

REPORT OF: City Traffic Engineer

Presented July 18, 2006

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

Referred

Linden Park Phases 3 & 4

Reported Back

Adopt

Rules Suspended

Re-Referred

Filed in the Office of the City Traffic Engineer
June 13, 2006

Placed on File

I.D. NUMBER

Filed in the City Clerks Office:

Date Council Action Required: July 18, 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 **\$ 16,408.20**
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: June 13, 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 Phases 3 & 4** 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 15TH day of SEPTEMBER, 2005.

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

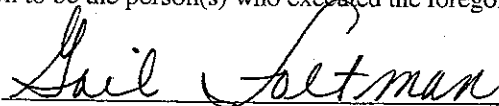


Donald A. Esposito, Jr.
Assistant Secretary

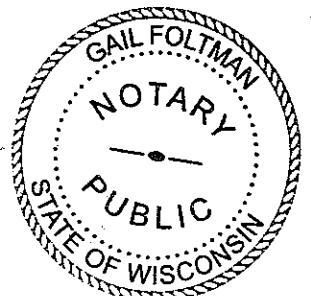
State of Wisconsin)
County of Dane)ss

Personally came before me this 15TH 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

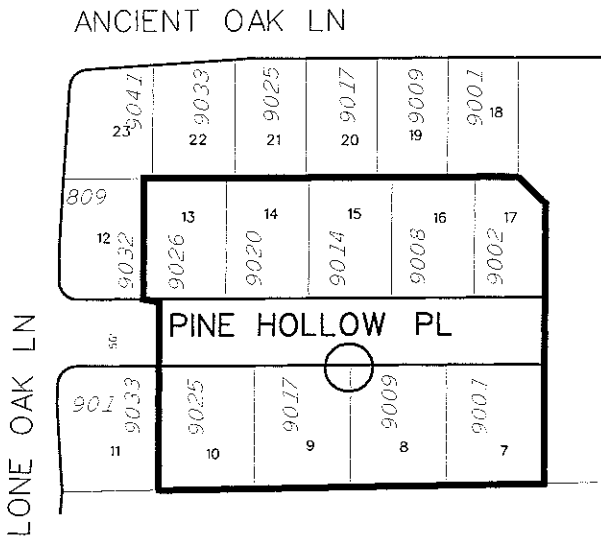
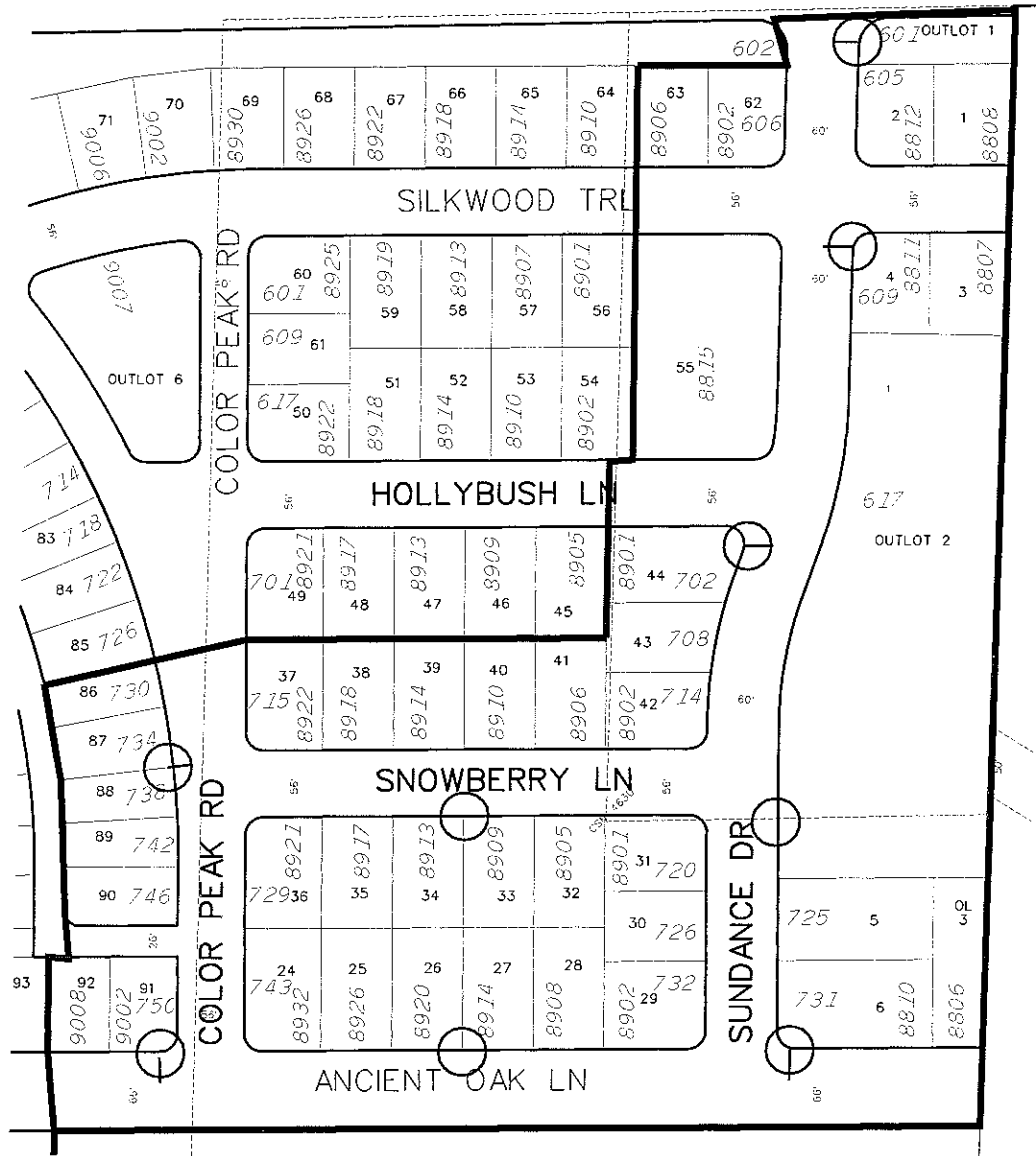
Linden Park Phases 3 & 4

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>
0708-342-0301-3	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	1	1	1	1	400.2	400.2
0708-342-0302-1	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	2	1	1	1	400.2	400.2
0708-342-0210-6	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	3	1	1	1	400.2	400.2
0708-342-0209-9	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	4	1	1	1	400.2	400.2
0708-342-0207-3	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	5	1	1	1	400.2	400.2
0708-342-0206-5	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	6	1	1	1	400.2	400.2
0708-342-0117-4	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	7	1	1	1	400.2	400.2
0708-342-0116-6	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	8	1	1	1	400.2	400.2
0708-342-0115-8	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	9	1	1	1	400.2	400.2
0708-342-0114-0	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	10	1	1	1	400.2	400.2
0708-342-0123-1	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	13	1	1	1	400.2	400.2
0708-342-0122-3	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	14	1	1	1	400.2	400.2
0708-342-0121-5	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	15	1	1	1	400.2	400.2
0708-342-0120-7	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	16	1	1	1	400.2	400.2
0708-342-0119-0	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	17	1	1	1	400.2	400.2
0708-342-0401-1	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	24	1	1	1	400.2	400.2
0708-342-0402-9	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	25	1	1	1	400.2	400.2
0708-342-0403-7	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	26	1	1	1	400.2	400.2
0708-342-0404-5	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	27	1	1	1	400.2	400.2
0708-342-0405-3	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	28	1	1	1	400.2	400.2
0708-342-0406-1	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	29	1	1	1	400.2	400.2
0708-342-0407-9	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	30	1	1	1	400.2	400.2
0708-342-0408-7	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	31	1	1	1	400.2	400.2
0708-342-0409-5	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	32	1	1	1	400.2	400.2
0708-342-0410-2	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	33	1	1	1	400.2	400.2
0708-342-0411-0	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	34	1	1	1	400.2	400.2
0708-342-0412-8	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	35	1	1	1	400.2	400.2
0708-342-0413-6	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	36	1	1	1	400.2	400.2
0708-342-0501-9	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	37	1	1	1	400.2	400.2
0708-342-0502-7	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	38	1	1	1	400.2	400.2
0708-342-0503-5	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	39	1	1	1	400.2	400.2
0708-342-0504-3	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	40	1	1	1	400.2	400.2
0708-342-0505-1	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	41	1	1	1	400.2	400.2
0708-342-0506-9	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	42	1	1	1	400.2	400.2
0708-342-0507-7	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	43	1	1	1	400.2	400.2
0708-342-0508-5	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	44	1	1	1	400.2	400.2
0708-342-0606-7	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	55	2	1	1	400.2	400.2
0708-342-0701-5	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	62	1	1	1	400.2	800.4
0708-342-0702-3	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	63	1	1	1	400.2	400.2
0708-342-0205-7	MB INVESTMENTS OF WI LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	OL 3.	1	1	1	400.2	400.2

EXHIBIT "B"

LINDEN PARK PHASE 3 & 4 (no ph 2)



25' MOUNTING HEIGHT CONCRETE STREET LIGHT POLE