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ADMITTED TO PRACTICE
WISCONSIN AND FLORIDA

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Dane County Planning and Development
210 M. L. King Jr. Blvd.
Madison, WI. 53703

Re: Rezoning ID 12323 – Dave Woods, Wood Trust Parcel – 3200 Larsen Road, Town of Blooming Grove.

Dear Ladies and Gentlemen:

I have been asked by Mr. David Wood to comment on the August 10, 2006 City of Madison letter from Mr. Timothy Parks to Mr. Benjamin Kollenbroich of Dane County Planning and Development.

The essence of Mr. Park's correspondence is the assertion that the zoning of Mr. Wood's parcel should be controlled by City of Madison regulations. That assertion is incorrect.

The City references the 2006 City-Town cooperative plan (hereinafter the "Agreement"). That Agreement clearly allows the Town to retain jurisdiction of the Wood property through October 31, 2027. Section 3 of the Agreement states:

"Except as otherwise provided in this Agreement, the Town retains full and independent governmental authority throughout the Town during the Protected Period." (emphasis added)

With respect to the Wood property, the Agreement does not require the Town to implement City zoning.¹ Had it been the intent of the parties that the Town was obligated to operate under City zoning regulations, the Agreement could have so stated. The fact that there is no such prohibition with respect to the Wood property, indicates that the Town's ordinances continue to be controlling.

The City emphasizes that the Agreement is a cooperative plan, which is correct. But cooperation is a two-way street. It requires reciprocity and compromise. It does not mean the Town and its citizens must accede to every request of the City. Indeed, the record shows that before embarking on the current venture, Mr. Wood worked extensively with the City (Mr. Parks in particular). He invested significant time, effort and money to formulate a plan that would substantially address City concerns. He made numerous concessions. However, he received no cooperation. He was

¹ For other annexed land areas controlled by the City-Town cooperative agreement, such as the Milwaukee St./Fair Oaks area, the Town was specifically required to comply with City regulations concerning zoning and development, even before the annexation occurs. The fact that the Wood property is not within that more restrictive area, further indicates that it is not required to comply with City regulations.

rejected at every stage. At that point, his only alternative was to move forward with rezoning and the creation of a condominium.

The Town of Blooming Grove has approved this project at every stage. It is respectfully requested that the Dane County Zoning and Land Regulation Committee recognize the primacy of the Town of Blooming Grove's approval, and grant Mr. Wood's requested zoning.

Thank you for your attention to this matter.

Yours truly,

KUEHLING & KUEHLING LLC

/s/ Robert W. Kuehling

Robert W. Kuehling

Cc: Mr. David Wood, Wood Trust