

average of 8 units per net acre of development. Residential development shall be limited to single family detached dwellings and two-family dwellings. The height of residential structures shall be limited to 35 feet.

E. Cooperation Concerning Quarries and Non-Metallic Mines. The Town and the City will reasonably cooperate to find mutually acceptable solutions to issues concerning the operation of quarries and non-metallic mines located on parcels that are adjacent to the City.

SECTION 12
DESIGN AND CONSTRUCTION OF, AND SPECIAL ASSESSMENT FOR, PUBLIC
STREETS, SIDEWALKS AND OTHER PUBLIC IMPROVEMENTS, AND
PLACEMENT OF PUBLIC UTILITIES IN STREET RIGHT-OF-WAY IN TOWN
TERRITORY PRIOR TO ATTACHMENT TO CITY

A. The City shall use public highway rights-of-way to extend municipal services wherever reasonably possible. The Town shall permit use of Town roads for such purpose, subject only to the City's obligations to maintain access for emergency vehicles and owners and occupants of property in the Town and to restore the road upon completion of construction. Where the City cannot use public highways for extensions of services, the Town acknowledges the City's right to obtain easements from private property owners subject to compensation as required by state law.

B. The City may levy special assessments against a parcel of property in the Town for public improvements that specially benefit the parcel. The Town hereby approves such future levies, under Sec. 66.0707, Wis. Stats. In the event that this blanket pre-approval provision is either not approved by the State Department of Administration or invalidated by a court of competent jurisdiction, the Town further agrees to the extent it may lawfully do so that it shall timely approve each such special assessment levy by separate resolution pursuant to said statute. The following provisions shall apply to all such City special assessments levied against Town parcels:

- (1) The owner or other interested party may challenge such special assessments as an owner of property in the City would have the right to do.
- (2) Payment of such special assessments shall be deferred and interest shall not accrue thereon until the parcel is attached to the City.
- (3) Notwithstanding paragraph (2) above, the amount of each such special assessment shall be adjusted from the date of levy to the date of attachment based on the Engineering News Record Construction Cost Index, or such equivalent index as may be available at the time.
- (4) Each such special assessment shall be payable in eight (8) annual installments with interest, from the date of attachment.

(5) Prior to attachment there shall be only one special assessment of each benefiting public improvement component (e.g. road pavement, curb and gutter, public sidewalk, street lights, street trees, traffic signals and other intersection improvement components, public drainage improvements, sanitary sewer mains, sewer interceptors, public water mains, etc.), except for driveway, curb and gutter and public sidewalk repairs which may be billable to the abutting benefited property as special charges for current services rendered pursuant to Sec. 66.0627, Wis. Stats., and corresponding City ordinances and policies generally applicable to all property in the City. In accordance with Sec. 66.0707, Wis. Stats., the Town hereby pre-approves the levy of such future special charges by the City. In the event that this blanket pre-approval provision is either not approved by the State Department of Administration or invalidated by a court of competent jurisdiction, the Town further agrees that, to the extent that it may lawfully do so, it shall timely approve each such special charges levy by separate resolution pursuant to said statute. Any assessment, subsequent to attachment to the City, for another improvement of the same component shall be made only if consistent with the City's special assessment policy generally applicable to all property in the City. The first payment for such subsequent assessments shall be deferred with interest to a date not less than 10 years after attachment and the assessments shall be payable in eight (8) annual installments.

(6) The City may improve the following streets and levy special assessments against benefiting abutting properties in the Town for curb, gutter, a four (4) foot width of pavement and public sidewalk (if public sidewalk is reasonably necessary for public safety or convenience), in a manner consistent with the City's special assessment policy generally applicable to property in the City, including City Resolution No. 54841, adopted June 19, 2001: Siggelkow Road; Mill Pond Road and Savannah Road; Femrite Drive; Buckeye Road/County Trunk Highway AB/Brandt Road; Cottage Grove Road/County Trunk Highway BB; Sprecher Road (relocated) between Buckeye Road and Cottage Grove Road; Sprecher Road north of Cottage Grove Road, a portion of which will be relocated; Milwaukee Street; Rethke Avenue; Commercial Avenue Service Road (south of State Highway 30), Marsh Road; and Raywood Road. The City agrees that any improvements assessed under this provision will be materially the same for the Town portion of the street and the City portion of the street. For example, if sidewalks will be assessed, sidewalks will be installed on both the City and Town portions of the street. The payment of such special assessments for public street improvements in this subd. (6) shall not be deferred under subd. (2) above until the benefited parcel is attached to the City. Each special assessment may be payable by eight (8) annual installments with interest, or, if required to meet the financial needs of the owner(s) of benefited parcels as determined by the City's Board of Public Works, by no more than fifteen (15) annual installments with interest.

C. Notwithstanding subsection B. above, any owner of property in the Town that is not in a Protected Area shall be entitled upon request to receive City sewer and/or water services prior to attaching the property to the City, provided such services are reasonably available, the property is in the Urban Service Area, and the owner agrees to pay for extension of the services to the property over a five year period with interest and agrees to attachment of the property at the end of the five year period. Costs for extension shall be determined on the same basis as

costs generally applicable for extensions to similarly situated property within the City, including the collection of applicable connection or area charges (such as MMSD) and impact fees. The City may require immediate adoption of Intermediate Attachment Ordinances for Town parcels whose owners request City public water or sewer utility service, with a delayed effective date of up to five years, subject to other procedural requirements of subsection 10.A. of this Plan. An owner's entitlement to receive sewer and/or water services under this paragraph applies only to: existing uses on existing parcels as of February 18, 2005; new or expanded uses on existing parcels after February 18, 2005, provided the new or expanded uses do not constitute development as defined in this Plan; and new houses and accessory structures built on parcels created under paragraph 11.B.(3).

D. Millpond Road. The City shall perform the following maintenance and improvement responsibilities for Millpond Road:

(1) The City shall have the maintenance responsibility within the Millpond Road right-of-way from City limits west of the intersection with Savannah Road, west to the City limits at Evan Acres Road. Such maintenance responsibility shall include maintenance of pavement and drainage ditches, snowplowing, regulation of street and driveway access control for private properties in the City, and regulation of utilities. The Town shall retain street and driveway access control for private properties in the Town, and for traffic signing and marking as long as this road segment remains in the Town.

(2) At such future time, as determined by the City, that Millpond Road is reconstructed to urban standards, the Town and City agree to jointly share the cost of the improvements, which shall be divided between the Town and the City based upon the frontage of abutting properties in each jurisdiction. The prorated local share may be financed, in whole or in part, as a special assessment, or from the general revenues of each municipality, as determined in the sole discretion of each municipality. If assessed, the Town shall adopt a resolution levying the assessments in accordance with Wis. Stat § 66.0703.

SECTION 13 STORM WATER MANAGEMENT AND CONTROL

This Plan does not alter any rights the Town and the City have to continue to discharge public stormwater into the public stormwater system of the other Party; nor does this Plan require either Party to upgrade its respective public stormwater system. Except as otherwise agreed, the Town and the City shall be responsible for maintaining the public stormwater system located in their respective jurisdictions in compliance with applicable regulations. Owners of property in the Town requesting direct connection to the City's stormwater system shall be allowed to connect thereto, subject to becoming a customer of the Madison Stormwater Utility. Owners of property in the Town that have connected to the City's stormwater system without City permission shall either become a customer of the Madison Stormwater Utility or shall remove their connection. The City shall be responsible for notifying the owners of the property that are connected without City permission of this provision and for enforcing this provision. The