

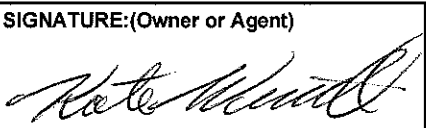
# Dane County Rezone & Conditional Use Permit

|                     |                   |
|---------------------|-------------------|
| Application Date    | Petition Number   |
| 03/07/2014          | DCPREZ-2014-10674 |
| Public Hearing Date | C.U.P. Number     |
| 05/27/2014          |                   |

| OWNER INFORMATION                               |  | AGENT INFORMATION   |  |
|---|--|---|--|
| OWNER NAME<br>THOMAS MUELLER                    | PHONE (with Area Code)<br>(608) 935-2751 | AGENT NAME<br>FLEMING DEVELOPMENT                                 | PHONE (with Area Code)<br>(608) 277-8887 |
| BILLING ADDRESS (Number & Street)<br>PO BOX 145 |  | ADDRESS (Number & Street)<br>2960 TRIVERTON PIKE DRIVE, SUITE 202 |  |
| (City, State, Zip)<br>DODGEVILLE, WI 53533      |  | (City, State, Zip)<br>MADISON, WI 53711                           |  |
| E-MAIL ADDRESS                                  |  | E-MAIL ADDRESS<br>KWIERWILL@FLEMINGDEVELOPMENT.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 |              |
| 4633 STATE HIGHWAY 138            |              |                                   |         | 4645 State Hwy 138                |              |
| TOWNSHIP<br>RUTLAND               | SECTION<br>7 | TOWNSHIP                          | SECTION | TOWNSHIP<br>Rutland               | SECTION<br>7 |
| PARCEL NUMBERS INVOLVED           |              | PARCEL NUMBERS INVOLVED           |         | PARCEL NUMBERS INVOLVED           |              |
| 0510-072-8006-1                   |              |                                   |         | 0510-072-8041-P                   |              |

| REASON FOR REZONE   |                            |       | CUP DESCRIPTION                       |       |
|---|----------------------------|-------|---------------------------------------|-------|
| REMOVE DEED RESTRICTIONS FROM PRIOR REZONE. (CERTIFIED SURVEY MAP WILL BE REQUIRED TO CLEAN UP THE ILLEGAL LAND DIVISION) |                            |       |                                       |       |
| FROM DISTRICT:  | TO DISTRICT:               | ACRES | DANE COUNTY CODE OF ORDINANCE SECTION | ACRES |
| C-2 Commercial District   | C-2 Commercial District    | 3.35  |                                       |       |
| C-2 Commercial District   | RE-1 Recreational District | .08   |                                       |       |

|   |   |   |                                  |   |
|---|---|---|----------------------------------|---|
| C.S.M REQUIRED?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  | PLAT REQUIRED?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | DEED RESTRICTION REQUIRED?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | INSPECTOR'S INITIALS<br><br>PMK2 | SIGNATURE:(Owner or Agent)<br> |
| Applicant Initials _____  | Applicant Initials _____  | Applicant Initials _____  |                                  | PRINT NAME:<br>Kate Wierwill  |
| COMMENTS: REMOVE DEED RESTRICTIONS FROM PRIOR REZONE. (CERTIFIED SURVEY MAP WILL BE REQUIRED TO CLEAN UP THE ILLEGAL LAND DIVISION) |   |   |                                  | DATE:<br>3/7/2014.  |



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:

- **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. Portion of Lot 1 CSM #8936
- **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 <u>Thomas Mueller</u> | Agent's Name <u>Kate Wierwill</u>                  |
| Address <u>PO Box 145</u>          | Address <u>2960 Triverton Pike Drive Suite 202</u> |
| <u>Dodgeville, WI 53533</u>        | <u>Madison WI 53711</u>                            |
| Phone <u>608-935-2751</u>          | Phone <u>(608) 277-8887</u>                        |
| Email _____                        | Email <u>kwierwill@flemingdevelopment.com</u>      |

Town: Rutland Parcel numbers affected: 052/0510-072-8006-1 ; 0510-072-8041-8

Section: 01 Property address or location: 4633 Highway 138 Oregon, WI 53575

Zoning District change: (To / From / # of acres) Termination of deed restrictions C-2/C-2/3.46 Acres

Soil classifications of area (percentages) Class I soils: \_\_\_\_\_% Class II soils: \_\_\_\_\_% Other: \_\_\_\_\_%  
See attached.

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:

Terminate current deed restrictions relating to use to revert back to permitted uses under C-2. Proposed use is for landscaping, lawn care and snow removal business. Repairs and storage for contractor's equipment and material in current warehouse along with outdoor storage and employee parking behind screened fence. Future sale of landscaping materials to include mulch, stone, shredded dirt and spare plantings.

I authorize that I am the owner or have permission to act on behalf of the owner of the property.  
Submitted By:  Date: 03/07/2014

**DANE COUNTY ORDINANCE AMENDMENT NO. 7171**

Amending Section 10.03 relating to Zoning Districts in the Town of Rutland.

The Dane County Board of Supervisors does ordain as follows: That the Zoning District Maps of the Town of Rutland be amended to include in the C-2 Commercial District/s the following described land:

**PETITION NUMBER: 7171**

Part of the NE 1/4 of the NW 1/4 and NW 1/4 of the NE 1/4, Section 7, Town of Rutland, described as follows: The East 400 feet of the North 400 feet of the NE 1/4 of the NW 1/4 and the West 100' of the North 400' of the NW 1/4 of the NE 1/4.

**CONDITIONAL ZONING**

Conditional zoning is hereby imposed pursuant to Section 10.255(3)(a)2.(b) of the Dane County Code of Ordinances. The rezoned area shall be subject to the following conditions.

**CERTIFIED SURVEY REQUIRED**

The above listed description/s is/are intended to describe land for which a certified survey map will be prepared for approval and recorded. This amendment will become effective, if within 90 days of its approval by Dane County, a certified survey map that describes the land to be rezoned is recorded in the office of the Dane County Register of Deeds. Failure to record the survey will cause the rezone to be null and void. Two copies of the recorded survey shall be submitted to Dane County Zoning.

**DEED RESTRICTION REQUIRED**

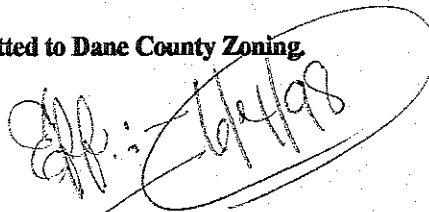
This amendment will be effective, if within 90 days of its adoption by Dane County the owner or owners of the land shall record the following restrictions on said land:

The following uses shall be the only permitted uses:

1. Sales, rental and leasing, repair and service of new and used agricultural implements and equipment.
2. Sales, rental and leasing, repair and service of new and used lawn and garden equipment.
3. Sales, rental and leasing, repair (including major repairs) and service of new and used motor vehicles, not including cars and trucks.
4. Sales, rental and leasing, repair and service of new and used contractor's machinery and equipment.
5. Sales, rental and leasing, repair and service of new and used recreational equipment.
6. Rental and leasing of new and used items not listed above.
7. Related sales of incidental related items, and sales of agricultural and dairy products not produced on the premises and incidental sales of pop and candy.
8. There will be a recorded 33 foot wide easement in favor of the Town along the entire East side of the parcel for a possible future road.
9. The owner of the parcel will be responsible for a share of the cost of the construction of a road on the easement if and when a road is developed. This share would be based on the front footage of each parcel.
10. Access to that future road shall replace the driveway to the property on State Highway 138.

Said restrictions shall run in favor of Dane County and the pertinent Town Board as well as the owners of land within 300 feet of the site. Failure to record the restrictions will cause the rezone to be null and void.

A copy of the recorded document shall be submitted to Dane County Zoning.



The Dane County Board of Supervisors does ordain that this amendment, based upon their findings, to be consistent with the provisions of Wisconsin State Statute 91.77 (1)(a),(b),(c).

DEED RESTRICTION

DANE COUNTY REGISTER OF DEEDS

Doc No 2978090

1998-06-04 07:58 PM  
Trans. Fee 0.00  
Rec. Fee 18.00  
Pages 5

Document Number

Document Title

001778

Recording Area

Name and Return Address

JACKSON & GLASS LAW FIRM, S.C.  
213 North Iowa Street  
Dodgeville, WI 53533

26-0510-072-8001-6 &  
26-0510-071-8500-3

Parcel Identification Number (PIN)

This information must be completed by submitter: document file, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc. may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59:517. WIDA-2/98

5/16

**DEED RESTRICTION  
PAGE 1**

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**RETURN TO:** Attorney Robert J. Jackson  
JACKSON & GLASS LAW FIRM, S.C.  
213 North Iowa Street  
Dodgeville, WI 53533

**PIN:** 26-0510-071-8500-3;  
26-0510-072-8001-6

**RESTRICTIONS**

- I.** **WHEREAS**, Thomas Mueller, is the owner of the following described land in the Town of Rutland, Dane County, Wisconsin, to-wit:

A parcel of land located in the Northeast 1/4 of the Northwest 1/4 and Northwest 1/4 of the Northeast 1/4 of Section 7, Township 5 North, Range 10 East, Town of Rutland, Dane County, Wisconsin, more fully described as follows: Commencing at the Northwest corner of said Section 7; thence N86°44'13"E, 2099.15 feet along the North line of the Northwest 1/4 of said Section 7; thence South 69.47 feet to the Northeast corner of Certified Survey Map 5559, recorded in Volume 25 of Certified Survey Maps, page 221, and the point of beginning; thence continuing South, 240.01 feet along the East line of said CSM; thence S69°27'39"E, 225.52 feet; thence N86°44'13"E, 288.47 feet; thence North 323.48 feet to the South right-of-way line of S.T.H. 138; thence S87°37'05"W, 439.62 feet along said South right-of-way line to the point of beginning.

- II.** **WHEREAS**, said owner desires to place certain restrictions thereon, to bind the owner and those who may acquire title hereafter.

- III.** **NOW, THEREFORE**, in consideration of the mutual benefits passing to and from the owner and those who may hereafter purchase said land and the parties named as beneficiaries of these restrictions, the following restrictions are hereby imposed requiring that the real estate described herein may only be used for the following purposes:

1. Sales, rental and leasing, repair and service of new and used agricultural implements and equipment.
2. Sales, rental and leasing, repair and service of new and used lawn and garden equipment.

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**DEED RESTRICTION****PAGE 2**

3. Sales, rental and leasing, repair (including major repairs) and service of new and used motor vehicles (not including cars and trucks).
4. Sales, rental and leasing, repair and service of new and used contractor's machinery and equipment.
5. Sales, rental and leasing, repair and service of new and used recreational equipment.
6. Rental and leasing of new and used items not listed above.
7. Related sales of incidental related items, and sales of agricultural and dairy products not produced on the premises and incidental sales of pop and candy.
8. There will be a recorded 33 foot wide easement in favor of the Town along the entire East side of the parcel for a possible future road.
9. The owner of the parcel will be responsible for a share of the cost of the construction of a road on the easement if and when a road is developed. This share would be based on the front footage of each parcel.
10. Access to that future road shall replace the driveway to the property on State Highway 138.

IV. The restrictions provided for herein shall be enforceable at law or equity against any party who has or acquires an interest in the land subject to the restriction by the following parties who are named as grantees, promisees and beneficiaries with enforcement rights:

- (a) the County Government of Dane County, Wisconsin provided that the lands are under the jurisdiction of zoning ordinance of said County at the time the enforcement action is commenced; and
- (b) The Town Government of the Town Rutland, Dane County, Wisconsin provided that the lands are within the governmental jurisdiction of said Town at the time the enforcement action is commenced.
- (c) The owner(s) of record of any land/s which are located within 300 feet of the subject site.

V. The restrictions set forth in paragraph 3 above may be amended in the following manner:

- (a) A written petition calling for the amendment of the restrictions may be made by the persons who are, at the time of the petition, owner/s of the lands subject to the restriction. Such petition shall be submitted to the Dane County Clerk who shall refer the petition to the Dane County Zoning & Natural Resources Committee (or successor committee) which committee shall schedule and hold a public hearing on the petition in the same manner as public hearings for zoning amendment petitions are noticed and scheduled.

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**DEED RESTRICTION  
PAGE 3**

Following such hearing, the committee shall issue a written report on the petition to the County Board of Supervisors which shall, by majority vote, approve or reject the petition. If approved, the petitioner/s shall draft the amendatory covenant instrument, have same executed by the owner/s of the lands subject to the restrictions and record same.

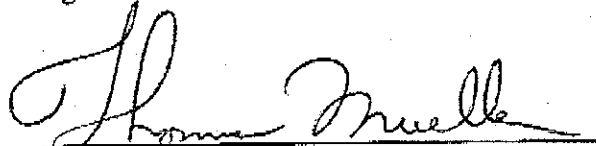
(b) Such amendment shall also require approval of the Town Board.

VI. The restrictions set forth in Paragraph 3 above may be terminated in the following manner:

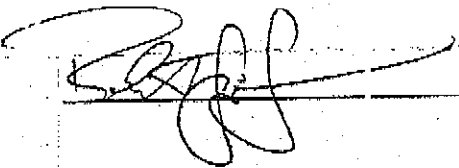
(a) Termination may be accomplished through County Board approval of a petition for termination of the restrictions. The procedures for introducing and processing the petition shall be as provided in Paragraph 5(a) hereof, except that the petition shall call for termination rather than amendment of the restrictions and the instrument which is records shall be an instrument of termination. Such termination shall also require approval of the Town Board.

(b) A rezone of the property to a different zoning district shall also act to repeal the covenant controls.

IN WITNESS WHEREOF, the said grantor has hereunder set his seal this 29 day of May, 1998.

  
THOMAS MUELLER

Signed and Sealed in the Presence of:

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

001782

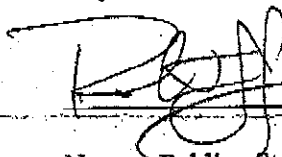
**DEED RESTRICTION  
PAGE 4**

STATE OF WISCONSIN)

) ss.

COUNTY OF DANE )

Personally came before me this 29 day of May, 1998, the above-named known to be the person who executed the foregoing instrument, and acknowledged the same.



Notary Public, State of Wisconsin

My Commission: IS PERMANENT

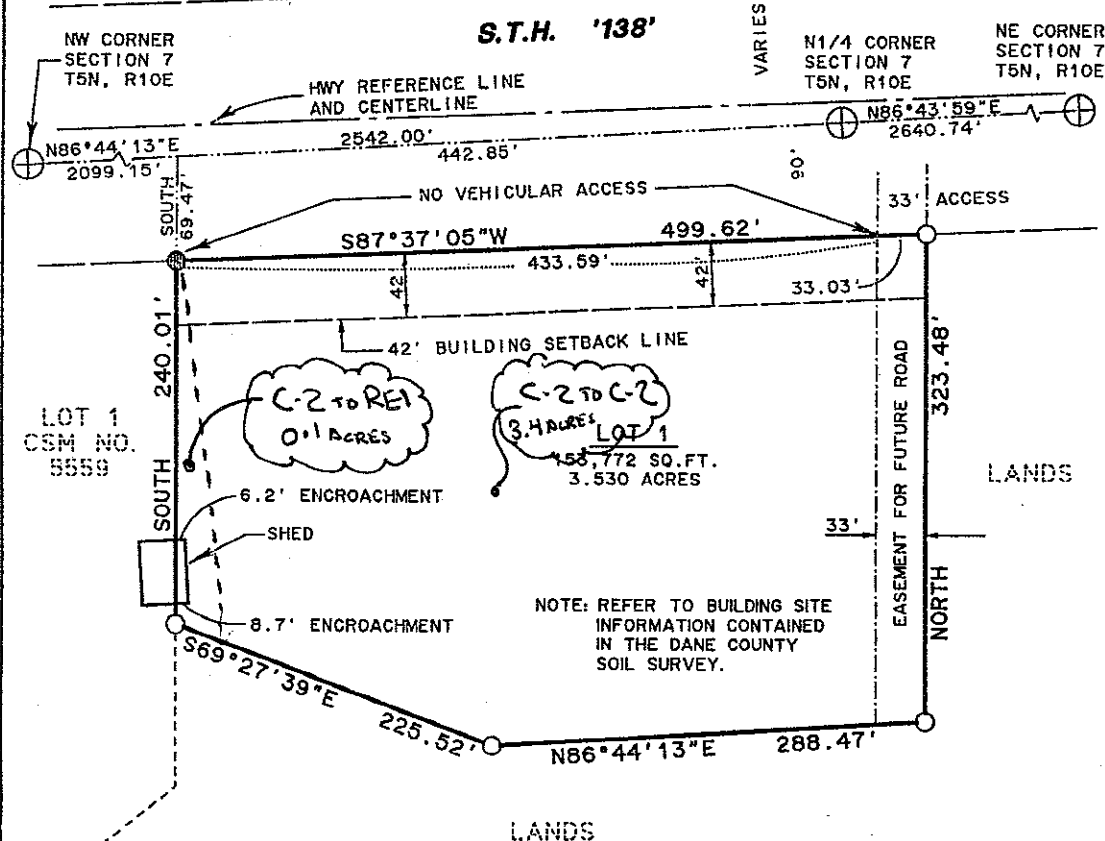


CLIENT: MUELLER IMPLEMENT INC.  
4948 CTY. RD. YZ  
DODGEVILLE, WI 53533

# CERTIFIED SURVEY MAP

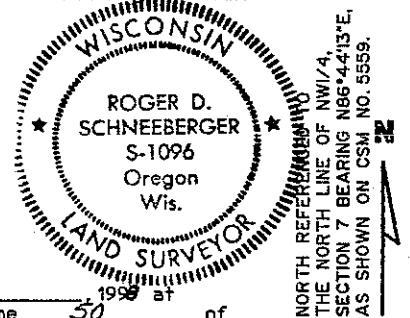
## LEGEND

- 1" IRON PIPE FOUND
- 3/4" DIA. X 24" LONG REBAR WEIGHING 1.504 LBS/LIN. FT. SET
- ⊕ ALUMINUM MONUMENT FOUND



I, Roger D. Schneeberger, a registered land surveyor of the State of Wisconsin, do hereby certify that on February 23, 1998, at the request of Thomas J. Mueller, the above-described property was surveyed under my direction and that the accompanying map is a correctly-dimensioned representation to scale of the exterior boundaries; and that this Certified Survey Map complies with Section 236.34 of Wisconsin Platting Statutes.

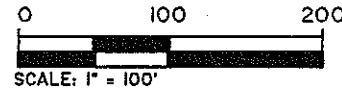
*Roger D. Schneeberger*  
Roger D. Schneeberger, S-1096



Received for recording this 4 day of June, 1998 at 7:58 o'clock P.M. and recorded in Volume 30 of Dane County Certified Surveys on pages 26 and 27.

*Jane Licht by Carol Kappell*  
Jane Licht  
Register of Deeds.

**MEAD HUNT**  
Deputy



Document No. 2978086  
C.S.M. No. 8936  
Volume 50 Page 26

Mead & Hunt, Inc.  
6501 Watts Road, Suite 101  
Madison, Wisconsin 53719-2700  
Phone 608-273-6390  
Fax 608-273-6391

Dwg. No. N 9219 S  
Sheet 1 of 2  
Job No. M338-98A

Recorded 673198

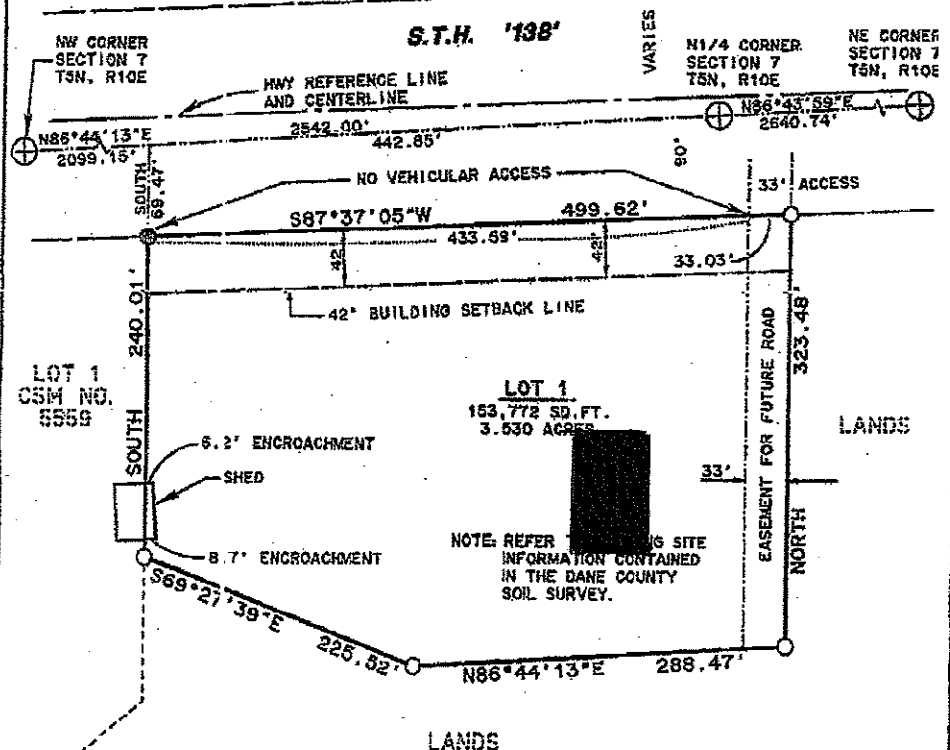
Rezone 7171

CLIENT: MUELLER IMPLEMENT INC.  
4948 CTY. RD. YZ  
DODGEVILLE WI 53533

# CERTIFIED SURVEY MAP

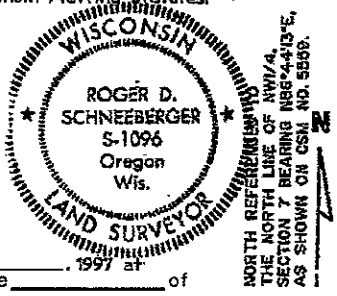
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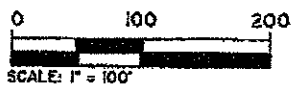
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*Roger D. Schneeberger*  
 Roger D. Schneeberger, 5-1096



Received for recording this \_\_\_\_\_ day of \_\_\_\_\_, 1997 at \_\_\_\_\_  
 o'clock \_\_\_\_\_ M. and recorded in Volume \_\_\_\_\_ of  
 Dane County Certified Surveys on pages \_\_\_\_\_ and \_\_\_\_\_.

Jane Licht  
 Register of Deeds.



Document No. \_\_\_\_\_  
 C.S.M. No. \_\_\_\_\_  
 Volume \_\_\_\_\_ Page \_\_\_\_\_

Mead & Hunt, Inc.  
 6501 White Road, Suite 101  
 Madison, Wisconsin 53719-2700  
 Phone 608-273-6380  
 Fax 608-273-6391

Dwg. No. N 9219 S  
 Sheet 1 of 2  
 Job No. M338-98A

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