C7 | 39.48' | 25.00' | 90'28'40"

35.50'

N44" 55' 50"W

L6

N0018'30"E 30.305

(608) 821-3962

mmar@vierbicher.com

Phone: (800) 261-3898

27892

0115

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis Stats. as provided by s. 236.12, Wis. Stats.

Department of Administration

Certified

NINTH ADDITION TO BLACKHAWK SUBDIVISION

ALL OF LOT ONE (1) OF CERTIFIED SURVEY MAP NUMBER 4802, AS RECORDED IN VOLUME 21 OF CERTIFIED SURVEY MAPS, ON PAGES 168 AND 169, AS DOCUMENT NUMBER 1908493, DANE COUNTY REGISTRY, ALSO PART OF LOT TWO (2) OF CERTIFIED SURVEY MAP NUMBER 4815, AS RECORDED IN VOLUME 21 OF CERTIFIED SURVEY MAPS, ON PAGE 190, AS DOCUMENT NO. 1909721, DANE COUNTY REGISTRY, ALSO PART OF LOT 1, CERTIFIED SURVEY MAP NUMBER 3093, AS RECORDED IN VOLUME 12 OF CERTIFIED SURVEY MAPS, ON PAGE 109, AS DOCUMENT NUMBER 1607527, DANE COUNTY REGISTRY, LOCATED IN THE NE ¼ OF THE SW ¼ OF SECTION 16, TOWNSHIP 07 NORTH, RANGE 08 EAST, IN THE CITY OF MADISON, DANE COUNTY, WISCONSIN.

DANE COUNTY TREASURER	'S CERTIFICATE		
records in my office show no	duly elected, qualified, and acting Treas unredeemed tax sales and no unpaid t NINTH ADDITION TO BLACKHAWK SUBDIV	axes or unpaid special assess	sments affecting any of the
Adam Gallagher, Dane County	Treasurer		
OWNER'S CERTIFICATE			
- described on this plat to be	ited liability company, as owner, does he surveyed, divided, mapped, and dedicate is required by S.236.10 or S.236.12 to	ed as represented on this plant	at BHTOO IIC does
Department of Administ Common Council, City of Dane County Zoning and	ration f Madison i Land Regulation Committee		
	f said owner this day of		2.
BHTOO LLC, a Wisconsin By: McKenzie Corp., a l Its managing member	limited liability company Visconsin corporation,		
By: John S. McKenzie, Its Sec	etary		
State of Wisconsin))ss.			
County of Dane)	is day of	2018 the above name	ed John S. McKenzie to me
known to be the persons who My Commission expires:	is day of executed the foregoing instrument and	acknowledged the same.	oum of mencality, to me
Notary Public, State of Wis			
motally values of mo	·Orion)		
CITY OF MADISON TREASUL	RER'S CERTIFICATE		
unredeemed tax sales and no	easurer of the City of Madison, Dane Co unpaid taxes or unpaid special assessm f this day of	nents affecting any of the lan	tify that the records in my office show no ads included in the plat of NINTH ADDITION (
David M. Gawenda, City of Ma	lison Treasurer		
CITY OF MADISON COMMON			
City of Madison, Dane County,	Wisconsin, was hereby approved by Ena	ctment Number	of Section 16, Township 07 North, Range 08 File I.D. Numbe 2018, and that said enactment further prov
			2018, and that said enactment further prov Blackhawk Subdivision to the City of Madist
Dated this day o	, 2018.		
Maribeth Witzel-Behl, City C			
City of Madison, Dane Coun			

SURVEYOR'S CERTIFICATE

I, Michael S. Marty, Professional Land Surveyor No. 2452, hereby certify that in full compliance with the provisions of Section 236 of the Wisconsin Statutes and the subdivision regulations of the City of Madison and under the direction of BHTOO LLC, a Wisconsin limited liability company, owner of said land, I have surveyed, divided, and mapped NINTH ADDITION TO BLACKHAWK SUBDIVISION; that such plat correctly represents all exterior boundaries and the subdivision of the lands surveyed; and that this land is all of Lot One (1) of Certified Survey Map Number 4802, as recorded in Volume 21 of Certified Survey Maps, on Pages 168 and 169, as Document Number 1908493, Dane County Registry, also part of Lot Two (2) of Certified Survey Map Number 4815, as recorded in Volume 21 of Certified Survey Maps, on Page 190, as Document No. 1909721, Dane County Registry, also part of Lot 1, Certified Survey Map Number 3093, as recorded in Volume 12 of Certified Survey Maps, on Page 109, as Document Number 1607527, Dane County Registry, located in the NE % of the SW % of Section 16, Township 07 North, Range 08 East, in the City of Madison, Dane County, Wisconsin, being more fully described as follows: Commencing at the West 1/4 corner of said Section 16; thence N89°49'50"E, along the North line of the SW ¼ of said Section 16, 1989.26 feet; thence S00'18'30"W, 33.00 feet to the Northwest corner of said Lot 1 of Certified Survey Map Number 4802 and the southerly right-of-way line of Blackhawk Road, said point also being the point of beginning; thence N89'49'50"E along said North line of Lot 1 and the southerly right-of-way line of Blackhawk Road, 363.10 feet; thence S00'18'42"W, 660.12 feet along the westerly line of Certified Survey Map Number 8722 and the westerly line of the plat of Blackhawk North; thence S89'49'31"W, 363.06 feet along the north line of the plat of Sixth Addition to Blackhawk Subdivision to a point of intersection with the southerly extension of the West line of said Lot 1 of Certified Survey Map Number 4802; thence N0018'30"E along said West line and its southerly extension thereof, 660.16 feet to the Northwest comer of said Lot 1 and the point of beginning. Said description contains 239,678 square feet or 5.502 acres more or less.

Vierbicher Associates Inc. By: Michael S. Marty	
Dated this day of	<i>2018</i> .
Signed:	

Public Storm Water Drainage, Public Storm Sewer and Storm Water Facilities Access Easements — 20 Foot Wide Easement Centered Alona

Creation of Easement Rights: A permanent easement over and across a portion of the property as described above (the "Easement Area") is established, memorialized, reserved by, granted, conveyed, transferred and assigned to City of Madison for the uses and purposes hereinafter set forth. The Easement Area may be used by City of Madison for public storm water drainage and storm sewer purposes. City of Madison and its employees, agents and contractors shall have the right to construct, install, maintain, operate, repair, replace and reconstruct the Storm Water Drainage Facilities and Storm Sewer Facilities within the Easement Area.

The Easement Area shall be also used by the City of Madison for the ingress and egress for motor vehicles, construction equipment and pedestrians in the Easement Area to enable the City, Its employees and agents, to perform work related to the construction, inspection, maintenance, repair, and reconstruction of the public storm water management facilities located within the Easement Area or the public storm water management facilities located within other public storm water drainage or management easement areas or dedications within this land division. The City agrees for itself and its employees and agents to use the Access Easement Area in a manner fully complying with all laws and other legal requirements.

City of Madison shall have the right to grade, regrade and modify the type of ground cover (turf, gravel for access drive or stone rip rap for channel stabilization) within the Easement Area required for proper surface storm water drainage and access purposes determined by the City Engineer.

<u>Property Restoration:</u> City of Madison shall repair any damage caused to any turf located within the Easement Area as a result of the use of the Easement Area by or on behalf of the City of Madison as provided herein. Following completion of any excavation work, City of Madison shall promptly restore the area affected by the work to the required grade and surface condition as per City of Madison Standards for public construction.

Limitations on Use of Easement Area: The owner of the property within the Easement Area ("Owner") shall have the right to use the Easement Area for any purpose, provided such use shall not interfere with the easement rights of the City of Madison hereunder. No buildings, structures, fences, monument, play equipment, trees, landscaping (other than turf vegetation) or improvement of any kind unrelated to the Storm Water Drainage or Access Facilities shall be constructed or placed within and no grade change shall be made to the Easement Area by the Owner without the written consent of the City of Madison

The Owner shall be responsible to maintain their Easement Area in turf or such other ground cover as approved by the City of Madison Engineer.

If the City of Madison is required to regrade the Easement Area or the remove of any encroachment placed within the Easement Area due to the action of the Owner without consent by the City of Madison Engineer, the Owner shall be responsible for all costs of the City of Madison for enforcement, including, but not limited to, costs for regrading, encroachment removal, restoration and reasonable attorney's fees charged by the City of Madison.

If the City of Madison requires entry into the Easement Area as a result of the use of the Easement Area as provided herein, the City of Madison shall have the right to remove any approved improvement or landscaping placed by the Owner within the Easement Area. The Owner shall be responsible for all costs of the City of Madison associated with removal of said approved improvements. Upon completion of any work by the City of Madison, the City shall promptly

The City of Madison may require the Owner to remove, at the Owner's sole expense, any approved improvement or landscaping placed by the Owner within the Easement Area found by the City of Madison to interfere with the purposes of the grant of easement. Upon removal, the owner shall promptly restore the area affected by the work to the grade and turf surface condition as required by the City Engineer.

If the Owner should fail to reimburse the City of Madison for any costs and expenses incurred by the City in conjunction with enforcing the conditions set forth herein, those costs and expenses may be charged to the Owner by placing the amount on the tax roll for the Owner's Property as a special charge in accordance with Section 66.0627, Wis. Stats., and Section 4.09 of the Madison General Ordinances.

Binding Effect: This Easement shall run with the land described herein and shall be binding upon the owners of the Property, and their successors in interest. Release of Rights to Easements Created by Plat: Any release of rights that were placed on platted land which was required by a public body or which names a public body or public utility as grantee shall be released by recording a separate easement release document with the Dane County Register of Deeds In accordance with ss236.293.

Public Utility Easements

Additional Condition for public Utility easements within the Public Storm Water Drainage Easements ("Drainage Easements") as granted by this plat. The principal purpose of the Drainage Easements granted by this plat is for public storm water management purposes. All other Public and Private utility facilities installed within the said Drainage Easements are hereby subservient to the principal public use of the Drainage Easements for public storm water purposes. The City of Madison ("City") reserves the right of reasonable use and occupation of the Public Utility Easement Areas, provided that such use and occupancy shall not interfere with or disturb the installation, operation, maintenance, repair, replacement and/or modification of the other Public or Private Utility Facilities. If any reasonable use and occupation of the Easement Area by the City shall necessitate the Public or Private Utilities to remove or relocate their facilities or any part thereof, the Public or Private Utility shall perform such work at such time as the City may approve and without any cost to the City.

Permanent Limited Easement for Public Sidewalk:

Creation of Easement Rights: A permanent easement over, across and within the Easement Area is established, memorialized, reserved by granted, conveyed, transferred and assigned to the City of Madison for the uses and purposes hereinafter set forth. The Easement Area may be used by the City of Madison for public sidewalk purposes. City of Madison and its employees, agents and contractors shall have the right to construct, install, maintain, operate, repair, replace and reconstruct the public sidewalk within the Easement Area. City of Madison shall have the further right of ingress and egress to and from the Easement Area in order to exercise its rights and privileges hereunder, and to cut and remove trees, vegetation and other impediments in the Easement Area which may obstruct or interfere with the actual or potential use of the Easement Area for the foregoing purposes.

Property Restoration: City of Madison shall repair any damage caused to any pavement, concrete or turf located within the Easement Area and/or the Property as a result of the use of the Easement Area by or on behalf of the City of Madison as provided herein. Following completion of any excavation work, City of Madison shall promptly restore the area affected by the work to the original grade and surface condition including the repair or replacement of pavement, concrete and turf.

Limitations on Use of Easement Area: The owner of the Property shall have the right to use the Easement Area for any purpose, provided such use shall not interfere with the easement rights of the City of Madison hereunder. No buildings or structures or fences unrelated to the public use shall be constructed in and no grade change shall be made to the Easement Area without the written consent of the City of Madison's Engineering Division City Engineer.

Binding Effect: This Easement shall run with the land described herein and shall be binding upon the owners of the Property, and their

Release of Rights to Easements Created by Plat: Any release of rights that were placed on platted land which was required by a public body or which names a public body or public utility as grantee shall be released by recording a separate easement release document with the Dane County Register of Deeds in accordance with ss236.293.

Public Storm Water Drainage Easements:

Creation of Easement Rights: A permanent easement over, across a portion of the property (the "Easement Area") is established. memorialized, reserved by, granted, conveyed, transferred and assigned to City of Madison for the uses and purposes hereinafter set forth. The Easement Area may be used by City of Madison for public storm water drainage and management purposes. City of Madison and its employees, agents and contractors shall have the right to construct, install, maintain, operate, repair, replace and reconstruct the Storm Water Drainage and Management Facilities within the Easement Area. City of Madison shall have the further right of ingress and egress to and from the Easement Area in order to exercise its rights and privileges hereunder, and to cut and remove trees, vegetation and other impediments in the Easement Area which may obstruct or interfere with the actual or potential use of the Easement Area for the foregoing

City of Madison shall have the right to grade, regrade and modify the type of ground cover or soils (turf or engineered soils) within the Easement Area required for proper surface storm water drainage and storm water management as determined by the City Engineer.

<u>Property Restoration:</u> City of Madison shall repair any damage caused to any turf located within the Easement Area as a result of the use of the Easement Area by or on behalf of the City of Madison as provided herein. Following completion of any excavation work, City of Madison shall promptly restore the area affected by the work to the surface condition as required by the City of Madison Engineer.

Limitations on Use of Easement Area: The owner of the property within the Easement Area ("Owner") shall have the right to use the Easement Area for any purpose, provided such use shall not interfere with the easement rights of the City of Madison hereunder. No buildings, structures, fences, monument, play equipment, trees, landscaping (other than vegetation required by the City approved Storm Water Management Plan) or improvement of any kind unrelated to the Storm Water Drainage or Access Facilities shall be constructed or placed within and no grade change shall be made to the Easement Area by the Owner without the written consent of the City of Madison Engineer.

The Home Owners Association (HOA) consisting of a membership including the owners of all Lots within this plat, or in absence of an HOA, the owners of all Lots within this plat (collectively "Lot Owners"), shall be responsible (including associated costs) to maintain all City of Madison required storm water facilities (except those listed below), turf and other vegetation and also keep debris clear of any storm water inlet or discharge structure within the Easement Area. The maintenance of any storm sewer structures or pipes within the easement area shall be the responsibility of the City of Madison. All maintenance by the HOA or Lot Owners shall be subject to a separately recorded Declaration of Conditions, Covenants and Restrictions for Maintenance of Storm Water Management Facilities specifying terms and maintenance

If the City of Madison is required to regrade the Easement Area or the remove of any encroachment placed within the Easement Area due to the action of the Owner without consent by the City of Madison Engineer, the Owner shall be responsible for all costs of the City of Madison for enforcement, including, but not limited to, costs for regrading, encroachment removal, restoration and reasonable attorney's fees charged

If the City of Madison requires entry into the Easement Area as a result of the use of the Easement Area as provided herein, the City of shall be responsible for all costs of the City of Madison associated with removal of said approved improvements. Upon completion of any work by the City of Madison, the City shall promptly restore the area affected by the work to the required grade and turf surface condition as required by the City of Madison Engineer.

The City of Madison may require the Owner to remove, at the Owner's sole expense, any approved improvement or landscaping placed by the Owner within the Easement Area found by the City of Madison to interfere with the purposes of the grant of easement. Upon removal, the owner shall promptly restore the area affected by the work to the grade and turf surface condition as required by the City Engineer.

If the Owner should fail to reimburse the City of Madison for any costs and expenses incurred by the City in conjunction with enforcing the conditions set forth herein, those costs and expenses may be charged to the Owner by placing the amount on the tax roll for the Owner's Property as a special charge in accordance with Section 66.0627, Wis. Stats., and Section 4.09 of the Madison General Ordinances.

<u>Binding Effect:</u> This Easement shall run with the land described herein and shall be binding upon the owners of the Property, and their

Release of Rights to Easements Created by Plat: Any release of rights that were placed on platted land which was required by a public body or which names a public body or public utility as grantee shall be released by recording a separate easement release document with the Dane County Register of Deeds in accordance with ss236.293.

RECORDING DATA

<u>CERTIFICATE OF REGISTER OF DEEDS</u> Received for recording this __, 2018, at ___ o'clock _____.M. and recorded in Volume of Plats, on pages _ as Document Number Kristi Chlebowski Dane County Register of Deeds

vierbicher planners engineers advisors

Drafted by: DGUL Checked by: MMAR FN: 170269 Date: April 4, 2018 Rev. July 18, 2018

SURVEYED BY: erbicher Associates, Inc By: Michael S. Marty 999 Fourier Drive, Suite 201 Madison, WI 53717 (608) 821-3962

nmar@vierbicher.com

SURVEYED FOR: BHTOO, LLC attn: John McKenzie 732 Bear Claw Way Madison, WI 53717

SHEET 2 OF 2