

Dane County Rezone & Conditional Use Permit

Application Date	Petition Number
10/30/2015	DCPREZ-2015-10926
Public Hearing Date	C.U.P. Number
01/26/2016	

OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME BUCKYS PORTABLE TOILETS INC	PHONE (with Area Code) (608) 835-3459	AGENT NAME <input type="checkbox"/>	PHONE (with Area Code)
BILLING ADDRESS (Number & Street) 1282 COUNTY HIGHWAY MM		ADDRESS (Number & Street) <input type="checkbox"/>	
(City, State, Zip) OREGON, WI 53575		(City, State, Zip)	
E-MAIL ADDRESS chuck@buckyspt.com		E-MAIL ADDRESS	

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	
1185 USH 14					
TOWNSHIP RUTLAND	SECTION 7	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0510-073-8000-6					

REASON FOR REZONE			CUP DESCRIPTION	
REMOVE DR				
FROM DISTRICT:	TO DISTRICT:	ACRES	DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
		4.5		

C.S.M REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials <i>X CK</i>	PLAT REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials <i>X CK</i>	DEED RESTRICTION REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials <i>X CK</i>	INSPECTOR'S INITIALS RLB	SIGNATURE:(Owner or Agent) <i>X Charles Kerns</i>
				PRINT NAME: <i>X Charles Kerns</i>
				DATE: <i>X 11-4-15</i>

RECEIVED

NOV 6 2015

DANE COUNTY PLANNING & DEVELOPMENT

Dane County Rezone & Conditional Use Permit

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(City, State, Zip) OREGON, WI 53575		(City, State, Zip)	
E-MAIL ADDRESS chuck@buckyspt.com		E-MAIL ADDRESS	

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	
TOWNSHIP RUTLAND	SECTION 7	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
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---	--	--	--	--



Dane County Planning and Development Department

Room 116, City-County Building, Madison, Wisconsin 53703

Fax (608) 267-1540

*Housing &
Economic Development*
(608)266-4270, Rm. 362

Planning
(608)266-4251, Rm. 116

Records & Support
(608)266-4251, Rm. 116

Zoning
(608)266-4266, Rm. 116

October 30, 2015

Mr. Charles Kerns
Bucky's Portable Toilets
2182 County Highway MM
Oregon WI 53575

Dear Mr. Kerns:

Thank you for your cooperation.

Please find two copies of your petition to change the deed restrictions on your property, DCPREZ-2015-10926, which you submitted Friday, October 30, 2015.

Please sign, date, initial, as indicated, and return the top copy of the permit. A return envelope is enclosed for your convenience.

The second copy of the permit is for your records.

The receipt, No.732847, is also enclosed for your check, # 38862, for \$386.00.

A process packet is also enclosed for your reference. Please read the packet.

Sincerely,

Russell L. Bartlett, bartlett@co.dane.wi.us, 608-267-3960, Zoning Inspector, County of Dane ✓



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.
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 Branford Kerns Agent's Name Bucky's portable Toilets
Address 2182 Hwy M4 Oregon WI Address 2182 Hwy M4 Oregon WI
Phone 608-835-3459 Phone 835-3459
Email chuck@buckyspt.com Email chuck@buckyspt.com

Town Rutland Parcel numbers affected: 0510-073-8000-6
Section: 01 Property address or location: 1185 1485 Hwy 14 Oregon WI 53575

Zoning District change: (To / From / # of acres) Deed Restriction lifted
of acres 5.5 4.5 on 8625

Soil classifications of area (percentages) Class I soils: 35% Class II soils: 35% Other: 30%

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: Remove DR

I authorize that I am the owner or have permission to act on behalf of the owner of the property.
Submitted By: Chuck Kerns Date: 10-26-15

2014 Fee Schedule - Department of Planning & Development

The following fees are subject to periodic revision by the Dane County Board of Supervisors
Fees are imposed according to the schedule defined in the Dane County Code of Ordinance

Fee \$386.00

Zoning Permits

- Cell Tower Modification \$500.00
- Single Family Residence's \$50.00 + \$.075/square foot
 - o Includes additions, alterations & agricultural/residential accessory buildings.
- Commercial/Multi-Family \$200.00 + \$2.00/\$1000.00
 - o Includes additions & alterations.
- Sign Permits
 - o On-Premise Advertising/Subdivision \$100.00
 - o Marquee \$100.00/sign
 - o Limited Family Business/Home Occupation \$50.00
 - o Directory \$100.00/each face
 - o Development \$75.00/each face
 - o Billboards \$250.00/each face
 - o Apartment Complex \$75.00

Lift Deed Restriction

Zoning Amendments

- A1 to another district \$386.00
- One district to another (not A1-Ex, M1, C1, C2) \$386.00
- A1-Exclusive to another district \$486.00
- Additional fees to Zoning Amendments
 - o Zoning to M1, C1, C2 \$150.00
 - o Shore land/inland-wetland \$125.00
 - o More than 5 lots \$100.00/lot up to \$2800.00

Conditional Use

- Conditional Use Permit Application \$486.00
- Conditional Use Permit Application/Communication Tower \$3136.00
- Conditional Use Permit Application/Mineral Extraction \$1136.00

Environmental Permits

- Floodplain Permit \$125.00
- Determination of Flood Plain Status \$125.00
- Determination of Ordinary High Water Mark \$125.00
- Determination of Navigable Waterway \$150.00
- Wetland Determination \$150.00
- Shoreland Zoning Permit \$150.00

Land Division

- Certified Survey Map Review \$236.00 per lot
- Subdivision Review
 - o Preliminary Review \$500.00
 - o Final Plat Review \$236.00 per lot
- Parcel Status Determination \$100.00
- Variance from Land/Subdivision Regulations \$100.00

Other

- Administrative Appeal \$350.00
- General Variance Including Airport \$350.00
- Variance - Farm Accessory Building \$100.00
- Rural Number Assignment including hardware \$40.00
- Density Study (speculative) \$100.00
- Certificate of Compliance \$45.00
- Salvage Yard License \$125.00
- Farmland Preservation Certificate \$30.00
- Open Records Requests \$0.25 (single sided)
\$0.40 (double sided)

DANE COUNTY ORDINANCE AMENDMENT NO. 8675

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-1 Commercial District/s the following described land:

PETITION NUMBER: 8675

Part of the NE 1/4 of the SW 114, and part of the NW 114 of the SE 1/4 of Section 7, Town of Rutland, described as follows: Commencing at the East quarter corner of said Section 7; thence S85°29'46" West along the East-West quarter line of said Section 7; 1913.14 feet to the centerline of old US Highway 14 and the point of beginning; thence S37°08'45" East, 64.00 feet to a point of curvature; thence along a curve to the right through a central angle of 00°18'34" an arc distance of 30.95 feet, a radius of 5,729.58 feet and a chord bearing S36°59'27" East, 30.95 feet; thence S85°29'46" West, 1038.63 feet; thence S04°30'14" East, 199.97 feet; thence S85°29'46" West, 383.24 feet; thence N04°30'14" West, 279.97 feet to the East-West quarter line of said Section 7; thence N85°29'46" East along said East-West quarter line, 1370.72 feet to the point of beginning.

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.

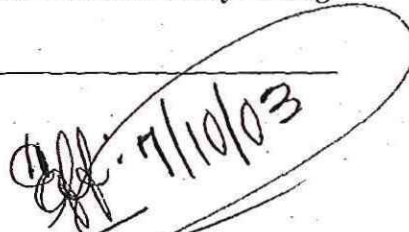
DEED RESTRICTION REQUIRED

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:

1. Deed restrict the C-1 lot to limit permitted uses to an 18,000 square foot breeding facility for laboratory rats and mice, and related uses such as driveway, parking lots and lights.

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.

A handwritten signature and the date "7/10/03" are written in black ink over a horizontal line. The signature is stylized and partially obscured by the date.

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).

DANE COUNTY ORDINANCE AMENDMENT NO. 8675

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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.**

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[Handwritten signature and date: 7/10/03]

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).

**NOTICE OF PUBLIC HEARING BY THE DANE COUNTY
ZONING & NATURAL RESOURCES COMMITTEE**

NOTICE IS HEREBY GIVEN that a public hearing will be held in Room 201 of the City-County Building, Madison, Wisconsin on Tuesday, 04/22/03 at 7:30 P.M. to consider the following matter:

1. PETITION # 8675 BY H & S CORPORATION OF AMERICA, INC. to amend the Deed Restrictions of previous Pet. #7107 to permit expansion of existing facility in the C-1 Commercial district on property located at 1185 US Highway 14 in part of the NE 1/4 SW 1/4 and NW 1/4 SE 1/4 Section 7, Town of Rutland

6

EFF 7/10/03

PUBLISHED: Wisconsin State Journal

ZONING & NATURAL RESOURCES
COMMITTEE
Lyman Anderson, Chair

3675

Wisconsin Department of Agriculture
Trade and Consumer Protection
Bureau of Land and Water Resources
2811 Agriculture Drive, PO Box 8911
Madison, WI 53708-8911

**NOTICE OF REZONING OR CONDITIONAL USE/SPECIAL EXCEPTION
IN THE EXCLUSIVE AGRICULTURAL DISTRICT**
(Under the Farmland Preservation Law, Ch. 91, Wis. Stats.)

3675

Please send us this form when rezones from or CUPs/SEPs in the Exclusive Agricultural District are approved.
Local Rezone #: 3675 Application Date: 2-5-2003 Public Hearing Date: Apr. 22, 2003

General Information Department #

1. Town/Village/City of: Rutland County: Dane

2. This Notice is for: Rezoning (From: C-1 To: C-1) CUP/SEP Both

3a. Owner's name at time of Rezoning: H & S Corporation of America, Inc. phone number: (608) 230-2080

Address (city, state, zip code): Ste B 2919 Commerce Park Dr. Fitchburg WI 53709

3b. Person, business or government initiating rezone: Shawn Estelmann phone number: 608 230 2081

Address (city, state, zip code):

3c. If the land is being annexed, Municipality: Contact: phone ()

4. Location of the Property granted rezone or CUP/SEP

1/4 1/4 NW 1 SE NE 1 SW Section 7 Town S N 10 Range E
N

@ 21185 454 14
DED SEA N SEA

Parcel Number(s) before rezoning/CUP (parcels involved)
0510-0748570-6 0510-07483800

Intend: change Deed Restriction 1) 16,000 sq ft breeding facility to 18,000 sq ft breeding facility - see attach Deed Restr.

5. Land Area and Improvements
Total Acreage: in farm before rezone: 4.25 in parcel before rezone: 4.25 in Exclusive Ag. Dist. 4.25
How many acres were rezoned out of exclusive agricultural district or granted CUP/SEP? 4.25

Were there improvements on the original parcel? yes / no

PET. 7107
NO EPS IN COMP.

What percentage of the improvements were rezoned / granted a CUP/SEP? 100%

6. Conditional Use / Special Exceptions in Exclusive Agricultural District

What is the type of CUP/SEP?
a. Agricultural (please specify use) _____
b. Agricultural-related (please specify use) _____
c. Institutional () _____
d. governmental () _____
e. religious _____
f. utility () _____
g. other (please specify use) _____

Please confirm that findings were made that CUPs/SEPs in the Exclusive Agricultural District are "consistent with agricultural use." They must meet all of the following conditions:

- The activity will not convert land that has been devoted primarily to agricultural use.
- The activity will not limit the surrounding land's potential for agricultural use.
- The activity will not conflict with agricultural operations on land subject to farmland preservation agreements.
- The activity will not conflict with agricultural operations on other properties.

If the land was not rezoned, please skip to Question 9

NO SUP/WL

7. Reason for Rezoning Out of Exclusive Agricultural Use (please check)

General information required (for all rezones):

Miles from city/village boundary: .50 Miles from existing residential area: .50
 Is the land served by public sewer? yes / (no) Is the land within a sanitary district? yes / (no)
 Is the land served by public water? yes / (no) Is the land within a planning transition area? yes / (no)

REASON for Rezoning : (If land was rezoned into more than one type of use, please specify the acres for each use.)

- a. Develop land for non-Agricultural residential use (_____ acres)
 If more than 1 lot was developed: Number of lots _____ Average lot size (acres) _____
- b. Residence for parent / child / retirement (circle) of farm owner-operator
- c. farm consolidation
 Whose farm is the land being added to? _____ Total acres in consolidated farm _____
- d. Pre-existing use Substandard or nonconforming parcel
- e. develop for industrial use (_____ acres) g. develop for recreational use (_____ acres)
- f. develop for commercial use (_____ acres) h. other (please specify) _____

8. Soils Information

a. Type of soils in parcel rezoned out of exclusive agricultural district (approximate, from soil survey)
 % of land in soil classes I-II 70 % of land in soil class IV _____
 % of land in soil class III 30 % of land in soil classes V - VIII _____

b. Type of land in parcel rezoned out of exclusive agricultural district (approximate)
 % of land in cropland _____ % of land in woodland _____
 % of land in pasture _____ % of land in other (specify) 100% lawn, buildings & parking Areas

9. Certification History

Have any zoning certificates been issued for the property rezoned or granted the or non-ag. CUP/SEP? Yes / No
 If YES, you must attach:
 copies of any zoning certificates issued for the property during the last 10 years AND
 a written legal description of the property removed, such as a warranty deed, land contract, certified survey map or subdivision plat.

10. Findings for Rezoning


Please confirm that the rezoning was approved only after findings were made based on consideration of the following as required by s. 91.77(1) Wis. Stats.:

- Adequate public facilities to accommodate the development either exist or will be provided within a reasonable time.
- Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them.
- The land is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion, or have an unreasonably adverse effect on rare or irreplaceable natural areas.

Is the rezone consistent with the County Agricultural Preservation plan? _____

Signature of Zoning Authority	Title	Date of Signature
Date of Local Approval	Effective Date	

Parcel Number - 052/0510-073-8000-6**Current**[← Parcel Parents](#)[Summary Report](#)

Parcel Detail		Less —
Municipality Name	TOWN OF RUTLAND	
State Municipality Code	052	
PLSS (T,R,S,QQ,Q)	05N 10E 07 NE SW (Click link above to access images for Qtr-Qtr)	
Section	05N 10E 07 (Click link above to access images for Section)	
Plat Name	METES AND BOUNDS (Click link above to access images for Plat) METES AND BOUNDS (Click link above to access images for Surveys within Plat)	
Block/Building		
Lot/Unit	(Click link above to see images for this Lot)	
Parcel Description	SEC 7-5-10 NE1/4 SW1/4 EXC HWY IN R79/134 This property description is for tax purposes. It may be abbreviated. For the complete legal description please refer to the deed.	
Current Owner	BUCKYS PORTABLE TOILETS INC	
Primary Address	1185 US HIGHWAY 14	
Billing Address	1282 COUNTY HIGHWAY MM OREGON WI 53575	

Assessment Summary		More +
Assessment Year	2015	
Valuation Classification	G2 G4 G5M	
Assessment Acres	33.700	
Land Value	\$210,200.00	
Improved Value	\$460,000.00	
Total Value	\$670,200.00	

Show Valuation Breakout

Zoning Information

For the most current and complete zoning information, contact the Division of Zoning.

Zoning
A-1(EX)
C-1 3.4 Acres DCPREZ-0000-08675

Zoning District Fact Sheets

Parcel Maps



Surveyor Map

DCiMap

Google Map

Bing Map

Tax Summary (2014)**More +**[E-Statement](#)[E-Bill](#)[E-Receipt](#)

Assessed Land Value	Assessed Improvement Value	Total Assessed Value
\$210,200.00	\$460,000.00	\$670,200.00
Taxes:		\$11,532.20
Lottery Credit(-):		\$0.00
First Dollar Credit(-):		\$77.86
Specials(+):		\$17.34
Amount:		\$11,471.68

District Information

Type	State Code	Description
REGULAR SCHOOL	4144	OREGON SCHOOL DIST
TECHNICAL COLLEGE	0400	MADISON TECH COLLEGE
OTHER DISTRICT	26OR	EMS OREGON
OTHER DISTRICT	26OR	OREGON FIRE

Recorded Documents

Doc. Type	Date Recorded	Doc. Number	Volume	Page
WD	07/20/2015	5169452		

[Show More ▼](#)**DocLink**

DocLink is a feature that connects this property to recorded documents. If you'd like to use DocLink, all you need to do is select a link in this section. There is a fee that will require either a credit card or user account. [Click here for instructions.](#)

By Parcel Number: 0510-073-8000-6

By Owner Name: BUCKYS PORTABLE TOILETS INC

[Document Types and their Abbreviations](#)[Document Types and their Definitions](#)



Dane County Planning & Development

Room 116, City-County Building, Madison, Wisconsin 53709

Land Division Review
608/266-9086

Property Listing
608/266-4120

Surveyor
608/266-4252

Zoning
608/266-4266

REMINDER NOTICE

H & S CORPORATION OF AMERICAN INC
STE B 2919 COMMERCE PK DR
FITCHBURG WI 53719

REZONE PETITION # 8675 SECTION 7 TOWN Rutland

Please be advised that all required approvals by Town, Zoning Committee, Dane County Board and County Executive have been obtained.

NOTE:

— The petition included a delayed effective date subject to the recording of a Certified Survey* and/or a Deed Restriction, and/or a notice document.

✓ The petition was amended to include a delayed effective date subject to the recording of a Certified Survey* and/or a Deed Restriction, and/or a notice document.

Please be advised that the zoning change will not become effective until the required documents have been recorded. The document must be recorded in the office of the Dane County Register of Deeds no later

than

9/4/03

- If a deed restriction or notice document is required you may utilize the document enclosed or have your attorney draft a document for you. Please note that the wording of the restrictions or notice document may not be altered.
- The survey review may also take 60 days, please take this into consideration when you are submitting a survey for approval. A survey submitted close to or on the deadline date may not be processed in time for the recording of the document.

IMPORTANT

Failure to record the survey and/or deed restriction and/or notice document will null and void the Zoning Petition. The time period may not be extended.

Please provide Dane County Zoning with a copy of the recorded survey or deed restriction or notice document. These are required for log entry, closing of files and notifications of effective date to the County Clerk, Town Clerk and property owner.

COMPOSITE REPORT

Dane County Zoning & Natural Resources Committee

Dane County Application for Change in Zoning or CUP HEARING DATE: 04/22/03 ITEM#: 1.

ZONING PETITION #: 8675 CUP #: None

TOWN / SECTION: Town of Rutland 7

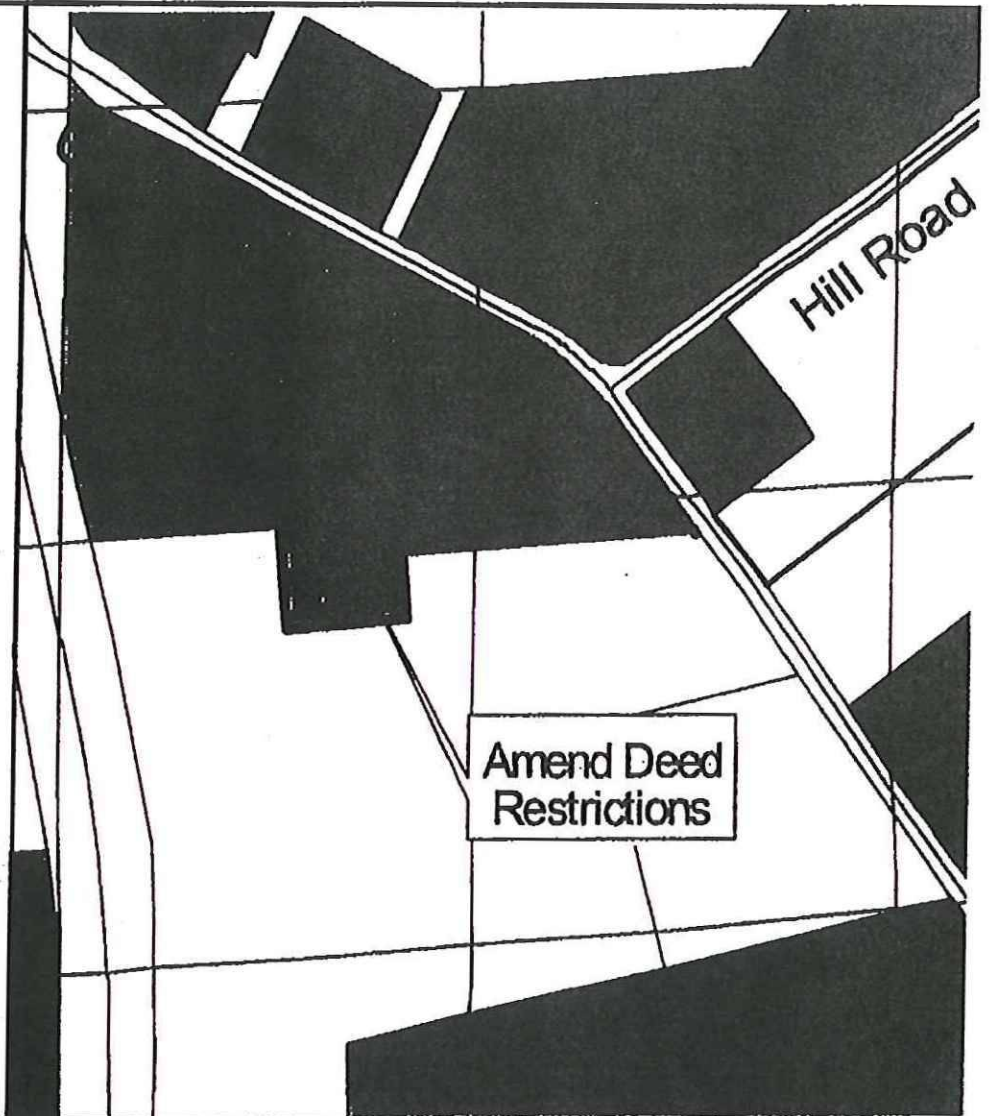
APPLICANT: H&S CORPORATION OF AMERICA, INC

LOCATION: at 1185 US Highway 14

AREA: 4.3 AC acres DELAYED EFFECTIVE DATE: Yes

CHANGE: From the C-1 Commercial to the C-1 Commercial

PROPOSED USE: amend deed restriction to allow facility expansion



TOWN ACTION RECOMMENDATION:

Approved APR 3, 2003
 DENY

SUBJECT TO:

Conditions Amended

IF CUP:

Conditions None

ZNR COMMITTEE ACTION - REZONING

Postponed
 Approve Cond/Amend Town Cond/Amend. Comm.
 As Condition

D.R.

Amended Changed Zone Dist.
 Changed Boundary Description

DENY

Action Date APR 22, 2003 ^{Vote} 7-0

ZNR CUP APPROVAL

Approved As Specified by Town
 Con by ZNR DENY
 Date _____

COUNTY BOARD ACTION REZONING

Referred Date MAY 8, 2003
 Approved Amended on Floor
 DENY COUNTY BOARD AGENDA ITEM # _____



DANE COUNTY CLERK
 City-County Building, Room 112
 210 Martin Luther King, Jr. Boulevard
 Madison, Wisconsin 53703
 (608) 266-4121

JOSEPH T. PARISI
 COUNTY CLERK

ROBERT OHLSEN
 CHIEF DEPUTY
 (608) 266-4122

REPORT ON ZONING ORDINANCE/PETITION NO. 8675

PETITIONER: H & S Corporation of America, Inc.

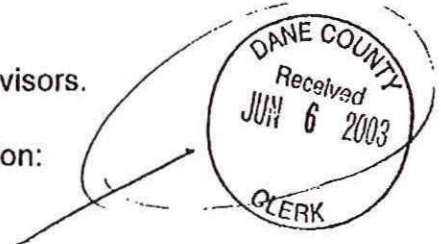
TO THE DANE COUNTY CLERK:

At a meeting held on JUNE 3, 2003, the Town Board of RUTLAND

- APPROVED
- DISAPPROVED

the petition as amended by the Dane County Board of Supervisors.

This will certify that the following is a true and correct resolution:



RESOLUTION

RESOLVED by the Town Board of RUTLAND that Zoning

Ordinance/Petition No. 8675, be, and the same hereby is,

- APPROVED
- DISAPPROVED

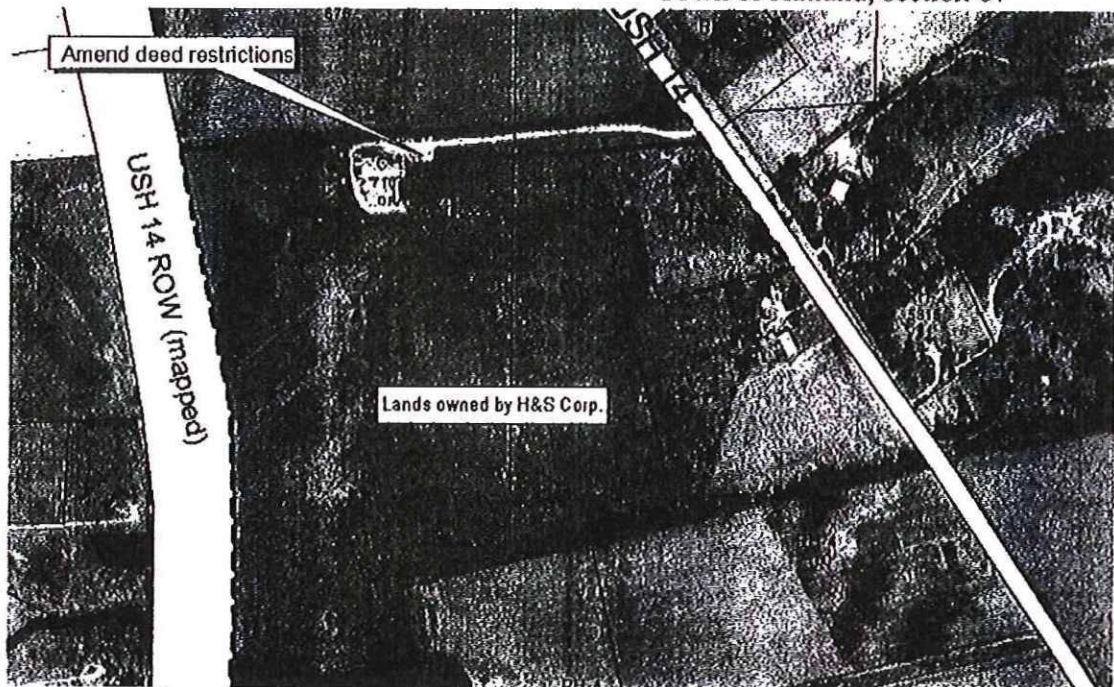
Dated this 4th day of

JUNE, 2003.

Dawn George, CLERK

TOWN OF RUTLAND

PLEASE RETURN THIS GOLDENROD FORM TO THE DANE COUNTY CLERK'S OFFICE.



Background

H&S Corporation of America Inc. applied to rezone 4.2517 acres from A-1EX to C-1 under petition 7107 in 1997. It became effective 05/08/1998 with the following Deed Restriction:

"To specify that the use shall be limited to a 16,000 square foot breeding facility for laboratory rats and mice, and related uses such as driveway, parking lots and lights."

The same owners now wish to expand the commercial facility and are "requesting the deed restriction be changed to 18,000 square feet to allow for the building expansion." This "laboratory animal production facility" was constructed in approximately 1976 originally as King Animal Laboratories Inc.

Dane County Agency / Town Comments

The agencies and/or local government bodies listed below have submitted the following comments regarding this petition.

Town of Rutland

The Town Board voted unanimously to approve the petition.

Recommended Conditions

The ZNR Committee may wish to consider the following conditions/restrictions:

- 1) Deed restrict the C-1 lot to limit permitted uses to an 18,000 square foot breeding facility for laboratory rats and mice, and related uses such as driveway, parking lots and lights.

RESTRICTIONS

PETITION 8675

Use black ink & print legibly

WHEREAS, _____

_____ is/are owner(s) of the following described real estate in the

Town of _____ in Dane County,

further described as follows:

(Use reverse side if more space is needed for the complete property description.)

Legal Description:

Part of the NE 1/4 of the SW 1/4, and part of the NW 1/4 of the SE 1/4 of Section 7, Town of Rutland, described as follows: Commencing at the East quarter corner of said Section 7; thence S85°29'46" West along the East-West quarter line of said Section 7; 1913.14 feet to the centerline of old US Highway 14 and the point of beginning; thence S37°08'45" East, 64.00 feet to a point of curvature; thence along a curve to the right through a central angle of 00°18'34" an arc distance of 30.95 feet, a radius of 5,729.58 feet and a chord bearing S36°59'27" East, 30.95 feet; thence S85°29'46" West, 1038.63 feet; thence S04°30'14" East, 199.97 feet; thence S85°29'46" West, 383.24 feet; thence N04°30'14" West, 279.97 feet to the East-West quarter line of said Section 7; thence N85°29'46" East along said East-West quarter line, 1370.72 feet to the point of beginning.

Recording area

Name and return address:

PARCEL IDENTIFICATION NUMBER(S)

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

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 these restrictions by the following who are named as grantees and beneficiaries with enforcement rights:

1. The County Government of Dane County, Wisconsin provided that the lands are under the jurisdiction of the County zoning ordinance at the time the enforcement action is commenced, and;
2. The Town Government of the Town of _____, Dane County, provided that the lands are within the jurisdiction of said Town at the time the enforcement action is commenced, and;
3. 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: *(Use reverse side or attachment if more space is needed.)*

1. Deed restrict the C-1 lot to limit permitted uses to an 18,000 square foot breeding facility for laboratory rats and mice, and related uses such as driveway, parking lots and lights.

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

1. 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 Natural Resources Committee (or successor committee), which shall then schedule and hold a public hearing on the petition.

The petition shall also be referred to the Town Government of the Town in which the subject property is located. The Zoning and Natural Resources 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.

2. Upon approval of the petition calling for 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.
3. A rezoning of the subject property to a different zoning district shall also act to terminate the restrictions set forth herein.

Date

Date

Signature of Grantor (owner)

Signature of Grantor (owner)

*Name printed

*Name printed

Date

Date

Signature of Grantor (owner)

Signature of Grantor (owner)

*Name printed

*Name printed

This document was drafted by:
(print or type name below)
**Dane County Planning &
Development**

STATE OF WISCONSIN, County of _____

Subscribed and sworn to before me on _____ by the above named person(s).

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

Print or type name: _____

Title _____ Date commission expires: _____

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

ORDINANCE AMENDMENT # 8675

PETITION TO AMEND IMPOSED CONDITIONS OR DEED RESTRICTIONS

TO THE DANE COUNTY BOARD OF SUPERVISORS:

Ladies & Gentleman:

The undersigned hereby petitions the Dane County Board of Supervisors to amend the conditions or restrictions which were imposed by Zoning Ordinance Amendment #7107 which is in effect on the following described land in the Town of RUTLAND, Dane County, Wisconsin.

DESCRIPTION OF PROPERTY



CURRENT PROVISIONS OF THE AMENDMENT:

1. To specify that the use shall be limited to a 16,000 square foot breeding facility for laboratory rats and mice, and related uses such as driveway, parking lots and lights.

REQUESTED REVISION:

AMEND TO 18,000 SQ FT FOR FACILITY EXPANSION

Respectfully Submitted on 02.05.2003 BY:

Agent: Owner:

Name _____

Name H & S CORPORATION OF AMERICA, INC.

Street _____

2919 COMMERCE PARK DR STE B

Post Office _____ Post Office _____

ATCHBURG, WI 53719

230-2081 Sharon Edelman

Telephone _____ Zip _____ Telephone _____ Zip _____

TOWN BOARD ACTION REPORT

Regarding Zoning Petition # 8675

Public Hearing 4-22-2003

Whereas, the Town Board of the Town of Rutland having considered said zoning petition, be it therefore resolved that said petition is hereby (Approved/Denied).

The Town Planning Commission.

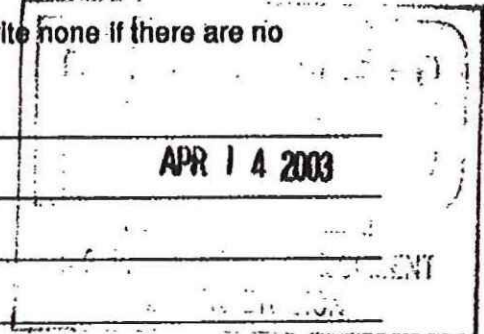
consisting of 6 members voted 5 in favor and 0 opposed.

The Town Board.

consisting of 4 members voted 4 in favor and 0 opposed.

The above petition is subject to the following conditions: (Cross out or write none if there are no conditions)

NONE



(attach additional page(s) as required)

Please note: If the proposed rezoning is approved by the Town Board, but this rezone does not comply with the Town Land Use Plan, please explain the approval. These reasons are critical for the Zoning Committee and the County Board in their consideration of the petition.

(attach additional page(s) as required)

Please note: The following space (and additional pages as required) are reserved for comment by the minority voter(s).

I, DAWN GEORGE, as Town Clerk of the Town of RUTLAND, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on APRIL 3, 2003.

Dawn George

Town Clerk

Date: April 11, 2003

ORDINANCE AMENDMENT #8675

PETITION TO AMEND IMPOSED CONDITIONS OR DEED RESTRICTIONS

TO THE DANE COUNTY BOARD OF SUPERVISORS:

Ladies & Gentleman:

The undersigned hereby petitions the Dane County Board of Supervisors to amend the conditions or restrictions which were imposed by Zoning Ordinance Amendment # 7107 which is in effect on the following described land in the Town of Rutland, Dane County, Wisconsin.

DESCRIPTION OF PROPERTY

Part of the NE 1/4 of the SW 1/4, and part of the NW 1/4 of the SE 1/4 of Section 7, Town of Rutland, described as follows: Commencing at the East quarter corner of said Section 7; thence S85°29'46" West along the East-West quarter line of said Section 7; 1913.14 feet to the centerline of old US Highway 14 and the point of beginning; thence S37°08'45" East, 64.00 feet to a point of curvature; thence along a curve to the right through a central angle of 00°18'34" an arc distance of 30.95 feet, a radius of 5,729.58 feet and a chord bearing S36°59'27" East, 30.95 feet; thence S85°29'46" West, 1038.63 feet; thence S04°30'14" East, 199.97 feet; thence S85°29'46" West, 383.24 feet; thence N04°30'14" West, 279.97 feet to the East-West quarter line of said Section 7; thence N85°29'46" East along said East-West quarter line, 1370.72 feet to the point of beginning.

CURRENT PROVISIONS OF THE AMENDMENT:

1). To specify that the use shall be limited to a 16,000 square foot breeding facility for laboratory rats and mice, and related uses such as driveway, parking lots and lights.

REQUESTED REVISION:

Amend to 18,000 square feet for facility expansion.

Respectfully submitted on 02/05, 2003 BY:

NAME: H & S Corporation of America, Inc.

2919 Commerce Park Drive, Ste. #B

Fitchburg, WI 53719

(Sharon Edelman - 230-2081)

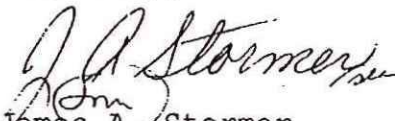
H & S CORPORATION OF AMERICA, INC.
2919 Commerce Park Drive
Fitchburg, Wisconsin 53719
Telephone: (608) 230-2080 Fax: (608) 277-2125

January 13, 2003

To Whom It May Concern:

Harlan Sprague Dawley, Inc. currently operates a laboratory animal production facility (as it has been used since construction in approximately 1976) located on approximately 4 acres at 1185 Highway 14 in the Town of Rutland. The existing facility is approximately 1600* square feet under roof plus the associated outside lighting, driveways, well, etc. We have received approval from the Wisconsin Division of Safety and Buildings on the building addition plans that were submitted for expansion of the existing building. The site is currently zoned C-1 with a deed restriction of 16,000 square feet. We are requesting the deed restriction be changed to 18,000 square feet to allow for the building expansion.

Sincerely,


James A. Stormer
Secretary

sea

* 1600 w (16000) sq ft - under roof

Q: Original C.D. = 4.2517 net acres C-1

New drawing shows larger 'concrete' -
need more C-1? new C.D.?

Expansion for ?? more animals or ??

STORAGE/WAREHOUSE

USE THE OTHER FORM

ATT'D

DANE COUNTY ORDINANCE AMENDMENT NO. 8675

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-1 Commercial District/s the following described land:

PETITION NUMBER: 8675

and part of the NW 1/4 of the SE 1/4 of Section 7, Town of Rutland, described as follows: Commencing at the East quarter corner of said Section 7; thence S85°29'46" West along the East-West quarter line of said Section 7 913.14 feet to the centerline of old US Highway 14 and the point of beginning; thence S37°08'45" East, 64.00 feet to a point of curvature; thence along a curve to the right through a central angle of 00°18'34" an arc distance of 30.95 feet, a radius of 5,729.5 feet and a chord bearing S36°59'27" East, 30.95 feet; thence S85°29'46" West, 1038.00 feet; thence S04°30'14" East, 199.97 feet; thence S85°29'46" West, 383.24 feet; thence N04°30'14" West, 279.97 feet to the East-West quarter line of said Section 7; thence N85°29'46" East along said East-West quarter line, 1370.72 feet to the point of beginning.

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.

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:

(INSERT RESTRICTIONS)

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).

DANE COUNTY ORDINANCE AMENDMENT NO. 7107

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-1 Commercial District/s the following described land:

PETITION NUMBER: 7107

of the NE 1/4 of the SW 1/4, and part of the NW 1/4 of the SE 1/4 of Section 7, Town of Rutland, described as follows: Commencing at the E 1/4 corner of said Section 7; thence South 85°29'46" West along the east-west quarter line of said Section 7, 1913.14 feet to the center line of old U.S. Highway 14 and the point of beginning; thence South 37°08'45" East, 64.00 feet to a point of curvature; thence along a curve to the right through a central angle of 00° 18' 34" an arc distance of 30.95 feet, a radius of 5,729.58 feet and a chord bearing South 36°59'27" East, 30.95 feet; thence South 85°29'46" West, 1038.63 feet; thence South 04°30'14" East, 199.97 feet; thence South 85°29'46" West, 383.24 feet; thence North 04°30'14" West, 279.97 feet to the east-west quarter line of said Section 7; thence North 85°29'46" East along said east-west quarter line, 1370.72 feet to the point of beginning.

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.

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:

1. To specify that the use shall be limited to a 16,000 square foot breeding facility for laboratory rats and mice, and related uses such as driveway, parking lots and lights.

Said restriction 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.

[Handwritten signature]
5/8/98

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).

Document No.

DEED RESTRICTION

DANE COUNTY
REGISTER OF DEEDS

Doc No 2967373

1998-05-08	06:37 PM
Trans. Fee	0.00
Rec. Fee	18.00
Pages	5

001812

Return to:

Jesse S. Ishikawa

Reinhart, Boerner, Van Deuren, Norris &

Rieselbach, s.c.

P.O. Box 2020

Madison, WI 53701-2020

26-0610-073-8000-6

26-0510-074-8570-6

Parcel Number

001813

RETURN TO:

PIN: -

RESTRICTIONS

I. WHEREAS, H & S Corporation of America, Inc.
is/are the owner/s of the following described land in the Town of _____
Rutland _____ Dane County, Wisconsin, to-wit:

Part of the NE 1/4 of the SW 1/4, and part of the NW 1/4 of the SE 1/4 of Section 7, Town of Rutland, described as follows: Commencing at the E 1/4 corner of said Section 7; thence South 85°29'46" West along the east-west quarter line of said Section 7, 1913.14 feet to the center line of old U.S. Highway 14 and the point of beginning; thence South 37°08'45" East, 64.00 feet to a point of curvature; thence along a curve to the right through a central angle of 00° 18' 34" an arc distance of 30.95 feet, a radius of 5,729.58 feet and a chord bearing South 36°59'27" East, 30.95 feet; thence South 85°29'46" West, 1038.63 feet; thence South 04°30'14" East, 199.97 feet; thence South 85°29'46" West, 383.24 feet; thence North 04°30'14" West, 279.97 feet to the east-west quarter line of said Section 7; thence North 85°29'46" East along said east-west quarter line, 1370.72 feet 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:

1. To specify that the use shall be limited to a 16,000 square foot breeding facility for laboratory rats and mice, and related uses such as driveway, parking lots and lights.

These restrictions shall constitute covenants running with the land and shall be binding upon all parties now owning any part of said land, their successors, heirs and assigns, and all parties holding under them unless, pursuant to paragraphs 5 or 6 of this instrument, said restrictions are amended or terminated.

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.