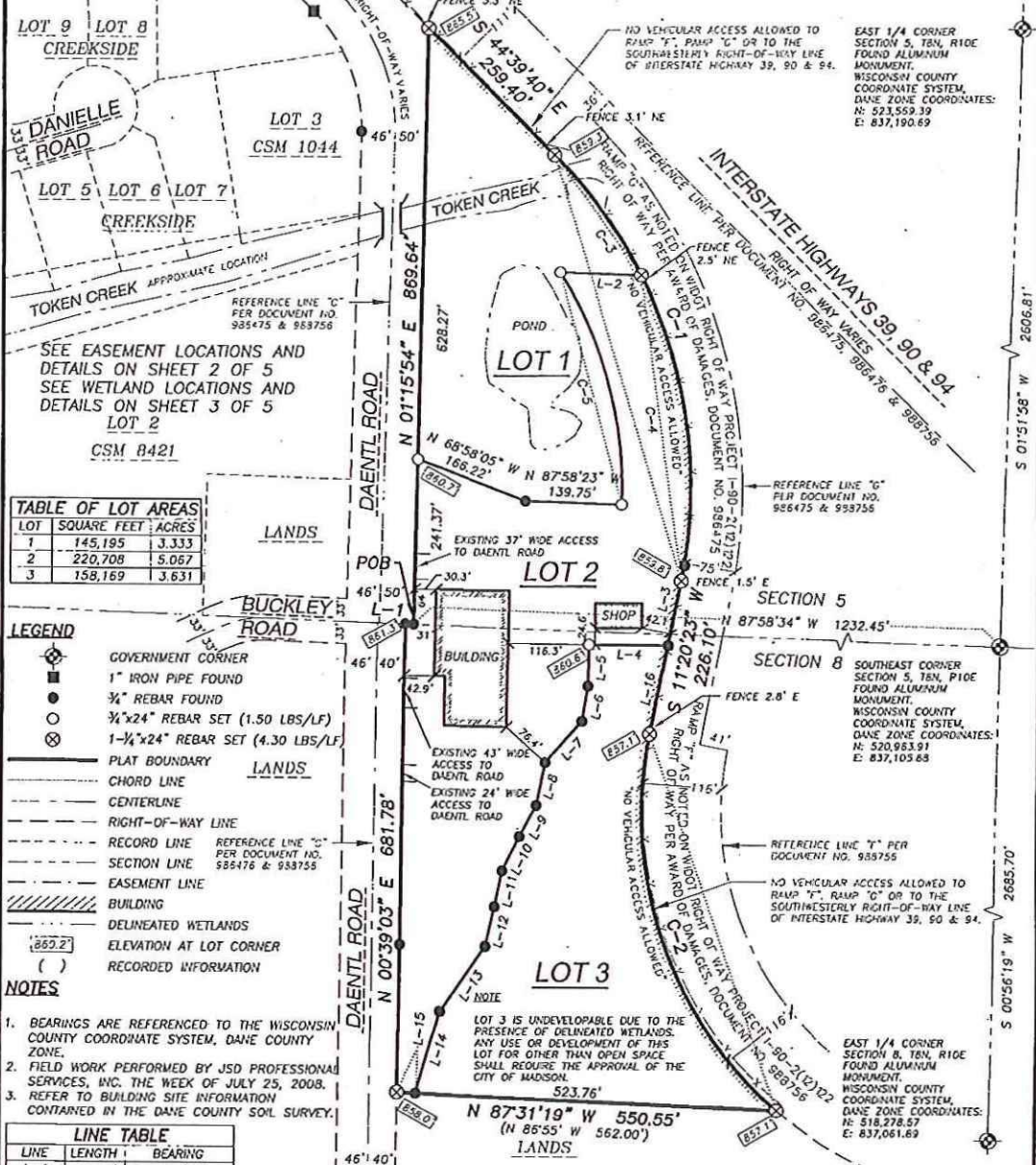


TABLE OF LOT AREAS

LOT	SQUARE FEET	ACRES
1	145,195	3.333
2	220,708	5.067
3	158,169	3.631

- LEGEND**
- ◻ GOVERNMENT CORNER
 - 1" IRON PIPE FOUND
 - 3/4" REBAR FOUND
 - ⊗ 1/2"x24" REBAR SET (1.50 LBS/LF)
 - ⊗ 1-1/2"x24" REBAR SET (4.30 LBS/LF)
 - PLAT BOUNDARY
 - CHORD LINE
 - CENTERLINE
 - - - RIGHT-OF-WAY LINE
 - - - RECORD LINE
 - - - SECTION LINE
 - - - EASEMENT LINE
 - ▨ BUILDING
 - ▨ DELINEATED WETLANDS
 - () ELEVATION AT LOT CORNER
 - () RECORDED INFORMATION

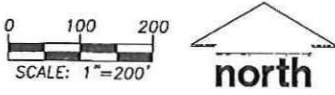
- NOTES**
- BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, DANE COUNTY ZONE.
 - FIELD WORK PERFORMED BY JSD PROFESSIONAL SERVICES, INC. THE WEEK OF JULY 25, 2008.
 - REFER TO BUILDING SITE INFORMATION CONTAINED IN THE DANE COUNTY SOIL SURVEY.

LINE TABLE

LINE	LENGTH	BEARING
L-1	12.00'	S 87°58'35" E
L-2	117.09'	N 87°58'23" W
L-3	95.85'	S 11°20'23" W
L-4	115.31'	N 89°39'56" W
L-5	59.25'	S 00°20'04" W
L-6	51.77'	S 09°26'16" W
L-7	79.99'	S 41°04'32" W
L-8	63.40'	S 11°22'56" W
L-9	52.26'	S 27°50'03" W
L-10	56.41'	S 26°06'28" W
L-11	53.60'	S 11°54'15" W
L-12	58.96'	S 12°54'03" W
L-13	115.02'	S 34°36'32" W
L-14	124.19'	S 15°32'47" W
L-15	26.79'	N 87°31'19" W
L-16	130.25'	S 11°20'23" W

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C-1	623.91'	689.50'	96°00'00"	368.61'	647.40'	S 16°39'40" E
C-2	607.14'	575.30'	60°27'59"	335.28'	579.35'	S 18°53'36" E
C-3	216.28'	689.50'	17°58'19"	109.03'	215.39'	S 35°40'30" E
C-4	457.63'	689.50'	38°01'41"	237.60'	449.28'	S 07°40'30" E
C-5	354.50'	589.50'	34°27'17"	182.79'	349.18'	S 14°56'16" E



PREPARED BY: **JSD** Professional Services, Inc.
 161 HORIZON DRIVE, SUITE 101
 VERONA, WISCONSIN 53593
 PHONE: (608)948-5059

PREPARED FOR: **YETESNIK ENTERPRISES, LLC**
 27475 US HIGHWAY 14
 RICHLAND CENTER, WI 53581

PROJECT NO: 07-3021
 FILE NO: B-139
 FIELDBOOK/PG: 269/118
 SHEET NO: 1 OF 5

SURVEYED BY: JK
 DRAWN BY: SO
 CHECKED BY: JK
 APPROVED BY: HPU

OCTOBER 28, 2009
 VOL. 81 PAGE 179
 DOC. NO. 4623766
 C.S.M. NO. 12830

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5/19

CERTIFIED SURVEY MAP NO. 12830

PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 5 AND PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 8, ALL IN T 8 N, R 10 E, TOWN OF BURKE, DANE COUNTY, WISCONSIN

NOTE PER THE CITY OF MADISON

"LOT 2 IS DEPENDENT ON LOTS 1 AND 3 FOR STORM WATER CONVEYANCE. LOTS 1 AND 3 ACKNOWLEDGE AND ACCEPT DRAINAGE FROM LOT 2 AS SHOWN IN THE APPROVED STORMWATER MANAGEMENT PLAN."

ELECTRIC LINE EASEMENT PER DOCUMENT NO. 1739355 EASEMENT ASSIGNED TO AMERICAN TRANSMISSION CO. PER DOCUMENT NO. 3283453.

EAST 1/4 CORNER SECTION 5, T8N, R10E FOUND ALUMINUM MONUMENT, WISCONSIN COUNTY COORDINATE SYSTEM, DANE ZONE COORDINATES: N: 523,569.39 E: 837,190.69

16.5' WIDE RIGHT OF WAY GRANT TO WISCONSIN BELL, INC. PER DOCUMENT NO. 2122172.

NOTES PERTAINING TO EASEMENTS AND RESTRICTIONS

- E1. THIS PROPERTY IS SUBJECT TO DECLARATIONS OF CONDITIONS, COVENANTS AND RESTRICTIONS FOR MAINTENANCE OF STORMWATER MANAGEMENT MEASURES PER DOCUMENT NO. 422623.
- E2. THIS PROPERTY IS SUBJECT TO RESTRICTIONS FOR MAINTENANCE OF STORMWATER MANAGEMENT MEASURES PER DOCUMENT NO. 4452384 AND AS CORRECTED BY AFFIDAVIT OF CORRECTION RECORDED AS DOCUMENT NO. 4453179.
- E3. THIS PROPERTY IS SUBJECT TO A TEMPORARY HOLDING TAX AGREEMENT PER DOCUMENT NO. 4483265.
- E4. LOT 2 IS SUBJECT TO RESTRICTIONS AS SET FORTH IN DOCUMENT NO. 4172358.

LEGEND

- GOVERNMENT CORNER
- 1" IRON PIPE FOUND
- 3/4" REBAR FOUND
- 3/4"x24" REBAR SET (1.50 LBS/LF)
- 1"x24" REBAR SET (4.30 LBS/LF)
- PLAT BOUNDARY
- CHORD LINE
- CENTERLINE
- RIGHT-OF-WAY LINE
- RECORD LINE
- SECTION LINE
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- ELEVATION AT LOT CORNER
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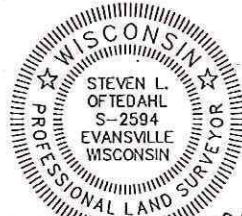
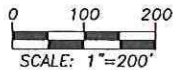
NOTES

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2. FIELD WORK PERFORMED BY JSD PROFESSIONAL SERVICES, INC. THE WEEK OF JULY 25, 2008.
3. REFER TO BUILDING SITE INFORMATION CONTAINED IN THE DANE COUNTY SOIL SURVEY.

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CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C-1	673.91'	689.50'	56°00'00"	366.61'	647.40'	S 16°39'40" E
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EASEMENT LOCATIONS AND DETAILS



PREPARED BY:
JSD Professional Services, Inc.
 161 HORIZON DRIVE, SUITE 101
 VERONA, WISCONSIN 53593
 PHONE: (608)848-5050

PREPARED FOR:
 VETESINIK ENTERPRISES, LLC
 27475 US HIGHWAY 14
 RICHLAND CENTER, WI 53581

PROJECT NO: 07-3021
 FILE NO: B-139
 FIELDBOOK/PG: 269/118
 SHEET NO: 2 OF 5

SURVEYED BY: JK
 DRAWN BY: SO
 CHECKED BY: JK
 APPROVED BY: HPJ

VOL. 81 PAGE 180
 DOC. NO. 4623766
 C.S.M. NO. 12830

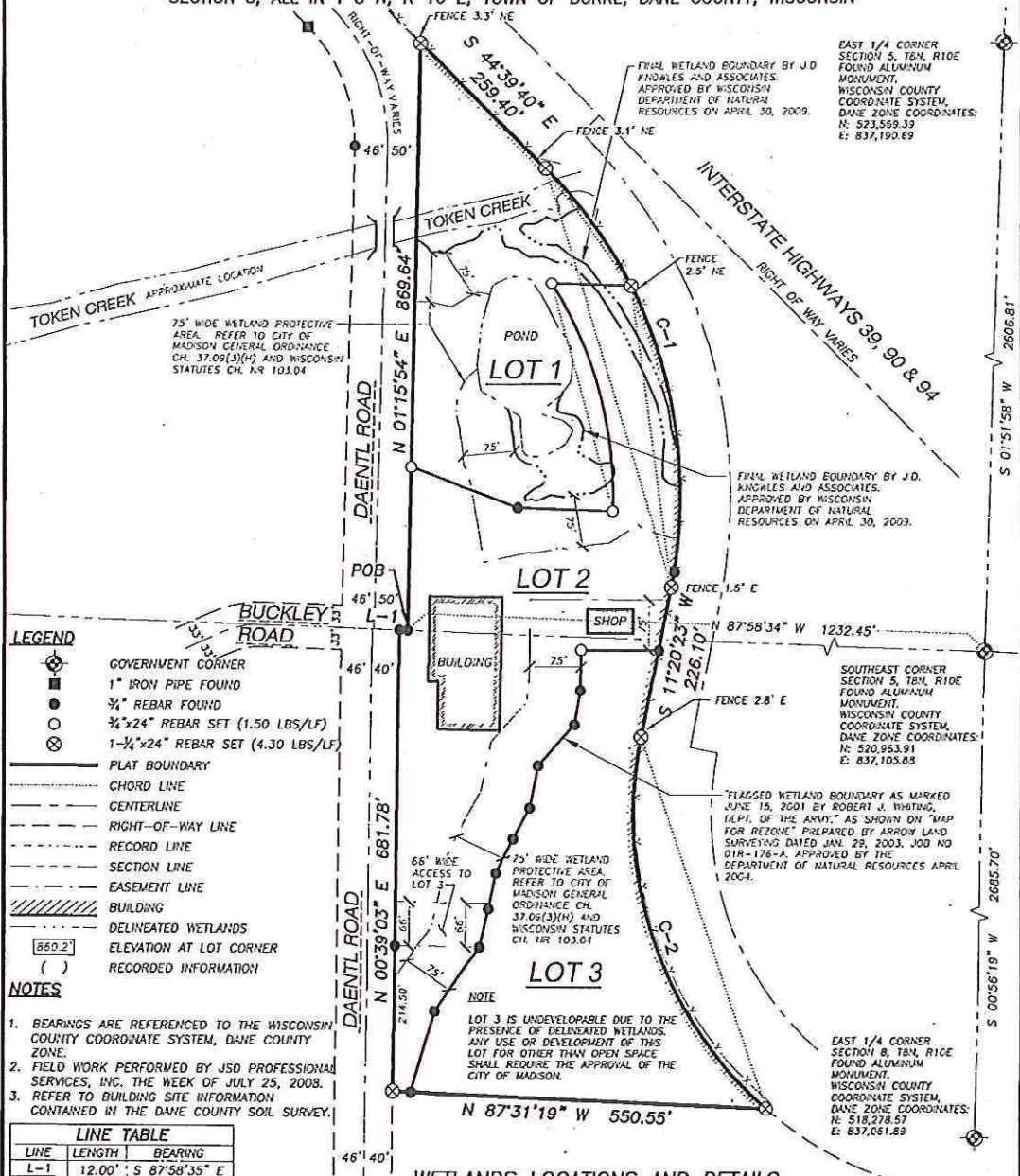
CERTIFIED SURVEY MAP NO. 12830

PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 5 AND PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 8, ALL IN T 8 N, R 10 E, TOWN OF BURKE, DANE COUNTY, WISCONSIN

EAST 1/4 CORNER SECTION 5, T8N, R10E FOUND ALUMINUM MONUMENT, WISCONSIN COUNTY COORDINATE SYSTEM, DANE ZONE COORDINATES: N: 523,559.33 E: 837,190.69

SOUTHEAST CORNER SECTION 5, T8N, R10E FOUND ALUMINUM MONUMENT, WISCONSIN COUNTY COORDINATE SYSTEM, DANE ZONE COORDINATES: N: 520,953.91 E: 837,105.83

EAST 1/4 CORNER SECTION 8, T8N, R10E FOUND ALUMINUM MONUMENT, WISCONSIN COUNTY COORDINATE SYSTEM, DANE ZONE COORDINATES: N: 518,278.57 E: 837,061.89

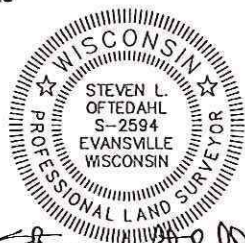
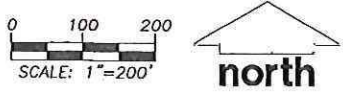


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 - 860.2 ELEVATION AT LOT CORNER
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C-5	354.50'	1589.50'	34°27'17"	182.79'	349.18'	S 14°56'16" E



PREPARED BY: JSD Professional Services, Inc. 161 HORIZON DRIVE, SUITE 101 VERONA, WISCONSIN 53593 PHONE: (608)848-5050	PREPARED FOR: VETESNIK ENTERPRISES, LLC 27475 US HIGHWAY 14 RICHLAND CENTER, WI 53581	PROJECT NO: 07-3021 FILE NO: B-139 FIELDBOOK/PG: 269/118 SHEET NO: 3 OF 5	SURVEYED BY: JK DRAWN BY: SO CHECKED BY: JK APPROVED BY: HPI	VOL. 81 PAGE 181 DOC. NO. 4623766 C.S.M. NO. 12830
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CERTIFIED SURVEY MAP NO. 12830

PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 5 AND PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 8, ALL IN T 8 N, R 10 E, TOWN OF BURKE, DANE COUNTY, WISCONSIN

LEGAL DESCRIPTION

PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 5 AND PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 8, ALL IN T 8 N, R 10 E, TOWN OF BURKE, DANE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 5; THENCE NORTH 87°58'34" WEST ALONG THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 5, 1232.45 FEET TO THE EAST RIGHT-OF-WAY LINE OF DAENTL ROAD AND THE POINT OF BEGINNING; THENCE NORTH 01°15'54" EAST ALONG THE SAID EAST RIGHT-OF-WAY LINE, 869.64 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAYS 39, 90 & 94; THENCE SOUTH 44°39'40" EAST ALONG THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, 259.40 FEET TO A POINT OF CURVE; THENCE CONTINUE ALONG THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE 673.91 FEET ALONG THE ARC OF A 689.50 FOOT RADIUS CURVE TO THE RIGHT, THE CHORD BEARING SOUTH 16°39'40" EAST, 647.40 FEET; THENCE SOUTH 11°20'23" WEST ALONG THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, 226.10 FEET TO A POINT OF CURVE; THENCE CONTINUE ALONG THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE 607.14 FEET ALONG THE ARC OF A 575.30 FOOT RADIUS CURVE TO THE LEFT, THE CHORD BEARING SOUTH 18°53'36" EAST, 579.35 FEET; THENCE NORTH 87°31'19" WEST, 550.55 FEET TO THE EAST RIGHT-OF-WAY LINE OF DAENTL ROAD; THENCE NORTH 00°39'03" EAST ALONG THE SAID EAST RIGHT-OF-WAY LINE, 681.78 FEET; THENCE SOUTH 87°58'35" EAST ALONG THE SAID EAST RIGHT-OF-WAY LINE, 12.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 524,072 SQUARE FEET 12.031 ACRES.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT BY DIRECTION OF VETESNIK ENTERPRISES, LLC, AND THE GEORGE A. VETESNIK IRREVOCABLE TRUST, I HAVE SURVEYED, DIVIDED, AND MAPPED THE LANDS DESCRIBED HEREON AND THAT THE MAP IS A CORRECT REPRESENTATION IN ACCORDANCE WITH THE INFORMATION PROVIDED. I FURTHER CERTIFY THAT THIS CERTIFIED SURVEY MAP IS IN FULL COMPLIANCE WITH CHAPTER 236.34 OF THE WISCONSIN STATUTES AND CHAPTER 75 OF THE DANE COUNTY CODE OF ORDINANCES.



Steven L. Ofte Dahl
STEVEN L. OFTEDAHL, S-2594
WISCONSIN PROFESSIONAL LAND SURVEYOR

October 28, 2009
DATE

CORPORATE OWNER'S CERTIFICATE

VETESNIK ENTERPRISES, LLC, A LIMITED LIABILITY COMPANY DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID LLC HAS CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED HEREON AND ALSO CAUSED SUCH RIGHTS AND INTERESTS OF THE PUBLIC AS SHOWN HEREON TO BE CONVEYED. SAID LLC FURTHER CERTIFIES THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.75.17(1)(A), DANE COUNTY ORDINANCES TO BE SUBMITTED TO THE DANE COUNTY ZONING AND LAND REGULATION COMMITTEE FOR APPROVAL.

IN WITNESS WHEREOF, THE SAID VETESNIK ENTERPRISES, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS REPRESENTATIVES THIS 30 DAY OF Oct, 2009.

BY: George Vetesnik (SIGN NAME HERE) BY: Heidi A. Vetesnik (SIGN NAME HERE)

GEORGE VETESNIK, MANAGING MEMBER HEIDI A. VETESNIK, MANAGING MEMBER
(PRINT NAME HERE) (SIGN NAME HERE)

STATE OF WISCONSIN) SS
DANE COUNTY) SS

PERSONALLY CAME BEFORE ME THIS 30 DAY OF October, 2009, THE ABOVE NAMED MANAGING MEMBERS OF THE ABOVE NAMED VETESNIK ENTERPRISES, LLC, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE SAME.

Kelli Utz Jan. 27th, 2013
NOTARY PUBLIC, DANE COUNTY, WISCONSIN MY COMMISSION EXPIRES

DANE COUNTY BOARD OF ADJUSTMENT NOTE

THE DANE COUNTY BOARD OF ADJUSTMENT, AT ITS MEETING OF MAY 28, 2009, APPROVED APPLICATION NUMBER 3559.

PREPARED BY: 	PREPARED FOR: VETESNIK ENTERPRISES, LLC 27475 US HIGHWAY 14 RICHLAND CENTER, WI 53581	PROJECT NO: 07-3021 FILE NO: B-139 FIELDBOOK/PG: 269/118 SHEET NO: 4 OF 5	SURVEYED BY: JK DRAWN BY: SO CHECKED BY: JK APPROVED BY: HPJ	VOL. <u>81</u> PAGE <u>182</u> DOC. NO. <u>4623766</u> C.S.M. NO. <u>12830</u>
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11/2007 \ 07/2021 \ 1/2009 \ 07/2021 \ 1/2021 F-csm.dwg

CERTIFIED SURVEY MAP NO. 12830

PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 5 AND PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 8, ALL IN T 8 N, R 10 E, TOWN OF BURKE, DANE COUNTY, WISCONSIN

CONSENT OF CORPORATE MORTGAGEE

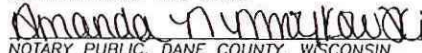
DMB COMMUNITY BANK, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS MORTGAGEE OF THE LANDS DESCRIBED HEREON, HEREBY CONSENTS TO THE SURVEYING, DIVIDING AND MAPPING OF THE LANDS DESCRIBED IN THE AFFIDAVIT OF STEVEN L. OFTEDAHL, WISCONSIN LAND SURVEYOR, S-2594, AND DO HEREBY CONSENT TO THE ABOVE CERTIFICATE OF VETESNIK ENTERPRISES, LLC, OWNER.

WITNESS THE HAND AND SEAL OF DMB COMMUNITY BANK, MORTGAGEE, THIS 30th DAY OF October, 2009.

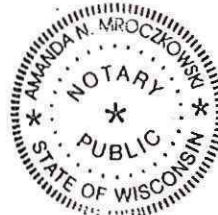

SCOTT D. COCHEMS, FIRST VICE PRESIDENT

STATE OF WISCONSIN) SS
DANE COUNTY) SS

PERSONALLY CAME BEFORE ME THIS 30 DAY OF October, 2009, THE ABOVE NAMED REPRESENTATIVE OF THE ABOVE NAMED SCOTT D. COCHEMS, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE SAME.


AMANDA M. MAROCZKO
NOTARY PUBLIC, DANE COUNTY, WISCONSIN

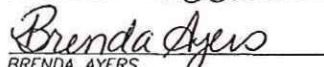
4-15-2012
MY COMMISSION EXPIRES



TOWN OF BURKE APPROVAL CERTIFICATE


RESOLVED THAT THIS CERTIFIED SURVEY MAP HAS BEEN DULY FILED FOR APPROVAL BY THE TOWN BOARD OF THE TOWN OF BURKE, DANE COUNTY, WISCONSIN, BE AND THE SAME IS HEREBY APPROVED, ACKNOWLEDGED AND ACCEPTED BY THE TOWN OF BURKE ON THIS

30th DAY OF October, 2009.


BRENDA AYERS,
CLERK, TOWN OF BURKE

CITY OF MADISON PLAN COMMISSION

APPROVED FOR RECORDING PER CITY OF MADISON PLAN COMMISSION THIS 15th DAY OF JUNE, 2009.


MARK A. OLINGER, SECRETARY
CITY OF MADISON PLAN COMMISSION

19 Nov 2009
DATE

DANE COUNTY APPROVAL CERTIFICATE

APPROVED FOR RECORDING PER DANE COUNTY ZONING AND LAND REGULATION COMMITTEE ACTION OF December 28, 2009.


NORBERT SCRIBNER,
AUTHORIZED REPRESENTATIVE




October 28, 2009

OFFICE OF THE REGISTER OF DEEDS

DANE COUNTY, WISCONSIN

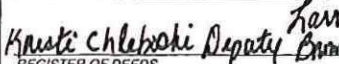
RECEIVED FOR RECORD JAN. 5

20 10 AT 8:00 O'CLOCK A M AS

DOCUMENT # 4623766

IN VOL. 81 OF CERTIFIED SURVEY

MAPS ON PAGE(S) 179-183


Krysti Chleboki Deputy
REGISTER OF DEEDS
Received 12-30-2009 12:39 P.M.

PREPARED BY:
JSD Professional Services, Inc.
161 HORIZON DRIVE, SUITE 101
VERONA, WISCONSIN 53593
PHONE: (608)818-5060

PREPARED FOR:
VETESNIK ENTERPRISES, LLC
27475 US HIGHWAY 14
RICHLAND CENTER, WI
53581

PROJECT NO: 07-3021
FILE NO: B-139
FB/PG: 269/118
SHEET NO: 5 OF 5

SURVEYED BY: JK
DRAWN BY: SO
CHECKED BY: JK
APPROVED BY: HPJ