

PLANNING UNIT REPORT
DEPARTMENT OF PLANNING AND DEVELOPMENT
August 1, 2005

RE: LD. 01681, Certified Survey Map – 6810 Cross Country Road, Town of Verona

1. Requested Action: Consideration of a three-lot Certified Survey Map (CSM) of the Thompson property located at 6810 Cross Country Road in the southeast quarter of the southwest quarter of Section 11, Township 6 N, Range 8 E, Town of Verona, Dane County, Wisconsin within the City of Madison's Extraterritorial Jurisdiction.
2. Applicable Regulations: Section 16.23, Land Subdivision Regulations, Madison General Ordinances provides the requirements for land divisions located within the corporate limits of the City of Madison or within the Extraterritorial Plat Approval Jurisdiction.
3. Report Drafted By: Timothy M. Parks, Planner and other Planning staff.

GENERAL INFORMATION

1. Property Owner: Gregory Thompson; 4610 Milwaukee Street; Madison, Wisconsin 53714.

Land Surveyor: Burse Surveying & Engineering, Inc.; 1400 E. Washington Avenue, Suite 158; Madison, Wisconsin 53703
2. Requested Action: Approval of a certified survey map to allow for the division of approximately ten acres of land into three residential lots.
3. Parcel Location: Generally located on the north side of Cross Country Road, a third of a mile west of East Pass, in the Town of Verona; Verona Area School District.
4. Existing Zoning: County A-2 (Agriculture District)
5. Existing Land Use: Existing farmhouse and various farm-related outbuildings and pens.
6. Proposed Land Use: The applicant proposes to create three parcels in county RH-1 and RH-2 (Rural Homes District) zoning.
7. Surrounding Land Use and Zoning:
North: Dane County parkland, zoned County A-2 (Agriculture District);
South: Badger Prairie County Park, zoned County A-2; single-family residences on county lots, zoned County RH-1 (Rural Home District);
West: Single-family residence on large lot, zoned RH-1; Dane County parkland, zoned County A-2; Reddan Soccer Complex, zoned County RE-1 (Recreation District);

- East: Single-family residences in the Heather Glen Addition to the Crossing subdivision in the City of Madison and Glacier Crossing [City] Park, zoned R2 (Single-Family Residence District)
8. Basis for Referral: Criteria for non-agricultural land division.
 9. Environmental Corridor Status: Lands immediately adjacent to the eastern property line are mapped as an environmental corridor as publicly-owned lands for the City park corridor that forms the western edge of the Heather Glen subdivision. Note: Environmental Corridors are only mapped on lands within an Urban Service Area. This property is not within the Central Urban Service Area.
 10. Public Utilities & Services:
 - Water: Property is not served by municipal water
 - Sewer: Property is not served by municipal sewer
 - Fire protection: Verona Fire Department
 - Emergency medical services: Fitch-Rona Emergency Medical Services
 - Police services: Dane County Sheriff's Department – District W4
 - School District: Verona Area School District

ANALYSIS AND EVALUATION

Proposed Land Division: The applicant is requesting approval of a land division creating three residential parcels in the Town of Verona on the north side of Cross Country Road, approximately 1800 feet west of East Pass. The site is currently developed with a two-story farmhouse located in the southwestern quadrant of the site and various farm-related accessory buildings, including a large barn, located near the center of the ten-acre site. The property is mostly flat, is largely devoid of vegetation and is currently primarily in agricultural use with a number of various livestock present.

The eastern property line adjoins the Madison city limits, with The Heather Glen Addition to The Crossing single-family subdivision located immediately to the east of the site. The western edge of that subdivision is formed by City of Madison parkland (Glacier Crossing Park). Badger Prairie Park is located across Cross Country Road to the southeast of the site, while a small line of single-family residences 2-3 acre lots are located opposite the site to the southwest. A new single-family residence has been constructed on a five-acre parcel immediately west of the property, with County parklands located further to the west and immediately north of the subject site. Reddan Soccer Park is located further west of the site along Cross Country Road.

Lots 1 and 3 of the proposed CSM will each contain approximately 240 feet of frontage along Cross Country Road and three acres of land exclusive of a 54.5-foot wide strip of additional right of way to be dedicated to the County with the approval of this CSM. Lot 2 will contain 320 feet of road frontage and approximately four acres of lot area. Lot 1 will contain no existing improvements, while Lot 3 will include the existing farmhouse, two corncribs, a windmill and a shed. The farmhouse will be set back 64.6 feet from the front property line and 76 feet from the

common property line shared with Lot 2. The remaining accessory farm buildings will be located on Lot 2. Lots 1 and 3 have also been rezoned from County A-2 agriculture zoning to RH-1 rural home zoning, while Lot 2 is being rezoned to RH-2 rural home zoning. County RH-1 zoning requires a minimum of two acres of lot area per lot, while RH-2 zoning requires a minimum of four acres of lot area.

The property is not located in an identified environmental corridor.

Approval of CSM by Town of Verona and Dane County: Section 16.23 (7) (c) of the Subdivision Regulations requires that subdivisions in the City's Extraterritorial Plat Approval Jurisdiction receive approval from the town of record and Dane County prior to consideration of the request by the Plan Commission.

The Town Board of Verona approved a rezoning and land division request on or around April 19, 2005. Dane County granted conditional approval of the proposed land division and rezoning as outlined in a letter dated June 8, 2005 from Norbert Scribner, Land Division Review, Dane County Department of Planning and Development. Both town and county approval of the rezoning and land division of this property was made contingent upon a deed restriction barring further division of these three lots until such time as municipal water and sewer are available to the site. The approvals also include a restriction limiting access to Cross Country Road to no more than two driveways for the three total parcels.

City of Madison Land Use Plan: The Cross Country Neighborhood Development Plan generally recommends the areas adjacent to the southern and western City limits, including the subject site, for park, drainage and open space uses. This designation reflects the recommendations of the 1993 Ice Age Trail Junction Area Project Plan developed by an intergovernmental advisory committee. The parkland and other open space at the western edge of the City of Madison adjacent to the subject parcel was established as a part of the implementation of this plan. Also as part of implementing the Ice Age Trail Junction Area Project Plan, most of the property west of the City limits was purchased by Dane County for open space uses, including the land now developed with a soccer facility. Unfortunately, the County excluded about 15 acres surrounding the existing farmstead buildings from the acquisition, in effect leaving potentially developable lands in private ownership within the recommended open space corridor.

Land Division Criteria: The Subdivision Regulations provide two criteria for consideration of land divisions in the City's extraterritorial plat approval jurisdiction:

Agricultural Land Division Criteria: The Plan Commission may grant approval of a land division subdividing portions of agricultural lands provided that the Commission shall determine that the proposed land division will assist and assure the continuation of the agricultural use.

Non-Agricultural Land Division Criteria: In the case of nonagricultural lands, the Plan Commission may recommend approval of a subdivision to the Common Council or may grant approval of a land division provided that the Plan Commission shall determine that the proposed

subdivision or land division complies with each of the following four criteria:

- a. The proposed subdivision or land division shall be compatible with adjacent land uses and shall maintain the general land use pattern of the area in question.
- b. The proposed subdivision or land division shall result in a development pattern that is compatible with surrounding developments and land uses. Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features.
- c. The proposed subdivision or land division and the resulting development shall not demonstrably adversely affect the City's ability to provide public services, install public improvements or accomplish future annexations. The Plan Commission may consider annexation agreements with the property owner in order to comply with this requirement. The Plan Commission may also consider whether the City and Town(s) have reached an agreement on necessary public improvements and public services facilities required to serve the development.
- d. The proposed subdivision or land division shall comply with one of the following:
 - i. The proposed subdivision or land division shall represent infilling of vacant land. Infilling is defined as a subdivision or land division which will accommodate the development of vacant land located such that surrounding existing land uses render the land impractical for any but similar uses.
 - ii. The proposed subdivision or land division shall provide permanent open space lands for use by the general public in conformance with the adopted Parks and Open Space Plan for Dane County, Wisconsin, the City of Madison adopted Parks and Open Space Plan or the City's other adopted Master Plan elements, including the Peripheral Area Development Plan. The permanent open space lands shall be accessible and open for use by the general public. The open space lands shall be exclusive from, and in addition to, lands required for dedication to comply with applicable public parks and open space dedication requirements and shall be provided at a ratio of two acres of permanent open space lands for every one-acre of developed lands, including street rights of way. For the purpose of this provision, wetlands, flood plain lands, steep slopes, or other lands which are not developable because of sensitive environmental features shall not be counted as permanent open space lands in calculating the ratio of permanent open space lands provided versus developed lands. Steep slopes shall include lands which have grades of twenty percent (20%) or more.

Although this is currently an agricultural site, the applicant intends to market the lots proposed for residential purposes. As a result, the CSM will be reviewed as a non-agricultural land division.

In reviewing the proposed land division against the non-agricultural standards above, the Planning Unit believes that the standards may be able to be met. The subject site is located adjacent to a newer single-family residence located on a five-acre parcel created within the last ten years and across Cross Country Road from six parcels of similar size as those proposed. The property is also adjacent to a moderately dense single-family development east of the site in the City of Madison, leading the Planning Unit to conclude that the infilling standard may marginally be met with this land division. The three lots proposed represent a reasonable use of the property given the relatively isolated location, and provided that adequate measures are taken to minimize the visual impact of the future homes on the adjacent designated open space, may be an acceptable outcome considering alternative developments which have been, and could be, proposed for this property.

The City of Madison, however will not support further subdivision of the subject site on future applications regardless of whether municipal services are provided. The Cross Country Neighborhood Development Plan identifies the subject site for future park, drainage and open space uses, which is consistent with the county purchase of open space lands for the Ice Age Trail north and west of the site, portions of which were formerly part of this property. As noted above, it is typically not Dane County's policy to purchase land with improvements "unless they are a vital component of the project," which resulted in the subject parcel being left as a remnant. Because the site is generally located between two open space corridors, the Planning Unit believes that any significant amount of development of the remnant would be incompatible with the park and open space tracts. As a result, staff requests that the applicant record a deed restriction acknowledging that no further subdivision will be allowed under any circumstances. [The applicant may include this restriction in an altered version of the deed restriction required by the Town of Verona and the county if those agencies are so inclined.]

In 1996, the City of Madison and the City of Verona entered into an Intergovernmental Agreement that addressed land use and future boundary issues between the two communities. One of the facets addressed in the agreement was development along Cross Country Road and adjacent to the open space corridor, recommended in the Ice Age Trail Junction Area Project Plan. The agreement includes a requirement that a 300-foot landscaped buffer be provided on both the north and south sides of Cross Country Road to aid in the creation of a permanent open space separation zone between the two urban communities. Any reduction in this corridor must be approved by both the City of Verona and the City of Madison. When the Heather Glen Addition to the Crossing subdivision was developed immediately east of this site, the width of this corridor was reduced but a significant berm and landscaping plan was provided to comply with the agreement.

CONCLUSION

The applicant is requesting approval of a certified survey map creating three lots from a ten-acre parcel. The division creates three lots that are generally in keeping with lots located across Cross Country Road to the southwest, and that conform to County rural home zoning requirements. Staff believes that the land division marginally represents infilling of vacant lands as stipulated in the Subdivision Regulations and concludes that the non-agricultural land division standards

are met, subject to the deed restriction prohibiting further subdivision as noted above.

RECOMMENDATION

The Planning Unit recommends that the Plan Commission **approve** this Certified Survey Map subject to the following comments, conditions or revisions:

1. Comments and conditions from reviewing agencies.
2. That the applicant execute a deed restriction limiting access to Cross Country Road as stipulated by the Town of Verona and Dane County as a condition of their approval of the subject land division and rezoning, and that the City of Madison be added as a beneficiary of such restriction. A copy of the properly executed restriction shall be provided to the Planning Unit prior to final City approval of this Certified Survey Map.
3. That the applicant execute a deed restriction benefiting the City of Madison that prohibits further subdivision of the subject property.
4. That a 300-foot buffer parallel and adjacent to Cross Country Road be provided for all three lots and identified on the face of the CSM with a note stating that no new buildings or improvements, with the exception of driveways, shall be allowed within the 300-foot corridor. Any reduction of the 300-foot corridor shall be approved by both the City of Verona and the City of Madison Planning Unit. A landscape plan that includes planting a variety of native trees and shrubs within the buffer zone to soften the view of the future homes from the roadway shall be approved by both the City of Verona and the City of Madison Planning Unit. A berm is not required.
5. Prior to issuance of building permits for these parcels, a site plan showing building footprints shall be approved by the City of Madison Planning Unit. The purpose of this requirement is to ensure that buildings not be located unduly close to the adjacent public open space. A note to this effect shall be placed on the CSM.
6. All structures developed on these parcels shall utilize a palette of natural and earth tone colors that will blend in well with the surrounding open space.



February 4, 2002

Mr. Gregory Thompson
4605 Fox Bluff Road
Middleton, WI 53562

Dear Mr. Thompson:

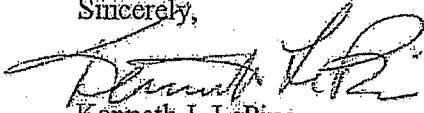
The Dane County Park Commission has met and discussed your December 12th 2001 letter of intent to sell development rights on the former Niglis Farm located near the Ice Age Trail Junction Area. The consensus of the Park Commission was not to pursue the purchase at this time. Present opportunities elsewhere in the county and your offered price are two of the major factors in their consideration. The Commission did not rule out some negotiations in the future for a conservation easement or some fee acquisition if the negotiated price is more favorable.

As we recently discussed on the telephone during the original planning process the Commission and staff recognized that there were some large lots and homes on the south side of Cross Country Road and the decision was made to keep them out of the project boundary. It is not the Commission's intent to purchase improvements unless they are a vital component of the project. The large lots and small number of home sites on the south side of the road were not considered a major deterrent to the project. The Niglis parcel was a key parcel for the project, containing both priority one and priority two acquisition areas. Although I told you this area was originally left out of the plan I was incorrect. It was the area south of Cross Country Road that I recalled, after a review of the plan I realized my mistake. However, during negotiations and deliberations of the Niglis lands the Commission purchased, they made a conscious decision not to purchase the improvements and the remaining 17 acres of the Niglis property. The Niglis Family had other plans for the remaining property and improvements. At that time both staff and the Commission felt the remaining 17 acres were probably not going to be acquired because of the improvements and the family's unwillingness to sell.

Page Two: Letter to Mr. Greg Thompson – Niglis Property February 4, 2002

I have enclosed a copy of the Ice Age Trail Junction Area Plan Junction I hope this will be helpful in understanding the goals and objectives of the project. If you have any further question or concerns feel free to contact me at 246-3895.

Sincerely,


Kenneth J. LePine
Park Director



Department of Planning & Development
Planning Unit

December 20, 2001

Mr. Gregory Thompson
TMS Investments LLC
4605 Fox Bluff Road
Middleton, Wisconsin 53562

Madison Municipal Building
215 Martin Luther King, Jr. Boulevard
P.O. Box 2985
Madison, WI 53701-2985
TDD (608) 266-4747
FAX (608) 267-8739
PH (608) 266-4635

Dear Mr. Thompson:

This letter is in response to your inquiry regarding the City of Madison's plans for extending City services to a portion of the former Niglis property located north of Cross Country Road immediately west of the current City boundary, in the Town of Verona.

As I explained to you in our telephone conversation, these lands are identified in the *Cross County Neighborhood Development Plan* as permanent open space, and more intensive development is not recommended here--either with or without full municipal services. The neighborhood plan recommendation is based on recommendations in the City's 1990 *Peripheral Area Development Plan* and in the 1993 *Ice Age Trail Junction Area Project Plan* developed by an intergovernmental advisory committee that included representatives from the Town of Verona, City of Madison, City of Verona, Dane County Parks Commission, Dane County Executive's Office and Dane County Board.

The Niglis property was identified in the *Ice Age Trail Junction Area Project Plan* as a high-priority component of the proposed open space, with potential uses for recreational trail development, natural resource protection and community identity enhancement. When the majority of the Niglis property was purchased by Dane County a few years ago for open space purposes, it was expected that the part of the property that was not purchased (with the existing house and farm buildings) would continue in the present low-intensity residential use--which is compatible with the adjacent open space. It was not expected that there would be additional development on these lands, however.

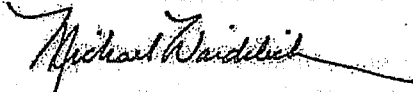
The City of Madison's *Cross County Neighborhood Development Plan*, also adopted in 1993, incorporates the open space recommendations of the *Ice Age Trail Junction Area Project Plan*, and defines an urban development edge that is consistent with those recommendations. City approval of subdivision plats adjacent to the planned open space area included public dedication or private preservation of additional open space lands identified in the *Project Plan* as desirable for community identity enhancement. The approved plats also assumed that this would be the permanent edge of the City's urban development area and did not include the usual provisions for future westward extension of the local street network or public utilities.

Because the remnant portion of the Niglis property is located between the lands reserved as open space in the adjacent Madison subdivisions and the lands purchased for open space by Dane County as part of the Ice Age Trail Junction Area corridor, any significant amount of development here could not be considered compatible with the surrounding land uses or with the intent of the adopted plans. As we discussed in our phone conversation, the City might be able to accept a very limited amount of additional development (one or two houses) on this property as compatible with the open space uses on surrounding properties, provided that Dane County had no interest in ever acquiring these lands, and that Dane County, the City of Verona and the Town of Verona all supported the development.

While the City is always willing to discuss a specific proposal, even in this case it is probably unlikely that the City of Madison would be interested in extending services to a few residences at a location recommended for open space in its adopted plans--- particularly since they would be separated from the adjacent City neighborhood by a strip of reserved open space and the neighborhood development plan made no provisions for future street connections or service extensions to the west.

I hope this answers your question. If you have any additional questions about the information in this letter, please give me a call at 266-4635.

Sincerely,



Michael Waidelich
Principal Planner

- c. Bradley J. Murphy, Planning Unit Director
- Jennie Sieling, Director, Dane County Planning and Development Department
- Jim Mueller, Dane County Parks Department
- Don Beauchamp, Town of Verona
- Larry Saeger, City of Verona



Department of Public Works
Parks Division

Madison Municipal Building, Room 120
215 Martin Luther King, Jr. Boulevard
P.O. Box 2987
Madison, Wisconsin 53701-2987
PH: 608 266 4711
TDD: 608 267 4980
FAX: 608 267 1162

July 22, 2005

TO: Plan Commission
FROM: Simon Widstrand, Parks Development Manager *S.W.*
SUBJECT: **6810 Cross Country Road**

In 1996, Dane County Parks bought 81 acres of the Niglis property for the Ice Age Trail. At that time, the Niglis family wanted to keep the remaining 17 acres which is comprised of the subject 11 acres plus a 6-acre lot that was created in 1996, on which a new house was constructed in 2004.

Dane County Parks staff thought that the properties could not be further divided based on county policies. In 2002, the County Park Commission declined an expensive offer to sell the development rights beyond two houses on 17 acres.

If the proposed subdivision meets Town and County requirements, the following steps should be required to make it comparable with the aesthetic and buffer requirements for adjacent development in the City of Madison:

Meet the same criteria for aesthetic management zones as those abutting the Age Trail in the High Point Raymond Neighborhood.

Meet the same criteria for 40-foot planting strips on all lands abutting the Ice Age Trail and park lands to the east and north of the lots.

Meet the same criteria for berms and plantings along Cross Country Road as the adjacent City plat.

Restrict buildings to a height of no more than 28 feet above the existing grade, comparable to height restrictions that were placed on some lots in the Ice Age Crossing Plat.

Please contact Simon Widstrand at 266-4714 or awidstrand@cityofmadison.com if you have questions regarding the above items.



April 19, 2005

Mr. Norb Scribner
Rm. 116 CCB
210 M. L. King Jr. Blvd.
Madison WI 53709

Dear Norb:

An FYI on the April town board meeting...

D. C. Zoning Petition # 9200 and Certified Survey Map # 8251 Gregory/Richard Thompson and Burse
Surveying and Engineering

Dreger noted Plan Commission had approved with conditions. Motion Dreger second M. Johnson to recommend to Dane County **approval** of rezone petition # 9200 and certified survey map # 8251 conditioned on the following; 1) that zoning category on lot 2 be RH-2 due to size of acreage, 2) that Lots 1 and 3 be rezoned to the RH-1 category, **3) that the certified survey show a deed restriction on lots 1,2 and 3 that "there shall not be any further subdivisions until public sewer and water are available"** and 4) that both driveways shall comply with the current Town of Verona driveway ordinance. Discussion followed as to the need for consistency with adjacent property. Aye: Wagner, Dreger, Enburg and Combs No: M. Johnson Motion Carried.

Clerk note: the dissenting vote was for the purpose of objecting to the required deed restriction language "there shall not be any further subdivisions until..." that is to be recorded on the certified survey map, as it was unclear as to why the restriction was being imposed by the town.

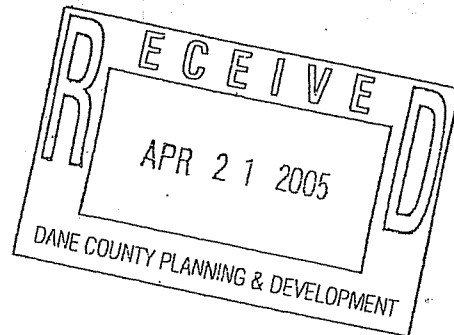
Certified Survey Map # 8274 - Walker Surveying Inc. for Douglas D. Stitgen -

Motion Dreger second Combs to recommend **approval** of certified survey map #8274 to allow for the creation of one (1) additional building site **on condition that both lots 1 and 2 can be served by private sewer and that the recorded survey document indicate the areas designated for septic including the backup drainfield sites for both lots.** Discussion followed with regards to lot size, areas needed for private septic and the proposed driveway access for lot 2. Aye: Wagner, Dreger, Enburg, and Combs No: M. Johnson Motion Carried.

With the above, I just gave you the minutes as noted, you can give me a call, if there are questions??!!

Sincerely,

Rose M. Johnson
Adm./Clerk/Treasurer
Town of Verona





Dane County Planning & Development

Room 116, City-County Building, Madison, Wisconsin 53703-3342

Land Division Review
608/266-9086

June 8, 2005

Burse Surveying & Engineering, Inc.
1400 East Washington Avenue, Suite # 158
Madison, Wisconsin 53703

Re: CERTIFIED SURVEY MAP (Thompson)
SW1/4 S11 T6N R8E
Town of Verona
Dane County

Gentlepeople:

Zoning Petition # 9200 has been approved by the Dane County Board of Supervisors. Accordingly, the above-described preliminary certified survey map proposal is hereby conditionally approved as follows:


1. Zoning Petition # 9200 is to become effective (one day following publication in the Wisconsin State Journal).
2. The deed restriction, required with Zoning Petition # 9200, is to be of record.
3. Town of Verona approval of the amended Zoning Petition # 9200 is to be obtained and properly communicated to the Dane County Clerk.
4. The municipal boundary is to be clearly identified.
5. City of Madison approval is to be obtained (extraterritorial jurisdiction).
6. The document is to be completed in accordance with S.236.34, Wisconsin Statutes.
7. The document is to comply with S.236.20(3)(b), Wisconsin Statutes. Center of Section does not satisfy this requirement.
8. The legal description is to be reviewed with respect to mathematical consistency.
9. The owners certificate is to include "we also certify that this certified survey map is required by S.75.17(1)(a), Dane County Code of Ordinances to be submitted to the Dane County Zoning and Land Regulation Committee for approval."

Burse Surveying & Engineering, Inc.
June 8, 2005
Page 2

10. All owners of record are to be included in the owners certificate (County records indicate that Gregory A. Thompson & Richard A. Thompson are owners). Spouses signatures and middle initials are required to provide valid certificates.
11. The City of Madison is to be listed in the owners certificate as an approving authority.
12. The required certificates are to be executed.
13. Lots 1 & 3 are to be a minimum of 2 net acres each in area.
14. Lot 2 is to be a minimum of 4 net acres in area.
15. The net lot area calculations are to be specified in square feet.
16. The approximate locations of existing onsite sewage disposal systems are to be shown.
17. The public highway right-of-way width from centerline is to be dimensioned.

When the above conditions have been fully satisfied, the original document may be submitted to which the Dane County approving signature will be affixed. Thank you for your anticipated patience and for your anticipated cooperation in this matter.

Sincerely,


Norbert Scribner, Land Division Review

cc: Gregory A. Thompson
Clerk, Town of Verona
City of Madison Planning Department (extraterritorial jurisdiction)

Enclosure:

DANE COUNTY ORDINANCE AMENDMENT NO. 9200

Amending Section 10.03 relating to Zoning Districts in the Town of Verona.

The Dane County Board of Supervisors does ordain as follows: That the Zoning District Maps of the Town of Verona be amended to include in the RH-1 and RH-2 Rural Homes District/s the following described land:

PETITION NUMBER: 9200

TO RH-1:

Part of Lot #2, Certified Survey Map #8132, as recorded in Volume 43 of Certified Survey Maps, on pages 258-259, Dane County Registry, located in the S 1/2 SW 1/4 of Section 11, Town of Verona described as follows: Beginning at the Southeast corner of said Lot #2; thence N89°38'00" West along the South line of said Lot #2 and the North right-of-way line of Cross Country Road, 239.76 feet; thence N00°24'02" East, 547.03 feet to the North line of said Lot #2; thence S89°44'41" East along said North line of Lot #2, 239.76 feet to the East line of said Lot #2; thence S00°24'02" West along said East line, 547.50 feet to the point of beginning.

AND:

Beginning at the Southwest corner of said Lot #2 and the Southeast corner of Lot #1 of said Certified Survey Map #8132; thence N00°24'02" East along the West line of said Lot #2 and the East line of said Lot #1, 545.95 feet to the North line of said Lot #2; thence S89°44'41" East along said North line, 240.24 feet; thence S00°24'02" West, 546.41 feet to the South line of said Lot #2; thence N89°38'00" West along the said South line of Lot #2 and the North right-of-way line of Cross Country Road, 240.24 feet to the point of beginning.

TO RH-2:

Part of Lot #2, Certified Survey Map #8132, as recorded on Volume 43 of Certified Survey Maps, on pages 258-259, located in the S 1/2 SW 1/4 of Section 11, Town of Verona described as follows: Commencing at the Southeast corner of said Lot #2; thence N89°38'00" West along the South line of said Lot #2 and the North right-of-way line of Cross Country Road, 239.76 feet to the point of beginning; thence continuing N89°38'00" West along said South line of Lot #2 and said North right-of-way line of Cross Country Road, 320.00 feet; thence N00°24'02" East, 546.41 feet to the North line of said Lot #2; thence S89°44'41" East along said North line, 320.00 feet; thence S00°24'02" West, 547.03 feet to aforementioned South line of Lot #2, North right-of-way line of Cross Country Road and the point of beginning.

CONDITIONAL ZONING

Conditional zoning is hereby imposed pursuant to Section 10.255(3)(a)2(b) of the Dane County Code of Ordinances. The rezoned area shall be subject to the following condition(s).

DEED RESTRICTION REQUIRED

This amendment will be effective if within 90 days of its adoption by Dane County the owner or owners of the land record the following restriction(s) on said land:

- 1) Deed restrict the entire property prohibiting re-division of any of the three (3) CSM lots created as part of rezone #9200 unless public sewer and water services become available to that property;
- 2) Deed restrict the property limiting the total number of access points onto Cross Country Road to no more than two over the combined area of the three (3) CSM lots. (Note: shared driveway access may be necessary as a result of this restriction.)

The Dane County Board of Supervisors does ordain that this amendment, based upon their findings, to be consistent with the provisions of Wisconsin State Statute 91.77 (1)(a),(b),(c).

Said restriction(s) shall run in favor of Dane County and the pertinent Town Board(s) as well as the owners of land within 300 feet of the site. **Failure to record the restriction(s) will cause the rezone to be null and void.**

A copy of the recorded document shall be submitted to Dane County Zoning.

CERTIFIED SURVEY REQUIRED

The above listed description/s is/are intended to describe land for which a certified survey map will be prepared for approval and recorded. This amendment will become effective, if within 90 days of its approval by Dane County, a certified survey map that describes the land to be rezoned is recorded in the office of the Dane County Register of Deeds. **Failure to record the survey will cause the rezone to be null and void. Two copies of the recorded survey shall be submitted to Dane County Zoning.**

The Dane County Board of Supervisors does ordain that this amendment, based upon their findings, to be consistent with the provisions of Wisconsin State Statute 91.77 (1)(a),(b),(c).

G-1