

TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # DCPREZ-2016-11093

Dane County Zoning & Land Regulation Committee Public Hearing Date 2/28/2017

Whereas, the Town Board of the Town of Primrose having considered said zoning petition,

be it therefore resolved that said petition is hereby (check one): **Approved** **Denied** **Postponed**

Town Planning Commission Vote: 5 in favor 0 opposed 0 abstained

Town Board Vote: 3 in favor 0 opposed 0 abstained

THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):

- 1. Deed restriction limiting use(s) in the _____ zoning district to **only** the following:

- 2. Deed restrict the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):

- 3. Deed restrict the applicant's property described below prohibiting division. Please provide property description, or tax parcel number(s):

- 4. Condition that the applicant must record a *Notice Document* which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):

- 5. *Other Condition(s)*. Please specify:
Deed Restriction document, signed by the Primrose Board Chairman and notarized to be presented by the applicant.

Please note: The following space is reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, Ruth Hansen, as Town Clerk of the Town of Primrose, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 2/6/2017

Town Clerk Ruth Hansen Date: 2/7/2017

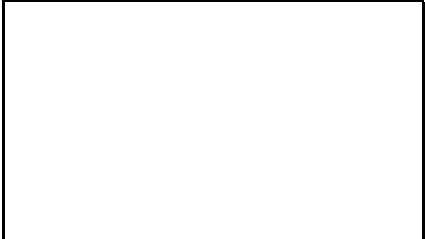
DEED RESTRICTION

TOWN OF PRIMROSE
DANE COUNTY
PETITION #DCPREZ-2016-11093

THIS DEED RESTRICTION is made as of _____, 2017,
between the Town of Primrose, a Wisconsin municipality (“Town”),
and the Affeldt Family Trust (“Owner”).

A. Owner currently owns land in the Town adjacent to Primrose
Center Road identified as Parcel Identification Numbers
048/0507-094-8000-8 and 048/0507-094-8500-3 (the “Property”).

B. Owner has petitioned the Town and Dane County, Wisconsin
to rezone approximately sixteen and a half (16.5) contiguous acres
of the part of the Property identified as PIN 048/0507-094-8000-8
from A-1 Exclusive Agriculture District to A-2 Agriculture District, to
create one residential lot approved for the building of a residence
and ready for driveway approval. The 16.5 acre residential lot zoned
A-2 has been identified by certified survey map.



048/0507-094-8000-8, 0507-094-8500-3
Parcel Identification Number(s)

C. As a condition of the Town approving Owner’s rezoning petition and application for a buildable
lot, the Town requires execution of this Deed Restriction.

NOW THEREFORE, Owner agrees as follows:

1. That portion of the Property which is remaining zoned A-1 Exclusive Agriculture District (the “A1-Property”), (a) shall be accessed from Primrose Center Road, (b) shall be transferred as a single parcel, (c) shall not be further subdivided nor used for residential development, and (d) shall not contain a driveway that connects to Oakgrove Road or Eith Road. Notwithstanding the provisions of the preceding sentence, a part or parts of the A1-Property may be transferred to any transferee owning property adjoining the A1-Property.
2. This Deed Restriction shall constitute a covenant running with the land and shall be binding upon all parties and their successors, heirs and assigns.
3. This Deed Restriction shall be enforceable at law or in equity by the Town against any party who has or acquires any interest in any portion of the Property subject to this Deed, provided, the Property is within the jurisdiction of the Town at the time the enforcement action is commenced, and/or by the Board of Supervisors of Dane County, Wisconsin, provided, the Property is under the jurisdiction of the County’s zoning ordinance at the time the enforcement action is commenced.

4. If the restrictions provided for in this instrument are enforceable by the Town or Dane County as provided in the preceding Paragraph 3, then the restrictions shall not be amended or terminated without the prior written consent of the Town, the Dane County Board of Supervisors or the Board's designated commission or committee, and Owner.

5. Owner acknowledges that there are currently no remaining development rights on the Property under current zoning law and ordinance. However, this Deed Restriction is not intended to affect or limit the number of development rights that may be associated with the Property in the event of a change in zoning law, ordinance, comprehensive plan or other policy.

This Deed Restriction shall be recorded with the Dane County Register of Deeds. This Deed Restriction shall be interpreted and enforced in accordance with the laws of the State of Wisconsin.

IN WITNESS WHEREOF, the parties have executed this Deed Restriction as of the date first written above.

(Signatures on next page)

AFFELDT FAMILY TRUST u/t/a dated February 4, 2005

By: _____
Cynthia A. Pretzel, Trustee

STATE OF WISCONSIN)
) SS
COUNTY OF DANE)

Personally came before me, this __ day of _____, 2017, the above-named Cynthia Pretzel, known to me to be the Trustee of the Affeldt Family Trust u/t/a dated February 4, 2005, and the person who executed the foregoing instrument, and acknowledged the same.

Print name: _____
Notary Public, State of Wisconsin
My Commission: _____

TOWN OF PRIMROSE

By: _____
Dale Judd, Chair

By: _____
Ruth Hansen, Clerk

STATE F WISCONSIN)
) SS
COUNTY OF DANE)

Personally came before me, this __ day of _____, 2017, the above-named Dale Judd and Ruth Hansen, known to me to be the Town Chair and Town Clerk of the Town of Primrose, and the persons who executed the foregoing instrument, and acknowledged the same.

Print name: _____
Notary Public, State of Wisconsin
My Commission: _____