

Attorney Christopher J. Dodge
Ph.: (608) 327-4202
Email: cdodge@fuhrmandodge.com

January 31, 2013

VIA HAND DELIVERY

Maribeth Witzel-Behl, City Clerk
City of Madison
City-County Building, Room 103
210 Martin Luther King, Jr. Boulevard
Madison, WI 53703

RE: Protest Petition

Dear Ms. Witzel-Behl:

We represent Whitcomb Village Association. Enclosed you will find verified petitions protesting the proposal to amend the zoning of the property located at 4908 Hammersley Road, Madison, Wisconsin, from the R1 District to a C2 District. The enclosed petitions are being filed pursuant to Wisconsin Statutes Section 62.23(7)(d)(2m) and Madison General Ordinance Section 28.12(10)(g)(2). The Petitions include:

1. An Owners' Petition signed by the Owners of Units and the board and officers of the Whitcomb Village Association;
2. A Registered Electors Petition signed by the residents of units of Whitcomb Village Association; and
3. An Owner's Petition signed by the Owner of 4912 Hammersley Road.

I am also enclosing a copy of my letter to Bill Fruhling and Matt Tucker discussing the specific concerns of my clients.

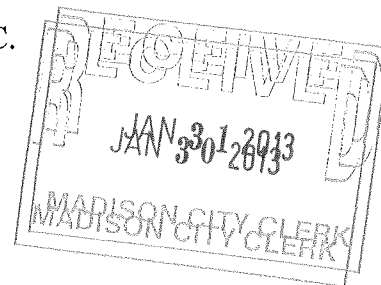
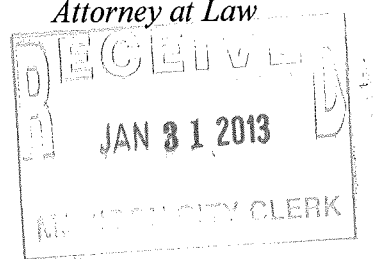
Thank you.

Very Truly Yours,


FUHRMAN & DODGE, S.C.

Christopher J. Dodge
Attorney at Law

CJD/mjp
Enclosure
cc: Whitcomb Village Association
ATTN: John Caputo



Protest Against Zoning Change

[NOTE: This form to be used by owners of land immediately adjacent extending 100 feet from the area to be rezoned.]

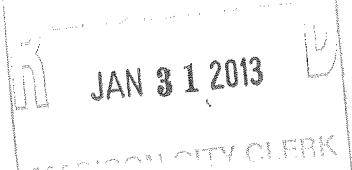
TO THE HONORABLE MAYOR AND COMMON COUNCIL OF THE CITY OF MADISON

The undersigned hereby make and file formal protest under the provisions of Section 28.182(5)(c) of the Madison General Ordinances of the City of Madison, and Section 62.23(7)(d)2.m. of the Wisconsin Statutes, against the proposed rezoning of the following described property:

4908 Hammersley Road Madison, WI 53711

which is currently zoned as a R1 District and is proposed to be zoned as a C2 District. In support of said protest, we represent and show the Honorable Mayor and Common Council of the City of Madison as follows: That we are the owners of land immediately adjacent extending 100 feet from the area to be rezoned.

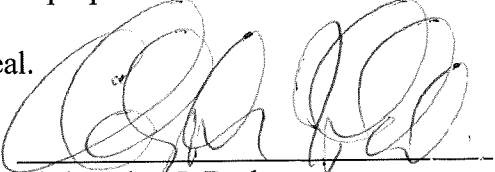
NAME (PRINT OR TYPE)	SIGNATURE	DATE SIGNED (PRINT OR TYPE)	ADDRESS(ES) OF LAND OWNED (PRINT OR TYPE)
JOHN A CAPUTO	<i>John Caputo</i>	1-30-13	40 WHITCOMB CIRCLE
Cristina Caputo CRISTINA CAPUTO	<i>Cristina Caputo</i>	1-30-13	40 WHITCOMB Cir
David A. Holdseth	<i>David A. Holdseth</i>	1-30-13	38 Whitcomb Circle
LARRY KLEINHEINZ	<i>Larry R. Kleinheinz</i>	01/30/13	30 WHITCOMB CIRCLE
Margaret Swatten	<i>Margaret Swatten</i>	1-30-13	28 Whitcomb Circle
Lisa Haas	<i>Lisa Haas</i>	1-30-13	34 Whitcomb Circle
Mary Karen Vasquez	<i>Mary K Vasquez</i>	1-30-13	24 Whitcomb Circle
Abigail Vasquez	<i>Abigail Vasquez</i>	1-30-13	14 Whitcomb Cir.
J. HERRERA	<i>J. Herrera</i>	1-30-13	1225 Van Meter St ←


 JAN 31 2013
 CITY CLERK

STATE OF WISCONSIN)
) SS
COUNTY OF DANE)

On this 30th day of January 2013, before me, Christopher J. Dodge (name of officer), the undersigned officer, personally appeared John A. Caputo (name of acknowledged) known to be (or satisfactorily proven) to be the person whose name is subscribed to this (attached) petition opposed to rezoning and acknowledged that he / she executed the same for the purposes therein contained.

In witness where of I hereunto set my hand and official seal.

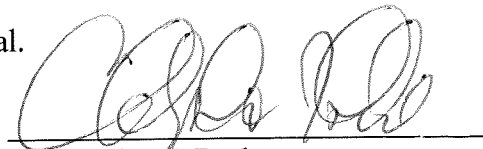


Christopher J. Dodge
Notary Public, State of Wisconsin
My commission is permanent

STATE OF WISCONSIN)
) SS
COUNTY OF DANE)

On this 30th day of January 2013, before me, Christopher J. Dodge (name of officer), the undersigned officer, personally appeared Cristina Caputo (name of acknowledged) known to be (or satisfactorily proven) to be the person whose name is subscribed to this (attached) petition opposed to rezoning and acknowledged that he / she executed the same for the purposes therein contained.

In witness where of I hereunto set my hand and official seal.



Christopher J. Dodge
Notary Public, State of Wisconsin
My commission is permanent

STATE OF WISCONSIN)
) SS
COUNTY OF DANE)

On this 30th day of January 2013, before me, Christopher J. Dodge (name of officer), the undersigned officer, personally appeared Larry Klodt (name of acknowledged) known to be (or satisfactorily proven) to be the person whose name is subscribed to this (attached) petition opposed to rezoning and acknowledged that he / she executed the same for the purposes therein contained.

In witness where of I hereunto set my hand and official seal.

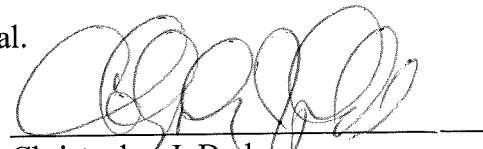
[Handwritten signature of Christopher J. Dodge]

Christopher J. Dodge
Notary Public, State of Wisconsin
My commission is permanent

STATE OF WISCONSIN)
) SS
COUNTY OF DANE)

On this 30th day of January 2013, before me, Christopher J. Dodge (name of officer), the undersigned officer, personally appeared Lisa Haas (name of acknowledged) known to be (or satisfactorily proven) to be the person whose name is subscribed to this (attached) petition opposed to rezoning and acknowledged that he / she executed the same for the purposes therein contained.

In witness where of I hereunto set my hand and official seal.



Christopher J. Dodge
Notary Public, State of Wisconsin
My commission is permanent

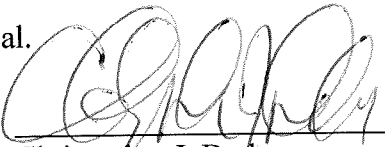
STATE OF WISCONSIN)

) SS

COUNTY OF DANE)

On this 30th day of January 2013, before me, Christopher J. Dodge (name of officer), the undersigned officer, personally appeared Mary K Vasquez (name of acknowledged) known to be (or satisfactorily proven) to be the person whose name is subscribed to this (attached) petition opposed to rezoning and acknowledged that he / she executed the same for the purposes therein contained.

In witness where of I hereunto set my hand and official seal.



Christopher J. Dodge
Notary Public, State of Wisconsin
My commission is permanent

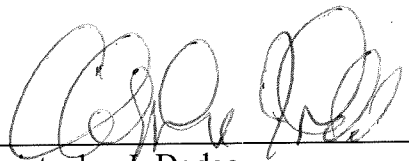
STATE OF WISCONSIN)

) SS

COUNTY OF DANE)

On this 30th day of January 2013, before me, Christopher J. Dodge (name of officer), the undersigned officer, personally appeared Mike Marcoe (name of acknowledged) known to be (or satisfactorily proven) to be the person whose name is subscribed to this (attached) petition opposed to rezoning and acknowledged that he / she executed the same for the purposes therein contained.

In witness where of I hereunto set my hand and official seal.



Christopher J. Dodge
Notary Public, State of Wisconsin
My commission is permanent

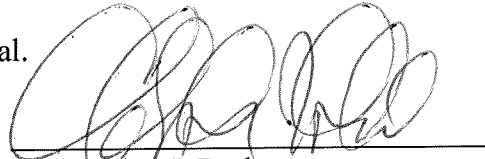
STATE OF WISCONSIN)

) SS

COUNTY OF DANE)

On this 30th day of January 2013, before me, Christopher J. Dodge (name of officer), the undersigned officer, personally appeared Mark Klinzing (name of acknowledged) known to be (or satisfactorily proven) to be the person whose name is subscribed to this (attached) petition opposed to rezoning and acknowledged that he / she executed the same for the purposes therein contained.

In witness where of I hereunto set my hand and official seal.



Christopher J. Dodge
Notary Public, State of Wisconsin
My commission is permanent

STATE OF WISCONSIN)
) SS
COUNTY OF DANE)

On this 30th day of January 2013, before me, Christopher J. Dodge (name of officer), the undersigned officer, personally appeared Kathleen M Beck (name of acknowledged) known to be (or satisfactorily proven) to be the person whose name is subscribed to this (attached) petition opposed to rezoning and acknowledged that he / she executed the same for the purposes therein contained.

In witness where of I hereunto set my hand and official seal



Christopher J. Dodge
Notary Public, State of Wisconsin
My commission is permanent

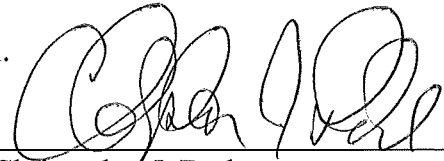
STATE OF WISCONSIN)

) SS

COUNTY OF DANE)

On this 30th day of January 2013, before me, Christopher J. Dodge (name of officer), the undersigned officer, personally appeared Ray Vasquez (name of acknowledger) known to be (or satisfactorily proven) to be the person whose name is subscribed to this (attached) petition opposed to rezoning and acknowledged that he / she executed the same for the purposes therein contained.

In witness where of I hereunto set my hand and official seal.

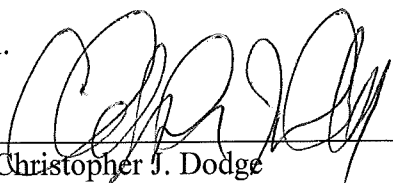


Christopher J. Dodge
Notary Public, State of Wisconsin
My commission is permanent

STATE OF WISCONSIN)
) SS
COUNTY OF DANE)

On this 30th day of January 2013, before me, Christopher J. Dodge (name of officer), the undersigned officer, personally appeared Ann Schwartz ^{as board member and officer} (name of acknowledger) known to be (or satisfactorily proven) to be the person whose name is subscribed to this (attached) petition opposed to rezoning and acknowledged that he / she executed the same for the purposes therein contained.

In witness where of I hereunto set my hand and official seal.



Christopher J. Dodge
Notary Public, State of Wisconsin
My commission is permanent

STATE OF WISCONSIN)

) SS

COUNTY OF DANE)

On this 30th day of January 2013, before me, Christopher J. Dodge (name of officer), the undersigned officer, personally appeared Polly Peterson ^{as board member and officer} (name of acknowledger) known to be (or satisfactorily proven) to be the person whose name is subscribed to this (attached) petition opposed to rezoning and acknowledged that he / she executed the same for the purposes therein contained.

In witness where of I hereunto set my hand and official seal.



Christopher J. Dodge
Notary Public, State of Wisconsin
My commission is permanent

STATE OF Florida)
) SS
COUNTY OF Sarasota

On this 28 day of January, 2013, before me,
^{Steven David Phillip}
Kenneth Burghy (name of officer) the undersigned officer, personally appeared
Ken Burghy (name of acknowledger) known to be (or satisfactorily proven) to be the person whose
name is / was subscribed to this (attached) petition opposed to rezoning and acknowledged that he / she
executed the same for the purposes therein contained.

In witness where of I hereunto set my hand and official seal.



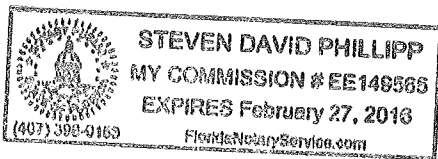
Steven David Phillip
Name of Officer
Notary Public, State of Florida
My commission EE149565 Feb 27, 2016

(SEAL)

STATE OF Florida
) SS
COUNTY OF Sarasota

On this 28th day of January, 2013, before me,
Steven Phillip (name of officer) the undersigned officer, personally appeared
Jeannette Burghy (name of acknowledger) known to be (or satisfactorily proven) to be the person
whose name is / was subscribed to this (attached) petition opposed to rezoning and acknowledged that
he / she executed the same for the purposes therein contained.

In witness where of I hereunto set my hand and official seal.



Steven David Phillip
Name of Officer
Notary Public, State of Florida
My commission EE149565 Feb 27, 2014

(S E A L)

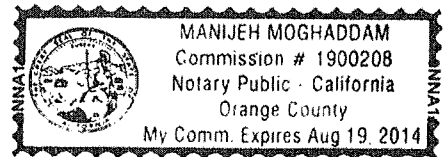
STATE OF California)

) SS

COUNTY OF Orange)

On this 29 day of January, 2013, before me,
Manijeh Moghaddam (name of officer) the undersigned officer, personally appeared
Jennifer Quale (name of acknowledger) known to be (or satisfactorily proven) to be the person whose
name (is) was subscribed to (this) (attached) petition opposed to rezoning and acknowledged that he (she)
executed the same for the purposes therein contained.

In witness where of I hereunto set my hand and official seal.



Manijeh Moghaddam
Name of Officer
Notary Public, State of California
My commission Expires Aug. 19, 2014

(S E A L)

electors

Protest Against Zoning Change


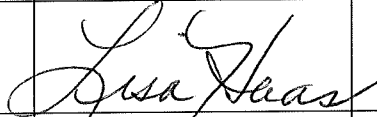
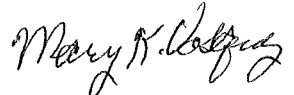
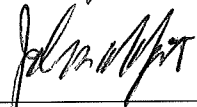
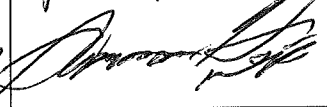

[NOTE: This form to be used by registered electors residing within a building, any part of which is on land immediately adjacent extending 100 feet from the area to be rezoned.]

TO THE HONORABLE MAYOR AND COMMON COUNCIL OF THE CITY OF MADISON

The undersigned hereby make and file formal protest under the provisions of Section 28.182(5)(c) of the Madison General Ordinances of the City of Madison, and Section 62.23(7)(d)2.m. of the Wisconsin Statutes, against the proposed rezoning of the following described property:

4908 Hammersley Road Madison, WI 53711

which is currently zoned as a R1 District and is proposed to be zoned as a C2 District. In support of said protest, we represent and show the Honorable Mayor and Common Council of the City of Madison as follows: That we are the owners of land immediately adjacent extending 100 feet from the area to be rezoned.

NAME (PRINT OR TYPE)	SIGNATURE	DATE SIGNED (PRINT OR TYPE)	ADDRESS(ES) OF LAND OWNED (PRINT OR TYPE)
Margaret Buehner		1-30-13	28 Whitcomb Circle
Lisa Haas		1-30-13	34 Whitcomb Circle
Mary K Vasquez		1-30-13	24 Whitcomb Circle
Abigail Vazquez	Abey.	1-30-13	14 Whitcomb Cr.
JOHN R. APITO		1-30-13	40 WHITCOMB CIR
SHERIDAN		1-30-13	12 WHITCOMB CR
LARRY KLEINHEINZ	Larry R. Kleinhinz	01/30/13	30 WHITCOMB CIRCLE
David A. Woldseth	David A. Woldseth	1-30-13	38 Whitcomb Cir.
CRISTINA CAPUTO		1-30-13	40 Whitcomb Cir

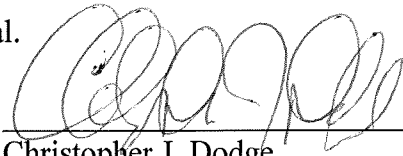
STATE OF WISCONSIN)

) SS

COUNTY OF DANE)

On this 30th day of January 2013, before me, Christopher J. Dodge (name of officer), the undersigned officer, personally appeared Lisa Haas (name of acknowledger) known to be (or satisfactorily proven) to be the person whose name is subscribed to this (attached) petition opposed to rezoning and acknowledged that he / she executed the same for the purposes therein contained.

In witness where of I hereunto set my hand and official seal.



Christopher J. Dodge
Notary Public, State of Wisconsin
My commission is permanent

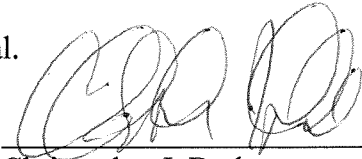
STATE OF WISCONSIN)

) SS

COUNTY OF DANE)

On this 30th day of January 2013, before me, Christopher J. Dodge (name of officer), the undersigned officer, personally appeared Mary K Vasquez (name of acknowledged) known to be (or satisfactorily proven) to be the person whose name is subscribed to this (attached) petition opposed to rezoning and acknowledged that he / she executed the same for the purposes therein contained.

In witness where of I hereunto set my hand and official seal.



Christopher J. Dodge
Notary Public, State of Wisconsin
My commission is permanent

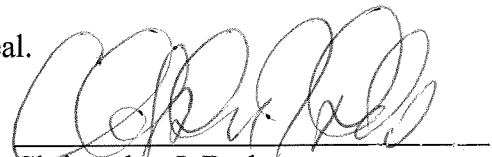
STATE OF WISCONSIN)

) SS

COUNTY OF DANE)

On this 30th day of January 2013, before me, Christopher J. Dodge (name of officer), the undersigned officer, personally appeared Sherman Beib (name of acknowledger) known to be (or satisfactorily proven) to be the person whose name is subscribed to this (attached) petition opposed to rezoning and acknowledged that he / she executed the same for the purposes therein contained.

In witness where of I hereunto set my hand and official seal.



Christopher J. Dodge
Notary Public, State of Wisconsin
My commission is permanent

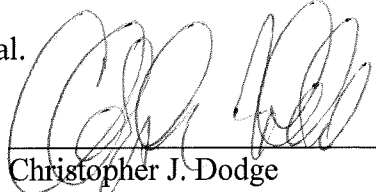
STATE OF WISCONSIN)

) SS

COUNTY OF DANE)

On this 30th day of January 2013, before me, Christopher J. Dodge (name of officer), the undersigned officer, personally appeared Donise Spahn (name of acknowledged) known to be (or satisfactorily proven) to be the person whose name is subscribed to this (attached) petition opposed to rezoning and acknowledged that he / she executed the same for the purposes therein contained.

In witness where of I hereunto set my hand and official seal.



Christopher J. Dodge
Notary Public, State of Wisconsin
My commission is permanent

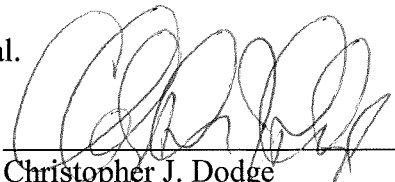
STATE OF WISCONSIN)

) SS

COUNTY OF DANE)

On this 30th day of January 2013, before me, Christopher J. Dodge (name of officer), the undersigned officer, personally appeared Mark Klazing (name of acknowledged) known to be (or satisfactorily proven) to be the person whose name is subscribed to this (attached) petition opposed to rezoning and acknowledged that he / she executed the same for the purposes therein contained.

In witness where of I hereunto set my hand and official seal.



Christopher J. Dodge
Notary Public, State of Wisconsin
My commission is permanent

STATE OF WISCONSIN)

) SS

COUNTY OF DANE)

On this 30th day of January 2013, before me, Christopher J. Dodge (name of officer), the undersigned officer, personally appeared Rae M Vaszcz (name of acknowledged) known to be (or satisfactorily proven) to be the person whose name is subscribed to this (attached) petition opposed to rezoning and acknowledged that he / she executed the same for the purposes therein contained.

In witness where of I hereunto set my hand and official seal.

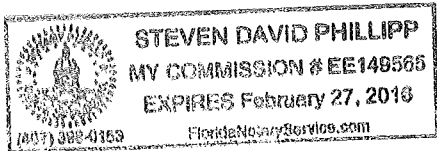


Christopher J. Dodge
Notary Public, State of Wisconsin
My commission is permanent

STATE OF Florida)
) SS
COUNTY OF Sarasota

On this 28 day of January, 2013, before me,
Steven David Phillip (name of officer) the undersigned officer, personally appeared
Ken Burghy (name of acknowledger) known to be (or satisfactorily proven) to be the person whose
name is / was subscribed to this (attached) petition opposed to rezoning and acknowledged that he / she
executed the same for the purposes therein contained.

In witness where of I hereunto set my hand and official seal.



Steven David Phillip
Name of Officer
Notary Public, State of Florida
My commission EE149565 Feb 27, 2016

(S E A L)

STATE OF Florida)
) SS
COUNTY OF Seaside)

On this 28 day of January, 2013, before me,
Steven Phillip (name of officer) the undersigned officer, personally appeared
Jeannette Burghy (name of acknowledger) known to be (or satisfactorily proven) to be the person
whose name is / was subscribed to this (attached) petition opposed to rezoning and acknowledged that
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In witness where of I hereunto set my hand and official seal.



St David Phillipp
Name of Officer
Notary Public, State of Florida
My commission EE149565 Feb 27, 2016

(SEAL)



Attorney Christopher J. Dodge
Ph.: (608) 327-4202
Email: cdodge@fuhrmandodge.com

January 31, 2013

VIA HAND DELIVERY

Mr. Bill Fruhling
Madison Municipal Bldg., Suite LL.100
215 Martin Luther King, Jr. Blvd.
PO Box 2985
Madison, WI 53701-2985

VIA HAND DELIVERY

Mr. Matt Tucker
Madison Municipal Bldg., Suite LL.100
215 Martin Luther King, Jr. Blvd.
PO Box 2985
Madison, WI 53701-2985

RE: Whitcomb Village Association/Pacific Cycle

Dear Mr. Fruhling and Mr. Tucker:

I hope you are well. I am writing with regard to our client, the Whitcomb Village Association ("Whitcomb"). Whitcomb is a condominium association located on Whitcomb Circle, off Hammersley Road in the City of Madison. Whitcomb's land is contiguous to the Pacific Cycle property. As you may know, Pacific Cycle is seeking to acquire and rezone a residential property located at 4908 Hammersely Road, from R1 Single Family to C2.

My client and the condominium unit owners have raised several concerns about the proposed rezoning and redevelopment of this residential property. Their concerns include the following:

1. While certainly, the City of Madison is free to regulate and restrict buildings for many reasons, including the promotion of health, safety, morals and the general welfare of the community, the Wisconsin Supreme Court has indicated that an individual parcel of land cannot be rezoned simply for its highest financial use. See *Buhler v. Racine County*, 33 Wis. 2d 137, 147 N.W.2d 403 (1976). It is our belief that the planned rezone for expansion of the Pacific Cycle would be simply for an increase in financial revenues, and provide no other benefit to the community. It will, however, severely impact the rights and interests of the neighbors.

2. Similarly, adoption of a rezone must be found to be in the public interest, and not solely in the interest of the applicant. See *Madison General Ordinance Section 28.12(10)(f)*. We are concerned that the intended rezone is intended exclusively for the financial gain of Pacific Cycle, and gives no consideration to its immediate neighbors.
3. To the best of my knowledge, until very recently, neither Whitcomb nor the Whitcomb unit owners have been directly notified of the plan to rezone. One of the condominium owners saw a notice by virtue of his involvement with the neighborhood association, and not because of ownership or interest in the Association. We are wondering why Pacific Cycle has made no effort to reach out to those who will be most impacted by their desired expansion.
4. The rezone must not be allowed without due recognition of the master plan of the City of Madison. See *Madison General Ordinance Section 28.12(10)(f)*. In this case, the City of Madison's long term plan assumes this parcel will remain residential in nature. The residential lot is surrounded on all sides, but one, by residential properties. An expansion of the commercial zoning deeper into this residential neighborhood would be detrimental to the neighbors and the City as a whole. Pacific Cycle's planned use is not compatible with the neighbors and the rezone is not compliant with the City's master plan.
5. As set forth in *Step Now Citizens Group v. Utica Planning and Zoning Committee*, 264 Wis. 2d 662, 663 N.W.2d 833 (Ct. App. 2003), the Plan Commission and Common Council are asked to inquire into whether or not the rezone application is consistent with the long range planning of the City, as well as considerations which affect the whole community, the nature and character of the parcel, the use of the surrounding land and the overall scheme or zoning plan. The City must also consider the interest of the public health, morals and safety, as well as the promotion of public welfare, convenience and general prosperity. With the exception of Pacific Cycle, the rezone is of no benefit to the surrounding properties, and in fact, will be extremely disruptive to my clients. The residents of Whitcomb are residential property owners, living in condominium units. The expansion of the existing two story structure in a space which is intended to remain occupied by a small home, will have a significant impact on their property values and enjoyment of their properties. Currently, several of the unit owners' view to the East is a view of the wall of a twenty foot commercial building. With this proposal, several of the unit owners will be facing a 20 foot wall on more than one exterior side of their units. For some this would replace or block their now peaceful, wooded, residential back yards.
6. Perhaps most importantly, the Association holds an easement across the current property line between the existing Pacific Cycle property and the property that they wish to rezone. The easement is for sanitary connection as well as for

pedestrian access to Hammersley Road. Despite Iconica's statement (attached hereto as Exhibit 1) that "easements are currently being negotiated and drafted for the relocation of sanitary, telecommunications and site access with the neighboring condominium association," there have been no such negotiations or drafting. Neither the association nor the unit owners were even contacted by the applicant. Following inquiries by one of the unit owners, Mr. Chris Horunig did respond with an email to one unit owner, but other than that, no effort has been made to discuss or address the concerns of Whitcomb or its owners. This easement is an important right to the Whitcomb owners, and one that cannot be extinguished in the context of a rezone application. A copy of the easement is attached hereto for your reference as Exhibit 2.

7. I have been in contact with Marilyn Barbian, who owns the property located at 4912 Hammersely Road, immediately to the West of the property that is proposed to be rezoned from R1 and C2. I do not represent Ms. Barbian, but she too has raised concerns about the proposed development, including her plan to retire in this house, and her concern about the impact Pacific's expansion will have on her property.
8. Under the proposed plan, there will be a very short distance from the property line to the newly proposed building, approximately 10 feet. This is an extreme concern to my clients for the reasons set forth above, and also because, presumably, the sanitary connection will need to be re-engineered to go around the intended new structure. Forgetting for a moment how this can be done from an engineering perspective, this is going to require the devotion of significant space for the relocation and future maintenance of the sanitary pipes. What impact will this development have on Whitcomb's landscaping, trees and shrubbery presently and in the future? Considering the height of the building, the proposed buffer between the residential properties and commercial of 10 feet is insufficient.

Despite the above, my client does not wish to stand rigidly in the way of positive development. In the past, Pacific Cycle has been a good neighbor and we wish them well. However, we do not wish them well at our expense.

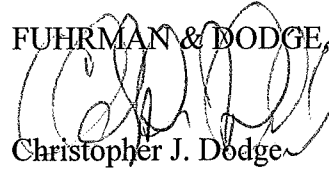
We have collected the enclosed Protest Petitions which are being filed with the City Clerk today. One Petition is on behalf of the owners (as well as the board and officers of the Association) of land immediately adjacent to the proposed development. The second is on behalf of the registered electors residing within a building located on land adjacent to the proposed rezoned property, and the third is an Owners' Petition signed by Marilyn Barbian, owner of the property at 4912 Hammersely Road. At a minimum, we respectfully ask that this rezone application be tabled to allow the parties time to meet, and hopefully reach an agreement that can address the concerns of my clients.

Mr. Bill Fruhling
Mr. Matt Tucker
January 31, 2013
Page 4

Thank you for your attention to this matter.

Very Truly Yours,

FUHRMAN & DODGE, S.C.

A handwritten signature in black ink, appearing to read "C. Dodge", is written over the printed name of Christopher J. Dodge.

Christopher J. Dodge

Attorney at Law

CJD/mjp

Enclosure

cc: Whitcomb Village Association
ATTN: John Caputo

Project Information



Pacific Cycle - Office Expansion 20120410

Background

The Pacific Cycle Headquarters serves the central point for new product development and sales of bicycle lines for companies around the world. Currently one of the largest developers of bicycles, the company is forecasting continued growth and need for additional space for new employees.

Building

The existing build has a foot print of 19,073 s.f. with parking for 93 stalls.

The proposed building expansion has been located to the southwest of the existing build to maximize the reuse of the existing space, while allowing the addition to create a new fresh look for the tired southern façade of the existing building. Existing grades will be utilized to minimize the affect of the building's adjacency to the existing residential units by recessing the structure into the ground. The height of the new structure will offer the flexibility of adding an interior second floor structure within the building volume in the event of additional future growth for Pacific.

The proposed Parking lot across Hammersley Rd will provide the needed parking for the added employees. A pedestrian cross walk will be provided to connect to the existing sidewalk along Hammersley Rd. Bike parking will be provided indoors for a min of 20 bikes.

Building materials will consist of low maintenance, durable, yet affordable materials including brick and EIFS. The massing will compliment the existing addition on the north side of the site and be flexible for the potential of adaptive reuse of the building should it be required in the future. The building will be of type II-B construction and will be sprinkled.

Site Access

Site access for the building will be through an existing curb cut off of Hammersley into the existing parking lot on the east side of the site. The existing second curb-cut will be infilled and a new second curb-cut is proposed on the west side of the site to provide appropriate truck delivery and fire truck access. Truck delivery is made nearly completely via smaller panel trucks owned by Pacific Cycle and coming from their off site warehouse.

Parking

Parking will be provided on the existing site, the proposed adjacent site and the site across Hammersley Rd. A total of 165 stall is proposed, including 5 HDCP stalls. Pacific Cycle graciously allows parking on site during non-business hours for people wishing to drive to the access point for the bike trail. A painted crosswalk will connect the new parking to the site.

Easements

Easements are currently being negotiated and drafted for the relocation of Sanitary, Telecommunications and Site Access for the neighboring condominium association.

EXHIBIT 1

EASEMENT AGREEMENT

THIS AGREEMENT, Made and entered into this 22nd day of November, 1972, by and between Television Wisconsin Incorporated, a Wisconsin corporation, herein called "Grantor", and Whitcomb Village Association, Inc., of Dane County, Wisconsin, herein called "Grantee",

WITNESSETH:

WHEREAS, Grantor owns that certain real estate located in Dane County, Wisconsin, hereinafter described in paragraph 1 hereof; and

WHEREAS, Grantee owns that certain real estate located in Dane County, Wisconsin, described as

Lot Six (6), Whitcomb Square, in the City of Madison

and

WHEREAS, Grantor desires to establish and convey to Grantee, its successors and assigns, an easement and right of way to provide pedestrian access to and from the land of Grantee to and from Hammersley Road, which abuts the real estate of Grantor;

NOW, THEREFORE, in consideration of the sum of One (\$1.00) Dollar and other good and valuable consideration, the receipt whereof is hereby acknowledged:

1. Grant of Easement. Grantor hereby grants to Grantee, its successors and assigns, an easement and right of way for pedestrian ingress and egress over and upon the following described real estate of Grantor:

Part of the Northwest Quarter of Section Thirty-two (32), Town Seven (7) North, Range 9 East, in the City of Madison, Dane County, Wisconsin, described as follows:

Beginning at the Southeast corner of Lot One (1), Plat of

EXHIBIT 2

FEB 22 1973

Orchard Ridge, in the City of Madison, in the Northwest Quarter of Section Thirty-two (32), Town 7 North, Range 9 East, Dane County, Wisconsin; thence North $23^{\circ}22'$ West, 153.8', along the Northeast line of said Lot One to the Northeast corner of said Lot One; thence North $0^{\circ}0'$ West, to the point of intersection with a line that is parallel to and 4' Northeast of and measured at right angles to the Northwest prolongation of the Northeast line of said Lot One (1); thence South $23^{\circ}22'$ East, along said line parallel to and 4' Northeast of and measured at right angles to the Northwest prolongation of the Northeast line of said Lot One (1) to the North line of Hammersley Road; thence North $89^{\circ}10'$ West along said North line to the point of beginning.

Subject to a reservation of right in Grantor, its successors and assigns to use said right-of-way.

2. Improvement of Right of Way; Sidewalk. Grantee shall at its own expense construct a permanent concrete or asphalt sidewalk not in excess of four feet in width thereon and shall at all times keep the same in good repair at its own expense.

3. Nature of Easement. The easement herein granted shall run with the land, is nonexclusive and is for the common use of the parties, their respective lessees, invitees, employees, agents representatives, successors and assigns. It is understood that an easement for sewer purposes in favor of the City of Madison, Wisconsin, exists in the premises over and upon which this easement is granted, and that said easement for sewer purposes was granted prior hereto. Grantor makes no warranties or representations hereby or herein with respect to the effect of said easement for sewer purposes upon this Agreement.

4. Grantee shall abide by all applicable zoning and construction ordinances and shall obtain all necessary permits at its own expense.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective authorized representatives on the date first above written.

FEB 22 1973

In the presence of:

Lois L. Messman

Lois L. Messman

TELEVISION WISCONSIN INCORPORATED

By Elizabeth B. Murphy
Title President

Attest George Stantis
Title Secretary
George Stantis

Signed in the presence of:

WHITCOMB VILLAGE ASSOCIATION, INC.

By Richard E. Welch
Title _____

Attest Keith Anderson
Title _____
Keith Anderson

STATE OF WISCONSIN)
(ss
COUNTY OF DOUGLAS)

Personally came before me this 17th day of August, 1972, the above named Elizabeth B. Murphy, President, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said Television Wisconsin Incorporated and acknowledged that she executed the foregoing instrument as such officer of the corporation.

Louise M. Notenberg
Notary Public, Douglas County, Wisconsin
My Commission: _____ Commission Expires May 20, 1973
Louise M. Notenberg

STATE OF WISCONSIN)
(ss
COUNTY OF DANE)

Personally came before me this 6th day of November, 1972,

the above named George Stantis, Secretary, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said Television Wisconsin Incorporated and acknowledged that he executed the foregoing instrument as such officer of the corporation.

Geraldine A. Rolan

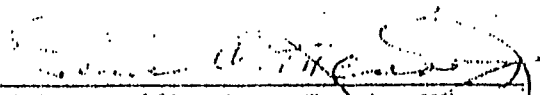
Notary Public, Dane County, Wisconsin My Commission: _____ My Commission expires October 6,

FEB 22 1973

STATE OF WISCONSIN)
(SS
COUNTY OF DANE)

Personally came before me this 23rd day of November
1972, the above named Richard E. Welch
and Feith Anderson, to me

known to be the persons who executed the foregoing instrument and to
me known to be such officers of said Whitcomb Village Association, Inc.
and acknowledged that they executed the foregoing instrument as such
officers of the corporation.


Notary Public, Dane County, Wisconsin
My Commission: Expires 10/14/73
John C. Heffernan, Jr.

Drafted by Dale R. Thompson, Attorney, Madison, Wisconsin.

FEB 22 1973