

**REPORT OF:** City Traffic Engineer

**Presented**    **September 5, 2006**

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

**Referred**

**Heather Glenn Replat Phase 2A**

**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:**    **September 5, 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 **\$ 4922.40**
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.

DATED: August 3, 2006

NOTE: Special assessment notices and  
hearings have been waived.  
(See attached signed waivers)

**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 **Heather Glenn Replat Phase 2A** 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.

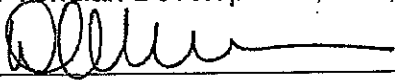
**DECLARATION OF CONDITIONS AND COVENANTS**  
**FOR THE DEVELOPMENT/PLAT OF**  
**Heather Glen**  
City of Madison, Dane County, Wisconsin

WHEREAS, MB Real Estate I, LLC, owner of the Development/Plat known as Heather Glen, 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.

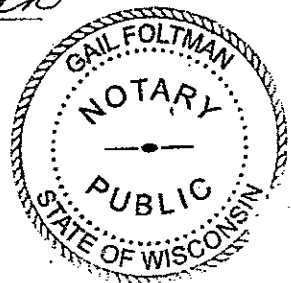
IN WITNESS WHEREOF, we have hereunto set our hands and seals this 11<sup>th</sup>  
day of January, 2005.

**MB REAL ESTATE I, LLC**  
By: Veridian Development, LLC, Its Sole Member  
  
\_\_\_\_\_  
Donald A. Esposito, Jr. Assistant Secretary

State of Wisconsin)  
County of Dane )ss

Personally came before me this 11<sup>th</sup> day of January, 2005.  
The above named Donald A. Esposito, Jr. Assistant Secretary of MB Real Estate I, LLC 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 February 25, 2007



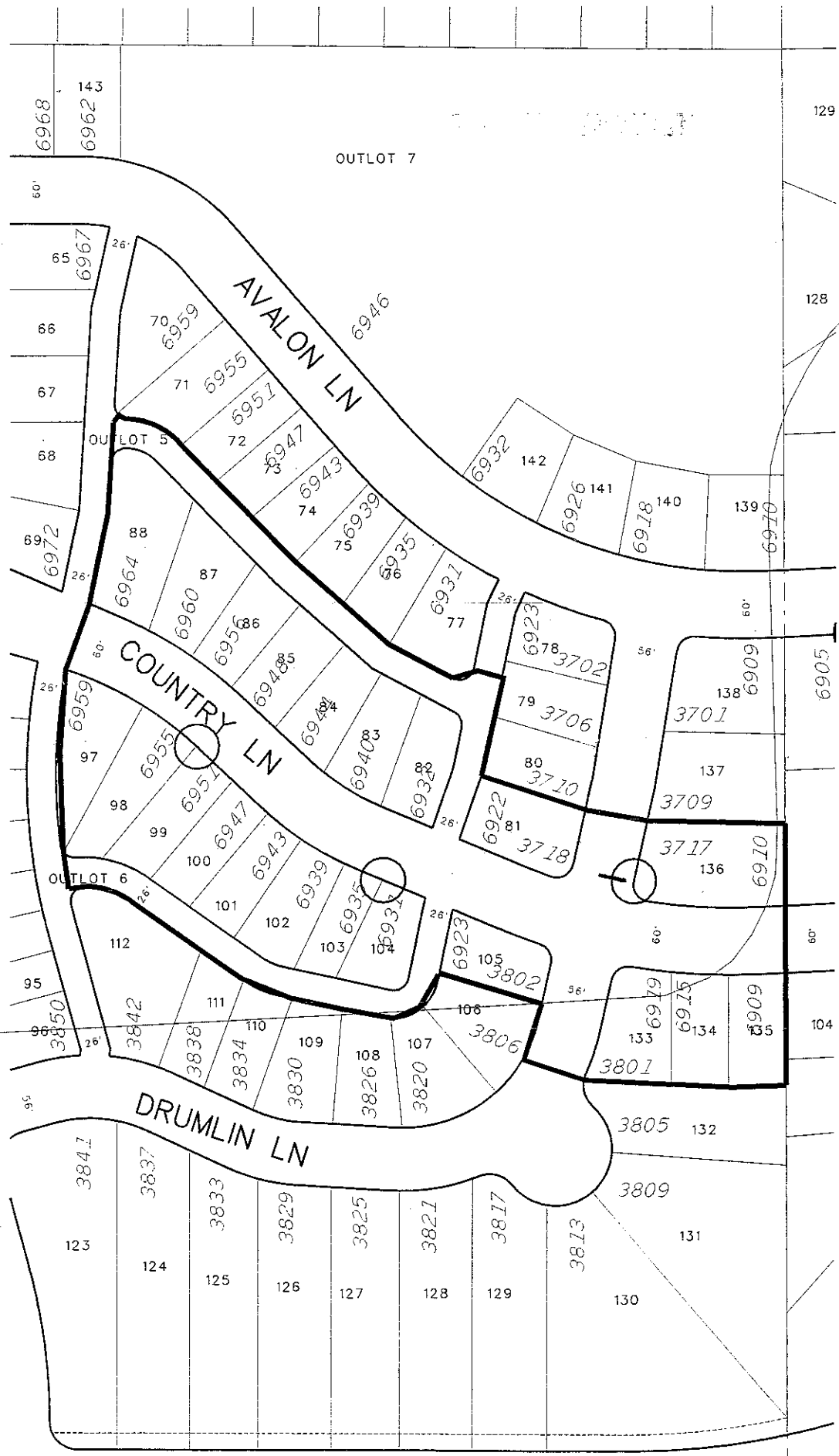
Return to: City Traffic Engineering Division  
Suite 100, Madison Municipal Building  
215 Martin Luther King Jr. Blvd,  
PO Box 2986, Madison, WI 53701-2986

**EXHIBIT A  
HEATHER GLEN REPLAT PHASE 2A  
SCHEDULE OF ASSESSMENTS**

Parcel Number	OwnersNames	Owner Address	Civ State Zip	Lot	Unit		Factored		Cost Per	
					Parcel	Factor	Parcels	Parcels	Unit Parcel	Assessment
0608-114-3404-6	MB REAL ESTATE I LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	LOT 81.	1	1	1	1	\$ 234.40	\$ 234.40
0608-114-3501-0	MB REAL ESTATE I LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	LOT 82.	1	1	1	1	\$ 234.40	\$ 234.40
0608-114-3502-8	MB REAL ESTATE I LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	LOT 83.	1	1	1	1	\$ 234.40	\$ 234.40
0608-114-3503-6	MB REAL ESTATE I LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	LOT 84.	1	1	1	1	\$ 234.40	\$ 234.40
0608-114-3504-4	MB REAL ESTATE I LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	LOT 85.	1	1	1	1	\$ 234.40	\$ 234.40
0608-114-3505-2	MB REAL ESTATE I LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	LOT 86.	1	1	1	1	\$ 234.40	\$ 234.40
0608-114-3506-0	MB REAL ESTATE I LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	LOT 87.	1	1	1	1	\$ 234.40	\$ 234.40
0608-114-3507-8	MB REAL ESTATE I LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	LOT 88.	1	1	1	1	\$ 234.40	\$ 234.40
0608-114-3601-8	MB REAL ESTATE I LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	LOT 97.	1	1	1	1	\$ 234.40	\$ 234.40
0608-114-3602-6	MB REAL ESTATE I LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	LOT 98.	1	1	1	1	\$ 234.40	\$ 234.40
0608-114-3603-4	MB REAL ESTATE I LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	LOT 99.	1	1	1	1	\$ 234.40	\$ 234.40
0608-114-3604-2	MB REAL ESTATE I LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	LOT 100.	1	1	1	1	\$ 234.40	\$ 234.40
0608-114-3605-0	MB REAL ESTATE I LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	LOT 101.	1	1	1	1	\$ 234.40	\$ 234.40
0608-114-3606-8	MB REAL ESTATE I LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	LOT 102.	1	1	1	1	\$ 234.40	\$ 234.40
0608-114-3607-6	MB REAL ESTATE I LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	LOT 103.	1	1	1	1	\$ 234.40	\$ 234.40
0608-114-3608-4	MB REAL ESTATE I LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	LOT 104.	1	1	1	1	\$ 234.40	\$ 234.40
0608-114-3701-6	MB REAL ESTATE I LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	LOT 105.	1	1	1	1	\$ 234.40	\$ 234.40
0608-114-2416-2	MB REAL ESTATE I LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	LOT 133.	1	1	1	1	\$ 234.40	\$ 234.40
0608-114-2417-0	MB REAL ESTATE I LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	LOT 134.	1	1	1	1	\$ 234.40	\$ 234.40
0608-114-2418-8	MB REAL ESTATE I LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	LOT 135.	1	1	1	1	\$ 234.40	\$ 234.40
0608-114-2501-1	MB REAL ESTATE I LLC	6801 SOUTH TOWNE DR	MADISON, WI 53713-0000	LOT 136.	1	1	1	1	\$ 234.40	\$ 234.40
									<b>\$4,922.40</b>	

EXHIBIT "B"

HEATHER GLENN PHASE 2A



25' MOUNTING HEIGHT CONCRETE STREET LIGHT POLE ----- ○