

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39th AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
OCTOBER 9, 2017**

AGENDA

1. Call to Order.
2. Roll Call.
3. Correspondence.
4. Citizen Comments.
5. New Business:
 - A. **PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT** to consider an amendment to Section 420-87 related to setbacks for residential decks, porches, steps and stairs.
 - B. Consider the request of Mark Madsen of Nielsen Madsen and Barber for approval of an **Affidavit of Correction to CSM 2771** to correct several typos in the boundary curve Table on Page 4 of said CSM.
6. Adjourn.

It is possible that a quorum of members of other governmental bodies of the municipality may be in attendance in the above stated meeting to gather information; no action will be taken by any other governmental body except the governing body noticed above.

The Village Hall is handicapped accessible. If you have other special needs, please contact the Village Clerk, 9915 39th Avenue, Pleasant Prairie, WI (262) 694-1400.

- A. **PUBLIC HEARING AND CONSIDERATION OF A ZONING TEXT AMENDMENT** to consider an amendment to Section 420-87 related to setbacks for residential decks, porches, steps and stairs.

Recommendation: Village staff recommends that the Plan Commission send a favorable recommendation to the Village Board to approve the Zoning Text Amendment as presented in the October 9, 2017 Staff Report.

VILLAGE STAFF REPORT OF OCTOBER 9, 2017

CONSIDERATION OF A ZONING TEXT AMENDMENT to consider an amendment to Section 420-87 related to setbacks for residential decks, porches, steps and stairs.

On September 18, 2017, the Village Board adopted Resolution #17-35 to initiate a petition for the re-evaluation of the current setback requirements for decks, porches, steps and stairs. These zoning requirements were evaluated and are proposed to be amended to set consistent setback regulations for each residential zoning district.

Specifically, Section 420-87 is being amended to require the following minimum setback requirements for decks, porches, steps and stairs:

1. In any agricultural district, C-2, conservancy district or R-1, R-2, R-3, R-4, R-4.5, R-6, R-8 or R-12 residential districts the following setbacks are required:

Street Setbacks:

- A minimum of 60 feet from arterial streets or highways and a minimum of 35 feet from nonarterial streets or private roads in any agricultural district and in the R-1 and R-2 or C-2 districts.
- A minimum of 60 feet from arterial streets or highways and a minimum of 25 feet from nonarterial streets or private roads in the R-3, R-4, R-4.5, R-5, R-6 and R-8 residential districts.
- A minimum of three feet from an adjacent manufactured/mobile home or an adjacent deck, porch, steps or stairs located within the R-12 District.

The street setback is being reduced by five feet from the current requirement. This will allow for homes constructed at the current building setback to add a front porch to their homes.

Side setback: three (3) feet minimum rather than the setback that varied from 3 to 42 feet depending on the zoning district.

Rear Setback: five (5) feet minimum rather than the setback that varied from 15-35 feet depending on the zoning district.

This five (5) foot rear setback is the same minimum setback allowed for detached accessory buildings that are between 150 and 600 square feet.

Wetland setback: 10 feet from any wetland on the property and three feet from wetlands on an adjacent property (this is not changing).

Shore setback: shall not be located on the water side of the ordinary high water mark of said navigable waterway and further provided that said structure does not block, redirect or impede the flow of water or drainage within the area. This requirement is not changing but is being clarified to indicate that the structure shall not be located within the 100-year floodplain.

2. In any R-7, R-9, R-10 or R-11 multi-family residential districts the street, side and rear setbacks as specified in the underlying zoning district is required. In addition the same wetland and shore setbacks as noted above are required.
3. The Zoning Ordinance amendment also clarifies that structures are not allowed within any easements.

Recommendation: Village staff recommends that the Plan Commission send a favorable recommendation to the Village Board to approve the Zoning Text as presented.

ORD. NO. 17-____

**ORDINANCE TO AMEND SECTION 420-87 OF THE VILLAGE ZONING ORDINANCE
RELATED TO THE SETBACKS FOR RESIDENTIAL DECKS, PORCHES, STEPS AND
STAIRS IN THE VILLAGE OF PLEASANT PRAIRIE,
KENOSHA COUNTY, WISCONSIN**

**THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PLEASANT PRAIRIE,
KENOSHA COUNTY, WISCONSIN, DO HEREBY ORDAIN THAT THE FOLLOWING
SECTION 420-87 OF THE VILLAGE ZONING ORDINANCE BE AMENDED TO READ AS
FOLLOWS:**

420-87 Residential ~~decks-and-porches~~ decks porches steps and stairs).

- A. Zoning permit required. No person shall construct, repair, replace, install, enlarge, or alter any deck or porch ~~or steps or stairs~~ unless a valid zoning permit for said structure has first been issued pursuant to this chapter and such permit has neither expired nor been suspended or revoked. If ~~a~~ work has commenced or is completed without proper permits, the Village may take the appropriate actions to prosecute the violation of this chapter. (See § 420-22 of this chapter for additional information related to a zoning permit for ~~a-deck-or-porch~~ said structure, including but not limited to preconditions, application requirements, incomplete applications, approval or denial of an application, issuance of a permit, binding nature of application, acceptance of permit conditions, time limits, assignment, inspections required, suspension, revocation or voiding a permit, circularity, plan changes, plans on file, invalid permits and disclaimer.)
- B. ~~Standards~~ Setback requirements for ~~decks-and-porches-(including-steps-or-stairs)~~ decks, porches, steps or stairs in any agricultural district, C-2, conservancy district or R-1, R-2, R-3, R-4, R-4.5, R-6, R-8 or R-12 residential districts.
- (1) ~~May encroach up to 10 feet into the rear yard of the underlying zoning district, provided that the deck or porch is not closer than three feet to the rear lot line.~~ Shall be setback a minimum of five feet from any rear property line, provided that the structure is not located within any easements
 - (2) ~~May encroach up to seven feet into the side yard of the underlying zoning district, provided the deck or porch is not closer than three feet to the side lot line.~~ Shall be setback a minimum of three feet from any side property line, provided that said structure is not located within any easements.
 - (3) Shall be set back 10 feet from any wetland on the property and three feet from wetlands on an adjacent property.
 - (4) May be located in a shore yard, provided that it is not located on the water side of the ordinary high water mark of said navigable waterway and further provided that said structure does not block, redirect or impede the flow of water or drainage within the area, provided that said structure is not located within any easements and is not located within the 100-year floodplain.
 - (5) ~~Shall meet the minimum street setback of the underlying zoning district. In the A-2 District the~~ Shall be setback a minimum of 60 feet from arterial streets or highways and a minimum of 35 feet from nonarterial streets or private roads in any agricultural district and in the R-1 and R-2 or C-2 districts provided that said structure is not located within any easements.

(6) Shall be setback a minimum of 60 feet from arterial streets or highways and a minimum of 25 feet from nonarterial streets or private roads in any agricultural district and in the R-3, R-4, R-4.5, R-5, R-6 and R-8 residential districts provided that said structure is not located within any easements.

(7) Shall be setback a minimum of three feet from an adjacent manufactured/mobile home or an adjacent deck, porch, steps and stairs located within the R-12 District.

C. Setback requirements for decks, porches, steps or stairs in the R-7, R-9, R-10 or R-11 residential districts:

(1) Shall meet the street, side and rear setback requirements as specified in the underlying zoning district.

(1) Shall be set back 10 feet from any wetland on the property and three feet from wetlands on an adjacent property.

(4) May be located in a shore yard, provided that it is not located on the water side of the ordinary high water mark of said navigable waterway and further provided that said structure does not block, redirect or impede the flow of water or drainage within the area, provided that said structure is not located within any easements and is not located within the 100-year floodplain.

Adopted this ____ day of _____, 20__.

VILLAGE OF PLEASANT PRAIRIE

ATTEST:

John P. Steinbrink
Village President

Jane M. Romanowski
Village Clerk

Posted: _____

___-deck amend

- B. Consider the request of Mark Madsen of Nielsen Madsen and Barber for approval of an **Affidavit of Correction to CSM 2771** to correct several typos in the boundary curve Table on Page 4 of said CSM.

Recommendation: Village staff recommends that the Plan Commission send a favorable recommendation to the Village Board to approve the **Affidavit of Correction to CSM 2771** as presented in the October 9, 2017 Staff Report.

VILLAGE STAFF REPORT OF OCTOBER 9, 2017

Consider the request of Mark Madsen of Nielsen Madsen and Barber for approval of an **Affidavit of Correction to CSM 2771** to correct several typos in the boundary curve Table on Page 4 of said CSM.

The petitioner is requesting approval of an affidavit of correction to CSM 2771 that was recorded on November 13, 2014 for the Senior Lifestyle properties generally located at south of Prairie Ridge Blvd. between 97th Ct. and 96th Ave. to correct several typo's to the boundary curve table on page 4 and said CSM. The surveyor found the errors when completing a recent detailed Alta Survey for the property owner.

Recommendation: Village staff recommends that the Plan Commission send a favorable recommendation to the Village Board to approve the Affidavit of Correction subject to recording said document at the Kenosha County Register of Deeds Office and providing a recorded copy of said document to the Village with 30 days of approval. Prior to Village execution of the document, a revised original single sided document with the notary date changed from "September" to "October" and the correct application fee being submitted to the Village

Affidavit of Correction

(TYPE OR PRINT CLEARLY IN BLACK OR RED INK)

AFFIANT, Mark R. Madsen, P.E., P.L.S., hereby swears to affirm that a certain document titled Certified Survey Map 2771, executed between FWQCM, LLC., "Grantor" and FWQCM, LLC., "Grantee", was recorded in Kenosha County, Wisconsin, on November 13, 2014 as Document Number 1737567 and contained the following errors:

On Page 4 of 12 of the CSM, the Boundary Curve Table contained various "typos"

Undersigned makes this Affidavit of Correction for the purpose of correcting the conveyance as follows:

Attached is a revised Page 4 of 12 correcting the Boundary Curve Table.

Recording area

Name and return address

Nielsen Madsen + Barber
1458 Horizon Blvd., Suite 200
Racine, WI 53406

91-4-122-082-0414

91-4-122-082-0415

Parcel identification number (PIN)

The basis for Undersigned's personal knowledge is (check one):

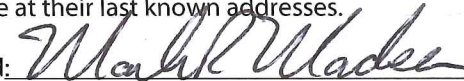
- ☐ Undersigned is the Grantor/Grantee of the property described in the conveyance
☒ Undersigned is the drafter of the conveyance that is the subject of the Correction Instrument
☐ Undersigned is the settlement agent in the transaction that is the subject of this Correction
☐ Other (Explain):

A copy of the conveyance (in part or whole) ☒ is ☐ is not attached to this Correction Instrument (if a copy of the conveyance is not attached, please attach legal description).

Undersigned has sent notice of the execution and recording of this Affidavit of Correction to FWQCM, LLC. by 1st Class mail to all parties to the transaction that was subject to the conveyance at their last known addresses.

Dated: September 15, 2017

Signed:



* Mark R. Madsen, P.E., P.L.S.



ACKNOWLEDGMENT

State of Wisconsin)
) ss.
 County of Racine)

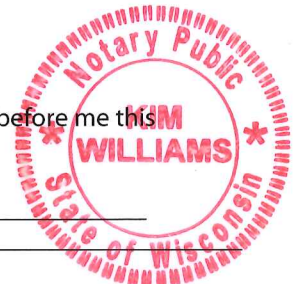
Subscribed and sworn to (or affirmed) before me this
 15th day of September, 2017.



*Kim Williams

Notary Public, State of Wisconsin

My Commission expires: February 6, 2021.



This instrument is drafted by: Nielsen Madsen + Barber

APPROVING AUTHORITY

Village of Pleasant Prairie

John P. Steinbrink, Sr.
Village President

Jane M. Romanowski
Village Clerk

State of Wisconsin)
) ss.
County of Kenosha)

Subscribed and sworn to (or affirmed)
before me this ____ day of September, 2017.

State of Wisconsin)
) ss.
County of Kenosha)

Subscribed and sworn to (or affirmed)
Before me this ____ day of September,
2017.

*

Notary Public, State of Wisconsin
My Commission expires: _____

*

Notary Public, State of Wisconsin
My Commission expires: _____



CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2458
IN THE NORTHWEST 1/4 , NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4
OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF
PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

Boundary Curve Table				
Curve #	Radius	Arc	Chord Direction	Chord Length
C1	89.50	23.33	N3° 00' 00"E	23.27
C2	236.00	61.53	S3° 00' 00"W	61.35
C3	1069.00	596.12	S20° 26' 38"E	588.42
C4	1069.00	211.31	S10° 08' 04"E	210.97
C5	1069.00	384.81	S26° 06' 36"E	382.74
C6	1221.50	278.88	S42° 57' 35"E	278.28
C7	683.22	74.08	S52° 34' 43"E	74.05
C8	326.43	196.57	N17° 15' 03"E	193.61

Ingress-Egress and Water Main Easement Curve Table							
Curve #	Delta	Radius	Arc	Tangent	Chord Direction	Chord Length	Tangent Bearing
C9	0°33'24"	1069.00	10.38	5.19	S15° 37' 53"E	10.38	N15°21'11"W S15°54'35"E
C10	90°00'00"	29.50	46.34	29.50	N45° 00' 00"E	41.72	S0°00'00"W N90°00'00"E
C11	68°28'15"	60.41	72.19	41.11	N34° 14' 08"E	67.97	S68°28'15"W N0°00'00"E
C12	1°39'42"	1069.00	31.00	15.50	S21° 31' 53"E	31.00	N20°42'02"W S22°21'44"E
C13	68°28'15"	29.41	35.15	20.01	N34° 14' 08"E	33.09	S68°28'15"W N0°00'00"E
C14	67°50'28"	25.50	30.19	17.15	N33° 55' 14"W	28.46	S0°00'00"W N67°50'28"W
C15	54°26'20"	60.50	57.48	31.12	S40° 37' 18"E	55.35	N13°24'08"W S67°50'28"E
C16	7°44'08"	1055.00	142.43	71.33	S9° 32' 04"E	142.33	S5°40'00"E S13°24'08"E
C17	1°10'47"	1069.00	22.01	11.01	S5° 03' 40"E	22.01	N4°28'17"W S5°39'04"E
C18	8°55'54"	1024.00	159.63	79.98	S8° 56' 14"E	159.46	N4°28'17"W S13°24'11"E
C19	76°35'49"	29.50	39.44	23.30	S51° 42' 05"E	36.57	N13°24'11"W N90°00'00"E

Ingress-Egress and Water Main Easement Line Table					
Line #	Length	Direction	Line #	Length	Direction
L1	170.10	N90° 00' 00"E	L10	37.65	N0° 00' 00"E
L2	25.00	S0° 00' 00"W	L11	14.00	S85° 31' 52"W
L3	20.01	N90° 00' 00"E	L12	14.99	N4° 28' 08"W
L4	85.16	S0° 00' 00"W	L13	45.00	S85° 31' 52"W
L5	58.77	S86° 08' 49"W	L14	300.40	N90° 00' 00"E
L6	247.88	S90° 00' 00"W	L15	28.74	N86° 08' 49"E
L7	27.28	S0° 00' 00"W	L16	87.19	N0° 00' 00"E
L8	7.50	S68° 28' 15"W	L17	51.01	N90° 00' 00"E
L9	7.50	N68° 28' 15"E	L18	31.00	N0° 00' 00"E
			L19	14.99	N4° 28' 08"W



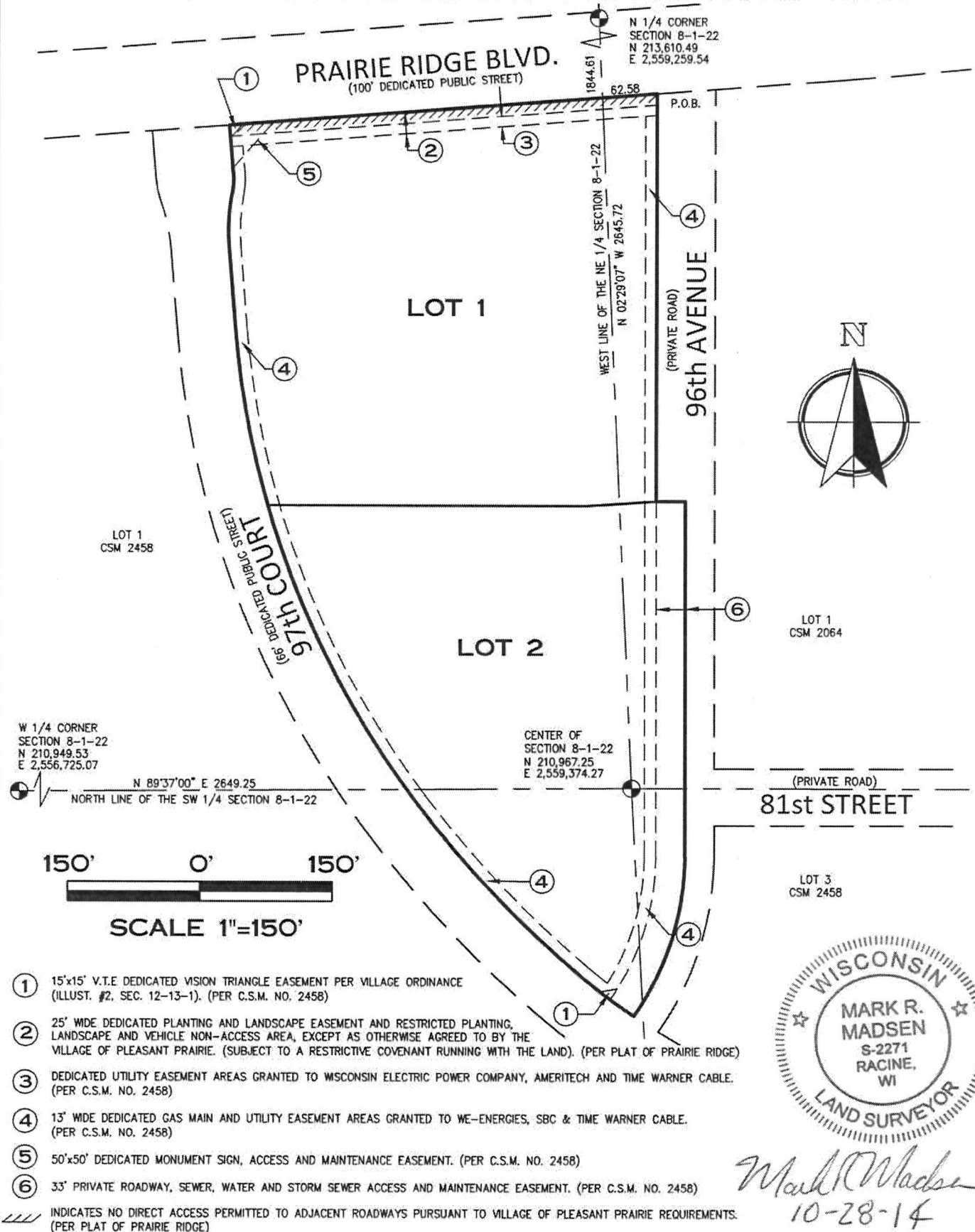
Mark R. Madsen
9-15-17

Document #
1737567
recorded on
Nov 13, 2014

CERTIFIED SURVEY MAP NO. 2771

BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2458
IN THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4
OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF
PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

EASEMENTS AND RESTRICTIONS PREVIOUSLY RECORDED ON CSM 2458 AND PRAIRIE RIDGE



Date: October 28, 2014

This Instrument was drafted by Mark R. Madsen

PROJECT ID: 2013.0027.06

SHEET 2 OF 12 SHEETS

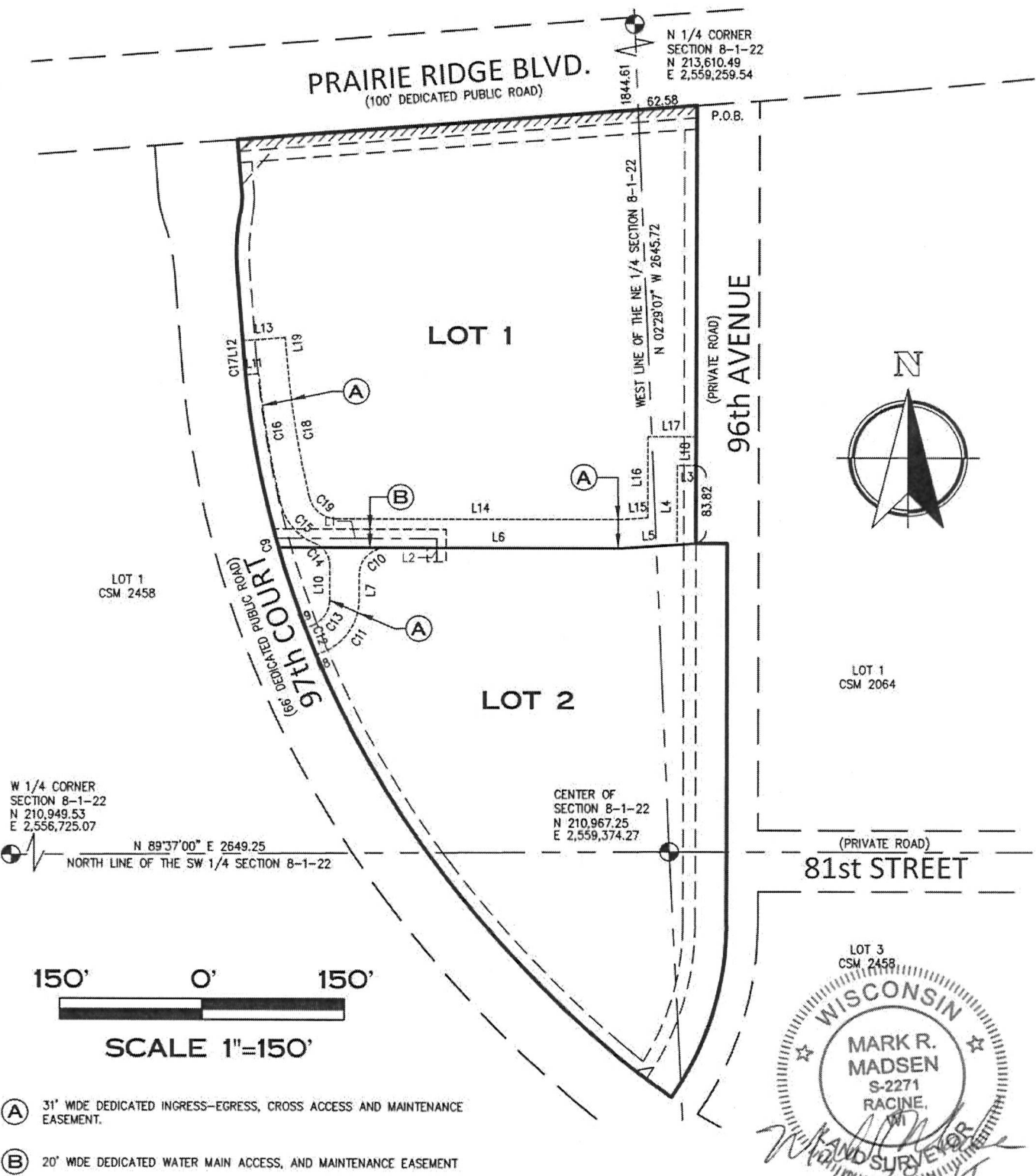
CERTIFIED SURVEY MAP NO. 2771

BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2458
IN THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4
OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF
PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

NEW EASEMENT DEDICATIONS

31' WIDE DEDICATED INGRESS-EGRESS CROSS ACCESS AND
MAINTENANCE EASEMENT

20' WIDE DEDICATED WATER MAIN, ACCESS AND MAINTENANCE
EASEMENT



Date: October 28, 2014
This Instrument was drafted by Mark R. Madsen
PROJECT ID: 2013.0027.06

CERTIFIED SURVEY MAP NO. 277/

BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2458
IN THE NORTHWEST 1/4 , NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4
OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF
PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

Boundary Curve Table							
Curve #	Delta	Radius	Arc	Tangent	Chord Direction	Chord Length	Tangent Bearing
C1	14°55'58"	89.50	23.33	11.73	N3° 00' 14"E	23.26	N10°28'13"E N4°27'45"W
C2	14°56'12"	236.00	61.52	30.94	S2° 59' 59"W	61.35	S10°28'05"W S4°28'07"E
C3	31°57'04"	1069.00	596.13	306.04	S20° 26' 49"E	588.44	N4°28'17"W S36°25'21"E
C4	10°46'12"	1069.00	200.94	100.77	S9° 51' 23"E	200.64	
C5	21°10'53"	1069.00	395.19	199.88	S25° 49' 55"E	392.95	
C6	13°04'51"	1221.50	278.88	140.05	S42° 57' 36"E	278.27	N36°25'10"W S49°30'02"E
C7	6°12'47"	683.22	74.09	37.08	S52° 34' 45"E	74.05	N49°28'22"W S55°41'08"E
C8	34°30'06"	326.43	196.57	101.36	N17° 15' 03"E	193.61	S34°30'06"W N0°00'00"E

Ingress-Egress and Water Main Easement Curve Table							
Curve #	Delta	Radius	Arc	Tangent	Chord Direction	Chord Length	Tangent Bearing
C9	0°33'24"	1069.00	10.38	5.19	S15° 37' 53"E	10.38	N15°21'11"W S15°54'35"E
C10	90°00'00"	29.50	46.34	29.50	N45° 00' 00"E	41.72	S0°00'00"W N90°00'00"E
C11	68°28'15"	60.41	72.19	41.11	N34° 14' 08"E	67.97	S68°28'15"W N0°00'00"E
C12	1°39'42"	1069.00	31.00	15.50	S21° 31' 53"E	31.00	N20°42'02"W S22°21'44"E
C13	68°28'15"	29.41	35.15	20.01	N34° 14' 08"E	33.09	S68°28'15"W N0°00'00"E
C14	67°50'28"	25.50	30.19	17.15	N33° 55' 14"W	28.46	S0°00'00"W N67°50'28"W
C15	54°26'20"	60.50	57.48	31.12	S40° 37' 18"E	55.35	N13°24'08"W S67°50'28"E
C16	7°44'08"	1055.00	142.43	71.33	S9° 32' 04"E	142.33	S5°40'00"E S13°24'08"E
C17	1°10'47"	1069.00	22.01	11.01	S5° 03' 40"E	22.01	N4°28'17"W S5°39'04"E
C18	8°55'54"	1024.00	159.63	79.98	S8° 56' 14"E	159.46	N4°28'17"W S13°24'11"E
C19	76°35'49"	29.50	39.44	23.30	S51° 42' 05"E	36.57	N13°24'11"W N90°00'00"E

Ingress-Egress and Water Main Easement Line Table					
Line #	Length	Direction	Line #	Length	Direction
L1	170.10	N90° 00' 00"E	L10	37.65	N0° 00' 00"E
L2	25.00	S0° 00' 00"W	L11	14.00	S85° 31' 52"W
L3	20.01	N90° 00' 00"E	L12	14.99	N4° 28' 08"W
L4	85.16	S0° 00' 00"W	L13	45.00	S85° 31' 52"W
L5	58.77	S86° 08' 49"W	L14	300.40	N90° 00' 00"E
L6	247.88	S90° 00' 00"W	L15	28.74	N86° 08' 49"E
L7	27.28	S0° 00' 00"W	L16	87.19	N0° 00' 00"E
L8	7.50	S68° 28' 15"W	L17	51.01	N90° 00' 00"E
L9	7.50	N68° 28' 15"E	L18	31.00	N0° 00' 00"E
			L19	14.99	N4° 28' 08"W



Mark R. Madsen
10-28-14

CERTIFIED SURVEY MAP NO. 277/

BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2458
IN THE NORTHWEST 1/4 , NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4
OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF
PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

DEDICATION AND EASEMENT PROVISIONS PREVIOUSLY RECORDED ON CSM 2458 AND PRAIRIE RIDGE (EASEMENT TEXT MODIFIED VIA THIS CSM)

15' X 15' DEDICATED VISION TRIANGLE EASEMENT (EASEMENT 1 - PREVIOUSLY DEDICATED ON CSM 2458 AND PRAIRIE RIDGE)

Nonexclusive easements coextensive with the areas shown as a 15'x15' Dedicated Vision Triangle Easement on Lots 1 and 2 of this CSM have been dedicated, given, granted and conveyed by VK Arbor LLC to the Village of Pleasant Prairie ("the Village") to maintain a clear sight line of vision at each identified intersection. There shall be no obstructions, such as but not limited to structures, signage, fences, vehicular parking, vegetation and shelters within the 15'x15' Dedicated Vision Triangle Easement area between the heights of two (2) feet and ten (10) feet unless approved by the Village. This restriction is for the benefit of the traveling public and shall be enforceable by the Village.

25' DEDICATED PLANTING AND LANDSCAPE EASEMENT (EASEMENT 2 - PREVIOUSLY DEDICATED ON CSM 2458 AND PRAIRIE RIDGE)

Nonexclusive easements coextensive with the areas shown on Lot 1 of this CSM as a 25' Wide Dedicated Planting and Landscape Easement and Restricted Planting, Landscape and Vehicle Non-access Area were dedicated, given, granted and conveyed by V.K. Development Corporation to the Owner of Lot 1 of this CSM and the Village for the purposes of grading, planting and installing trees, shrubs and other landscape elements and all related ingress and egress, replacement and maintenance activities. In the event of any conflict between the rights of the Owner(s) and the rights of the Village with respect to the 25' Wide Dedicated Planting and Landscape Easement and Restricted Planting, Landscape and Vehicle Non-access Area, the Village's rights under these easements shall be deemed to be superior. Notwithstanding such easements, the Village shall have no obligation to exercise its rights under these easements. The Owner of Lot 1 of this CSM shall be responsible for all costs associated with grading, planting and installing trees, shrubs and other landscape elements and all related replacement and maintenance activities within these nonexclusive easement areas in accordance with the master landscaping plan approved by the Village.



Mark R. Madsen
10-28-14

CERTIFIED SURVEY MAP NO. 2771

BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2458
IN THE NORTHWEST 1/4 , NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4
OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF
PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

DEDICATION AND EASEMENT PROVISIONS PREVIOUSLY RECORDED ON CSM 2458 AND PRAIRIE RIDGE (EASEMENT TEXT MODIFIED VIA THIS CSM)

DEDICATED UTILITY EASEMENT AREAS (EASEMENT 3 - PREVIOUSLY DEDICATED ON CSM 2458 AND PRAIRIE RIDGE)

Nonexclusive easements coextensive with the areas shown on Lots 1 and 2 of this CSM as Dedicated Utility Easement Areas have been dedicated, given, granted and conveyed by V.K. Development Corporation to Wisconsin Electric Power Company, AT&T and Time Warner Cable, Inc. and their respective successors and assigns (collectively, the "Utility and Communications Grantees"), for the purposes of constructing, installing, operating, repairing, altering, replacing and maintaining utility and communication lines and other related facilities to serve the Lots (or portions thereof) as shown on this CSM and for any related ingress and egress. This easement shall also include the right to trim or cut down trees, bushes, branches, and roots as reasonably required which may be interfering with the Utility and Communication Grantees use of the easement areas. To the extent possible, all such utility and communications lines and facilities shall be installed underground. Upon the installation of the utility cables and related appurtenances, the elevation of the existing ground surface within the easement areas shall not be altered by more than four (4) inches of final grade without the written approval of the Utility and Communications Grantees. Upon the installation of the utilities, the Lot Owner(s) shall restore or cause to be restored, all such land, as nearly as is reasonably possible, to the condition existing prior to installing such utilities within the communication easement areas on which such easements are located as does not interfere with the purpose of the utility and communications easements and the use of such easements by the Utility and Communications Grantees unless a separate agreement is entered into between the Lot Owner(s) and Grantees regarding the transfer of the restoration and maintenance responsibilities to the Grantees. No buildings, fences, or structures of any kind shall be placed within the utility and communications easement areas without the prior written approval of the Utility and Communication Grantees.

The Village generally allows private utilities, including but not limited to electric and communications facilities, to be installed in public street rights-of-way and private roadway easement areas with prior written approval from the Village, subject to the requirements of applicable Village ordinances and the requirements of such public uses and purposes of the Village. Further, each individual private utility, electric or communications company shall be responsible for promptly restoring the public street areas and public roadway areas to their pre-existing condition, at its own cost, after any use of such areas. In the event the private companies do not restore the public roadway areas to a vegetatively stabilized condition, the Association, or in the event the Association or the Declaration cease to exist, the Lot Owners shall be ultimately responsible for the costs of such restoration and may pursue their remedies against the respective utility company(ies). Under no circumstances shall any private utility, electric or communications company conduct any open cutting of the public or private roadways after the crushed aggregate base course is installed without prior written approval of the Village. Any such private utility or communications facilities shall be promptly relocated, at the cost of the individual utility, electric or communications company, upon written request of the Village, to serve the public functions and purposes of the Village in the public street area. In the event of any conflict between the rights of the Village and the rights of the private utility, electric or communications company in such public street areas, the Village's rights shall be deemed to be superior.



CERTIFIED SURVEY MAP NO. 277/

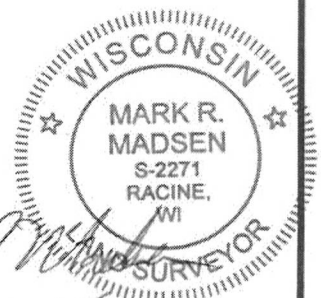
BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2458
IN THE NORTHWEST 1/4 , NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4
OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF
PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

**DEDICATION AND EASEMENT PROVISIONS
PREVIOUSLY RECORDED ON CSM 2458 AND PRAIRIE
RIDGE (EASEMENT TEXT MODIFIED VIA THIS CSM)**

**13' WIDE DEDICATED GAS MAIN AND UTILITY EASEMENT AREAS
(EASEMENT 4 - PREVIOUSLY DEDICATED ON CSM 2458)**

Nonexclusive easements coextensive with the areas shown on Lots 1 and 2 of this CSM as 13' Wide Dedicated Gas Main and Utility Easement Areas have been dedicated, given, granted and conveyed by VK Arbor LLC to Wisconsin Electric Power Company, AT&T and Time Warner Cable, Inc. and their respective successors and assigns (collectively, the "Utility and Communications Grantees"), for the purposes of constructing, installing, operating, repairing, altering, replacing and maintaining utility and communication lines and other related facilities to serve the Lots (or portions thereof) as shown on this CSM and for any related ingress and egress. This easement shall also include the right to trim or cut down trees, bushes, branches, and roots as reasonably required which may be interfering with the Utility and Communication Grantees use of the easement areas. To the extent possible, all such utility and communications lines and facilities shall be installed underground. Upon the installation of the utility cables and related appurtenances, the elevation of the existing ground surface within the easement areas shall not be altered by more that four (4) inches of final grade without the written approval of the Utility and Communications Grantees. Upon the installation of the utilities, the Grantor shall restore or cause to be restored, all such land, as nearly as is reasonably possible, to the condition existing prior to installing such utilities within the communication easement areas on which such easements are located as does not interfere with the purpose of the utility and communications easements and the use of such easements by the Utility and Communications Grantees unless a separate agreement is entered into between the Grantor and Grantees regarding the transfer of the restoration and maintenance responsibilities to the Grantees. No buildings, fences, or structures of any kind shall be placed within the utility and communications easement areas without the prior written approval of the Utility and Communication Grantees.

The Village generally allows private utilities, including but not limited to electric and communications facilities, to be installed in public street rights-of-way and private roadway easement areas with prior written approval from the Village, subject to the requirements of applicable Village ordinances and the requirements of such public uses and purposes of the Village. Further, each individual private utility, electric or communications company shall be responsible for promptly restoring the public street areas and public roadway areas to their pre-existing condition, at its own cost, after any use of such areas. In the event the private companies do not restore the public roadway areas to a vegetatively stabilized condition, the Association, or in the event the Association or the Declaration cease to exist, the Lot Owners shall be ultimately responsible for the costs of such restoration and may pursue their remedies against the respective utility company(ies). Under no circumstances shall any private utility, electric or communications company conduct any open cutting of the public or private roadways after the crushed aggregate base course is installed without prior written approval of the Village. Any such private utility or communications facilities shall be promptly relocated, at the cost of the individual utility, electric or communications company, upon written request of the Village, to serve the public functions and purposes of the Village in the public street area. In the event of any conflict between the rights of the Village and the rights of the private utility, electric or communications company in such public street areas, the Village's rights shall be deemed to be superior.



Date: October 28, 2014
This Instrument was drafted by Mark R. Madsen
PROJECT ID: 2013.0027.06

SHEET 7 OF 12 SHEETS

CERTIFIED SURVEY MAP NO. 2771

BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2458
IN THE NORTHWEST 1/4 , NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4
OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF
PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

**DEDICATION AND EASEMENT PROVISIONS
PREVIOUSLY RECORDED ON CSM 2458
(EASEMENT TEXT MODIFIED VIA THIS CSM)**

**50' x 50' DEDICATED MONUMENT SIGN, ACCESS AND MAINTENANCE EASEMENT
(EASEMENT 5 - PREVIOUSLY RECORDED ON CSM 2458)**

Nonexclusive easements coextensive with the area shown as a 50' X 50' Dedicated Monument Sign Access and Maintenance Easement on Lot 1 of this CSM has been dedicated, given, granted and conveyed by V.K. Development Corporation to the Owner(s) of Lots 1 and 2 of this CSM and Lot 3 and 4 of CSM 2458 for the purposes of placing, constructing, installing, repairing, replacing and maintaining monument signage benefiting the businesses on the aforementioned lots; and for all ingress, egress, planting, installing, replacing and maintaining related landscape elements. This Dedicated Monument Sign, Access and Maintenance Easement shall be exclusive, except for (1) such other easements as may be dedicated and conveyed herein with respect to the same area or any portion thereof and (2) such above-ground use, planting, care and maintenance responsibilities of the easement areas which shall be required by the Lot Owner(s) as will not interfere with the improvements, uses and purposes of the Lot Owner(s) and the Village as it relates to the easement. In the event of any conflict between the rights of the Lot Owner(s), the rights of the Village and the rights of other entities with respect to the Dedicated Monument Sign, Access and Maintenance Easement, the Village's rights under the easement shall be deemed to be superior. Unless the Village exercises the rights granted to it hereunder with respect to the easement, the Village shall have no obligation to do anything pursuant to its rights under the easement. The Lot Owner(s) shall be responsible for the cost of construction, maintenance, repair and replacement of the monument signs and the cost of the associated electrical services and landscaping maintenance within the easement area. The easement rights include the perpetual right of the aforementioned Owner(s) to enter upon Lot 1 of this CSM within the Dedicated Monument Sign, Access and Maintenance Easement area at any time that it may see fit, to use, maintain, repair, alter or reconstruct the monument signs and related improvements.



Mark R. Madsen
10-28-14

CERTIFIED SURVEY MAP NO. 2771

BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2458
IN THE NORTHWEST 1/4 , NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4
OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF
PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

**DEDICATION AND EASEMENT PROVISIONS
PREVIOUSLY RECORDED ON CSM 2458 AND PRAIRIE
RIDGE (EASEMENT TEXT MODIFIED VIA THIS CSM)**

**33' WIDE PRIVATE ROADWAY, SEWER, WATER AND STORM SEWER ACCESS AND MAINTENANCE
EASEMENT**

(EASEMENT 6 - PREVIOUSLY DEDICATED ON CSM 2458)

A nonexclusive easement coextensive with the area shown as a 33' Wide Private Roadway, Sewer, Water, Storm Sewer, Access and Maintenance Easement on Lot 2 of this CSM has been dedicated, given, granted and conveyed by VK Arbor LLC to the Village for the construction, installation, repair, alteration, replacement, planting and maintenance of private street improvements, uses and purposes, including, without limitation, pavement, curbs and gutters, sidewalks, street signs and lights, sanitary sewer system improvements, water systems improvements, storm sewer and drainage system improvements, utility and communication facilities, street trees and other landscaping, and for all related ingress and egress, construction, installation, repair, alteration, replacement, planting and maintenance activities. Such easements are subject to the following: (1) a nonexclusive easement coextensive with the area of each such private street, hereby retained by the developer for the construction, installation, repair, alteration, replacement, planting and maintenance of such private street improvements pursuant to the development agreement as of January 17, 2005 (subject to the rights of the Village to perform the same functions) and (2) a nonexclusive easement hereby reserved by the Owner(s) of the Lots which are adjacent to each such dedicated private street for the planting and maintenance of grass, the maintenance and replanting of street trees and the clearance, maintenance, repair and replacement of sidewalks, if any, in the area between the roadway and the lots, and as will not interfere with the private improvements, uses and purposes of the Village in accordance with Village-approved plans, and all related ingress and egress (all subject to the rights of the Village to perform the same planting, replanting, construction, installation, repair, clearance, maintenance and replacement functions) and in the event of any conflict between the rights of the Village under its interest in the easement and the rights of the Lot Owner(s), pursuant to the easement retained herein, the rights of the Village shall be deemed superior.

The Lot Owner(s) shall be responsible for all costs associated with the initial construction, installation, repair, alteration, replacement, planting and maintenance of private street improvements and shall warrant those improvements including, without limitation, pavement, curbs and gutters, sidewalks, street signs and lights, sanitary sewer system improvements, water systems improvements, storm sewer and drainage system improvements, utility and communication facilities, street trees, and for all related ingress and egress referred to herein, in accordance with the terms and conditions of the referenced development agreement.



Mark R. Madsen
10-28-14

Date: October 28, 2014

This Instrument was drafted by Mark R. Madsen
PROJECT ID: 2013.0027.06

SHEET 9 OF 12 SHEETS

CERTIFIED SURVEY MAP NO. 277/

BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2458
IN THE NORTHWEST 1/4 , NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4
OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF
PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

NEW EASEMENT DEDICATIONS

31' WIDE DEDICATED INGRESS, EGRESS AND CROSS ACCESS EASEMENT (A)

Nonexclusive easements coextensive with the area shown as a 31' Wide Dedicated Ingress, Egress and Cross Access Easement on Lots 1 and 2 of this CSM are hereby dedicated, given, granted and conveyed by the Owner to the Owner(s) of Lots 1 and 2 and the Village for vehicular and pedestrian ingress, egress and cross access purposes. In the event of any conflict between the rights of the Owner, the rights of the Village and the rights of the Lot Owner(s) or other entities with respect to the Dedicated 31' Wide Ingress, Egress and Cross Access Easement, the Village's rights under the easement shall be deemed to be superior. Unless the Village exercises the rights granted to it hereunder with respect to the easement, the Village shall have no obligation to do anything pursuant to its rights under the easement. The Owner(s) of Lots 1 and 2 shall be responsible for all costs associated with the construction, snow plowing and maintenance of the shared "private access drive(s)" and associated pavement and landscaping improvements.

20' WIDE DEDICATED PRIVATE WATER MAIN, ACCESS AND MAINTENANCE EASEMENT (B)

A nonexclusive easement coextensive with the area shown as a 20' Wide Dedicated Private Water Main, Access, and Maintenance Easement on Lots 1 and 2 of this CSM has been dedicated, given, granted and conveyed by the Owner to the Owner(s) of Lots 1 and 2 and the Village for private water system improvements, uses and purposes, and for all related ingress and egress, construction, installation, repair, alteration, replacement and maintenance activities. This 20' Wide Dedicated Private Water Main, Access and Maintenance Easement shall be exclusive, except for: (1) a Lot Owner's use related to planting, care, irrigation and maintenance of landscaped areas and a Lot Owner's use, maintenance, replacement and repair of any parking lot or driveway areas within the private water main easement area located on such Lot Owner's lot as will not interfere with the improvements, uses and purposes of the Village and (2) such other easements as may be dedicated and conveyed herein with respect to the same area or any portion thereof. In the event of any conflicts between the rights of the Lot Owner, the rights of the Village and the rights of the Lot Owner(s) or the entities with respect to this 20' Wide Dedicated Private Water Main, Access and Maintenance Easement, the Village's rights under the easement shall be deemed to be superior. The Village shall have the right, but not the obligation, to make any water main related repairs or alterations deemed necessary. Unless the Village exercises its rights granted to it hereunder with respect to this easement, the Village shall have no obligation to do anything pursuant to its rights under this easement. Any costs that may be incurred by the Village in the repair, alteration, replacement or maintenance activities of said private water main improvements shall be invoiced as a special charge against Lots 1 and 2 of this CSM.



Mark R. Madsen
10-28-14

Date: October 28, 2014

This Instrument was drafted by Mark R. Madsen

PROJECT ID: 2013.0027.06

SHEET 10 OF 12 SHEETS

CERTIFIED SURVEY MAP NO. 2771

BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2458
IN THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4
OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF
PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.


SURVEYOR'S CERTIFICATE

I, MARK R. MADSEN, Professional Land Surveyor, hereby certify:

THAT I have prepared this Certified Survey Map at the direction of the OWNER / LAND DIVIDER; THAT the exterior boundaries are described as the Redivision of Lot 2, of Certified Survey Map No. 2458, being that part of the Northwest 1/4, the Northeast 1/4, the Southwest 1/4 and the Southeast 1/4 of Section 8 Township 1 North, Range 22 East, in the Village of Pleasant Prairie, Kenosha County, Wisconsin described as follows: Begin at the Northeast corner of said Lot 2 being the Northeast corner of Outlot 9 of Prairie Ridge, a recorded subdivision and a point on the West line of the West right-of-way of 96th Avenue (a private road); run thence S00°00'00"E 472.05 feet along said West line; thence N90°00'00"E 33.00 feet and whose chord bears S17°15'03"W 193.61 feet; thence Southwesterly 196.57 feet along the arc of said curve to the Easterly right-of-way of 97th Court and a point on a curve of Southwesterly convexity whose radius is 683.22 feet and whose chord bears N52°34'43"W 74.05 feet; thence Northwesterly 74.08 feet along the arc of said curve and said Easterly line to the point of curvature of a curve of Southwesterly convexity whose radius is 1221.50 feet and whose chord bears N42°57'35"W 278.28 feet; thence Northwesterly 278.88 feet along the arc of said curve and said Easterly line to the point of curvature of a curve of Southwesterly convexity whose radius is 1069.00 feet and whose chord bears N20°26'38"W 588.42 feet; thence Northwesterly 596.12 feet along the arc of said curve and said Easterly line; thence N04°28'08"W 91.48 feet along said Easterly line to the point of curvature of a curve of Westerly convexity whose radius is 236.00 feet and whose chord bears N03°00'00"E 61.35 feet; thence Northerly 61.53 feet along the arc of said curve and said Easterly line; to the point of curvature of a curve of Westerly convexity whose radius is 89.50 feet and whose chord bears N03°00'00"E 23.27 feet; thence Northerly 23.33 feet along the arc of said curve and said Easterly line; thence N04°28'08"W 56.21 feet along said Easterly line to the South right-of-way of Prairie Ridge Boulevard; thence N85°31'52"E 486.95 feet along said South line to the point of beginning. Containing 9.207 acres.

THAT said Certified Survey Map is a correct representation of all of the exterior boundaries of the land surveyed and the division thereof made and I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the Village of Pleasant Prairie Land Division and Development Control Ordinance.

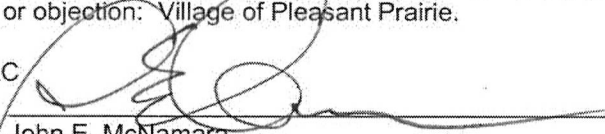
October 28, 2014


Mark R. Madsen, S-2271
Nielsen Madsen & Barber, S.C.
1458 Horizon Blvd., Suite 200
Racine, WI 53406
(262) 634-5588



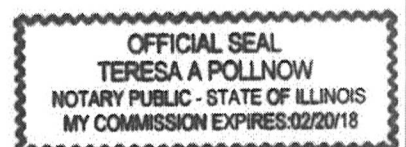
OWNER'S CERTIFICATE OF DEDICATION

FWQCM, LLC, as Owner does hereby certified that it caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on this Certified Survey Map and does further certify that this Certified Survey Map is required by s.236.34 to be submitted to the following for approval or objection: Village of Pleasant Prairie.

FWQCM, LLC
Signed: 
Print Name: John E. McNamara,
Vice President - Special Assets

IN WITNESS WHEREOF, this 4th day of November, 2014.

Witness: 



Date: October 28, 2014
This Instrument was drafted by Mark R. Madsen
PROJECT ID: 2013.0027.06

SHEET 11 OF 12 SHEETS

CERTIFIED SURVEY MAP NO. 2771

BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2458
IN THE NORTHWEST 1/4 , NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4
OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF
PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

STATE OF _____)
COUNTY OF _____) ss.

Personally came before me this _____ day of _____, 2014, the above-named person of said corporation to me known to be the person who executed the foregoing instrument and to me known to be such _____ of said Limited Liability Corporation, and acknowledged that he executed the foregoing as such officer of said Limited Liability Corporation, by its authority.

My Commission Expires: _____

VILLAGE PLAN COMMISSION APPROVAL

Approved by the Village Plan Commission, Village of Pleasant Prairie on this 8th day of September, 2014.

Thomas W. Terwall
Thomas W. Terwall, Chairman

VILLAGE BOARD APPROVAL

Approved by the Village Board, Village of Pleasant Prairie on this 6th day of October, 2014.

John P. Steinbrink
John P. Steinbrink, Village President

Attest:

Jane M. Romanowski
Jane M. Romanowski, Village Clerk



Mark R. Madsen
10-28-14