

**Dane County Board of Supervisors
Amending Chapter 10 of the Dane County Code of Ordinances
Zoning Map Amendment Petition 10838**

Dane County Board of Supervisors does ordain as follows:

The Zoning Districts Maps as referenced under Dane County Code of Ordinance Section 10.03 shall be amended as follows:

Town Map: Town of Westport **Location:** Section 1

Zoning District Boundary Changes

A-1 EX. TO RH-1

A parcel of land located in part of the NW ¼ of the NW ¼ of Section 1, T8N, R9E, Town of Westport being more particularly described as follows: Commencing at the northwest corner of said Section 1; thence N 89°48'04" E, 180.00 feet to the point of beginning; thence continue N 89°48'04" E, 635.74 feet; thence S 00°11'56" E, 308.45 feet; thence S 89°48'04" W, 635.74 feet; thence N 00°11'56" W, 308.45 feet to the point of beginning. This description contains 4.50 acres and is subject to a road right of way of 33 feet over the most northerly part thereof.

A-1 EX. TO R-1

A parcel of land located in part of the NW ¼ of the NW ¼ of Section 1, T8N, R9E, Town of Westport being more particularly described as follows: Commencing at the northwest corner of said Section 1; thence N 89°48'04" E, 815.74 feet to the point of beginning; thence continue N 89°48'04" E, 35.18 feet; thence S 00°40'52" W, 210.87 feet; thence N 89°42'20" W, 31.95 feet; thence N 00°11'56" W, 210.57 feet to the point of beginning. This description contains 0.16 acres and is subject to a road right of way of 33 feet over the most northerly part thereof.

A-2 TO R-1

A parcel of land located in part of the NW ¼ of the NW ¼ of Section 1, T8N, R9E, Town of Westport being more particularly described as follows: Commencing at the northwest corner of said Section 1; thence N 89°48'04" E, 850.92 feet to the point of beginning; thence continue N 89°48'04" E, 168.43 feet; thence S 01°09'30" W, 197.71 feet; thence S 89°52'14" W, 51.72 feet; thence S 00°03'49" E, 44.14 feet; thence N 89°42'38" W, 69.42 feet; thence N 00°18'43" E, 29.90 feet; thence N 89°42'20" W, 46.01 feet; thence N 00°40'52" E, 210.87 feet to the point of beginning. This description contains 0.84 acres and is subject to a road right of way of 33 feet over the most northerly part thereof.

A-2 TO A-2(4)

A parcel of land located in part of the NW ¼ of the NW ¼ of Section 1, T8N, R9E, Town of Westport being more particularly described as follows: Commencing at the northwest corner of said Section 1; thence N 89°48'04" E, 1019.35 feet; thence S 01°09'30" W, 197.71 feet to the point of beginning; thence S 89°52'14" W, 51.72 feet; thence S 00°03'49" E, 44.14 feet to a point labeled "A"; thence N 02°17'52" E, 40.00

feet; thence N 89°20'14" E, 50.00 feet; thence N 01°09'30" E, 3.71 feet to the point of beginning. also..... commencing at the point labeled "A"; thence N 89°42'38" W, 69.42 feet to the point of beginning; thence continue N 89°42'38" W, 46.20 feet; thence N 00°40'52" E, 29.91 feet; thence S 89°42'20" E, 46.01 feet; thence S 00°18'43" W, 29.90 feet to the point of beginning. These descriptions contain 0.16 acres in total.

A1-EX TO A-2(4)

A parcel of land located in part of the NE & NW ¼ of the NW ¼ of Section 1, T8N, R9E, Town of Westport being more particularly described as follows: Commencing at the northwest corner of said Section 1; thence N 89°48'04" E, 1200.35 feet to the point of beginning; thence continue N 89°48'04" E, 182.90 feet; thence S 00°11'56" E, 256.94 feet; thence S 19°18'17" W, 247.84 feet; thence S 86°07'02" W, 72.89 feet; thence N 84°37'28" W, 413.99 feet; thence N 00°11'56" W, 244.45 feet; thence S 89°42'20" E, 31.95 feet; thence S 00°40'52" W, 29.91 feet; thence S 89°42'38" E, 115.62 feet; thence N 02°17'52" E, 40.00 feet; thence N 89°20'14" E, 50.00 feet; thence S 01°09'30" W, 12.00 feet; thence S 68°14'06" E, 50.00 feet; thence S 89°50'22" E, 65.00 feet; thence N 00°59'38" W, 40.00 feet; thence S 86°39'39" E, 62.98 feet; thence N 03°24'34" E, 196.76 feet to the point of beginning. This description contains 4.11 acres and is subject to a road right of way of 33 feet over the most northerly part thereof.

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.

1. The landowner shall comply with the requirements found under the Town of Westport resolution 15-10. See attached.

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. Within 90 days of rezoning approval by Dane County, a *final* certified survey map that describes the land to be rezoned shall be prepared in accordance with all applicable provisions of Chapter 236 Wisconsin Statutes and Chapter 75 Dane County Code of Ordinances, and submitted to the Dane County Zoning Division. Upon submission of the final certified survey map, the Zoning and Land Regulation Committee, or its authorized representative, shall, within 30 days, approve, approve conditionally, or reject the certified survey map. **Failure to submit the final certified survey within the 90 day period and/or failure to record the survey with the Dane County Register of Deeds will cause the rezone to be null and void. Two copies of the recorded survey shall be submitted to Dane County Zoning.**

**TOWN OF WESTPORT
RESOLUTION NO. 15-10**

RESOLUTION BY THE TOWN OF WESTPORT
BOARD OF SUPERVISORS CONDITIONALLY APPROVING
THE CERTIFIED SURVEY MAP AND REZONING
FOR THE PFEIL PROPERTY WITHIN THE TOWN OF WESTPORT,
DANE COUNTY, WISCONSIN
(4949 Easy St., County Zoning)

WHEREAS, application to create three lots by Certified Survey Map ("CSM" -- attached as Exhibit A) and associated rezoning identifying an area of land located in the Town of Westport (the "Town") was submitted by Jeff Pfeil ("Petitioner"), to the Town for review and action on April 30, 2015, and the statutory sixty-day review period will expire on or about June 30, 2015; and,

WHEREAS, Town Plan Commission and the Town Board have reviewed the CSM and rezoning and met with the Petitioner with respect to the proposed CSM and requested rezoning; and,

WHEREAS, the Town Plan Commission determined that the CSM and requested rezoning will only be consistent with the Town of Westport Ordinances, Ch. 236, Wis. Stats., and Town of Westport Comprehensive Plan if certain conditions set forth in their recommendations adopted at their meeting consultation on April 13, 2015, are met; and,

WHEREAS, the Town Board has determined that the CSM and requested rezoning will only be consistent with the Town of Westport Ordinances, Ch. 236, Wis. Stats., and Town of Westport Comprehensive Plan if all the conditions set forth below are met.

NOW, THEREFORE, the Town Board of Supervisors of the Town of Westport, based upon the above determinations, hereby approves the Certified Survey Map and recommends approval of the rezoning for the CSM Property as attached hereto at Exhibit A, subject to the following conditions and/or restrictions.

1. Finalization of any necessary zoning changes to rezone the parcels from A1-EX and A-2 to RH-1, A-2(2) and R-1;
2. All lots in the CSM and the remaining approximate 240 acres from which these lots were divided shall be restricted to no further land divisions or creation of building sites and no annexation, and additionally the remaining approximate 240 acres from which Lots 1-4 were divided shall be restricted for no residential use and only agricultural buildings/structures;
3. Only one shared access to Easy Street shall be allowed for Lot 3 and 4, which shall be shown on the face of the CSM, and Petitioner shall prepare and obtain necessary signatures on a joint access agreement, driveway easement and maintenance agreement for Lots 3 and 4 acceptable to the Town Attorney to be prepared at the cost of Petitioner;
4. Partition fences for lands abutting or adjacent to land used for farming or grazing purposes, and a covenant regarding maintenance of such fences pursuant to Section 10-2-63 of the Westport Code of Ordinances approved by the Town Attorney;
5. Review by Town maintenance departments as to the provision of Town services to be provided to the property and a written report regarding the same shall be provided to the Town Board, and which shall become conditions of approval as if set forth herein;


6. Based on the following for the CSM: a) that there is no land reasonably available or suitable for parks within the CSM property due to its size and location; b) that dedication of land for park purposes would not be compatible with the Comprehensive Plan or any park plan since no park is planned for this property; and, c) that a cash contribution would better serve the public interest, the Town shall accept parkland dedication fees in satisfaction of the Town's parkland dedication fee requirements in accordance with Section 10-2-84, Town Code, for the creation of two residential lot (\$3,004.28);
7. Dedications, notations or other information which should be added to the face of the CSM;
8. Deed restrictions relating to subsequent development, use or division of land approved by the Town Attorney;
9. Necessary approvals or permits from all applicable authorities for water and septic facilities;
10. No annexation of any part of the CSM property or the remaining approximate 240 acres shall be allowed without prior Town Board approval, which restriction shall be shown on the face of the CSM;
11. A restriction that any residence on the CSM property shall connect to municipal water and sewer utilities should the service ever be extended to the property, at the then owners' expense and without challenge, which restriction shall be shown on the face of the CSM;
12. Maintenance of all current easements and restrictions;
13. All special assessments and fees shall be paid;
14. The Petitioner shall pay all costs and fees incurred by the Town for any and all reviews, approval requests and document preparation by the Town Engineer and Town Attorney relating to the property, and shall enter into an agreement approved by the Town Attorney to pay these costs and fees;
15. The Petitioner shall provide to the Town a recorded copy of the CSM.

The above and foregoing resolution was duly adopted by the Town Board of Supervisors of the Town of Westport, Dane County, Wisconsin, at a regular meeting held on 18th day of May, 2015, by a vote of 4 ayes and 0 nays, with 1 member(s) absent.

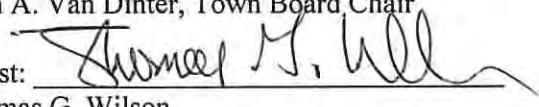
TOWN OF WESTPORT

Approved:

By:


 John A. Van Dinter, Town Board Chair

Attest:


 Thomas G. Wilson,
 Town Attorney/Administrator/Clerk-Treasurer

Posted:

Approved:

5/21/15
5/21/15