

Dane County Rezone & Conditional Use Permit

Application Date	Petition Number
11/22/2019	DCPREZ-2019-11513
Public Hearing Date	C.U.P. Number
01/28/2020	

OWNER INFORMATION	AGENT INFORMATION
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OWNER NAME PATRICIA A ROBERTS	PHONE (with Area Code) (608) 255-2954	AGENT NAME KIRK LYNCH	PHONE (with Area Code) (608) 217-2158
BILLING ADDRESS (Number & Street) 120 S BROOM ST		ADDRESS (Number & Street) 2009 SYLVIA PINE WAY	
(City, State, Zip) MADISON, WI 53703		(City, State, Zip) CROSS PLAINS, WI 53528	
E-MAIL ADDRESS		E-MAIL ADDRESS kirklynch73@gmail.com	

ADDRESS/LOCATION 1	ADDRESS/LOCATION 2	ADDRESS/LOCATION 3
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ADDRESS OR LOCATION OF REZONE/CUP		ADDRESS OR LOCATION OF REZONE/CUP		ADDRESS OR LOCATION OF REZONE/CUP	
4012 County Highway JJ					
TOWNSHIP VERMONT	SECTION 22	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0706-222-8000-0					

REASON FOR REZONE	CUP DESCRIPTION
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FROM DISTRICT:	TO DISTRICT:	ACRES	DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
FP-35 (General Farmland Preservation) District	RR-2 (Rural Residential, 2 to 4 acres) District	3.0		

C.S.M REQUIRED? <input checked="" type="checkbox"/> Yes <input 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 SSA1	SIGNATURE:(Owner or Agent) PRINT NAME: DATE:
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Dane County Rezone & Conditional Use Permit

Application Date	Petition Number
11/22/2019	DCPREZ-2019-11513
Public Hearing Date	C.U.P. Number
02/25/2020	

OWNER INFORMATION		AGENT INFORMATION	
OWNER NAME PATRICIA A ROBERTS	PHONE (with Area Code) (608) 255-2954	AGENT NAME KIRK LYNCH	PHONE (with Area Code) (608) 217-2158
BILLING ADDRESS (Number & Street) 120 S BROOM ST		ADDRESS (Number & Street) 2009 SYLVIA PINE WAY	
(City, State, Zip) MADISON, WI 53703		(City, State, Zip) CROSS PLAINS, WI 53528	
E-MAIL ADDRESS		E-MAIL ADDRESS kirklynch73@gmail.com	

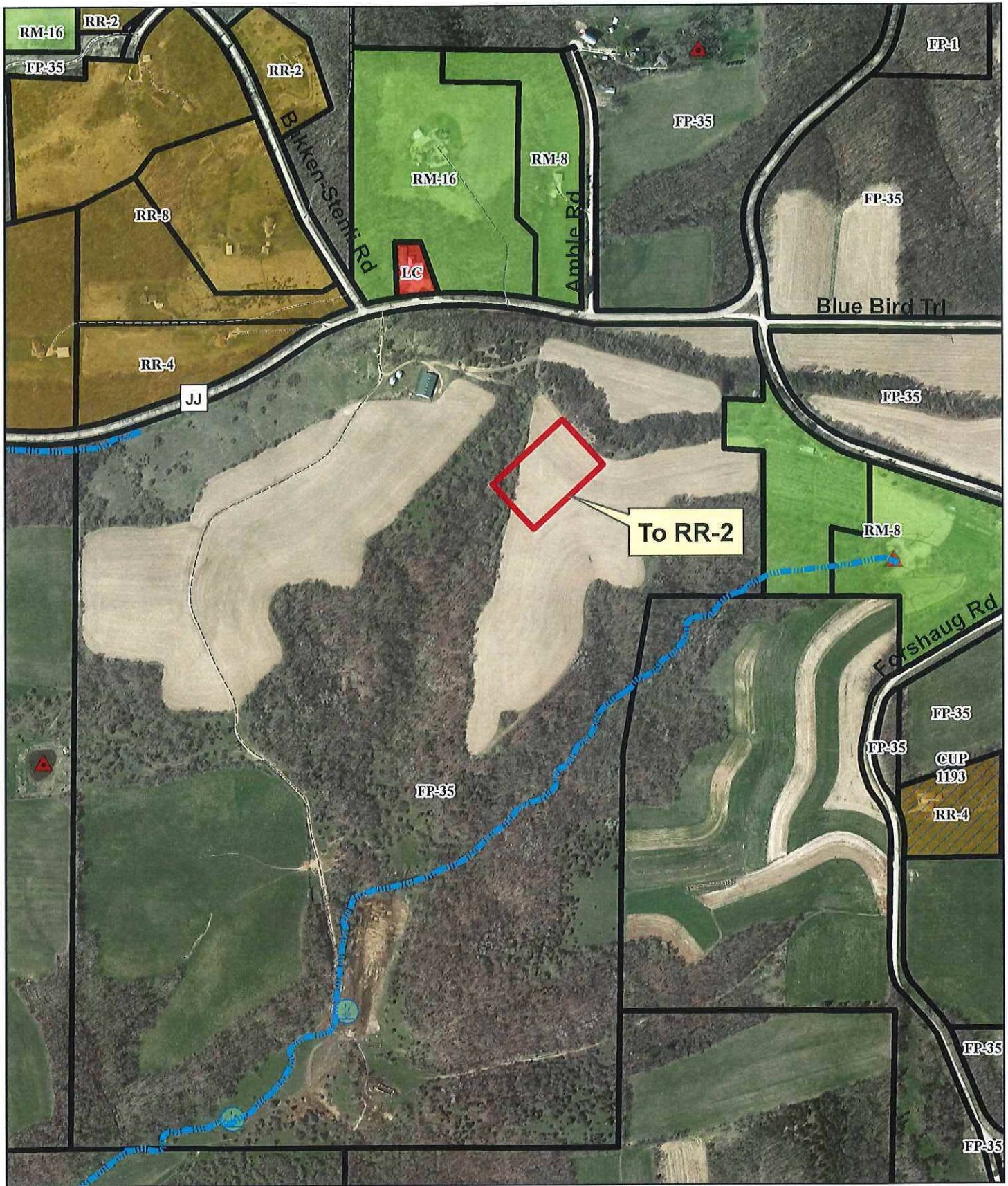
ADDRESS/LOCATION 1		ADDRESS/LOCATION 2		ADDRESS/LOCATION 3	
ADDRESS OR LOCATION OF REZONE/CUP		ADDRESS OR LOCATION OF REZONE/CUP		ADDRESS OR LOCATION OF REZONE/CUP	
4012 County Highway JJ					
TOWNSHIP VERMONT	SECTION 22	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0706-222-8000-0					

REASON FOR REZONE			CUP DESCRIPTION	
FROM DISTRICT:	TO DISTRICT:	ACRES	DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
FP-35 (General Farmland Preservation) District	RR-2 (Rural Residential, 2 to 4 acres) District	3.0		

C.S.M REQUIRED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Applicant Initials <i>PLR</i>	PLAT REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials <i>LPL</i>	DEED RESTRICTION REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Applicant Initials <i>KL</i>	INSPECTOR'S INITIALS SSA1	SIGNATURE:(Owner or Agent) 
				PRINT NAME: Kirk Lynch
				DATE: 11-22-2019

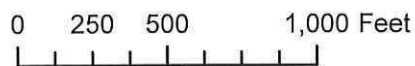
SEE

REVISED



Legend

 Wetland



Petition 11513
Patricia Roberts



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 <u>Patricia Roberts</u>	Agent's Name <u>Kirk P Lynch</u>
Address _____	Address <u>2009 Sylvia Pine Way, Cross Plains WI</u>
Phone <u>608-255-2954</u>	Phone <u>53528</u>
Email _____	Phone <u>(608) 217-2158</u>
	Email <u>kirklynch73@gmail.com</u>

Town: Vermont Parcel numbers affected: 070622280000,070622185702,070622295003

Section: 01 Property address or location: County Road JJ Town of Vermont

Zoning District change: (To / From / # of acres) From FP-35 to RR-4, 3 Acres
RR-2

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

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:

Looking to establish a 3 acre RR-2 parcel to build a new home within a FP-35 parcel.
Also looking to establish a new FP-35 parcel to be split from a former group of FP-35 parcels.

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

Date: 11/22/2019

DRIVEWAY-EASEMENT AGREEMENT



CROSS-EASEMENT AGREEMENT

THIS DRIVEWAY-EASEMENT AGREEMENT (the "Agreement") is executed this 20th day of November, 2019, by and among Patricia Roberts, Kirk P Lynch and Laura C Lynch for the purpose of access to newly established Parcel "C" acquired from Patricia Roberts by Kirk Lynch and Laura Lynch.

RECITALS:

A. Patricia Roberts is the owner of that certain property more particularly described on Exhibit A as Parcel "4a" attached hereto and made a part hereof located in the Town of Vermont, Wisconsin.

B. Kirk and Laura Lynch are the owners of that certain property more particularly described on Exhibit A as Parcel "C" attached hereto and made a part hereof located in the Town of Vermont, Wisconsin.

C. Both Kirk Lynch, Laura Lynch and Patricia Roberts agree to a Joint Driveway and easement across Parcel "4A" to allow access to Parcel "C". Easement shall traverse Parcel "4A" from County JJ to lot line of Parcel "C" as described in Exhibit "B".

NOW, THEREFORE Kirk Lynch, Laura Lynch and Patricia Roberts do hereby agree as follows:

1. Creation of Driveway Easement.

(a) Grant by Patricia Roberts; Patricia Roberts and/or the Patricia Roberts Estate (as owner of Lot 4A) hereby grants to Kirk Lynch and Laura Lynch a perpetual easement and right-of-way for the benefit of the Owners of Lot C, over that portion of Lot 4A a joint driveway for vehicular and pedestrian ingress and egress connecting County road JJ and Lot C. Here forward Lot C will be considered the dominant estate and Lot 4a will be considered the servient estate.

(e) Driveway Easement. The easement and right of way granted by Patricia Roberts (owner of Lot 4A) is referred to as the "Driveway Easement." The actual driveway constructed within the Driveway Easement is referred to as the "Driveway." The Driveway Easement shall be in effect in perpetuity. Attached as Exhibit C is a map depicting the location of the Driveway Easement.

2. Permitted Users. The easements granted here are for the benefit of the Owners of Lot C and their respective tenants, employees, customers and invitees.

3. Initial Construction.

(a) Initial construction costs for the Driveway located in the easement on Lot 4A will be at the expense of Kirk and Laura Lynch. Driveway must be constructed to Town ordinance specifications.

4. Maintenance, Repair, Replacement. At all times, the Driveway and Driveway Easement shall be maintained in a neat and orderly condition, and in good condition and repair. Unless Lot C Owner and Lot 4A Owner otherwise agree, all maintenance, repair, replacement and snow removal shall be performed by Lot C Owner, and Lot 4A as a Shared expense with half of the expense being paid by both parties. Until such time additional development is starting to be constructed on lot 4A all maintenance will be the sole responsibility of Lot C owners. Should either Lot C or Lot 4A be further split to create new lots who would share this newly created easement, all expenses tied to repair, replacement or maintenance will be shared equally between all lots.

5. Interference Prohibited. No party having the right to use the Driveway or Driveway Easement shall unreasonably interfere with any other party's rights to use of the same.

6. Notices. Any notice given in connection with this Agreement shall be in writing and shall be personally delivered or mailed to the recipient at its address for receiving property tax bills, first class, United States mail, postage prepaid. Notice by mail shall be deemed effective upon the third day following deposit in the United States mail.

7. Indemnification. Each Owner shall indemnify and defend the other Owners and their respective officers, agents, and employees from all liability, suits, actions, claims, costs, damages, and expenses of every kind and description, including court costs and legal fees, for claims of any character, including liability and expenses in connection with the loss of life, personal injury, or damage to property, brought because of any injuries or damages received or sustained by any person, persons, or property on account of or arising out of the exercise of any easement rights hereunder by the Insuring Owner (as defined below) or its agents, contractors, subcontractors, invitees, tenants, or employees.

9. Successors and Assigns. All of the terms and conditions in this Agreement, including the benefits and burdens, shall run with the land and shall be binding upon, inure to the benefit of, and be enforceable by Lot 4A Owner and Lot C Owner and their respective successors and assigns as owners of Lot 4A and Lot C. The specific parties named as Owners in this Agreement, and each of their respective successors and assigns as

fee simple owners of Lot 4A and Lot C or any portion of any such Lot, shall cease to have further liability under this Agreement with respect to facts or circumstances first arising after the party has transferred its fee simple interest in such Lot, except, however, for obligations that accrued during the party's period of ownership of title. If any of the Lots is further divided, the obligations under this Agreement appurtenant to such Lot shall be divided among the lots resulting from the division that have use of the Driveway, whether directly or indirectly.

10. Governing Law. This Agreement shall be construed and enforced in accordance with the internal laws of the State of Wisconsin.

11. Waivers. No delay or omission by any party in exercising any right or power arising out of any default under any of the terms or conditions of this Agreement shall be construed to be a waiver of the right or power. A waiver by a party of any of the obligations of the other party shall not be construed to be a waiver of any breach of any other terms or conditions of this Agreement.

12. Enforcement. Enforcement of this Agreement may be by proceedings at law or in equity against any person or persons violating or attempting or threatening to violate any term or condition in this Agreement, either to restrain or prevent the violation or to obtain any other relief. If a suit is brought to enforce this Agreement, the prevailing party shall be entitled to recover its costs, including reasonable attorney fees, from the nonprevailing party.

13. No Dedication. Nothing in this Agreement shall be deemed to be a gift or dedication of any portion of the easement granted under this Agreement to the general public or for any public purpose whatsoever. The Owners agree to cooperate with each other and to take such measures as may be necessary to prevent the dedication to the public of the Driveway, whether by express grant, implication, or prescription, including, without limitation, the posting of "Private Drive" or "No Trespassing" signs. Such measures shall not, however, unreasonably interfere with the easement rights granted under this Agreement.

14. Amendment. This Agreement may be amended or terminated by a written recorded instrument signed by all of the Owners.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, the Owners have executed this Agreement as of the date first above written.

Patricia Roberts

By: Patricia A. Roberts
Name: PATRICIA A. ROBERTS
Title: Owner Lot 4A

Kirk P Lynch

By: [Signature]
Name: Kirk P. Lynch
Title: Owner Lot C

Laura C Lynch

By: Laura C. Lynch
Name: Laura C. Lynch
Title: Owner Lot C

EXHIBIT A

Legal Description of Lot 4A

Insert Legal Description of Lot 4A

Legal Description of Lot C

DESCRIPTION PARCEL

Located in the SE 1/4 of the SW 1/4 of Section 15, T7N, R6E and the NE 1/4 of the NW 1/4, the NW 1/4 of the NE 1/4, the SE 1/4 of the NW 1/4, and the SW 1/4 of the NE 1/4 in Section 22, T7N, R6E, Town of Vermont, Dane County, Wisconsin. More particularly described as follows:

Beginning at the North 1/4 Corner of said Section 22; thence N 89°51'46" E along the north line of the NW 1/4 of the NE 1/4 of said Section 22, 660.06 feet; thence S 00°33'18" W, 170.39 feet; thence S 01°06'50" W, 120.73 feet; thence N 86°59'16" W, 181.27 feet; thence S 01°32'35" W, 236.10 feet; thence S 86°49'40" E, 185.24 feet; thence S 00°23'40" W, 795.41 feet to the south line of the NW 1/4 of the NE 1/4 of said Section 22; thence S 89°56'13" W along said south line, 547.26 feet; thence S 09°17'41" W, 796.50 feet to the west line of the SW 1/4 of the NE 1/4 of said Section 22; thence due West, 703.03 feet; thence N 79°36'38" W, 622.69 feet to the west line of the SE 1/4 of the NW 1/4 of said Section 22; thence N 00°37'52" E along said west line, 660.19 feet to the Northwest corner of the SE 1/4 of the NW 1/4 of said Section 22; thence N 27°58'51" E, 116.10 feet; thence N 06°26'24" E, 138.11 feet; thence N 34°26'09" E, 81.20 feet; thence N 55°40'24" E, 101.21 feet; thence N 41°30'54" E, 765.43 feet; thence due North, 468.93 feet to the centerline of County Highway "JJ"; thence along the centerline of County Highway "JJ" for the next five courses; thence S 86°04'55" E, 152.60 feet; thence along an arc of a curve concaved southwesterly having a radius of 1,100.00 feet, a long chord bearing and distance of S 82°13'22" E, 137.18 feet; thence S 78°49'21" E, 108.10 feet; thence along an arc of a curve concaved northeasterly having a radius of 800.00 feet, a long chord bearing and distance of S 81°24'58" E, 63.45 feet; thence S 86°28'06" E, 172.56 feet to the point of beginning. This parcel is subject to a 33.00 foot wide right of way on the northerly part and a portion of the easterly part thereof and contains 3,088.804 square feet or 70.91 acres.



WILLIAMSON SURVEYING & ASSOCIATES, LLC

104A WEST MAIN STREET, WAUNAKEE, WI 53597

NOA T. PRIEVE and CHRIS W. ADAMS

PHONE: 1-608-255-5705 WEB: WILLIAMSONSURVEYING.COM

PARCEL "4A" DESCRIPTION

Located in the SW 1/4 and SE 1/4 of the SW 1/4 of Section 15; and also in the NW 1/4, NE 1/4, SE 1/4, SW 1/4 of the NW 1/4 of Section 22; and also in the NW 1/4, NE 1/4 of the SW 1/4 of Section 22, all within T7N, R6E, Town of Vermont, Dane County, Wisconsin, more particularly described as follows:

Commencing at the Northwest Corner of said Section 22; thence S 00°30'28" W along the west line of the NW 1/4 of said Section 22, 517.25 feet to the centerline of County Highway "JJ" and also the point of beginning.

Thence along the centerline of County Highway "JJ" for the next 8 courses; thence along an arc of a curve concaved northwesterly having a radius of 1,258.47 feet, a long chord bearing and distance of N 76°34'23" E, 204.48 feet; thence N 71°58'58" E, 405.09 feet; thence along an arc of a curve concaved northwesterly having a radius of 1,514.21 feet, a long chord bearing and distance of N 63°54'18" E, 424.57 feet; thence N 55°52'21" E, 154.16 feet; thence along an arc of a curve concaved southeasterly having a radius of 830.73 feet, a long chord bearing and distance of N 66°09'06" E, 261.90 feet; thence along an arc of a curve concaved southeasterly having a radius of 1,800.00 feet, a long chord bearing and distance of N 75°34'55" E, 240.06 feet; thence along an arc of a curve concaved southeasterly having a radius of 1,100.00 feet, a long chord bearing and distance of N 85°42'03" E, 263.15 feet; thence S 86°04'55" E, 191.26 feet to the end of said 8 courses; thence due South, 468.93 feet; thence S 41°30'54" W, 765.43 feet; thence S 55°40'24" W, 101.21 feet; thence S 34°26'09" W, 81.20 feet; thence S 06°26'24" W, 138.11 feet; thence S 27°58'51" W, 116.10 feet to the Northeast corner of the SW 1/4 of the NW 1/4 of said Section 22; thence S 00°37'52" W along said east line,

continued

EXHIBIT B

Legal Description of Easement Through Lot 4A

Insert Legal Description of Easement



WILLIAMSON SURVEYING & ASSOCIATES, LLC

104A WEST MAIN STREET, WAUNAKEE, WI 53597

NOA T. PRIEVE and CHRIS W. ADAMS

PHONE: 1-608-255-5705 WEB: WILLIAMSONSURVEYING.COM

DRIVEWAY EASEMENT DESCRIPTION

A 66 foot wide Driveway Easement located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15 and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 22, all within T7N, R6E, Town of Vermont, Dane County, Wisconsin. More particularly described as follows:

Commencing at the North $\frac{1}{4}$ Corner of said Section 22; thence S $64^{\circ}27'20''$ W, 697.34 feet to Point of Beginning and also the centerline of the said Driveway Easement.

Thence along the centerline of said Driveway Easement for the next 6 courses; thence N $70^{\circ}35'41''$ W, 172.48 feet; thence N $78^{\circ}22'27''$ W, 232.08 feet; thence S $62^{\circ}46'04''$ W, 138.96 feet; thence S $84^{\circ}29'16''$ W, 35.73 feet; thence N $07^{\circ}24'01''$ W, 79.22 feet; thence N $03^{\circ}55'03''$ E, 195.06 feet to the south right of way line of County Highway "JJ" and the end of said centerline.

EXHIBIT C

Map of Easement



WILLIAMSON SURVEYING & ASSOCIATES, LLC

104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597.

NDA T. PRIEVE & CHRIS W. ADAMS

PROFESSIONAL LAND SURVEYORS

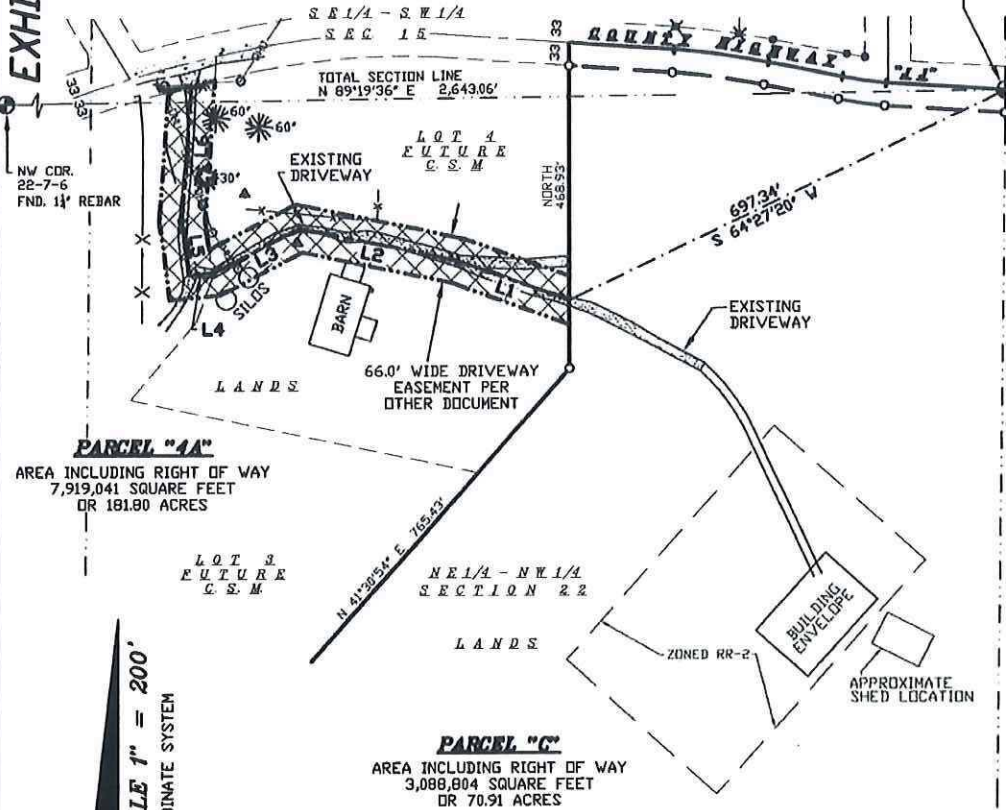
PHONE: 608-255-5705 FAX: 608-849-9760 WEB: WILLIAMSONSURVEYING.COM

EXHIBIT MAP

SCALE 1" = 200'



NORTH 1/4
22-7-6
FND. ALUM. MON.



SCALE 1" = 200'
DANE COUNTY
COORDINATE SYSTEM

LEGEND

- = SET 3/4"x24" REBAR
WT 1.5 LB PER LIN FT
- ⊙ = FOUND SECTION CORNER (TYPE NOTED)
- = FOUND 1" PIPE
- ⊖ = FOUND 1" PINCHED PIPE
- ✕ = FOUND 3/4" REBAR
- (##) = RECORDED AS
- = UTILITY POLE
- ▲ = WATER FAUCET (NOT ACTIVE)
- Y = 12" CULVERT
- x- = FENCE
- OH- = OVERHEAD UTILITY LINE
- ⊙ 30' = CONIFEROUS TREE (TRUNK SIZE NOTED)
- ⊙ 60' = DECIDUOUS TREE (TRUNK SIZE NOTED)

LINE TABLE



LINE #	BEARING	DISTANCE
L1	N 70°35'41" W	172.48'
L2	N 78°22'27" W	232.08'
L3	S 62°46'04" W	138.96'
L4	S 84°29'16" W	35.73'
L5	N 07°24'01" W	79.22'
L6	N 03°55'03" E	195.06'

Parcel Number - 060/0706-222-8000-0

Current

[← Parcel Parents](#)

[Summary Report](#)

Parcel Detail		Less —
Municipality Name	TOWN OF VERMONT	
State Municipality Code	060	
PLSS (T,R,S,QQ,Q)	07N 06E 22 NE NW (Click link above to access images for Qtr-Qtr)	
Section	07N 06E 22 (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 22-7-6 NE1/4NW1/4 This property description is for tax purposes. It may be abbreviated. For the complete legal description please refer to the deed.	
Current Owner	PATRICIA A ROBERTS	
Current Co-Owner	ROBERTS TR, PATRICIA A	
Primary Address	4012 COUNTY HIGHWAY JJ	
Billing Address	120 S BROOM ST MADISON WI 53703	

MYLES R O'KELLY
4040 BAKKEN STENLI RD
BLACK EARTH, WI 53515

CONNIE L JANOUSEK
4066 AMBLE RD
BLACK EARTH, WI 53515

EITAN ZOHAR
4047 AMBLE RD
BLACK EARTH, WI 53515

CONNIE L JANOUSEK
4066 AMBLE RD
BLACK EARTH, WI 53515

Current Owner
4033 COUNTY HIGHWAY JJ
BLACK EARTH, WI 53515

CONNIE L JANOUSEK
4066 AMBLE RD
BLACK EARTH, WI 53515

PATRICIA A ROBERTS
ROBERTS TR, PATRICIA A
120 S BROOM ST
MADISON, WI 53703

RHONDA R DAVIS
4037 BAKKEN STENLI RD
BLACK EARTH, WI 53515

VERMONT, TOWN OF
4017 COUNTY HIGHWAY JJ
BLACK EARTH, WI 53515

PATRICIA A ROBERTS
ROBERTS TR, PATRICIA A
120 S BROOM ST
MADISON, WI 53703

ERIK A FORSHAUG
LYNNETTE M FORSHAUG
3839 FORSHAUG RD
MT HOREB, WI 53572

LENORE E TUPA
3991 FORSHAUG RD
BLACK EARTH, WI 53515

PATRICIA A ROBERTS
ROBERTS TR, PATRICIA A
120 S BROOM ST
MADISON, WI 53703

PATRICIA A ROBERTS
ROBERTS TR, PATRICIA A
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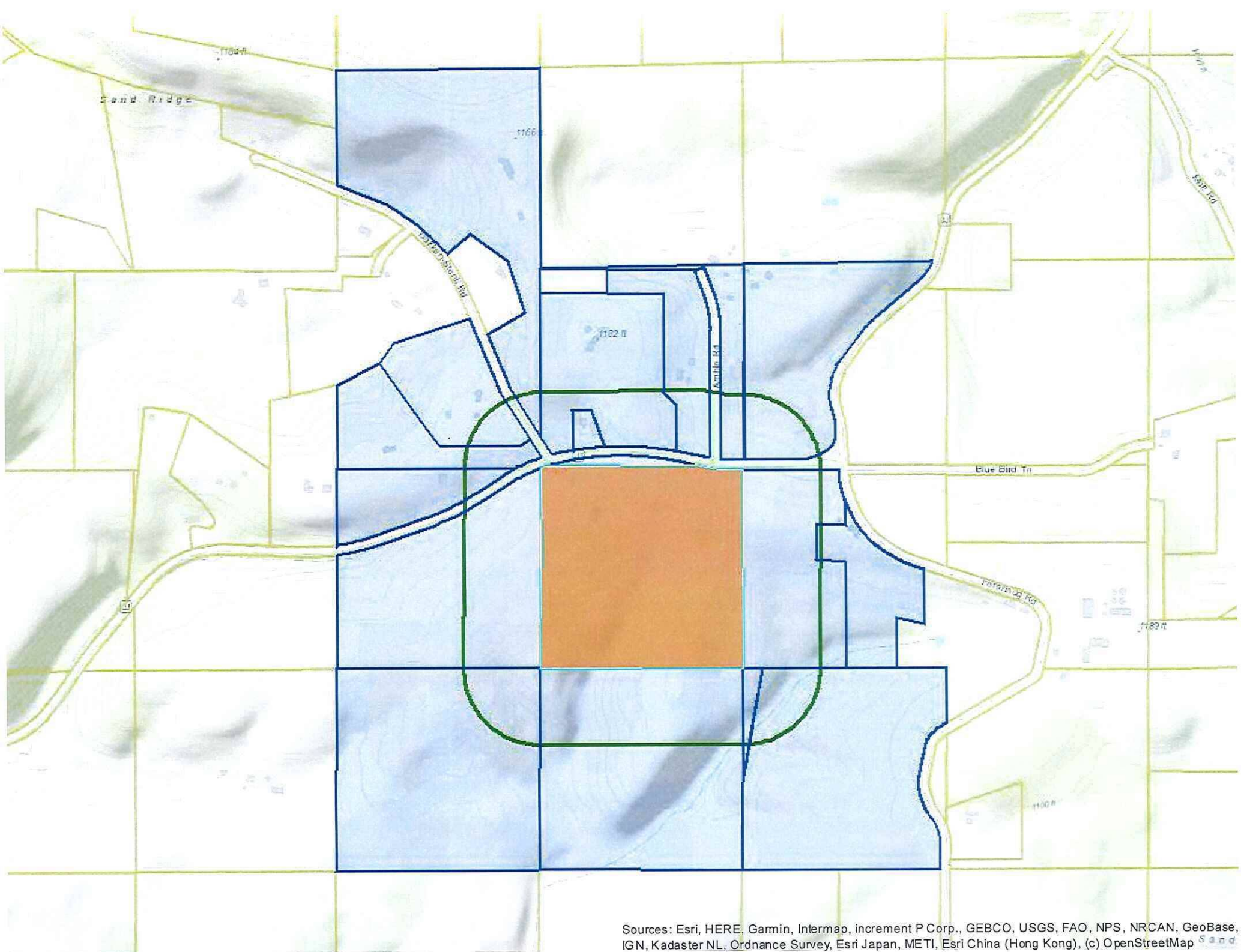
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PATRICIA A ROBERTS
ROBERTS TR, PATRICIA A
120 S BROOM ST
MADISON, WI 53703

Current Owner
Current Owner
3993 COUNTY HIGHWAY JJ
BLACK EARTH, WI 53515

PATRICIA A ROBERTS
ROBERTS TR, PATRICIA A
120 S BROOM ST
MADISON, WI 53703

DAVID COOPER
KELLY DEHAVEN
4011 BAKKEN-STENLI RD
BLACK EARTH, WI 53515



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap