

**TOWN OF WINDSOR
TOWN BOARD RESOLUTION 2015-70**

**APPROVAL OF A CERTIFIED SURVEY MAP
AND REZONE IN ORDER TO CREATE A TWO ACRE PARCEL FROM LANDS
OWNED BY PETITIONER AT
3178 COUNTY HIGHWAY V, TOWN OF WINDSOR, DANE COUNTY**

[Cyril & Loraine Feiner, as Owner/Petitioner]

WHEREAS, Cyril & Loraine Feiner, as Owner/Petitioner, by their son, Scott Feiner (collectively, the "Petitioner") prepared and submitted a Certified Survey Map (the "CSM") for property at 3178 County Highway V, Town of Windsor; and

WHEREAS, the Petitioner further requests rezoning from A-1 EX Exclusive Agriculture District to A-2(2) Agricultural District for Lot 1, and A-1(EX) Exclusive Agriculture District for the Remnant Lot; and

WHEREAS, the Town Planner has reviewed the request and prepared a Staff Report dated August 10, 2015 ("Staff Report") recommending approval, subject to certain conditions specified in the Staff Report; and

WHEREAS, following review of the Petitioner's application materials, the Staff Report, and the resolution adopted at the Plan Commission meeting, the Town Board wishes to recommend approval of same, subject to those conditions specified herein.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Windsor as follows:

- A. The Town of Windsor Board **approves** the Certified Survey Map and Rezone request for Cyril and Loraine Feiner located at 3178 County Highway V, DeForest, WI 53532, subject to the following conditions:
1. The Petitioner shall address the comments set forth in the Planner Comments and Surveyor Comments section of this Staff Review to the satisfaction of the Town Planner.
 2. The Petitioner shall obtain approval of the Certified Survey Map and Rezone from Dane County.
 3. The Petitioner shall satisfy all conditions of approval by the Town of Windsor and Dane County, and shall thereafter promptly record the Certified Survey Map with the Dane County Register of Deeds.
 4. The Petitioner shall acknowledge that the agricultural buildings on Lot 1 shall not be used for the housing of livestock.
 5. The Petitioner shall record a deed restriction, in a form approved by the Town Attorney, acknowledging that Lot 2 of the proposed CSM retains one (1) development right per the Town of Windsor Comprehensive Plan: 2025, and that Lot 1 of the proposed CSM shall be restricted from any further land division.

6. The Petitioner shall record a deed restriction, in a form approved by the Town Attorney, running to the benefit of the Town of Windsor, requiring payment of Fees in Lieu of Parkland per Section 38-637 of the Town of Windsor Code of Ordinances (or amendment thereof), to be paid by the property owner at the time when the property owner applies for a building permit to be issued by the Town of Windsor for Lot 2 of the proposed CSM. The Fees In Lieu of Parkland shall be calculated by the Town based on the Code of Ordinance requirements in effect at the time when the property owner applies for a building permit.
 7. The Petitioner shall record a deed restriction, in a form approved by the Town Attorney, running to the benefit of the Town of Windsor, requiring payment of Fees for Initial Improvement of Parkland per Section 38-639(e) of the Town of Windsor Code of Ordinances (or amendment thereof), to be paid by the property owner at the time when the property owner applies for a building permit to be issued by the Town of Windsor for Lot 2 of the proposed CSM. The Fees for Initial Improvement of Parkland shall be calculated by the Town based on the Code of Ordinance requirements in effect at the time when the property owner applies for a building permit.
 8. The Petitioner shall reimburse the Town of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the CSM and Rezone, including, but not limited to, the cost of professional services incurred by the Town of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.
- B. The Town Board's approval expires one hundred-eighty (180) days from the date of adoption of this Resolution. Satisfaction of the conditions set forth above is the responsibility of the Petitioner. Time is of the essence.

The above and foregoing Resolution was duly adopted at the regular meeting of the Town Board of the Town of Windsor on the 20th day of August, 2015, by a vote of 4 in favor and 0 opposed.

TOWN OF WINDSOR

Robert E. Wipperfurth
Robert E. Wipperfurth, Town Chair

Donald G. Madelung
Donald G. Madelung, Town Supervisor

Bruce Stravinski
Bruce Stravinski, Town Supervisor

Excused Absence
Alan Buchner, Town Supervisor

Monica M. Smith
Monica M. Smith, Town Supervisor

Attested by:
Christine Capstran
Christine Capstran, Town Clerk

Incorporated by Reference:
August 10, 2015 Staff Report

**LOT 1, CERTIFIED SURVEY MAP NO. _____,
TOWN OF WINDSOR,
DANE COUNTY, WISCONSIN:**

NOTICE OF DEED RESTRICTION

WHEREAS, the undersigned Owner of property described as Lot 1, Certified Survey Map No. _____, recorded in the Dane County Register of Deeds office as Document No. _____, in Volume _____, pages _____ (the "Property") requested and obtained approval of the certified survey map and rezone of Lot 1 of CSM No. _____; and

WHEREAS, such approval was conditioned on Owner recording this Deed Restriction, which shall hereafter be a covenant running with the Property.

**NOW, THEREFORE, THE OWNER DOES
HEREBY DECLARE AS FOLLOWS:**

1. The Property shall be restricted from any further land division per the Town of Windsor's Comprehensive Plan and ordinances.
2. The agricultural buildings on the Property shall not be used for the housing of livestock.
3. This Deed Restriction is a covenant running with the land, and shall bind the Property Owner's heirs, successors and assigns, and run to the benefit of the Town of Windsor, and its successors in interest.
4. This Deed Restriction shall only be removed following execution and recording of a Release by the owner and local jurisdiction with enforcement authority at the time that the Release is authorized and executed. Until such time, this Deed Restriction shall run with the land and restrict use of the accessory building as set forth herein.

[Signatures on following page.]

THIS SPACE RESERVED FOR RECORDING DATA

RETURN TO:

Amy Anderson Schweppe
Town of Windsor
4084 Mueller Road
DeForest, WI 53532

P.I.N.

Executed in Dane County, Wisconsin, on this _____ day of _____, 2015.

OWNER

Cyril Feiner

Loraine Feiner

ACKNOWLEDGMENT

STATE OF WISCONSIN)
)
COUNTY OF DANE)

Personally came before me this _____ day of _____, 2015, the above-named Cyril Feiner and Loraine Feiner, as owners of the Property (herein, "Owner" or "Property Owner"), and to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission Expires: _____

THIS DOCUMENT DRAFTED BY:
Constance L. Anderson, Windsor Town Attorney
Anderson Consults, LLC
PO Box 3004
Madison, WI 53704-0004
connie@andersonconsultswi.com

**LOT 2, CERTIFIED SURVEY MAP NO. _____,
TOWN OF WINDSOR,
DANE COUNTY, WISCONSIN:**

NOTICE OF DEED RESTRICTION

WHEREAS, the undersigned Owner of property described as Lot 2, Certified Survey Map No. _____, recorded in the Dane County Register of Deeds office as Document No. _____, in Volume _____, pages _____ (the "Property") requested and obtained approval of the certified survey map _____; and

WHEREAS, such approval was conditioned on Owner recording this Deed Restriction, which shall hereafter be a covenant running with the Property.

**NOW, THEREFORE, THE OWNER DOES
HEREBY DECLARE AS FOLLOWS:**

1. The Property retains one (1) development right per the Town of Windsor's Comprehensive Plan.
2. At such time as the Property Owner applies for a building permit to be issued by the Town of Windsor for Lot 2 of the proposed CSM, the Owner shall make payment to the Town of Windsor for:
 - a. The Fees in Lieu of Parkland per Section 38-637 of the Town of Windsor Code of Ordinances (as may be amended). The Fees In Lieu of Parkland shall be calculated by the Town based on the Code of Ordinance requirements in effect at the time when the Property Owner applies for a building permit.
 - b. The Fees for Initial Improvement of Parkland per Section 38-639(e) of the Town of Windsor Code of Ordinances (as may be amended). The Fees for Initial Improvement of Parkland shall be calculated by the Town based on the Code of Ordinance requirements in effect at the time when the Property Owner applies for a building permit.
3. This Deed Restriction is a covenant running with the land, and shall bind the Property Owner's heirs, successors and assigns, and run to the benefit of the Town of Windsor, and its successors in interest.
4. This Deed Restriction shall only be removed following execution and recording of a Release by the owner and local jurisdiction with enforcement authority at the time that the Release is authorized and executed. Until such time, this Deed Restriction shall run with the land and restrict use of the accessory building as set forth herein.

THIS SPACE RESERVED FOR RECORDING DATA

RETURN TO:

Amy Anderson Schweppe
Town of Windsor
4084 Mueller Road
DeForest, WI 53532

P.I.N.

Executed in Dane County, Wisconsin, on this _____ day of _____, 2015.

OWNER

Cyril Feiner

Lorraine Feiner

ACKNOWLEDGMENT

STATE OF WISCONSIN)
)
COUNTY OF DANE)

Personally came before me this _____ day of _____, 2015, the above-named Cyril Feiner and Lorraine Feiner, as owners of the Property (herein, "Owner" or "Property Owner"), and to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission Expires: _____

THIS DOCUMENT DRAFTED BY:
Constance L. Anderson, Windsor Town Attorney
Anderson Consults, LLC
PO Box 3004
Madison, WI 53704-0004
connie@andersonconsultswi.com