

**REPORT OF:** City Traffic Engineer

**Presented** March 21, 2006

For Approving Plans and Specifications and  
Assessing Improvement Cost for The Installation  
of Street Lights in

**Referred**

**Linden Park Phase 1**

**Reported Back**

**Adopt**

**Rules Suspended**

**Re-Referred**

Filed in the Office of the City Traffic Engineer  
February 1, 2006

**Placed on File**

**I.D. NUMBER**

Filed in the City Clerks Office:

**Date Council Action Required:** March 21, 2006

**TO THE MAYOR AND COMMON COUNCIL:**

The Common Council having ordained that the full cost, including inspection and supervision, of the initial installation of street lights shall be assessed to the abutting properties and that assessment for street lights shall be in accordance with Section 66.0701 of the Wisconsin Statutes and Section 10.39 of the Madison General Ordinances, has directed that when the City Traffic Engineer proposes the installation of street lights assessed to the abutting properties, he shall prepare a report listing the street lights to be installed, their location and schedule of assessments.

Now, therefore, in compliance with said instruction, the City Traffic Engineer reports as follows:

1. That street lights are proposed to be installed and assessed to abutting properties listed on Exhibits A and B attached hereto, said listing including the locations of street lights to be installed, and a schedule of assessments.
2. That pursuant to such listing, the entire cost of the work improvement will be **\$ 19,297.35**
3. After having carefully viewed and examined the entire territory and the said several parcels of land or real estate affected by said improvement, and having first viewed, examined and considered severally and separately each parcel of real estate in said territory, the City Traffic Engineer has found and determined and do hereby so find and determine that the City of Madison should pay the sum of **\$ -0-** as the cost properly chargeable to the City and covered by said improvement.

NOTE: Special assessment notices and hearings have been waived.  
(See attached signed waivers)

DATED: February 1, 2006

**David C. Dryer, P.E.**  
City Traffic Engineer

## REGARDING THE CRITERIA OF REASONABLENESS AND BENEFIT

This report was prepared and submitted to satisfy the requirements that the City is required to show that the assessments will benefit the properties assessed in the **Linden Park** Assessment District as per a recent Wisconsin State Supreme Court Decision (*Berkvam vs. The City of Glendale, 79 Wis, 2d 279.255 NW 251 (1979)*).

### Criteria of Reasonableness

It is the opinion of this office that the assessments are, in fact, reasonable. The assessments have been calculated in accordance with the Madison General Ordinances Section 4.09 for assessing costs for street improvements. The cost of the improvements have been assessed to the various parcels based on lot size and zoning.

### The Properties Against which the Assessments are proposed are Benefited as follows:

This improvement consists of the installation of street lights, which will promote and enhance the general welfare and safety of people and property in this neighborhood.

**DECLARATION OF CONDITIONS AND COVENANTS**  
FOR THE DEVELOPMENT/PLAT OF  
**Linden Park**  
City of Madison, Dane County, Wisconsin


WHEREAS, MB Investments of Wisconsin, LLC, a Wisconsin Limited Liability Company, owner of the Development/Plat known as Linden Park, recorded in Volume \_\_\_\_\_ of Plats on page(s) \_\_\_\_\_, in the Dane County Register of Deeds Office, will be benefited through the installation by the City of Madison of street trees and street lighting within the public right-of-way for all lots included in said plat.

NOW THEREFORE, the undersigned owner, hereby declares and provides that all lots in said plat in the City of Madison are subject to conditions and covenants as follows:

1. That the owner concurs with the City of Madison's policy to promote and enhance the beauty and general welfare of the City through the planting and maintenance of street trees or shrubs and installation and maintenance of street lights, within the public right-of-way, adjacent to the owner's property.
2. That the owner acknowledges that it is the City of Madison's policy to assess the full cost, including inspection and supervision, of the initial installation of street trees and street lights.
3. That the owner, his/her heirs, successors and assigns, waives notice and hearing to the assessment for street trees and street lights in accordance with Section 66.0703(7)(b), Wisconsin Statutes; Section 66.0701, Wisconsin Statutes; Paragraph (11), Section 10.10; and Paragraph (10), Section 10.39, Madison General Ordinances.

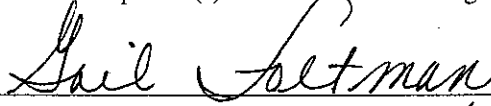
IN WITNESS WHEREOF, we have hereunto set our hands and seals this 15<sup>TH</sup> day of SEPTEMBER, 2005.

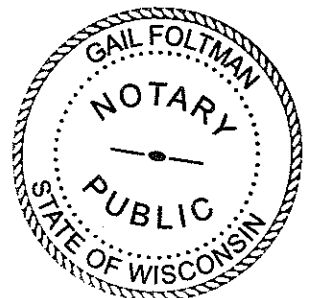
MB Investments of Wisconsin, LLC  
By: VH Land, LLC, Its Sole Member

  
\_\_\_\_\_  
Donald A. Esposito, Jr.  
Assistant Secretary

State of Wisconsin)  
County of Dane )ss

Personally came before me this 15<sup>TH</sup> day of SEPTEMBER, 2005.  
The above named Donald A. Esposito, Jr. to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

  
\_\_\_\_\_  
Notary Public, Dane County, Wisconsin  
My Commission Expires 2/25/07



Return to: City Traffic Engineering Division  
Suite 100, Madison Municipal Building  
215 Martin Luther King Jr. Blvd,  
PO Box 2986, Madison, WI 53701-2986

**EXHIBIT A  
Linden Park**

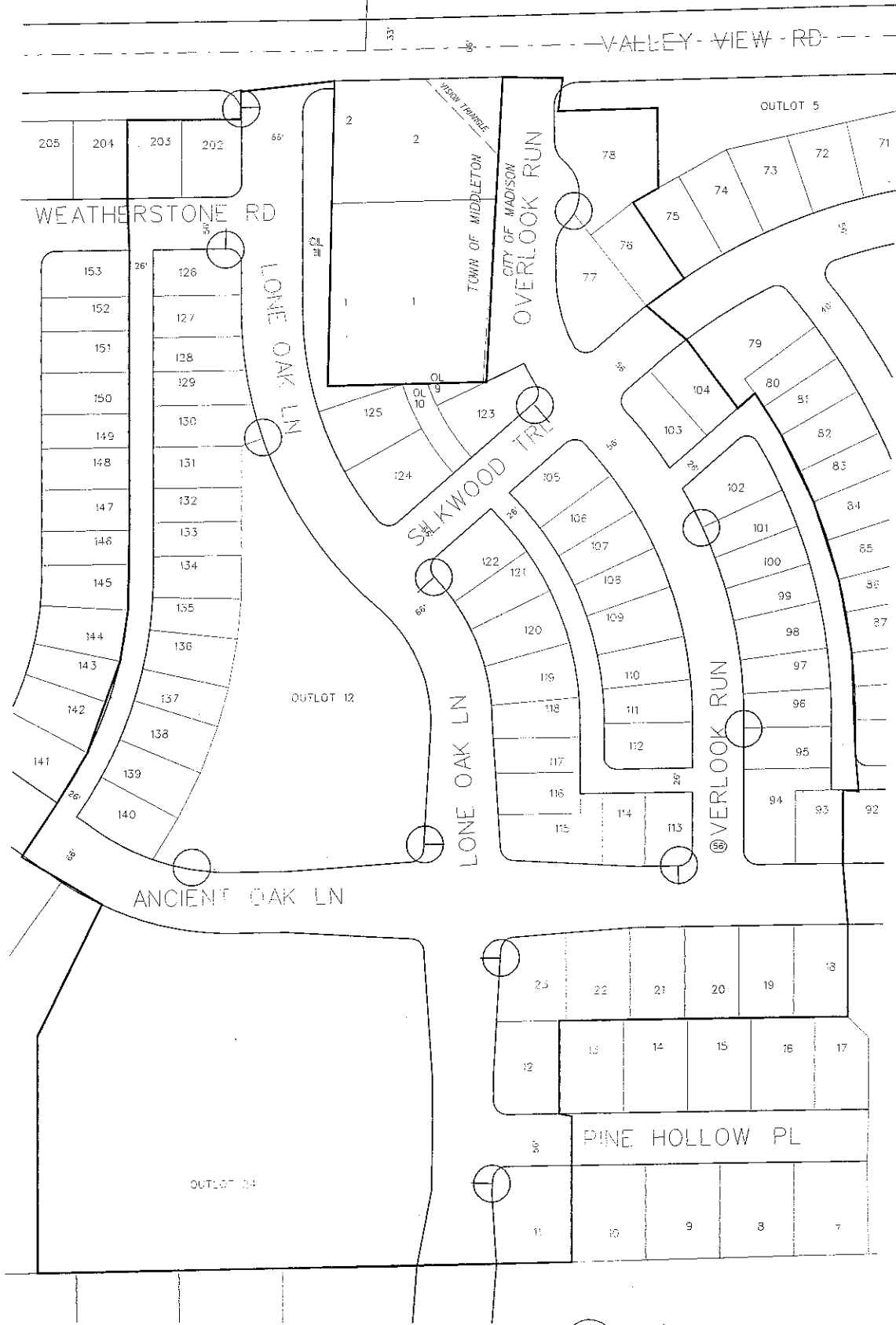
**SCHEDULE OF ASSESSMENTS**

<u>Parcel Number</u>	<u>OwnersNames</u>	<u>Owner Address</u>	<u>City State Zip</u>	<u>Lot</u>	<u>Unit Parcel</u>	<u>Factor</u>	<u>Factored Parcels</u>	<u>Cost per Unit Parcel</u>	<u>Assessment</u>
0708-342-0113-2	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	11	1	1	1	316.35	316.35
0708-342-0124-9	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	12	1	1	1	316.35	316.35
0708-342-0130-6	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	18	1	1	1	316.35	316.35
0708-342-0129-9	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	19	1	1	1	316.35	316.35
0708-342-0128-1	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	20	1	1	1	316.35	316.35
0708-342-0127-3	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	21	1	1	1	316.35	316.35
0708-342-0126-5	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	22	1	1	1	316.35	316.35
0708-342-0125-7	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	23	1	1	1	316.35	316.35
0708-342-0715-6	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	76	1	1	1	316.35	316.35
0708-342-0716-4	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	77	1	1	1	316.35	316.35
0708-342-0717-2	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	78	1	1	1	316.35	316.35
0708-342-1003-4	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	93	1	1	1	316.35	316.35
0708-342-1004-2	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	94	1	1	1	316.35	316.35
0708-342-1005-0	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	95	1	1	1	316.35	316.35
0708-342-1006-8	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	96	1	1	1	316.35	316.35
0708-342-1007-6	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	97	1	1	1	316.35	316.35
0708-342-1008-4	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	98	1	1	1	316.35	316.35
0708-342-1009-2	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	99	1	1	1	316.35	316.35
0708-342-1010-9	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	100	1	1	1	316.35	316.35
0708-342-1011-7	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	101	1	1	1	316.35	316.35
0708-342-1012-5	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	102	1	1	1	316.35	316.35
0708-342-0901-1	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	103	1	1	1	316.35	316.35
0708-342-0902-9	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	104	1	1	1	316.35	316.35
0708-342-1101-6	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	105	1	1	1	316.35	316.35
0708-342-1102-4	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	106	1	1	1	316.35	316.35
0708-342-1103-2	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	107	1	1	1	316.35	316.35
0708-342-1104-0	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	108	1	1	1	316.35	316.35
0708-342-1105-8	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	109	1	1	1	316.35	316.35
0708-342-1106-6	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	110	1	1	1	316.35	316.35
0708-342-1107-4	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	111	1	1	1	316.35	316.35
0708-342-1108-2	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	112	1	1	1	316.35	316.35
0708-342-1201-4	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	113	1	1	1	316.35	316.35
0708-342-1202-2	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	114	1	1	1	316.35	316.35
0708-342-1203-0	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	115	1	1	1	316.35	316.35
0708-342-1204-8	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	116	1	1	1	316.35	316.35
0708-342-1205-6	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	117	1	1	1	316.35	316.35

0708-342-1206-4	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	118	1	1	316.35
0708-342-1207-2	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	119	1	1	316.35
0708-342-1208-0	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	120	1	1	316.35
0708-342-1209-8	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	121	1	1	316.35
0708-342-1210-5	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	122	1	1	316.35
0708-342-1301-2	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	123	1	1	316.35
0708-342-1304-6	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	124	1	1	316.35
0708-342-1305-4	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	125	1	1	316.35
0708-331-0801-6	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	126	1	1	316.35
0708-331-0802-4	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	127	1	1	316.35
0708-331-0803-2	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	128	1	1	316.35
0708-331-0804-0	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	129	1	1	316.35
0708-331-0805-8	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	130	1	1	316.35
0708-331-0806-6	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	131	1	1	316.35
0708-331-0807-4	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	132	1	1	316.35
0708-331-0808-2	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	133	1	1	316.35
0708-331-0809-0	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	134	1	1	316.35
0708-331-0810-7	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	135	1	1	316.35
0708-331-0811-5	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	136	1	1	316.35
0708-331-0812-3	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	137	1	1	316.35
0708-331-0813-1	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	138	1	1	316.35
0708-331-0814-9	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	139	1	1	316.35
0708-331-0815-7	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	140	1	1	316.35
0708-331-1601-9	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	202	1	1	316.35
0708-331-1602-7	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI	53713-0000	203	1	1	316.35
								19,297.35

# EXHIBIT "B"

## LINDEN PARK PHASE 1



25' MOUNTING HEIGHT CONCRETE STREET LIGHT POLE 