

Parks, Timothy

From: Michael J. Lawton [mlawton@boardmanclark.com]
Sent: Tuesday, August 13, 2013 2:07 PM
To: Parks, Timothy
Cc: 'Dan Birrenkott'; 'Mark Pynnonen'
Subject: Proposed WoodGer Final Plat Note

Tim, the language below is what Dan Birrenkott and I are proposing to resolve the issue of the note on the final plat for the stormwater drainageway on the WoodGer final plat. We believe that this protects the interest of both the Town and the City with respect to the drainageway, while allowing our client to continue his agricultural activities and underlying ownership of the land in question. This is consistent with what we understood the City engineering staff to be looking for. Please let us know if this will work and satisfy this condition, so we can obtain final approval of the plat. Thanks.

"Upon the order of the Burke Town Board (until such time as Outlots 1 and 2 are within the City of Madison), or upon the order of the City of Madison Common Council (at such time as Outlots 1 and 2 are within the City of Madison), the owner of said Outlots 1 and 2 at such time shall grant to the Town of Burke or to the City of Madison, as the case may be, a perpetual easement for stormwater drainage and management purposes along, and 35 feet on either side of, the centerline of the main drainageway which traverses said Outlots 1 and 2 from the northeast to the southwest as shown on the plat map, subject to any required consent at the time of such easement grant, if any, that is needed from the U.S. Fish and Wildlife Service, with respect to Outlot 1. The aforesaid easement shall be exclusive once granted by the owner of said Outlots to the Town or City, as the case may be, but the owner of said Outlots, and its successors in interest, shall be permitted to continue normal agricultural activities within such easement area or to use such easement area for stormwater drainage and management purposes, conservation, or landscaping uses, so long as such activities comply with all applicable laws, ordinances and regulations and do not interfere with the use of such easement for the stormwater drainage and management purposes of the Town or the City, as applicable. The Town of Burke or the City of Madison, as the case may be, shall have a right to enter the easement area at any time after the grant of the easement for purposes of inspecting, maintaining and improving the easement area for stormwater drainage and management purposes, if either of them so elect, in their sole discretion."

Mike Lawton



Michael J. Lawton
Attorney at Law
mlawton@boardmanclark.com
Direct: 608-286-7236
Phone: 608-257-9521
Fax: 608-283-1709

MADISON OFFICE
BOARDMAN & CLARK LLP
1 S PINCKNEY ST STE 410
P.O. BOX 927
MADISON, WI 53701-0927

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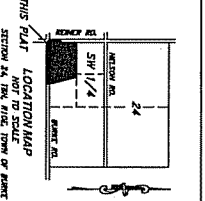
BIRKENHOTT SURVEYING INC.
 BIRKENHOTT SURVEYING INC.
 1877 N. BRISTOL ST.
 SUITE 100
 JACKSON, MISSISSIPPI 39204
 (601) 933-7433
 (601) 933-7433
 FAX (601) 933-7433
 www.birkenhott.com

Legend

- Found 1' Iron Pipe
- Found 1/2" x 20" Iron Bar
- At least 1/2" x 20" member with 1/4" x 1/4" iron plate at 1.13/1.14/1.15
- Wholes
- Existing buildings
- Archeological remains (Archeological remains)
- No whether access

Consent of Neighbors
 Farmers & Merchants State Bank, mortgagee of the land described herein, has read and approved the plat and consent to the same, and the recording of the same shall constitute a lien in favor of the mortgagee of the land described herein.

Consent of Owners
 The owners of the land described herein, to-wit: BIRKENHOTT SURVEYING INC., do hereby consent to the recording of the plat and the same, and the recording of the same shall constitute a lien in favor of the mortgagee of the land described herein.



Notes:

- The land shown on this plat is subject to all laws, ordinances, rules and regulations of the State of Mississippi and all laws, ordinances, rules and regulations of the County of Dade, Mississippi.
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WOOD GER DEVELOPMENT

Section 24, T4N, R10E, T4N OF R4E

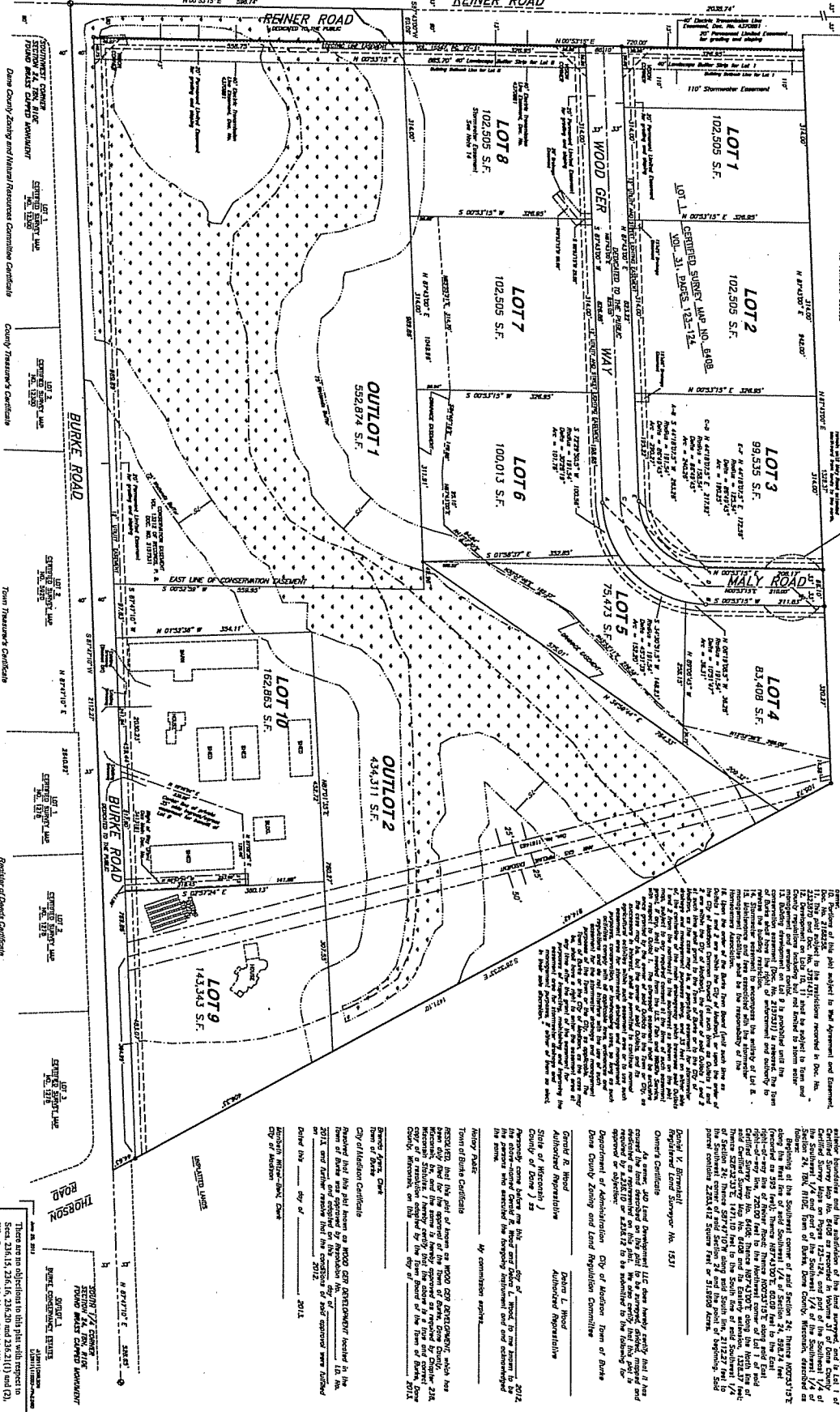
Section 25, T4N, R10E, T4N OF R4E

Note: Lands covered by this plat are within an area subject to height restrictions owing to the operation of aircraft and equipment from a nearby airport. Owners of lands within the area covered by this plat are required by law to restrict the height of trees, other vegetation and structures to less than the height restrictions set forth in that certain map filed April 24, 2008, entitled "Height Limitation Zoning Map, Dade County Regional Trust Field, Madison, Wisconsin," and may help on file in the Dade County Clerk's office.

Note: Lands covered by this plat are located within an area subject to height restrictions owing to the operation of aircraft and equipment from a nearby airport. Owners of lands within the area covered by this plat are required by law to restrict the height of trees, other vegetation and structures to less than the height restrictions set forth in that certain map filed April 24, 2008, entitled "Height Limitation Zoning Map, Dade County Regional Trust Field, Madison, Wisconsin," and may help on file in the Dade County Clerk's office.

Note: Lots in this plat which are within 300 feet of the ordinary high water mark of the intermittent water subject to the Dade County Shoreland-Wetland Zoning regulations.

When Center Line of a road is shown, it is to be construed as the center line of the road, and the width of the road is to be determined by the width of the road shown on the plat. The width of the road is to be determined by the width of the road shown on the plat. The width of the road is to be determined by the width of the road shown on the plat.



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Dade County Zoning and Land Regulation Committee
 The Dade County Zoning and Land Regulation Committee, created by Ordinance No. 1000-2007, is hereby approved by the Committee on July 25, 2012, and the recording of the plat and the same, and the recording of the same shall constitute a lien in favor of the mortgagee of the land described herein.

County Treasurer's Certificate
 I, Adam Stachurski, County Treasurer, do hereby certify that the taxes on the land described herein are paid to the satisfaction of the County Treasurer's Office as of the date of this certificate, to-wit: July 25, 2012.

County Engineer's Certificate
 I, Adam Stachurski, County Engineer, do hereby certify that the plat and the same, and the recording of the same shall constitute a lien in favor of the mortgagee of the land described herein.

County Assessor's Certificate
 I, Adam Stachurski, County Assessor, do hereby certify that the taxes on the land described herein are paid to the satisfaction of the County Assessor's Office as of the date of this certificate, to-wit: July 25, 2012.

Notary Public
 I, Adam Stachurski, Notary Public, do hereby certify that the plat and the same, and the recording of the same shall constitute a lien in favor of the mortgagee of the land described herein.

Registrar of Deeds Certificate
 I, Adam Stachurski, Registrar of Deeds, do hereby certify that the plat and the same, and the recording of the same shall constitute a lien in favor of the mortgagee of the land described herein.

Department of Administration
 I, Adam Stachurski, Department of Administration, do hereby certify that the plat and the same, and the recording of the same shall constitute a lien in favor of the mortgagee of the land described herein.

Department of Administration
 OFFICE MAP NO. 11003-P