

June 12, 2009

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052560-0194Members of the Common Council
Members of the Plan Commission
City of Madison
210 Martin Luther King, Jr. Blvd.
Rooms 417 and LL 100
Madison, WI 53703

Re: Shadywood Neighborhood Development Plan

Dear Alderperson and Plan Commission Member:

I represent Ken Keryluk and Melissa Wie, owners of property generally located in the area designated as Phase C of the neighborhood plan. My clients joined with four other property owners of lands located in Phases B & C of the neighborhood plan to object in writing to the plan. In addition, these property owners met with plan department staff regarding their concerns. These concerns were also shared with Alderman Jed Sandborn, who agreed to sponsor a resolution approving Phase A of the neighborhood plan and deferring consideration of Phases B and C of the plan. The Plan Commission endorsed the resolution.

The fundamental reasons for objecting to the plan are:

1. The properties within Phases B and C are in the Town of Verona. The only property within the City of Madison is located in Phase A which constitutes approximately five percent (5%) of the total land area within the neighborhood plan.
2. To the knowledge of the property owners, no petition for annexation is pending with either the City of Madison or the City of Verona. Staff has indicated that a long-term boundary agreement does not exist with respect to the future of these property owners.
3. The property owners have no immediate plans to develop these lands. Staff projects that no development is likely to occur within this area for ten years due to a lack of available services.
4. Finally and perhaps most importantly, the owners of these properties are not developers. Some reside on the property, over one hundred acres of the land

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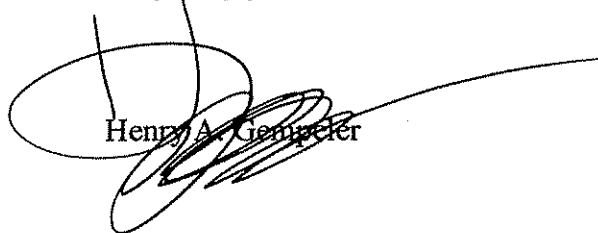
have been farmed by generations of a single family and in some cases, the property has been in family ownership for decades. By all accounts these owners have been good stewards of the land, and I would suggest best understand better the unique and valued quality of the land. These property owners will be present at your meetings to describe their individual circumstances and concerns.

These lands are currently within the comprehensive plan for the City of Madison. The proposal in front of you is for a neighborhood development plan, which as I understand, the hierarchy of planning sets forth in greater detail how the land will be used in the future. The Common Council and Plan Commission know full well that any future intended use of the land will be judged by its adherence to the neighborhood development plan. As such, if the City intends to impose a detailed neighborhood plan on these properties, it is not something that these owners can nor should ignore.

However, to participate in the planning, it will be necessary for these property owners to retain land use and engineering consultants to assist them in understanding and determining the future of their lands. If necessary, they are prepared to do so and simply ask for time so that they, as the property owners, will have a respected and valued voice in this plan process. As you might imagine, the proposed plan raises a number of questions they request the City answer, some of which are set forth in the enclosure. Accordingly, they request that the resolution, as proposed by Alderman Jed Sandborn and recommended by the Plan Commission, be adopted.

Finally, I note that the proposed neighborhood plan sets forth phased planning as approximately 100 acres of land immediately adjacent to CTH PD is designated "future planning area". In closing, the property owners can only ask why the City is attempting to force them into this planning effort and expense now when development by all admissions is unlikely to occur for ten years.

Very truly yours,



Henry A. Gempeler

cc Mayor Dave Cieslewicz
Brad Murphy
Michael Waidelech
City Attorney Mike May

OWNERS QUESTIONS

1. Will the open space and proposed Ice Age Trail be in the form of an easement we must grant to the Ice Age Trail or will it be owned by the Ice Age Trail?
 - How will value be determined and by whom?
 - Does the Ice Age Trail have adequate funds available to purchase the land/easement designated on the City's plan? If not, will it?
 - What happens if in the next ten years the Ice Age Trail does not have adequate funds to pay fair market value for the land? Or in 15 years or 20 years?
 - Who would buy our lands that are designated to be Ice Age Trail, but Ice Age Trail does not have funds to pay fair market value?
 - Is it fair to restrict any of this land as undevelopable forever and restrict use to a single buyer that may or may not have adequate funds to pay fair market value?
2. What restrictions, if any, will be placed on use of the land adjoining the trail?
3. What underlying rights of development of the land will owners have if not acquired? The neighborhood plan is silent.
4. The neighborhood plan proposes phased planning, in that approximately 100 acres of land immediately adjacent to CTH PD is designated as "future planning area". With the growth of the City of Verona to the north and the reclamation of the existing quarry, it is likely that this property may develop first. What is the planned development of this property?
5. Does City acknowledge that we will lose the quiet enjoyment of land currently occupied and/or used by our family?
6. What plans have been made to ensure our privacy will be protected when the proposed trail encroaches on property?
7. What is the overall plan for the property? In the May 18 meeting Andrew Bent, representing the Ice Age Trails, stated that the Ice Age Trail was the developer of our property. Please explain what discussions the City has had with representatives of the Ice Age Trail to empower it with our ownership rights?
8. Why has no one from the Ice Age Trail ever contacted any of the land owners to discuss the purchase of the land designated on the City's plan?
9. Can we be told with certainty what property rights will be affected and what rights we will lose now and in the future. We as land owners have agreed to work with the Ice Age Trail people and the planners and have suggested that the trail be placed along property

lines so as to balance the impact. Why haven't planners incorporated our suggestions into the plan?

10. Why is the planning for a 25 acre development in the northeast corner that is currently in the City of Madison (and been in the City process for more than 2 years) forcing a neighborhood plan of 640 acres of land that is not in the City of Madison and a plan that is proposed to be adopted in less than 6 months without input from the owners of those lands?