

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39th AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
AUGUST 12, 2013**

AGENDA

1. Call to Order.
2. Roll Call.
3. Consider the Minutes of the July 22, 2013 Plan Commission meeting.
4. Correspondence.
5. Citizen Comments.
6. New Business.
 - A. Consider the request of Carmelo Tenuta agent, on behalf of Double D Two Investments LLC, owner of the property known as Outlot 4 of the Devonshire Subdivision generally located within the 4900 and 5100 block of 93rd Street (south side of 93rd Street) for approval of a **Certified Survey Map** to subdivide the property to create one (1) 18,075 square foot parcel on the northwest corner of the site so that the westernmost home on the property will be located on its own parcel and to dedicate right-of-way for the future southern extension of Cooper Road. The remaining 36.5 acres will remain one (1) parcel that may be subdivided in the future.
7. Adjourn.

It is possible that members and possibly 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.

**PLEASANT PRAIRIE PLAN COMMISSION MEETING
VILLAGE HALL AUDITORIUM
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN
6:00 P.M.
July 22, 2013**

A regular meeting for the Pleasant Prairie Plan Commission convened at 6:00 p.m. on July 22, 2013. Those in attendance were Thomas Terwall; Michael Serpe; Donald Hackbarth; Wayne Koessler; Andrea Rode (Alternate #2); Jim Bandura; John Braig; and Judy Juliana (Alternate #1). Also in attendance were Mike Pollocoff, Village Administrator; Jean Werbie-Harris, Community Development Director; Tom Shircel, Assistant Village Administrator; and Peggy Herrick, Assistant Zoning Administrator.

- 1. CALL TO ORDER.**
- 2. ROLL CALL.**
- 3. CONSIDER THE MINUTES OF THE JUNE 17, JUNE 24 AND JULY 8, 2013 PLAN COMMISSION MEETINGS.**

Don Hackbarth:

Move approval, Mr. Chairman.

John Braig:

Second.

Tom Terwall:

IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY JOHN BRAIG TO APPROVE THE MINUTES OF THE JUNE 17TH, JUNE 24TH AND JULY 8, 2013 PLAN COMMISSION MEETINGS AS PRESENTED. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

- 4. CORRESPONDENCE.**

Jean Werbie-Harris:

At 4:30 on Thursday we have a public informational meeting. And this would be for the 39th Avenue just outside of here at the Village Hall the roundabout is proposed and the widening of the street or the reconstruction of 39th Avenue. And it's an information meeting, and we'd encourage the Plan Commissioners to come. Open house style, starts at 4:30.

Tom Terwall:

Thank you. Any other correspondence?

Jean Werbie-Harris:

I have none.

5. CITIZEN COMMENTS.

Tom Terwall:

If you're here for an item that appears on the agenda as a matter for public hearing we would ask that you hold your comments until the public hearing is held so that we can incorporate your comments into the official record. However, if you're here for an item that is not a matter for public hearing or you wish to raise an issue that's not on the agenda now would be your opportunity to speak. We would ask you to step to the microphone and begin by giving us your name and address. Is there anybody wishing to speak under citizens' comments?

6. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF A ZONING MAP AMENDMENT to consider the request of James and Linda Carpenter, owners of the property located at 11450 23rd Avenue to rezone the property from R-4 (UHO), Urban Single Family Residential District with an Urban Landholding Overlay District into the R-4 (AGO), Urban Single Family Residential District with a General Agricultural Overlay District.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, this is a public hearing and consideration of a zoning map amendment to consider the request of James and Linda Carpenter, owners of the property located at 11450 23rd Avenue to rezone the property from R-4 (UHO), Urban Single Family Residential District with an Urban Landholding Overlay District, into the R-4 (AGO) classification, which is Urban Single Family Residential District with a General Agricultural Overlay District.

Specifically, the petitioners are requesting to modify their zoning classification in order to have a General Agricultural District Overlay on their property, so to go from a UHO to an AGO. The petitioners are specifically requesting to rezone 12.4 acres of property so that the vacant land north of where they live, which is currently open space, that this area could be farmed.

A portion of the property is located within a shoreland jurisdictional area, and the Wisconsin DNR wetland inventory maps indicates that there may be some wetlands along the navigable waterway. That's not to say that this land cannot be farmed because it could. The waterway is not allowed to be filled or altered and farming activities shall not affect the drainage or affect downstream drainage on adjacent properties. The wetlands are allowed to be farmed, provided that they are not filled; when farming activities stop, the farmed-wetlands will likely revert back to wetlands and will need to be protected from future development.

The AGO District requires that the lots be a minimum of 10 acres with 300 feet of frontage on a public roadway. The property meets these minimum requirements. The proposed zoning map amendment is compliant with the Village's Comprehensive Land Plan Map 9.9. Specifically, 9.9 indicates that the property is within a Low-Medium Density Residential with an Urban Reserve land use designation. In addition, the northern portion of the property is located within a secondary environmental corridor which may include some wetlands.

This is a public hearing. The property owners, James and Linda Carpenter, are here in the audience and would be happy to answer any questions that you may have.

Tom Terwall:

Did you wish to add anything? Give us your name and address for the record.

Linda Carpenter:

The address is 11450 23rd Avenue. My name is Linda Carpenter, my husband James Carpenter. We're having a farmer Dan Kevic farm the land for us. And the reason we're wanting to have this changed from residential to agricultural is to generate income for our families and our children and for now and in the future. If you have any more questions I'd be happy to answer them.

Tom Terwall:

Thank you.

Michael Serpe:

While she's here, Tom, if I could ask what crops are you going to be raising out there?

Linda Carpenter:

Dan said he could put in one crop this year already. He's hoping to plant towards the end of August. And I'm not sure exactly what it is but it's some sort of a corn plant that he can mix with his feed. And then he says beans and corn, stuff like that.

John Braig:

Isn't this parcel fairly wooded?

Linda Carpenter:

Not anymore.

Jean Werbie-Harris:

It was a lot of scrub brush on this property.

John Braig:

Okay, with the illustration here it appears to be wooded.

Linda Carpenter:

Dan is going to clear all that off to farm it.

Tom Terwall:

This is a matter for public hearing. Is there anybody else wishing to speak on this matter? Anybody wishing to speak? Seeing none I'm going to open it up to comments and questions from Commissioners and staff.

Don Hackbarth:

Move approval, Mr. Chairman.

Michael Serpe:

Second.

Tom Terwall:

MOVED BY DON HACKBARTH AND SECONDED BY MIKE SERPE TO APPROVE THE ZONING MAP AMENDMENT SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. THIS MOTION IS A RECOMMENDATION TO THE VILLAGE SO THE MOTION IS TO RECOMMEND APPROVAL TO THE VILLAGE BOARD. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Thank you.

B. PUBLIC HEARING AND CONSIDERATION OF A CONDITIONAL USE PERMIT INCLUDING SITE AND OPERATIONAL PLANS for the request of Barbara Newman, of Ramaker & Associates for Sprint Nextel to upgrade and replace the antenna on the existing water tower located at 10300 57th Avenue and to construct a new building for the ground equipment associated with the Sprint antennas.

Jean Werbie-Harris:

Item B, public hearing and consideration of a conditional use permit including site and operational plans for the request of Barbara Newman, of Ramaker & Associates for Sprint Nextel to upgrade and replace the antenna on the existing water tower located at 10300 57th Avenue and to construct a new building for the ground equipment associated with the Sprint antennas.

As a part of the public hearing record, the Village staff has compiled a listing of findings, exhibits and conclusions regarding the petitioner's request, and they are described in your staff comments and I'll describe them now.

Findings of Fact

1. The petitioner is requesting approval of a Conditional Use Permit including Site and Operational Plans to upgrade and replace the antenna on the existing water tower located at 10300 57th Avenue and to construct a new building for the ground equipment associated with the Sprint antennas. This project also includes regrading a portion of the property where the existing Sprint equipment is located. (See Exhibit 1 for a copy of the application materials.)
2. The subject property is known as Lot 1 of CSM 1795 located in a part of the U.S. Public Land Survey Section 22, Township 1 North, Range 22 East of the Fourth Principal Meridian, lying and being in the Village of Pleasant Prairie, County of Kenosha, State of Wisconsin and further identified as Tax Parcel Number 92-4-122-224-0111.
3. The current zoning of the property is I-1, Institutional District, and pursuant to Section 420-126 D of the Village Zoning Ordinance, a commercial communication structure and associated equipment is allowed within the I-1 District with approval of a Conditional Use Permit as granted by the Plan Commission.
4. On November 12, 2001, the Plan Commission approved a Conditional Use Permit for Sprint to construct and operate a cellular telephone facility consisting of 10 foot high antennas mounted to the top of the existing Village water tower and accompanying electronic equipment cabinets located at the base of the water tower. See Exhibit 2 for a copy of Conditional Use Grant Document #01-17. These antennas and the equipment is being removed and upgraded as part of their request.
5. The current zoning of the property is I-1, Institutional District, and the commercial communication structure does require that permit even for a modification from Section 420-89 of the Village Zoning Ordinance.

6. Pursuant to Section 420-89 B (5) of the Village Zoning Ordinance, "Antennas, whips, panels, or satellite or digital dishes attached to an existing structure, such as water towers, transmission towers, silos or other utility poles, shall not extend more than 10 feet above the existing height of said structure, and no setbacks are applicable."
7. Pursuant to Section 420-89 B (11) of the Village Zoning Ordinance, "Any building associated with a commercial communication structure shall be set back a minimum of five feet from property lines and the separation distance between buildings shall be at least 10 feet."
8. The antenna apparatus placed on top of the water tower shall be painted Pleasant Prairie Blue Code # 1852 to match the top color of the water tower.
9. The Village has contracted with L & T Painting Company, Inc. to repaint the interior and exterior of the water tower. To accommodate the painting process, all cell carriers, Sprint, Verizon and Cricket, were required to remove their respective equipment off of the water tower. In order to provide continued cellular service during the painting, the cell carriers have installed temporary cellular towers on-site. It is anticipated the water tower painting will be completed by September 3, 2013. At that point, provided Sprint has all of it necessary permits, Sprint will be allowed to commence: 1) the demolition and removal of the existing equipment platform and fencing; 2) construction of the new equipment shelter and associated equipment including the cables, multimodal antennas, H-frame, etc.; and 3) grading to address the on-site storm water drainage problem.
10. SprintCom, Inc. or Sprint and the Village will need to enter into an amended Lease Agreement for the proposed facility. Sprint shall submit a draft of the Agreement to the Village for review. Once the Agreement is in an acceptable form for both parties, it will be placed on an upcoming Village Board agenda for review and approval.
11. The Communication Act of 1934 is the Federal regulation, which governs the telecommunications industry. Basically this act prohibits the State and local units of government from denying a wireless communication company's request for local zoning approval based on any environment or health concerns or effects. If the wireless communication company complies with the regulations on RF emissions set by the FCC.
12. The petitioner and all of the abutting and adjacent property owners within 300 feet of the site were notified via U.S. Mail on June 28, 2013 of this public hearing. Notices were published in the *Kenosha News* on July 8 and July 15, 2013.
13. The Village emailed the petitioner a copy of this staff report on July 19, 2013.
14. According to the Village Zoning Ordinance, the Plan Commission shall not approve a Conditional Use Permit or site and operational plans until after they review the findings of fact, the application and related materials that the project as planned, will not violate the intent or purpose of the Village Zoning Ordinance. In addition, it must comply with all federal, State, County or Village requirements relating to land use, buildings, development control, land division, environmental protection, sewer and water and storm service, noise, storm water management, streets and highways and fire protection.

And finally I just wanted to mention that the staff did not receive any calls regarding this petition or request. With that I'd like to continue the public hearing.

Tom Terwall:

This is a matter for public hearing. Anybody wishing to speak on this matter? Yes, sir?

Terry McMahon:

Good evening. My name is Terry McMahon. I live at 6407 107th Street. Recently the Village did approve for repainting and conditioning of the water tower and work is in progress. I live right by there, I go by there daily. Is the work from Nextel Sprint going to interfere, or are we going to have to go back and do any other work after the fact or is the contract that's installing from Sprint doing their work going to be responsible for the restoration of the work they do after the paint work is done?

Tom Terwall:

Thank you. Anybody else?

Barbara Newman:

I'm Barbara Newman and [inaudible] any questions that you have [inaudible].

Tom Terwall:

Please step to the microphone.

Barbara Newman:

I'm Barbara Newman representing Sprint Nextel regarding the network upgrade for this project. And I work with Ramaker & Associates.

Tom Terwall:

Could you respond to that question?

Barbara Newman:

I didn't hear entirely what his question was. Will we be responsible for the restoration of the property when the construction is completed?

Tom Terwall:

Yes, including who is responsible for the reinstallation of the towers.

Barbara Newman:

For the reinstallation of the antennas that will be the responsibility of Sprint Nextel, their contractor. And they will be just as Verizon and Cricket will be removing their antennas from the temporary poles they will be placing them onto the water tank and then removing at such time -- and then they will remove the temporary facilities. And in Sprint's case they will be constructing the building and taking down the existing platform, regrading to remove the ponding of water issue that has occurred over the years with their existing site.

Tom Terwall:

Thank you. Anybody else wishing to speak? Anybody else? Seeing none I'll open it up to comments and questions.

Michael Serpe:

To Mike there's been a recent State law changing concerning cell towers. Does anything in this law change affect what we're doing here tonight?

Mike Pollocoff:

The Village is prohibited from exercising its zoning authority on the siting of a new tower. So cell tower operators and the representatives such as Barb can basically find a place where they want to put it up and put it up. There's a review period. I think it's 30 days. If you don't respond it can go up anyway. So this is an area where we have an existing infrastructure that they're using. And we have a contract with Sprint and Verizon and Cricket on this site that we're using to make sure that everybody can work together, that the public asset that's owned which in this case is the water tower isn't damaged and we can still provide our services. But if any of these companies come out in the future and want to put it on a private site the Village no longer has any ability to regulate that.

John Braig:

Along with that, Mike, can the Village control the appearance of the structure on the site, the building?

Mike Pollocoff:

No, we have no control over any of it.

John Braig:

They can put up any dumb shack they want?

Mike Pollocoff:

It's really up to what the best business model is for the cell carrier or what fits their business plan.

Wayne Koessl:

Through the chair to Mike they still have to get a conditional use permit from the Plan Commission, don't they?

Mike Pollocoff:

No.

Jean Werbie-Harris:

I don't think so.

Mike Pollocoff:

Nope.

Jean Werbie-Harris:

They still have to get building permits and a zoning permit. But that would be issued by staff.

Michael Serpe:

For the longest time we wanted to keep these things as close together as possible, multi heads on one tower on existing structures that are in the Village which help the Village out with a little bit of money with the rent. And now the State comes through and zero levy increase and now they're taking away the ability for us to even charge a monthly rental from any new tower that somebody may want to put up on a private property. It's again Madison knowing better what's best for the rest of the State of Wisconsin including Pleasant Prairie. They're doing a fine job, they're doing a fine job. I think they're doing an outstanding job. Continue on.

Wayne Koessl:

I think the ones that are doing the good job are the lobbyists up there.

Michael Serpe:

What's that?

Wayne Koessl:

I think the lobbyists are doing a good job in Madison.

Michael Serpe:

We've got the best government money could buy.

John Braig:

Did we get any notification that this was being considered in any way?

Mike Pollocoff:

Pardon me?

John Braig:

Did we get notification that this bill was under consideration.

Mike Pollocoff:

It was in the budget bill. It came in as they work towards the end. And the League of Municipalities which is our interest organization represented they filed some alternative proposals and some things where there would still be some level of municipal review. Because even if you're going to say the Village doesn't -- because I think that's prevailing in Madison is that the local government shouldn't be making any more money than they make today. And even if you were to buy into all that, and there's even been a case as recent as last week where someone siting a cell tower in Menomonee Falls right behind a subdivision it's virtually right on the edge of single family lots and there is no local review. It's just there. If they've secured the land to put it up there and the property owner who owns it is granting them an easement or selling them a parcel of land or whatever then they can install it. It's kind of like a federal project, a post office, when we had this post office. There's no local review. It's whatever they want to do is they do.

Tom Terwall:

Mike, Verizon and Cricket where is their ground equipment located, in their own shack?

Mike Pollocoff:

The Verizon and Sprint ground equipment is on the site. Cricket's is on the tower.

Tom Terwall:

Is Verizon's in the Sprint building or do they have their own?

Mike Pollocoff:

No, they have that separate building.

Tom Terwall:

And that's not changing.

Mike Pollocoff:

No. And I think to the extent that the Village has worked, I would hope Sprint and Verizon and U.S. Cellular I think we've been working with them cooperatively to get these things put together and provide towers that they haven't had to construct in a lot of cases. We have a good working relationship with them, and I think that will continue. I don't see a reason why it shouldn't. Again as their business plan determines that they need to site another tower someplace that will just be a decision that's made of the radar. And if local citizens have a problem with that siting there really is no recourse other than to talk to the company that's siting the cell tower.

Tom Terwall:

It's interesting that the State has got so much time on their hands to interfere in these matters, but they don't have time to approval the radio tower for the County which has been in progress for over a year.

Don Hackbarth:

Now we have ordinances that say that a tower has to be so many feet away from the property line?

Mike Pollocoff:

Yes.

Don Hackbarth:

Is that out the window now?

Mike Pollocoff:

Right.

Don Hackbarth:

So they could put it right up against their property line.

Michael Serpe:

This is probably going to be approved tonight I'm sure. But I hope that Sprint wasn't a part of the lobby effort that got these laws changed.

Barbara Newman:

I don't know, but I do know that in this case it's good that we started this process early when we did because how it would have affected this project specifically is that the Village asked us that Sprint come in alignment with Cricket and Verizon with putting their -- currently their equipment is out on a platform. And they asked that Sprint put their equipment in a building of similar

structure. And Sprint wanting to be a good citizen is complying with that. But at this point on the way we interpret the bill is that from a modification standpoint that we would not have come through the Village necessarily and could have just notified that we were exchanging out the antennas, and you would not have had the opportunity for either the regrading or the bringing us in alignment with the building. Sprint wants to be a good neighbor so it doesn't affect this project, but it could have affected this project had it started after July 1st.

Tom Terwall:

Thank you. Anything else?

Mike Pollocoff:

One question Mr. McMahon brought up was the interrelationship between the maintenance work that's occurring on the tower and the work that Sprint and everybody else is doing. When we advertise that project out one of the requirements of specification was that we notified all the carriers that we had anticipated some much needed maintenance, we were cleaning the inside of the tower, repainting the inside and the outside. And also that over time there became some OSHA violations with the way the cabling was coming up through the tower. It was making it hard for the guys climbing the ladder to the top to get their feet on the rungs.

So this specification gave everybody an opportunity to take a look at what they had and come up with an alternative plan for getting their equipment off the tower in time so that they could not have any interruption of service. And we're out there now cleaning the inside as we speak now, and we'll paint it and paint the outside. And then once all that work is completed any additional iron work or steel work that they're going to do is going to be painted by the requirements of the Village specs for paint. They'll put it back on, and then we'll go back and inspect that. If there's some touch up work that needs to be done when they put their equipment back on the tower the plan calls for and our contracts with them call for them to make those changes or make those improvements or modifications so that the thing is totally done. We haven't had any push back from the companies at all on that because we anticipated when we gave out those contracts at some point we had to paint this tower. If we're going to blast it or we're just going to be able to roll it in place or whatever. So that part of the contract between us and the carriers has worked well, and the carriers have been very supportive and cooperative of it.

Don Hackbarth:

To work on the inside, Mike, do we have to drain the water out of that?

Mike Pollocoff:

Oh, yeah.

Don Hackbarth:

So then where do we get pressure?

Mike Pollocoff:

Our system is big enough that we can float off of the tower at 165 and Ladish and Timer Ridge in the interim. And we have enough ground water storage that we can supply the system even through a very hot summer. You'd hope you have a cooler summer and this hasn't been bad. We had that really hot week when we drained it. It was like Murphy's law, but we were still able to maintain pressures and do what we have to do.

Jean Werbie-Harris:

I would just also like to add one additional condition of approval which would be comment number 27. We did receive an email from our public works director, John Steinbrink, Jr., and he wants to confirm that any new trenches through the Village's roadway which is 57th that they're backfilled with granular material to prevent settling. So that will be one of the additional comments.

Tom Terwall:

Did you wish to add anything else, ma'am?

Barbara Newman:

No. I just would like to answer any questions if anyone has any questions.

Wayne Koessl:

Mr. Chairman, if the Commissioners don't have any further questions I would like to move approval subject to the conditional use permit and site and operational plan subject to the attached comments and conditions of staff including number 27 today.

Tom Terwall:

Is there a second?

Judy Juliana:

Second.

Tom Terwall:

IT'S BEEN MOVED BY WAYNE KOESSL AND SECONDED BY JUDY JULIANA TO APPROVE THE CONDITIONAL USE PERMIT INCLUDING THE SITE AND OPERATIONAL PLAN SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. How did you set up in the budget bill?

Mike Pollocoff:

Well, you know policy is made at the auction block and that's what happens.

[Inaudible]

- C. Consider the request of Michael L. Kinstle, Vice President of Real Estate for Meijer Distribution, Inc owners of the property located at 7400 95th Street for Site and Operational Plan approval for an addition to the existing warehouse, addition to the existing Energy Center and truck wash, new access to 95th Street and new guard houses at the STH 31 and 95th Street entrances.**

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, this is a request of Michael Kinstle, Vice President of Real Estate for Meijer Distribution, Inc., owners of the property located at 7400 95th Street for Site and Operational Plan approval for an addition to the existing warehouse, addition to the existing Energy Center and truck wash, new access to 95th Street and new guard houses at the entrances of Highway 31 and 95th Street entrances.

The petitioner is requesting approval of the following additions and renovations to the Meijer Western Distribution Center. Specifically, the petitioner is requesting to construct a 5,091 square foot dock addition to the existing cooler/freezer warehouse and 9,876 square foot of accessory buildings. In addition, renovations include modifications to the existing dry grocery warehouse to provide a cooler/freezer of 364,450 square feet, modifications to the existing cooler/freezer of 167,000 square feet, modifications to the existing energy center, 4,700 square feet, and modifications to the existing office, 22,000 square feet. In addition, the Meijer is requesting a new truck access to 95th Street.

Just a little bit of background information, again, regarding the site. The site was previously developed as a wholesale grocery distribution center, supporting retail grocery stores in the southern Wisconsin and northern Illinois by SuperValu. Packaged dry groceries, frozen food, meat dairy and produce were shipped to the facility from suppliers throughout the country and temporarily stored in non-refrigerated and refrigerated warehouse buildings until such time as they are selected and loaded onto trucks and shipped to retail stores. The site was originally planned to be developed in phases with various types of building and pavement additions.

The property was purchased in December of 2012 by Meijer Distribution, Inc., for the property to be used for their wholesale grocery distribution center. Operation and use of the facility, referred to as the Meijer Western Distribution Center, will not be significantly different from the previous owner's operations within the exception of the increases in volume due to the proposed additions and the installation of an Automated Storage Recovery System and future conversion of a portion

of the freezer storage to refrigerated storage. Actually it's the other way around. It's actually they're converting refrigerated storage to freezer storage.

The property is currently zoned M-2, General Manufacturing District and there are no wetlands, shoreland areas or 100-year floodplain on the property. On January 14, 2013, the Village Plan Commission conditionally approved Preliminary Site and Operational Plans for mass grading and early footings and foundations for the construction of a distribution building for Meijer Distribution. On April 3, 2013, permit #13-03-017 was issued and work commenced on the mass grading and footing and foundations.

On May 28, 2013, the Plan Commission approved Final Site and Operational Plans for the petitioner to construct a 245,792 square foot distribution center building which includes the ASRS system, the welfare areas and the associated docks. On June 14, 2013, a permit was issued for the construction of the ASRS building and associated site improvements. With respect to their proposed project, they are requesting approval of a number of renovations and additions for the distribution facility as I indicated previously.

The hours of operation for the facility will be 24 hours per day seven days per week in varying degrees of activity. The office will operate daily in conjunction with the distribution business flow. The facility will not be open to the general public. Meijer trucks making deliveries to retail stores will depart throughout the day, seven days a week via a new truck entrance and exit to 95th Street. These loads will depart over a 24 hour period, with peaks being from 10:00 at night until 3:00 in the morning. These trucks and third party trucks will return throughout the 24 hour period seven days a week. And I think that there's been a slight modification because actually the Meijer trucks will be coming in and out of 95th Street, is that correct? And then the third party vendor trucks will be coming in and out of Highway 31.

With respect to the anticipated startup date and employee count, well, the facility is well under construction at this point. It's technically been closed since May of 2013. Operations are expected to restart by March 31, 2014. Full-time employees are estimated at 522 including third party labor, and part-time employees are estimated at 42 including the third party labor. Each area will operate with two planned 10 to 12 hour shifts six days per week with seasonal requirements to seven days.

With respect to site access and parking, the facility is being designed for incoming and outgoing trucks through the main entrance on 31 with Meijer outbound and inbound delivery trucks using 95th Street. So I'm not sure if you can see that on your information. 95th Street is along the south end on the slide, and the gray line right here that is the new inbound/outbound truck entrance and departure location for the Meijer trucks. I'm going to talk a little bit more about that in a few minutes, but I'll just get through some of the other comments.

A lot of this information you have received and seen before as with the original proposal back in January and then in April and May, so those things are not changing. They are following all the State codes and the Village local codes with respect to parking and access, and they're meeting all of those requirements. The parking areas, maneuvering lanes, fire lanes including the truck courts are all improved with concrete vertical curb and gutter. Location of parking lots, maneuvering lanes and fire access lanes including curb and gutter shall not be located within any easements. We've taken care of that. And they all need to meet the required setbacks of 20 feet.

This new access to 95th Street, as I indicated, aligns directly with the SCJ entrance to the south. They're going to have a little bit wider entrance, flared entrance, to allow for the incoming and outgoing trucks. There's actually a guard station that's going to be located in this vicinity. There's going to be a new one constructed at the north end as trucks come in from Highway 31, and there's one that's going to be constructed at this location. So all of the trucks that go down to 95th Street or enter from 95th Street these are Meijer trucks, and they're under the complete control of Meijer. And they have GPS tracking, and I can introduce the representative from Meijer can go into some of the details.

There were a couple of concerns raised with respect to the impact of additional traffic on 95th Street. As you know we are working on a TIA. Our Village engineer has been working on that with the consultants, and it looks like hopefully at the end of next month, August, we'll have that completed. And they are taking a look at this Meijer entrance. But Meijer has taken a number of the concerns that we've had early on into account. And, again, by putting a guard station further back it allows for the vehicles to come in off of 95th and to queue on this long entrance road. And, again, as the trucks come around and they come to the south they check in here before they can come down. So there's plenty of opportunity for queuing in both directions.

In addition, they have agreed to put a sign here that says basically no right turn. They also have indicated to us that, and I will introduce them to talk a little bit about this, but there is a GPS monitoring system where they can monitor every single truck wherever they go. It's a visual monitoring system and they track their miles that way and they get paid that way. So I mean it's a good system in order to track where the trucks are going.

If a problem develops we did mention to Meijer that a couple of different things. One might be a bullpen on the south end or staggering more of the time frames for the trucks coming in. Worse case scenario would be some type of decel lane. We really don't envision there to be a problem. But we will put it through the traffic study and have them do the analysis. I think that we determined that based on the number of trucks on the 24 hour period every five to seven minutes, something like that, a truck would be coming in and out. So, again, we intend to work with Meijer to make sure that there aren't any concerns or backlogs on 95th because we do rely on all four lanes of 95th Street in order to move the traffic.

A couple of the other details on page 5 talk about that anticipated traffic that we've been talking about since January. Average daily automobile traffic is projected to be approximately 564 cars per day, roughly 213 will enter through the truck entrance, actually at the north end. Future estimated totals average daily automobile traffic is projected to be approximately 480 per day and 624 on peak. Maximum truck traffic average is projected to average 320 per day, 416 on peak. Future estimated totals with full build out again their plans are to do subsequent expansions at this location could range from 480 per day and 624 on peak.

A couple of the other things that I had talked about, especially on the north end, is that they have widened the entrance. They have created a bullpen area for the staging of trucks. They're pushing the guard station further back to allow more trucks to queue on the property. Again, as part of the TIA we're also examining that intersection at Highway 31 at their main entrance as well.

A couple other minor modifications that they're making, they are making some adjustments to the stormwater basin that is located just to the west of the future entrance. We need to shift that over a little bit and consolidate it in order to get that access road through. And, again, the parking lot for their employees on the south end is not interconnected. It's not intended that employees here will go out this entrance. There is a separate entrance to the east that the office employees will be using at that location. I guess with that I'd like to just introduce the representatives from Meijer to answer any questions and maybe explain a little bit more about how they run their logistics for their trucking operations.

Rick Hershberger:

I'm Rick Hershberger, Director of Distribution for Meijer, 2929 Walker Avenue, Grand Rapids, Michigan. One thing I wanted to explain our logistics program is across our entire network, and we route all of our trucks through a GPS program. So the driver's are literally paid by the mile, they get turn by turn directions both in the cab and in our dispatch office. So we have a high level of accountability for every mile and every turn they drive. It's not unique to this site, it's how we run our business.

With that at the same time we have problems we're able to discipline up to and including driver termination. So full accountability for the Meijer fleet, and they account for 50 percent of all the traffic that this site will have. As far as the Green Bay entrance we have routing guides and carrier handbooks that have all the terms and conditions that a vendor or a carrier would be required to do business with Meijer up to the point of paying them. So when it comes to the routing we'll certainly put it in our guide expressing that they use Green Bay Road, and we have some leverage with the vendors carriers from the respect.

Any other questions you might have? As far as from a safety standpoint I'll just add that we have a better safety record than the national average. Avoiding the three railroad crossings going to the west is certainly one of the things that we'll continue to always make a focus.

Tom Terwall:

Anything further?

Don Hackbarth:

The only concern I have is as you go west on 95th Street and then either north or south on H that's two lane traffic. And like he said the railroad track is there.

Jean Werbie-Harris:

And that's one of the conditions is that the Meijer trucks will not be taking right hand turns coming out of this access. They need to go left.

Don Hackbarth:

So they'll go to 31 and --

Jean Werbie-Harris:

They're going to go left.

Don Hackbarth:

-- and then south and 165?

Jean Werbie-Harris:

A lot of the SC Johnson trucks go left so they go west, and they're trucks are going to go east to avoid that.

Tom Terwall:

Anything further?

Michael Serpe:

Unlike the last public hearing I feel pretty good about this one. I'm glad you guys got good approval from the City on the site where the store's going to go, and this site looks great. Looks very good. I'd move approval, Mr. Chairman.

Wayne Koessl:

I'll second, Mr. Chairman, subject to the conditions outlined by staff.

Tom Terwall:

IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY WAYNE KOESSL TO APPROVE THE SITE AND OPERATIONAL PLANS SUBJECT TO THE TERMS AND CONDITIONS OUTLINED IN THE STAFF MEMORANDUM. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered. Welcome, gentlemen.

D. Consider a change of address for the house with an address of 5029 93rd Street that is inappropriately assigned to 5149 93rd Street.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, this is a request for a change of address. On July 15, 2013, the Village initiated the official change of address of 5029 93rd Street. It's the western most home on Outlot 4 of the Devonshire Subdivision because it will not fall within the proper address sequencing order. There's going to be a certified survey map that's going to be presented to the Village Plan Commission in the next few weeks. And that particular request will dedicate a portion of Cooper Road. And when Cooper Road is dedicated it will no longer allow this addressing sequence to fall in line with this particular home. At this point they're looking to keep that home that is on the south side just west of future Cooper Road.

There is a public hearing that is going to be scheduled before the Village Board on August 5, 2013 to discuss this proposed address change. The address is going to be proposed to be changed from 5029 93rd Street to 5149 93rd Street. And then the said changes would be effective after August 15, 2013. The Village staff recommends that the Plan Commission send a favorable recommendation to the Village Board to approve the address change, again, for this western most home from 5029 93rd Street to 5149 93rd Street.

Don Hackbarth:

Move approval.

Jim Bandura:

Second.

Tom Terwall:

Jean, is this the residence that is currently vacant?

Jean Werbie-Harris:

They're all vacant but yes. I mean there's a couple that were boarded up, but this is the one when you head down Cooper Road it's just to the right. It used to have a deer standing right there if you remember that, but it's just to the right. But it will be occupied at some point in the near future.

Tom Terwall:

So when Cooper Road goes through it won't be there then will it?

Jean Werbie-Harris:

That one will. The one to the east would not. This one will remain. I don't know if you can see that on the slide. This is the house right here and this is Cooper Road. This house right here, I don't know if that's still there or if that's gone. That's still there. That one is boarded up. That one would need to be removed.

Tom Terwall:

WE HAVE A MOTION, IS THERE A SECOND? THERE WAS. IT'S BEEN MOVED BY DON HACKBARTH AND SECONDED BY JIM BANDURA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD FOR THE CHANGE OF ADDRESS. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

E. Consider the request of Jonah Hetland of Bear Development agent for the owners of Lots 19 and 20 of the Westfield Heights Subdivision for a Lot Line Adjustment to add 5,312 square feet of land to Lot 20 from Lot 19 for the proposed development of Goddard School.

Jean Werbie-Harris:

Mr. Chairman and members of the Plan Commission, this is a request of Jonah Hetland of Bear Development, agent for the owners of Lots 19 and 20 of the Westfield Heights Subdivision for a Lot Line Adjustment to add 5,312 square feet of land to Lot 20 from Lot 19 for the proposed development of Goddard School. The petitioner is requesting to adjust the lot line between Lots 19 and 20 of the Westfield Heights Subdivision.

Specifically 5,312 square feet of land is being adjusted and added to Lot 19. After the adjustment Lot 19 will be 109,212 square feet or 2.507 acres, and Lot 20 will be 56,784 square feet or 1.304 acres. The Lot Line Adjustment is being requested so that all the improvements associated with the Goddard School development on Lot 19 are all on that particular lot as conditionally approved by the Plan Commission on April 22, 2013. The proposed Lot Line Adjustment complies with the requirements set forth in the Village Zoning Ordinance and Land Division and Development Control Ordinance.

There is a representative here, Jonah, from Bear Development if you have any questions. Again, I'm not sure if it had to do with financing or it was just at the owner's request, but with respect to all of the improvements they needed to just be all on the respective lot. They couldn't be as an easement on the adjacent lot.

Tom Terwall:

Is there anything you wish to add?

--:

No.

Michael Serpe:

How many lots are left out there to be built?

Jean Werbie-Harris:

Two of theirs and then Dr. Durani's lot to the west. So there's two commercial lots that they have.

Michael Serpe:

I move approval.

John Braig:

Is Lot 19 unencumbered with any restrictions or buildings or structures? In other words it's a totally vacant lot?

Jean Werbie-Harris:

Yes.

Michael Serpe:

Move approval.

Judy Juliana:

Second.

Tom Terwall:

IT'S BEEN MOVED BY MIKE SERPE AND SECONDED BY JUDY JULIANA TO SEND A FAVORABLE RECOMMENDATION TO THE VILLAGE BOARD TO APPROVE THE LOT LINE ADJUSTMENT. ALL IN FAVOR SIGNIFY BY SAYING AYE.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

7. ADJOURN.

John Braig:

So moved.

Judy Juliana:

Second.

Tom Terwall:

Motion and a second to adjourn. All in favor signify by saying aye.

Voices:

Aye.

Tom Terwall:

Opposed? So ordered.

Meeting Adjourned: 6:47 p.m.

- A. Consider the request of Carmelo Tenuta agent, on behalf of Double D Two Investments LLC, owner of the property known as Outlot 4 of the Devonshire Subdivision generally located within the 4900 and 5100 block of 93rd Street (south side of 93rd Street) for approval of a **Certified Survey Map** to subdivide the property to create one (1) 18,075 square foot parcel on the northwest corner of the site so that the westernmost home on the property will be located on its own parcel and to dedicate right-of-way for the future southern extension of Cooper Road. The remaining 36.5 acres will remain one (1) parcel that may be subdivided in the future.

Recommendation: Village staff recommends that the Plan Commission send a favorable recommendation to the Village Board to approve the **Certified Survey Map** including the deferment of the public improvements subject to the comments and conditions presented in the Village Staff Report of August 12, 2013.

VILLAGE STAFF REPORT OF AUGUST 12, 2013

Consider the request of Carmelo Tenuta agent, on behalf of Double D Two Investments LLC, owner of the property known as Outlot 4 of the Devonshire Subdivision generally located within the 4900 and 5100 block of 93rd Street (south side of 93rd Street) for approval of a **Certified Survey Map** to subdivide the property to create one (1) 18,075 square foot parcel on the northwest corner of the site so that the westernmost home on the property will be located on its own parcel and to dedicate right-of-way for the future southern extension of Cooper Road. The remaining 36.5 acres will remain one (1) parcel that may be subdivided in the future.

The petitioner is requesting to subdivide Outlot 4 of the Devonshire Subdivision generally located within the 4900 and 5100 blocks of 93rd Street (south side of 93rd Street) and to create one (1) 18,075 square foot parcel on the northwest corner of the site so that the westernmost home on the property will be located on its own parcel and to dedicate right-of-way for the future southern extension of Cooper Road. The remaining 36.5 acres will remain one (1) parcel that may be subdivided in the future.

Lot 1 is currently zoned R-4, Urban Single Family Residential District. Lot 2 is currently zoned R-4, the wetlands are zoned C-1 and the future Outlot areas pursuant to the Preliminary Plat for Devonshire are zoned PR-1, Neighborhood Park-Recreational District. Therefore, a Zoning Map Amendment is not required for this land division. Furthermore, the Village Comprehensive Land Use Plan is consistent with the current zoning so the Comprehensive Land Use Plan does not need to be amended.

Lot 1 is proposed to be 18,075 square feet with more than 100 feet of frontage on a public street. The existing house will remain. The lot size and frontage meet the minimum requirements of the R-4 District.

Lot 2 is proposed to be 36.5629 acres with over 700 feet of frontage on 93rd Street. This parcel is proposed to be further subdivided into single family lots in the future.

The existing home and garage located within the proposed dedicated Cooper Road right-of-way shall be razed in accordance with the Village's Razing Permit Application requirements prior to recording the CSM or by December 1, 2013, whichever occurs first. The razing procedures include: removal of the structures, abandonment of all utilities, filling the foundation and the excavated area, returning the land area to grade and vegetatively stabilizing the land. (See the Village's Razing Permit Application process for a complete listing of responsibilities.)

Owners Guarantee: A copy of the owners executed contract proposal to raze the structures and stabilize the site within the Cooper Road right-of-way, a performance bond equal to the contract proposal and the executed copy of the **attached** Waiver of Liability and Indemnification shall be provided to the Village prior to recording the CSM to provide the Village the assurance that the structures will be razed and the site restored in the Cooper Road right-of-way by December 1, 2013. After the structures are razed, the site is restored and the Village inspects and accepts the right-of-way then the performance bond and waiver will be released.

All of the seven (7) other house and outbuilding structures on the property shall be razed by September 1, 2014. During the interim period up until September 1, 2014, all of the structures shall be properly maintained by the owner and free from vandalism and casual entry. If the remaining structures become a public nuisance, the Village will notify the owner in accordance with Municipal Code procedures for their immediate removal.

Modify the notes on the CSM, as appropriate, regarding the timeframes for the removal of the boarded/abandoned structures on the property. If the structures are razed prior to recording the CSM, the structures shall be removed from the CSM.

As part of the Preliminary Plat for the Devonshire Subdivision conditionally approved by the Village Board on March 5, 2007 by Resolution #07-04, the intersection of Cooper Road and 93rd Street is proposed to be improved with a roundabout, therefore as part of this CSM, a 100-foot radius is being dedicated to the Village for the future roundabout and an 80-foot wide roadway dedication is also being dedicated for the future extension of Cooper Road to the south along the east side of Lot 1.

There is a note on the Final Plat for the Devonshire Subdivision that indicates no direct driveway access shall be obtained from 93rd Street to Outlot 4. Therefore, as indicated on the CSM "No Direct Driveway Access" to 93rd Street for both Lots 1 and 2 will be allowed after Cooper Road is extended. As such, a temporary access to Lot 1 will be allowed by the Village to remain in the same location since most of the existing driveway is within the dedicated Cooper Road to the east of Lot 1. This temporary driveway can remain until Lot 2 is developed and Cooper Road is constructed south of 93rd Street. The Lot 2 Developer shall be responsible (both physically and financially) for the relocation of the Lot 1 driveway and area restoration when Cooper Road is constructed – Place a note on the CSM that reflects this responsibility. Temporary construction easements shall be identified on the CSM to reflect the removal, relocation and restoration of the Lot 1 driveway. The location of the driveway access to Cooper Road shall be determined by the Village after the roundabout design has been finalized.

A "20 foot wide Temporary Construction Access Easement" over the gravel construction access leading from 93rd Street to the existing Devonshire Phase 1 Subdivision (through Lot 2) shall be clearly identified on the CSM as the construction access for the existing home construction within the Devonshire Subdivision. This Temporary Construction Access Easement shall be dedicated on this CSM and the Easement language shall be prepared by the surveyor and added to the CSM which indicates that private and public contractors shall be allowed to utilize this access to the existing Devonshire Phase 1 Subdivision until the lots are built upon or the Village releases the need for the easement, whichever occurs first.

The wetlands on Lot 2 are shown and legally described on CSM. Pursuant to the Development Agreement and the approved Engineering Plans for the Devonshire Subdivision, the wetlands were filled pursuant to the **attached** ACOE and WI DNR permits for the future roadways as shown on the Preliminary Plat for Devonshire. In addition, the wetlands as legally described and shown on the Final Plat exclude these wetland areas. The wetlands on Lot 2 were field staked by a biologist in 2002 and approved by the WI DNR on January 21, 2003. Prior to the development of Lot 2, the wetlands will need to be re-evaluated and likely re-delineated.

The trees that are shown on the CSM "to be removed" are the same trees that were identified and approved to be removed pursuant to the Preliminary Plat for Devonshire Subdivision. These trees are proposed to be removed when Lot 2 is developed at the cost of the Developer of Lot 2. The west 25 feet of Lot 1 identifies that the trees are in the "Dedicated Tree Preservation and Protection, Access and Maintenance Easement" pursuant to the Preliminary Plat for the Devonshire Subdivision are to be protected. This entire 25 foot wide easement area shall remain undisturbed. Language shall be placed on the CSM which described the penalties for the removal of any healthy trees within this easement.

The petitioner is requesting the deferment of the public improvements in 93rd Street and Cooper Road extension south until Lot 2 is developed. Language shall be placed on the CSM that describes that it is the Developer of 2 who is responsible for the design and

construction of the Cooper Road and 93rd Street/Cooper Road roundabout required public infrastructure improvements.

The existing home on Lot 1 will be required to connect to both municipal water and municipal sanitary sewer. Both municipal services are available in 93rd Street. According to the Village records, this house is currently not connected to municipal water; however since the house has been vacant for more than a year and a land division is proposed, the Village will require the house to be connected to water and pay the deferred assessment. In addition, any outstanding taxes or special assessments shall be paid prior to recording the CSM.

Property Taxes: The Village will accept the Cooper Road right-of-way dedication; however, the owner shall be responsible for any of the property taxes and special assessments associated with Lot 2 and the dedicated right-of-way area.

Addresses Change/Correction: On July 15, 2013, the Village initiated the change of an official address 5029 93rd Street (western most home on Outlot 4 of the Devonshire Subdivision) that will be located on the proposed Lot 1 does not fall within the proper address sequencing order. On August 5, 2013, the Village Board held a public hearing and changed the address of the house from **5029 93rd Street to 5149 93rd Street**. Said change will become effective August 15, 2013.

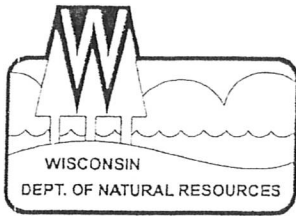
The Village staff recommends approval of the CSM including the deferment of the public improvements subject the above comments and the following conditions:

1. Owners Guarantee: A copy of the owners executed contract proposal to raze the structures and stabilize the site within the Cooper Road right-of-way, a performance bond equal to the contract proposal and the executed copy of the **attached** Waiver of Liability and Indemnification shall be provided to the Village prior to recording the CSM to provide the Village the assurance that the structures will be razed and the site restored in the Cooper Road right-of-way by December 1, 2013. After the structures are razed, the site is restored and the Village inspects and accepts the right-of-way then the performance bond and waiver will be released.
2. Note on the CSM: All of the seven (7) other house and outbuilding structures on the property shall be razed by September 1, 2014. During the interim period up until September 1, 2014, all of the structures shall be properly maintained by the owner and free from vandalism and casual entry. If the remaining structures become a public nuisance, the Village will notify the owner in accordance with Municipal Code procedures for their immediate removal.
3. Modify the notes on the CSM, as appropriate, regarding the timeframes for the removal of the boarded/abandoned structures on the property. If the structures are razed prior to recording the CSM, the structures shall be removed from the CSM.
4. As part of the Preliminary Plat for the Devonshire Subdivision conditionally approved by the Village Board on March 5, 2007 by Resolution #07-04, the intersection of Cooper Road and 93rd Street is proposed to be improved with a roundabout, therefore as part of this CSM, a 100-foot radius is being dedicated to the Village for the future roundabout and an 80-foot wide roadway dedication is also being dedicated for the future extension of Cooper Road to the south along the east side of Lot 1.
5. As indicated on the CSM "No Direct Driveway Access" to 93rd Street for both Lots 1 and 2 will be allowed after Cooper Road is extended. As such, a temporary access to Lot 1 will be allowed by the Village to remain in the same location since most of the

existing driveway is within the dedicated Cooper Road to the east of Lot 1. This temporary driveway can remain until Lot 2 is developed and Cooper Road is constructed south of 93rd Street. The Lot 2 Developer shall be responsible (both physically and financially) for the relocation of the Lot 1 driveway and area restoration when Cooper Road is constructed – Place a note on the CSM that reflects this responsibility. Temporary construction easements shall be identified on the CSM to reflect the removal, relocation and restoration of the Lot 1 driveway. The location of the driveway access to Cooper Road shall be determined by the Village after the roundabout design has been finalized.

6. A "20 foot wide Temporary Construction Access Easement" over the gravel construction access leading from 93rd Street to the existing Devonshire Phase 1 Subdivision (through Lot 2) shall be clearly identified on the CSM as the construction access for the existing home construction within the Devonshire Subdivision. This Temporary Construction Access Easement shall be dedicated on this CSM and the Easement language shall be prepared by the surveyor and added to the CSM which indicates that private and public contractors shall be allowed to utilize this access to the existing Devonshire Phase 1 Subdivision until the lots are built upon or the Village releases the need for the easement, whichever occurs first.
7. The wetlands on Lot 2 are shown and legally described on CSM. Pursuant to the Development Agreement and the approved Engineering Plans for the Devonshire Subdivision, the wetlands were filled pursuant to the **attached** ACOE and WI DNR permits for the future roadways as shown on the Preliminary Plat for Devonshire. In addition, the wetlands as legally described and shown on the Final Plat exclude these wetland areas. The wetlands on Lot 2 were field staked by a biologist in 2002 and approved by the WI DNR on January 21, 2003. Prior to the development of Lot 2, the wetlands will need to be re-evaluated and likely re-delineated.
8. The trees that are shown on the CSM "to be removed" are the same trees that were identified and approved to be removed pursuant to the Preliminary Plat for Devonshire Subdivision. These trees are proposed to be removed when Lot 2 is developed at the cost of the Developer of Lot 2. The west 25 feet of Lot 1 identifies that the trees are in the "Dedicated Tree Preservation and Protection, Access and Maintenance Easement" pursuant to the Preliminary Plat for the Devonshire Subdivision are to be protected. This entire 25 foot wide easement area shall remain undisturbed. Language shall be placed on the CSM which described the penalties for the removal of any healthy trees within this easement.
9. The petitioner is requesting the deferment of the public improvements in 93rd Street and Cooper Road extension south until Lot 2 is developed. Language shall be placed on the CSM that describes that it is the Developer of 2 who is responsible for the design and construction of the Cooper Road and 93rd Street/Cooper Road roundabout required public infrastructure improvements.
10. The existing home on Lot 1 will be required to connect to both municipal water and municipal sanitary sewer. Both municipal services are available in 93rd Street. According to the Village records, this house is currently not connected to municipal water; however since the house has been vacant for more than a year and a land division is proposed, the Village will require the house to be connected to water and pay the deferred assessment. In addition, any outstanding taxes or special assessments shall be paid prior to recording the CSM.
11. Any deferred/outstanding special assessments or outstanding taxes shall be paid prior to recording the CSM.

12. Impact fees are only due when a new home is constructed, therefore, no impact fees will be due as a result of this land division.
13. The Village will accept the Cooper Road right-of-way dedication on CSM; however, the owner shall be responsible for any of the property taxes or special assessments associated with Lot 2 and the dedicated right-of-way area.
14. After the revised CSM submitted and reviewed and approved by staff, the original CSM shall be executed by the property owner and submitted to the Village for signatures.
15. The CSM shall be executed by all parties and recorded at the Kenosha County Register of Deeds Office no later than December 1, 2013.



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional
Director

Sturtevant Service Center
9531 Rayne Road
Sturtevant, WI 53177-1833
Telephone (262) 884-2300
FAX (262) 884-2307
TDD (262) 884-2304

May 18, 2007

Nancy Washburn
Regency Hills Development
5008 Green Bay Road
Kenosha, WI 53144

SUBJECT: Coverage Under WPDES General Permit No. WI-S067831-3: Construction Site Storm Water
Runoff

Permittee Name: Regency Hills Development
Site Name: Devonshire Phase 1
FIN: 36628

Dear Permittee:

The Wisconsin Department of Natural Resources received your Construction Project Consolidated Permit Application or Notice of Intent, on April 23, 2007, for the Devonshire Phase 1 site and has evaluated the information provided regarding storm water discharges from your construction site. We have determined that your construction site activities will be regulated under ch. 283, Wis. Stats., ch. NR 216, Wis. Adm. Code, and in accordance with Wisconsin Pollutant Discharge Elimination System (WPDES) General Permit No. WI-S067831-3, Construction Site Storm Water Runoff. All erosion control and storm water management activities undertaken at the site must be done in accordance with the terms and conditions of the enclosed general permit.

The **Start Date** of permit coverage for this site is May 18, 2007. The maximum period of permit coverage for this site is limited to 3 years from the **Start Date**. Therefore, permit coverage automatically expires and terminates 3 years from the Start Date and storm water discharges are no longer authorized unless another Notice of Intent and application fee to retain coverage under this permit or a reissued version of this permit is submitted to the Department 14 working days prior to expiration.

A copy of the general permit along with extensive storm water information including technical standards, forms, guidance and other documents is accessible on the Department's storm water program Internet site. The Department's Internet site is: <http://www.dnr.state.wi.us/org/water/wm/nps/stormwater.htm>

To obtain a copy of the general permit, please download it and the associated documents listed below.

- Construction Site Storm Water Runoff WPDES general permit No. WI-S067831-3:
http://dnr.wi.gov/org/water/wm/nps/pdf/stormwater/permits/construction/construction_permit_S067831-3.pdf

- Construction site inspection report form:
http://www.dnr.state.wi.us/org/water/wm/nps/pdf/stormwater/3400187_Construction_Site_Inspection_Report.pdf
- Notice of Termination form:
<http://www.dnr.state.wi.us/org/water/wm/nps/pdf/stormwater/3400162.pdf>

If, for any reason, you are unable to access these documents over the Internet, please contact me and I will send them to you.

To ensure compliance with the general permit, please read it carefully and be sure you understand its contents. Please take special note of the following requirements (This is not a complete list of the terms and conditions of the general permit.):

1. The Construction Site Erosion Control Plan and Storm Water Management Plan that you completed prior to submitting your permit application must be implemented and maintained throughout construction. Failure to do so may result in enforcement action by the Department.
2. The general permit requires that erosion and sediment controls be routinely inspected at least every 7 days, and within 24 hours after a rainfall event of 0.5 inches or greater. Weekly written reports of all inspections must be maintained. The reports must contain the following information:
 - a. Date, time, and exact place of inspection;
 - b. Name(s) of individual(s) performing inspection;
 - c. An assessment of the condition of erosion and sediment controls;
 - d. A description of any erosion and sediment control implementation and maintenance performed;
 - e. A description of the site's present phase of construction.
3. A **Certificate of Permit Coverage** must be posted in a conspicuous place on the construction site. The Certificate of Permit Coverage (WDNR Publication # WT-813) is enclosed for your use.
4. When construction activities have ceased and the site has undergone final stabilization, a Notice of Termination (NOT) of coverage under the general permit must be submitted to the Department.

It is important that you read and understand the terms and conditions of the general permit because they have the force of law and apply to you. Your project may lose its permit coverage if you do not comply with its terms and conditions. The Department may also withdraw your project from coverage under the general permit and require that you obtain an individual WPDES permit instead, based on the Department's own motion, upon the filing of a written petition by any person, or upon your request.

If you believe that you have a right to challenge this decision to grant permit coverage, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to ss. 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to s. 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with s. NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with s. NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

Thank you for your cooperation with the Construction Site Storm Water Discharge Permit Program. If you have any questions concerning the contents of this letter or the general permit, please contact Peter Wood at (262) 884-2360.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Wood', written in a cursive style.

Peter Wood, P.E.
Southeast Region
Water Resources Engineer

ENCLOSURE: Certificate of Permit Coverage



CERTIFICATE OF PERMIT COVERAGE

UNDER THE
WPDES CONSTRUCTION SITE STORM WATER RUNOFF PERMIT
Permit No. WI-S067831-3

Under s. NR 216.455(2), Wis. Adm. Code, landowners of construction sites with storm water discharges regulated by the Wisconsin Department of Natural Resources (WDNR) Storm Water Permit Program are required to post this certificate in a conspicuous place at the construction site. This certifies that the site has been granted WDNR storm water permit coverage. The landowner must implement and maintain erosion control practices to limit sediment-contaminated runoff to waters of the state in accordance with the permit.

EROSION CONTROL COMPLAINTS

should be reported to the WDNR Tip Line at

1-800-TIP-WDNR (1-800-847-9367)

Please provide the following information to the Tip Line:

WDNR Site No. (FIN): 36628

Site Name: Devonshire Phase 1

Address/Location: 93rd St from 48th Ave to Cooper Road Village of PLEASANT PRAIRIE

Additional Information:

Landowner: Regency Hills Development

Landowner's Contact Person: Nancy Washburn

Contact Telephone Number: (262) 654-1220

Permit Start Date: May 18, 2007

By: _____



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Sturtevant Service Center
9531 Rayne Rd Ste 4
Sturtevant, Wisconsin 53177
Telephone 262-884-2300
FAX 262-884-2307
TTY 262-884-2304

September 15, 2006

Kari Kittermaster
Mastercraft Builders
5008 Green Bay Road
Kenosha, WI 53144

*publishing 9/26/06
Kenosha news*

IP-SE-2006-30-0394RP
Corps # 2003-1429-DJP

EXHIBIT A

Dear Ms. Kittermaster:

The Department has completed review of your proposal to construct a residential subdivision, and we have determined that your project meets state standards. Enclosed is a State Water Quality Certification, which approves your project and lists the conditions which must be followed. Please read your certification carefully so that you are fully aware of what is expected of you.

Please remember to file a notice of intent under NR 216 with the Department at least 14 days prior to starting construction.

As a condition of the State Water Quality Certification, state law requires that you:

- publish this as a Class I Notice, at your expense, in Kenosha News, 5800 7Th Ave. Kenosha WI 53140-4194 Email: classad@kenoshanews.com
- obtain, and send to me, an affidavit from the newspaper providing proof that the notice has been published.

This Water Quality Certification decision becomes final 30 days after the date of publication, unless an objection is filed and a hearing is requested. We will contact you only if a hearing is requested.

If you have any questions, please contact me.

Sincerely,

Heidi Hopkins
Water Management Specialist
262-884-2355

cc: Dale Pfeifle, U.S. Army Corps of Engineers
Village of Pleasant Prairie
Dave Meyer, Wetland and Waterway Consulting LLC

Notice of Water Quality Certification
Docket # IP-SE-2006-30-0394RP

Kari Kittermaster, Mastercraft Builders, 5008 Green Bay Road, Kenosha, WI 53144, has filed an application with the Wisconsin Department of Natural Resources for water quality certification under Section 401 of the Federal Clean Water Act, Section 281.15 and 281.37, Wisconsin Statutes, and Chapter NR 299, Wisconsin Administrative Code.

The project is located in the NW¼ of Section 23, T1N, R22E, Village of Pleasant Prairie, Kenosha County. The property is located south of CTH T and west of 39th Ave. The project consists of an 80 acre Devonshire residential subdivision. The project will include the construction of roads, utilities and the appropriate stormwater management devices. The project will impact 0.74 acres of wetland for road construction and temporarily disturb 0.06 acres for utility line construction.

The Department has evaluated this proposal and determined that this activity will meet the standards found in Section NR 299.04, Wis. Admin. Code, and certification is granted.

If you would like to know more about this project, contact Heidi Hopkins, Sturtevant Service Center, 9531 Rayne Rd. Suite IV, Sturtevant WI 53177. Reasonable accommodation, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request.

The following conditions are part of the certification:

1. The applicant shall notify the Wisconsin Department of Natural Resources of their intent to start the discharge at least five business days prior to the beginning of the discharge. Within 5 business days after the completion of the discharge, the applicant shall notify the Department of Natural Resources of the completion of the discharge.
2. The contractor and subcontractors shall notify the Department in writing at least 5 days prior to starting construction that they have read, understood and agree to follow the grading, erosion control and stormwater plans developed for this project per NR 216 Wis. Adm. Code.
3. The applicant shall allow the Wisconsin Department of Natural Resources reasonable entry and access to the discharge site to inspect the discharge for compliance with the certification and applicable laws.
4. The applicant is responsible for obtaining any permit or approval required by municipal zoning ordinances or by the Corps of Engineers before starting the project.
5. Authorization hereby granted by the Department is not transferable.
6. Final site stabilization requires the re-establishment of vegetation with non-aggressive, native species and should not contain invader species such as Reed Canary Grass (*Phalaris arundinacea*).
7. No other portion of the wetland may be disturbed beyond the area designated in the plans dated May 2006.

8. The excavation of the trench for installation of the utility lines must be done in layers and placed back in the trench in the same orientation as it was removed.
9. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters and as specified in the plans and procedures that are part of or approved pursuant to this permit. All erosion control measures must meet or exceed the approved Stormwater Construction Technical Standards found on the Department's Runoff Management Website
<http://dnr.wi.gov/org/water/wm/nps/stormwater/techstds.htm#Construction> developed by the Department under Wis. Admin. Code chs. NR 151.31.
10. You are not allowed to temporarily or permanently stockpile excavated or fill material in the wetland.
11. Appropriate erosion control measures must be in-place and effective during every phase of this project.
12. Erosion control measures must be in place at the end of each working day.
13. Site stabilization between October 1 and April 15 requires sodding or seeding and mulching (with a non-toxic tackifier).

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions shall be filed.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources, P.O. Box 7921, Madison, WI, 53707-7921.

A request for contested case hearing must follow the form prescribed in section NR 2.05(5), Wis. Adm. Code, and must include the following information:

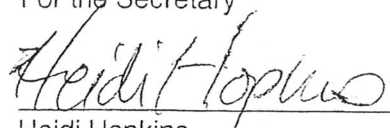
1. A description of the Department's action or inaction which is the basis for the request;
2. The substantial interest of the petitioner which is injured in fact or threatened with injury by the Department's action or inaction;
3. Evidence of legislative intent that this interest is not to be protected;
4. An explanation of how the injury to the petitioner is different in kind or degree from the injury to the general public caused by the Department's action or inaction;
5. That there is a dispute of material fact, and what the disputed facts are;
6. The statute or administrative rule other than s. 227.42, Wis. Stats., which accords a right to a hearing.

This notice is provided pursuant to section 227.48(2), Wis. Stats.

Dated at Sturtevant Service Center on September 15, 2006

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

For the Secretary

A handwritten signature in cursive script that reads "Heidi Hopkins". The signature is written in black ink and is positioned above a horizontal line.

Heidi Hopkins

Water Management Specialist

- 55 Art, Antiques & Auctions
 - 56 Holiday Gifts
 - 57 Barter Deals & Opportunities
 - 58 Building Materials
 - 59 For Sale Under \$100
 - 60 Business/Office Merchandise
 - 62 Pets - Supplies/Services
 - 63 Estate And Moving Sales
 - 64 Household Goods
 - 65 Computers And Electronics
 - 66 Tv & Audio
 - 68 Lawn & Garden
 - 70 Firewood
 - 74 Wanted To Buy Miscellaneous
- RENTALS**
- 75 Rental Services
 - 76 Rooms With Board
 - 78 Rooms Without Board
 - 80 Wanted-To Rent

- 83 Non-Smoking Rentals
 - 84 Unfurnished Apartments
 - 85 Roommates
 - 86 Houses, Condos For Rent
 - 88 Business Space For Rent
 - 90 Farms/Land For Rent/Wanted To Rent
 - 92 Garage/Storage For Rent
 - 94 Vacation Rentals
 - 95 Moorings & Dock Rentals
- REAL ESTATE**
- 96 Open Houses
 - 97 Real Estate Services
 - 98 Houses For Sale
 - 99 Real Estate West Of I-94
 - 100 Business Property For Sale
 - 101 Condos For Sale
 - 102 Farms & Land For Sale
 - 104 Real Estate Loans
 - 106 Lots & Acreage
 - 108 Resort Property

- 110 Exchange Real Estate
 - 111 Wanted Real Estate
 - 112 Manufactured Homes For Sale/Rent
- TRANSPORTATION**
- 113 Aviation/Services Education
 - 114 Motorcycles
 - 115 Snowmobiles
 - 116 Everything Automotive
 - 117 Wanted To Buy Vehicles
 - 118 Trucks & Trailers
 - 119 Antique, Classic Cars & Parts
 - 120 Automobiles
 - 121 Vans
 - 122 Sports Utility Vehicles
 - 123 Automotive Rentals
- GIVE AWAY ADS**
- 124 Free Items (No Animals)
- Browse through the Kenosha News Classifieds online at:**
www.kenoshanews.com

1 Legal/Public Notices

sed for that purpose. you have previously received a Chapter 7 Discharge in Bankruptcy, this correspondence should not be construed as an attempt to collect a debt. August 22, 29, Sept. 5, 2, 19, 26, 2006
 WNXALP

STATE OF WISCONSIN
 CIRCUIT COURT
 KENOSHA COUNTY
 CitiMortgage
 Wells Fargo Bank, N.A.
 successor by merger
 Wells Fargo Home Mortgage, Inc.
 76 Stateview Boulevard
 Fort Mill, SC 29715

Plaintiff
 v.
 Frederick David Strauss
 and
 Renee Lynn Strauss
 15926 93rd Street
 Bristol, WI 53104

Defendants
 APPLICATION SUMMONS
 CASE NO 06-CV-1183
 Honorable David M. Bastianelli

Case code 30404
 enclosure of Mortgage
 STATE OF WISCONSIN
 each person named
 as a defendant:
 are hereby notified that
 plaintiff named above
 filed a lawsuit or other
 action against you.
 n 45 days after Sep-
 19, 2006, you
 respond with a writ-
 ermand for a copy of
 complaint. The
 nd must be sent or
 red to the court.
 address is 912 56th
 Kenosha, WI
 0-3747 and to GRAY
 D. L.L.P., plaintiff's
 ey, whose address is
 10th Broadway, Suite
 Milwaukee, WI
 2. You may have an
 ay help or represent

do not demand a
 of the lawsuit with-
 day. court may
 judgment against you

1 Legal/Public Notices

for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.
 GRAY & END, L.L.P.
 Attorneys for Plaintiff
 By: Steven E. ZablOCKI
 State Bar No. 1027190
 Dated: September 18, 2006

Pursuant to the Fair Debt Collection Practices Act (15 U.S.C. Section 1692), we are required to state that we are attempting to collect a debt on our client's behalf and any information we obtain will be used for that purpose.
 Pub: Sept. 19, 26, Oct. 3, 2006
 WNXALP

STATE OF WISCONSIN
 CIRCUIT COURT
 KENOSHA COUNTY
 IN THE MATTER
 OF THE ESTATE OF
 GAIL L. HILEMAN
 Notice to Creditors
 (Informal Administration)
 Case No. 06-PR-229

An application has been filed for informal administration of the estate of the decedent, whose date of birth was 9/13/52 and date of death was 4/14/06. The decedent died domiciled in Kenosha County, State of Wisconsin, with a post office address of:
 6124 - 7-6th Avenue,
 Salem, WI 53168.
 All interested persons have waived notice.
 /s/ Marilyn J. Lemke
 Pro. te Registrar
 Se. t. 14, 2006
 KUPFER LAW OFFICES, S.C.

1 Legal/Public Notices

1111 55th St., Ste. 2
 Kenosha, WI 53140
 (262) 654-5030
 Published: September 19,
 26, October 3, 2006.
 WNXALP

STATE OF WISCONSIN
 CIRCUIT COURT
 KENOSHA COUNTY
 NOTICE TO CREDITORS
 (Informal Administration)
 Case No. 06PR210

In the matter of the estate of Margaret Totts a/k/a Margarette Totts Deceased

An application has been filed for informal administration of the estate of the decedent, whose date of birth was October 17, 1925 and date of death was May 4, 2006. The decedent died domiciled in Kenosha County, State of Wisconsin, with a post office address of:
 7135 Breen Bay Road,
 Kenosha, WI 53142.
 All interested persons have waived notice.
 Creditors' claims must be filed with the probate registrar on or before January 8, 2007.

/s/Marilyn J. Lemke
 September 8, 2006
 Matthew G. Mattioli
 4502 W. Cleveland Avenue
 Milwaukee, WI 53219
 (414)899-4998
 Published: Sept. 19, 26,
 Oct. 3, 2006
 WNXALP

NOTICE OF WATER
 QUALITY CERTIFICATION
 DOCKET # IP-SE-2006-30-
 0394RP

Kari Kittermaster, Mastercraft Builders, 5008 Green Bay Road, Kenosha, WI 53144, has filed an application with the Wisconsin Department of Natural Resources for water quality certification under Section 401 of the Federal Clean Water Act, Section 281.15 and 281.37, Wisconsin Statutes, and Chapter NR 299, Wisconsin Admin-

1 Legal/Public Notices

istrative Code.
 The project is located in the NW¼ of Section 23, T1N, R22E, Village of Pleasant Prairie, Kenosha County. The property is located south of CTH T and west of 39th Ave. The project consists of an 80 acre Devonshire residential subdivision. The project will include the construction of roads, utilities and the appropriate stormwater management devices. The project will impact 0.74 acres of wetland for road construction and temporarily disturb 0.06 acres for utility line construction. The Department has evaluated this proposal and determined that this activity will meet the standards found in Section NR 299.04, Wis. Admin. Code, and certification is granted. If you would like to know more about this project, contact Heid Hopkins, Sturtevant Service Center, 9531 Rayne Rd. Suite IV, Sturtevant WI 53177. Reasonable accommodation, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request.

The following conditions are part of the certification:
 1. The applicant shall notify the Wisconsin Department of Natural Resources of their intent to start the discharge at least five business days prior to the beginning of the discharge. Within 5 business days after the completion of the discharge, the applicant shall notify the Department of Natural Resources of the completion of the discharge.
 2. The contractor and subcontractors shall notify the Department in writing at least 5 days prior to starting construction they they have read, understood and

1 Legal/Public Notices

agree to follow the grading, erosion control and stormwater plans developed for this project per NR 216 Wis. Adm. Code.
 3. The applicant shall allow the Wisconsin Department of Natural Resources reasonable entry and access to the discharge site to inspect the discharge for compliance with the certification and applicable laws.
 4. The applicant is responsible for obtaining any permit or approval required by municipal zoning ordinances or by the Corps of Engineers before starting the project.
 5. Authorization hereby granted by the Department is not transferable.
 6. Final site stabilization requires the re-establishment of vegetation with non-aggressive, native species and should not contain invader species such as Reed Canary Grass (Phalaris arundinacea).
 7. No other portion of the wetland may be disturbed beyond the area designated in the plans dated May 2006.
 8. The excavation of the trench for installation of the utility lines must be done in layers and placed back in the trench in the same orientation as it was removed.
 9. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters as specified in the plans and procedures that are part of or approved pursuant to this permit. All erosion control measures must meet or exceed the approved Stormwater Construction Technical Standards found on the Department's Runoff Management Website
<http://dnr.wi.gov/org/water/wm/nps/stormwater/techstds.htm#Construction>
 developed by the Department under Wis. Admin. Code chs. NR 151.31.

1 Legal/Public Notices

10. You are not allowed to temporarily or permanently stockpile excavated or fill material in the wetland.
 11. Appropriate erosion control measures must be in place and effective during every phase of this project.
 12. Erosion control measures must be in place at the end of each working day.
 13. Site stabilization between October 1 and April 15 requires sodding or seeding and mulching (with a non-toxic tackifier).
 NOTICE OF APPEAL RIGHTS
 If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions shall be filed.
 To request a contested case hearing pursuant to section 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources, P.O. Box 7921, Madison, WI, 53707-7921.
 A request for contested case hearing must follow the form prescribed in section NR 2.05(5), Wis. Adm. Code, and must include the following information:
 1. A description of the Department's action or inaction which is the basis for the request;
 2. The substantial interest of the petitioner which is injured in fact or threatened with injury by the Department's action or inaction;
 3. Evidence of legislative intent that this interest is not to be protected;
 4. An explanation of how the injury to the petitioner is different in kind or degree from the injury to the general public caused by the Department's action or inaction;

1 Legal/Public Notices

5. That there is a dispute of material fact, and what the disputed facts are;
 6. The statute or administrative rule other than s.227.42, Wis. Stats., which accords a right to a hearing.
 This notice is provided pursuant to section 227.48(2), Wis. Stats.
 Dated at Sturtevant Service Center on September 15, 2006
 WISCONSIN DEPARTMENT OF NATURAL RESOURCES
 For the Secretary,
 /s/ Heidi Hopkins
 Water Management Specialist
 Published: September 26, 2006.
 WNXALP

STATE OF WISCONSIN
 CIRCUIT COURT
 KENOSHA COUNTY
 IN THE MATTER OF
 THE ESTATE OF
 PHILIP A. LINNEMAN
 NOTICE TO INTERESTED PERSONS
 AND TIME LIMIT FOR FILING CLAIMS
 (Informal Administration)
 Case No. 06 PR 213

An application has been filed for informal administration of the estate of the decedent, whose date of birth was 09/21/1920 and date of death was 07/10/2006. The decedent died domiciled in Kenosha County, State of Wisconsin, with a post office address of: 3613 - 376th Avenue, Burlington, WI. 53105

9.26.06 Kenosha News

COPY OF NOTICE

NOTICE OF WATER QUALITY CERTIFICATION DOCKET # IP-SE-2006-30-0394RP

Karl Kittermaster, Mastercraft Builders, 5008 Green Bay Road, Kenosha, WI 53144, has filed an application with the Wisconsin Department of Natural Resources for water quality certification under Section 401 of the Federal Clean Water Act, Section 281.15 and 281.37, Wisconsin Statutes, and Chapter NR 299, Wisconsin Admin-

istrative Code.

The project is located in the NW¼ of Section 23, T1N, R22E, Village of Pleasant Prairie, Kenosha County. The property is located south of CTH T and west of 39th Ave. The project consists of an 80 acre Devonshire residential subdivision. The project will include the construction of roads, utilities and the appropriate stormwater management devices. The project will impact 0.74 acres of wetland for road construction and temporarily disturb 0.06 acres for utility line construction.

The Department has evaluated this proposal and determined that this activity will meet the standards found in Section NR 299.04, Wis. Admin. Code; and certification is granted. If you would like to know more about this project, contact Heidi Hopkins, Sturtevant Service Center, 9531 Rayne Rd, Suite IV, Sturtevant WI 53177. Reasonable accommodation, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request.

The following conditions are part of the certification:

1. The applicant shall notify the Wisconsin Department of Natural Resources of their intent to start the discharge at least five business days prior to the beginning of the discharge. Within 5 business days after the completion of the discharge, the applicant shall notify the Department of Natural Resources of the completion of the discharge.

agree to follow the grading, erosion control and stormwater plans developed for this project per NR 21.6 Wis. Adm. Code.

3. The applicant shall allow the Wisconsin Department of Natural Resources reasonable entry and access to the discharge site to inspect the discharge for compliance with the certification and applicable laws.

4. The applicant is responsible for obtaining any permit or approval required by municipal zoning ordinances or by the Corps of Engineers before starting the project.

5. Authorization hereby granted by the Department is not transferable.

6. Final site stabilization requires the re-establishment of vegetation with non-aggressive native species and should not contain invader species such as Reed Canary Grass (Pharalis arundinacea).

7. No other portion of the wetland may be disturbed beyond the area designated in the plans dated May 2006.

8. The excavation of the trench for installation of the utility lines must be done in layers and placed back in the trench in the same orientation as it was removed.

9. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters as specified in the plans and procedures that are part of or approved pursuant to this permit. All erosion control measures must meet or exceed the approved Stormwater Construction Technical Standards found on the Department's Runoff Management Website: <http://dnr.wi.gov/org/water/wm/nps/stormwater/techstds.htm#Construction>

developed by the Department under Wis. Admin. Code chs. NR 151.31.

10. The request; 2. The substantial interest of the petitioner which is injured in fact or threatened with injury by the Department's action or inaction; 3. Evidence of legislative intent that this interest is not to be protected; 4. An explanation of how the injury to the petitioner is dif-

STATE OF WISCONSIN

COUNTY OF KENOSHA

SS.

[Handwritten signature]

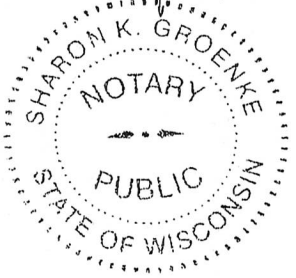
being duly sworn, on

oath says, that he/she is one of the printers of THE KENOSHA NEWS, a daily newspaper printed and published in the City of Kenosha, County and State aforesaid, and that a notice, of which the annexed printed slip is a true copy, has been published in the said KENOSHA NEWS for the term of

1 weeks, once each week successively, commencing the 26 day of September, A.D. 2006, and ending September 26, A.D. 2006

[Handwritten signature]

Subscribed and Sworn To before me this 26 Day of September, A.D. 2006



[Handwritten signature of Sharon K. Groenke]

Notary Public

My commission expires 11/16/08



DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS
190 FIFTH STREET EAST
ST. PAUL, MN 55101-1638

August 9, 2006

RECEIVED

MAY 11 2007

REPLY TO
ATTENTION OF
Operations
Regulatory (2003-1429-DJP)

EXHIBIT A

Ms. Kari Kittermaster
MasterCraft Builders
5008 Green Bay Road
Kenosha, Wisconsin 53144

Dear Ms. Kittermaster:

We have reviewed your permit application to discharge fill materials in 0.74 acre of wetland adjacent to a tributary to Lake Michigan for the purpose of constructing roads within the Devonshire subdivision development. The project would also temporarily impact approximately 0.06 acre of wetland for the installation of utilities. The project site is located in the NW ¼, Sec. 23, T. 1N., R. 22E., Kenosha County, Wisconsin.

This work is authorized **PROVIDED YOU OBTAIN CONFIRMATION THAT SECTION 401 WATER QUALITY CERTIFICATION HAS BEEN GRANTED OR WAIVED FOR THE PROJECT** from the Wisconsin Department of Natural Resources. This authorization is issued under the provisions of LOP-06-WI.

The authorized work is shown on the enclosed drawings labeled 2003-1429-DJP, Pages 1 of 8 through Page 8 of 8, and are hereby incorporated as part of this **Letter of Permission**.

The following special conditions are part of this authorization:

1. If a conditioned State water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this Letter of Permission.
2. As compensation for the unavoidable wetland impacts, the permittee shall purchase a minimum of 1.11 acres of credits from an approved mitigation bank.
3. No work authorized by this permit shall be completed until the permittee provides the District Engineer with written confirmation from the mitigation bank manager that the required credits have been purchased. Such written confirmation must be received by the District Engineer within 30-days from the completion of the transaction.
4. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your Letter of Permission.

If your project will require off-site fill material that is **not** obtained from a licensed commercial facility, you must notify us at least five working days before start of work. A cultural resources survey may be required if a licensed commercial facility is not used.

This action is based upon the recommendation of the Chief of Engineers and under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344). The authorization is subject to the enclosed General and Standard Conditions.

The time limit for completing this authorized work ends three years from the date of this letter.

This Federal authorization does not obviate the need to obtain other Federal, state or local authorizations required by law.


If this letter of permission is not acceptable and you would like to appeal the permit decision, please follow the directions in Section A of the enclosed Notification of Administrative Appeal Options and Process and Request for Appeal.

The June 19, 2006, joint U.S. Supreme Court decision on *Rapanos vs. U.S.* and *Carabell vs. Corps of Engineers* addresses the scope of Clean Water Act jurisdiction over certain waters of the United States, including wetlands. If you believe this decision may affect the extent of our jurisdiction over aquatic areas impacted by your project or the compensatory mitigation requirements of your permit, you may exercise the following option. You may ask for a delay in the issuance of the permit until the St. Paul District receives substantive guidance from our headquarters regarding any possible impacts of the court decision. That guidance might require us to re-evaluate our jurisdiction and our permit conditions, including extent of compensatory mitigation. Otherwise, you can accept this permit now with its existing terms and conditions and proceed with your project.

The decision regarding this action is based on information found in the administrative record, which documents the District's decision-making process, the basis for the decision, and the final decision.

If you have any questions, contact Dale Pfeiffle in our Waukesha, Wisconsin office at (262) 547-0868. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,


F. Judith L.A. DesHarnais
Acting District Commander

Enclosures

Copy furnished to:

Heidi Hopkins, WDNR, Sturtevant, WI

Jean Werbie, Village of Pleasant Prairie, Pleasant Prairie, WI

Dave Meyer, Wetland & Waterway Consulting LLC, Sturtevant, WI

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: MasterCraft Builders		File Number: 2003-1429-DJP	Date: Aug. 9, 2006
Attached is:		See Section below	
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A. INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approve jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B. PROFFERED PERMIT: You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C. PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D. APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E. PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION

If you have questions regarding this decision and/or the appeal process you may contact:

Dale J. Pfeiffle
 U.S. Army Corps of Engineers
 Waukesha Field Office
 1617 E. Racine Avenue, Room 101
 Waukesha, Wisconsin 53186

 Telephone (262) 547-0868

If you only have questions regarding the appeal process you may also contact:

Division Engineer
 Appeal Review Office
 CEMVD
 P. O. Box 80
 Vicksburg, MS 39181-0080

 Telephone (601) 634-5820

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:	Telephone number:
---	-------	-------------------

GENERAL INFORMATION

Persons proposing to do work should note that, in ALL cases, LOP-06-WI requires that adverse impacts to water and wetland resources be avoided and minimized TO THE MAXIMUM EXTENT PRACTICABLE. Also, activities that would adversely affect Federal or State endangered plant or animal species or certain cultural or archaeological resources, or that would impair reserved Native American tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights, are not eligible for authorization under LOP-06-WI.

DEPARTMENT OF THE ARMY PERMIT GENERAL CONDITIONS

1. The time limit for completing work authorized by an LOP ends three years after the date of the Corps' authorization letter. If you find that you need more time to complete the authorized activity, submit your request for a time extension to the Corps for consideration at least three months before the expiration date is reached.
2. You must maintain the authorized activity in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archaeological remains while accomplishing the authorized activity you must immediately stop work and notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to the LOP-06-WI authorization. A copy of the certification will be attached to the LOP-06-WI authorization if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any

time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of LOP-06-WI.

Further Information.

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).
2. Limits of this authorization.
 - a. This LOP does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - b. This LOP does not grant any property rights or exclusive privileges.
 - c. This LOP does not authorize any injury to the property or rights of others.
 - d. This LOP does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In authorizing work, the Federal Government does not assume any liability, including but not limited to the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching

the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1., above, establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

OTHER INFORMATION

1. FEDERAL TRUST RESPONSIBILITY TO INDIAN TRIBES. Projects the District finds to have potential to affect tribal interests will be coordinated with the appropriate Indian Tribal governments. The Tribe's views and the Federal trust responsibility will be considered in the District's evaluation. Throughout the state, including the treaty-ceded territories, the District review of all provisional LOP projects which impact more than 10,000 square feet of wetland/water area will include coordination with any potentially affected tribe(s). The District will provide, by facsimile transmission, project notifications to the concerned tribe(s) for a 30-day review period. The views of the tribe(s) will be considered in the District's evaluation of the activity and in the District's determination of whether the activity is in compliance with LOP-06-WI Standard Condition 18 that prohibits activities, or their operation, that may impinge or abrogate treaty rights, including, but not limited to, reserved treaty fishing and hunting rights.

2. PROJECT-SPECIFIC LOP-06-WI CONDITIONS. The District evaluation will identify any need for project-specific special conditions and require such conditions to minimize adverse project impacts and/or protect the public interest.

LOP-06-WI CONDITIONS

3. **FORM AND CONFIRMATION OF AUTHORIZATION.** Every LOP-06-WI authorization will be confirmed in writing by the St. Paul District via a letter of authorization to the project Applicant or authorized agent. The letter will identify any required special conditions.

4. **FEDERAL AND STATE ENDANGERED SPECIES AND CULTURAL RESOURCES.** LOP-06-WI does not affect the Corps responsibility to insure that all Section 404 authorizations comply with Section 7 of the Federal Endangered Species Act, s. 29.604, Wisconsin Statutes and Section 106 of the National Historic Preservation Act. No Corps permit will be granted for projects found not to comply with these Acts.

5. **GRANDFATHER PROVISION.** Regulated work for commenced activities that was authorized under the LOP provisions of GP/LOP-98-WI continues to be authorized under the terms of the original authorization

6. **MODIFICATION OF PROCEDURES.** The St. Paul District has authority to modify, revoke, or suspend these procedures at any time it determines that circumstances concerning the public interest warrant such action.

STATE SECTION 401 CERTIFICATION, CONDITIONS AND LIMITATIONS OF SECTION 401 CERTIFICATION OF LOP-06-WI.

I. General Conditions

1. The applicant shall allow the WDNR reasonable entry and access to the discharge site to inspect the proposed discharge for compliance with this certification and applicable laws and to inspect permitted discharges for compliance with this certification and applicable laws.

2. If any conditions of this certification are found to be invalid or unenforceable, certification for all activities to which that condition applies is denied.

3. The following activities are not eligible for certification under this water quality certification action for LOP-06-WI.

A. Activities likely to jeopardize the continued existence of a state designated threatened or endangered species or a species proposed for such designation or which is likely to destroy or adversely modify the habitat of such species.

B. Activities that result in adverse impacts to fishery spawning habitat or adversely affect

avifauna breeding areas or substantially disrupt the movement of those species that normally migrate from open water to upland or vice versa (i.e. amphibians, reptiles and mammals).
C. Activities detrimental to waters of the state, including wetlands, that would adversely affect designated areas of special natural resource interest as defined in NR 103.04, Wis. Adm. Code.
D. Activities, individually or cumulatively, detrimental to waters of the state, including wetlands, that would further the substantial degradation of designated impaired waters of the state.

4. Applicants seeking authorization under the LOP-06-WI (Letter of Permission procedures) shall complete a Joint State/Federal Permit Application and submit two copies to each, the appropriate local COE office and the local WDNR Water Management Specialist. Applications for water quality certification must be complete as determined by the WDNR. Please note an application fee is required for state water quality certification activities identified under Section II below.

II. Water Quality Certification

1. The WDNR grants water quality certification for projects that satisfy all applicable conditions of LOP-06-WI subject to the General Conditions above, and:

2. The applicant receives written confirmation from the department that their proposed activity(s) is consistent with the requirements of NR 299 Water Quality Certification, Wis. Adm. Code, and the Department confirms that the applicant has adequately demonstrated that no other practicable alternative exists which would not adversely impact wetlands and would not result in other significant adverse environmental consequences and the Department confirms that the activity is consistent with the requirements of NR 103.08, Wis. Adm. Code.

NOTE: If additional information is needed, or if heavy snow or ice cover prevents WDNR from completing their review, the normal processing time for confirming activities eligible for authorization under this certification may be extended (by written notice from WDNR to the applicant.)

WISCONSIN COASTAL MANAGEMENT PROGRAM (WCMP) CONDITIONS.

The WCMP's Federal consistency determination for LOP-06-WI provides that no

LOP-06-WI authorization for an activity taking place in coastal wetlands identified as ridge and swale complexes and/or wetlands adjacent to the Mink River, Door County, and the Kakagon and Bad Rivers, Ashland County will be valid unless and until a Federal consistency determination is granted or waived by the WCMP. This requirement therefore is incorporated as a permit condition of LOP-06-WI. Applicants will be notified of this condition in the District's LOP provisional authorization for projects in these areas.



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
190 FIFTH STREET EAST
ST. PAUL, MN 55101-1638

March 8, 2005

EXHIBIT A

REPLY TO
Operations
Regulatory (03-01429-DJP)

Mr. Dave Meyer
Wetland & Waterway Consulting, LLC
S83 W23915 Artesian Avenue
Big Bend, Wisconsin 53103

Dear Mr. Meyer:

This is in response your March 2, 2005, request for a Corps jurisdictional determination for the "Rumachik" property located at 4907 and 5107 93rd Street. The project site is in the NW ¼, Sec. 23, T. 1N., R. 22E., Kenosha County, Wisconsin.

The wetlands found at the project site were delineated by Wetland and Waterway Consulting LLC in September, 2002. The Corps reviewed this delineation and provided concurrence on November 29, 2002, that the wetland boundary delineated at the site was established in accordance with the *Corps of Engineers Wetland Delineation Manual* (1987 Manual).

We have reviewed the wetland delineation report referenced above and have completed a jurisdictional determination regarding the delineated wetlands. This jurisdictional determination takes into consideration the U.S. Supreme Court's decision in Solid Waste Agency of Northern Cook County v. Corps of Engineers (the SWANCC decision). The areas encompassed by this jurisdictional determination are water bodies/wetlands that are approximately 0.84 acre in size, as shown on the enclosed drawing.

The subject waterbodies labeled # 1 and # 2 on the enclosed drawing are not "waters of the United States" because they are: (1) not "navigable waters" as defined by Federal law, (2) not interstate waters, (3) not part of a tributary system to (1) or (2), (4) not wetlands adjacent to any of the foregoing, and (5) not an impoundment of any of the above. In addition, the interstate commerce nexus to these particular waterbodies is insufficient to establish Clean Water Act jurisdiction. These waterbodies are therefore not subject to regulation by the Corps of Engineers under Section 404 of the Clean Water Act. Please note that a water that is not navigable under Federal law may still be "navigable" as defined by state law (and may therefore be subject to regulation by the state).

We have also determined that the subject water bodies identified as # 3A, # 3B, # 3C, # 3D, # 3E, # 4, # 5, # 6, and # 7 on the enclosed drawing are adjacent to a tributary to Lake Michigan, a navigable water of the United States and, therefore, are subject to Corps of Engineers jurisdiction.

Pursuant to Section 404 of the Clean Water Act, the Corps of Engineers has regulatory jurisdiction over the discharge of dredged and fill materials, including discharges associated with mechanical land clearing, in all waters of the United States, which includes most wetlands. In addition, the Corps regulates all work in navigable waters of the United States pursuant to Section 10 of the Rivers and Harbors Act.


Please note that work performed below the ordinary high water mark in waters of the United States, or the discharge of dredged or fill material into wetlands, without a Department of the Army permit could subject you to enforcement action. Receipt of a permit from a state or local agency does not obviate the requirement for obtaining a Department of the Army permit.

This letter is valid only for the project referenced above. If any change in design, location, or purpose is contemplated, contact this office to avoid doing work that may be in violation of Federal law. PLEASE NOTE THAT THIS CONFIRMATION LETTER DOES NOT ELIMINATE THE NEED FOR STATE, LOCAL, OR OTHER AUTHORIZATIONS, SUCH AS THOSE OF THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES OR KENOSHA COUNTY.

If you disagree with this jurisdictional determination, you may provide new information. Please follow the directions in Section D of the enclosed Notification of Administrative Appeal Options and Process and Request for Appeal.

If you have any questions, contact Dale J. Pfeiffle in our Waukesha office at (262) 547-0868. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,


for Robert J. Whiting
Chief, Regulatory Branch

Copy furnished:

Heidi Hopkins, WDNR, Sturtevant, WI



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
190 FIFTH STREET EAST
ST. PAUL, MN 55101-1638

FEB 28 2007

REPLY TO
ATTENTION OF:
Operations
Regulatory (2003-1429-DJP)

EXHIBIT A

Ms. Kari Kittermaster
MasterCraft Builders
5008 Green Bay Road
Kenosha, Wisconsin 53144

Dear Ms. Kittermaster:

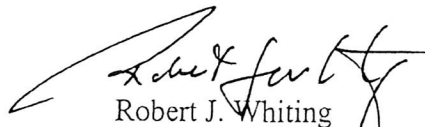
The St. Paul District, Corps of Engineers has completed the consultation with the Wisconsin State Historic Preservation Office (SHPO) as required under Section 106 of the National Preservation Act for the Devonshire residential development project area.

Based on the consultation with SHPO and the review of the Archeological Services, Inc. November 11, 2006, archeological survey titled "*A Phase I Archeological Survey of Corps of Engineers Permit Areas at the Devonshire Development in Kenosha County, Wisconsin*", we have determined that activities authorized under Department of the Army letter of permission 2003-1429-DJP will not affect historic properties and the authorized work can proceed.

The decision regarding this action is based on information found in the administrative record, which documents the District's decision-making process, the basis for the decision, and the final decision.

If you have any questions, contact Dale Pfeiffle in our Waukesha office at (262) 547-0868. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely


Robert J. Whiting
Chief, Regulatory Branch

Copy furnished:

Heidi Hopkins
Wisconsin Department of Natural Resources
9531 Rayne Road, Suite 4
Sturtevant, WI 53177

Operations
Regulatory (2003-1429-DJP)

- 2 -

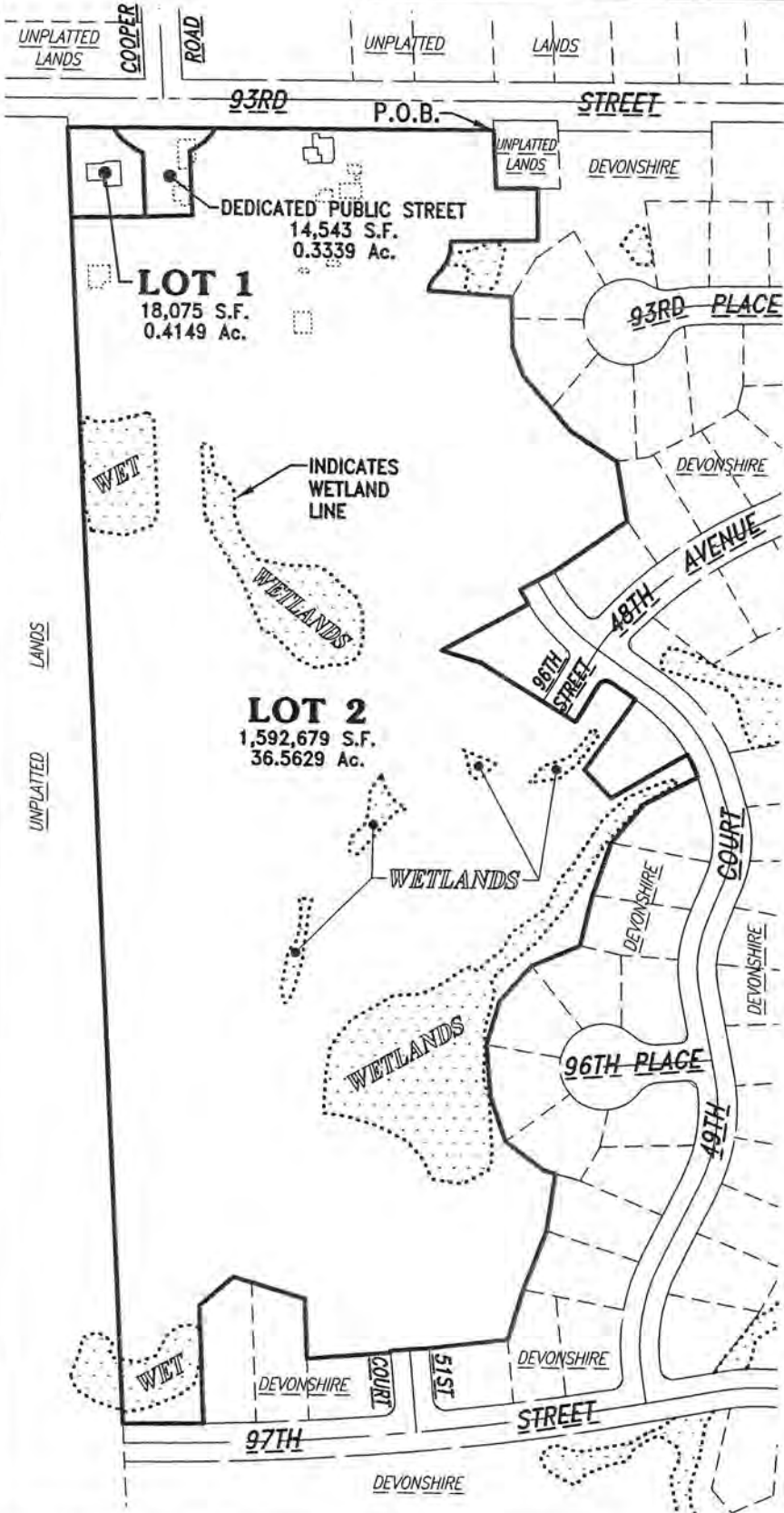
Jean Werbie
Village of Pleasant Prairie
9915 – 39th Avenue
Pleasant Prairie, WI 53158-6504

Dave Meyer
Wetland & Waterway Consulting, LLC
S83 W23915 Artesian Avenue
Big Bend, WI 53103

CERTIFIED SURVEY MAP NO.

BEING A REDIVISION OF OUTLOT 4 OF "DEVONSHIRE" SUBDIVISION, LOCATED IN A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWN 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

OVERALL DETAIL SHEET



NORTH

SCALE: 1"=300'

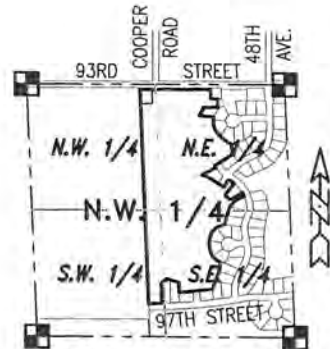


OWNER:

DOUBLE D INVESTMENTS, LLC
 9687 42ND COURT
 PLEASANT PRAIRIE, WI 53158
 PHONE: 262-496-4443



17700 W. Capitol Drive
 Brookfield, WI 53045
 Phone: (262) 790-1480
 Fax: (262) 790-1481



LOCALITY MAP

N.W. 1/4, SEC. 23-1-22
 SCALE: 1"=2000'

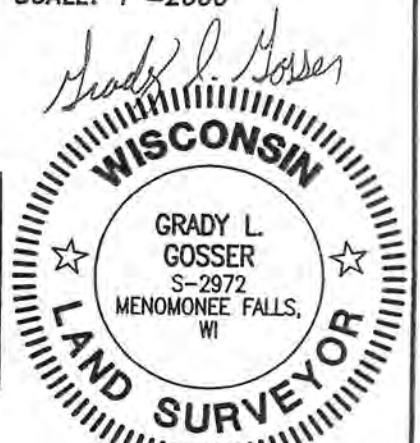
NOTES/LEGEND:

- - INDICATES Section Corner (See Plan for Details)
 - ⊗ - INDICATES "Set" 1-5/16" O.D. x 24" long iron pipe weighing 1.68 lbs. per lined foot.
 - - INDICATES "Found" 1-5/16" O.D. long iron pipe weighing 1.68 lbs. per lined foot.
 - - INDICATES "Found" 2-1/4" O.D. long iron pipe weighing 3.65 lbs. per lined foot.
- Telephone lines, electric lines, cable television lines, telecommunications lines, and other similar utility services shall be placed underground unless the applicant or utility can demonstrate that undergrounding is not feasible.

NOTE: All bearings are referenced to Grid North of the Wisconsin State Plane Coordinate System, South Zone (NAD-27), in which the North line of the N.W. 1/4 of Section 23, Town 1 North, Range 22 East bears N89°34'25"E.

DRAFTED THIS 28TH DAY OF MAY, 2013

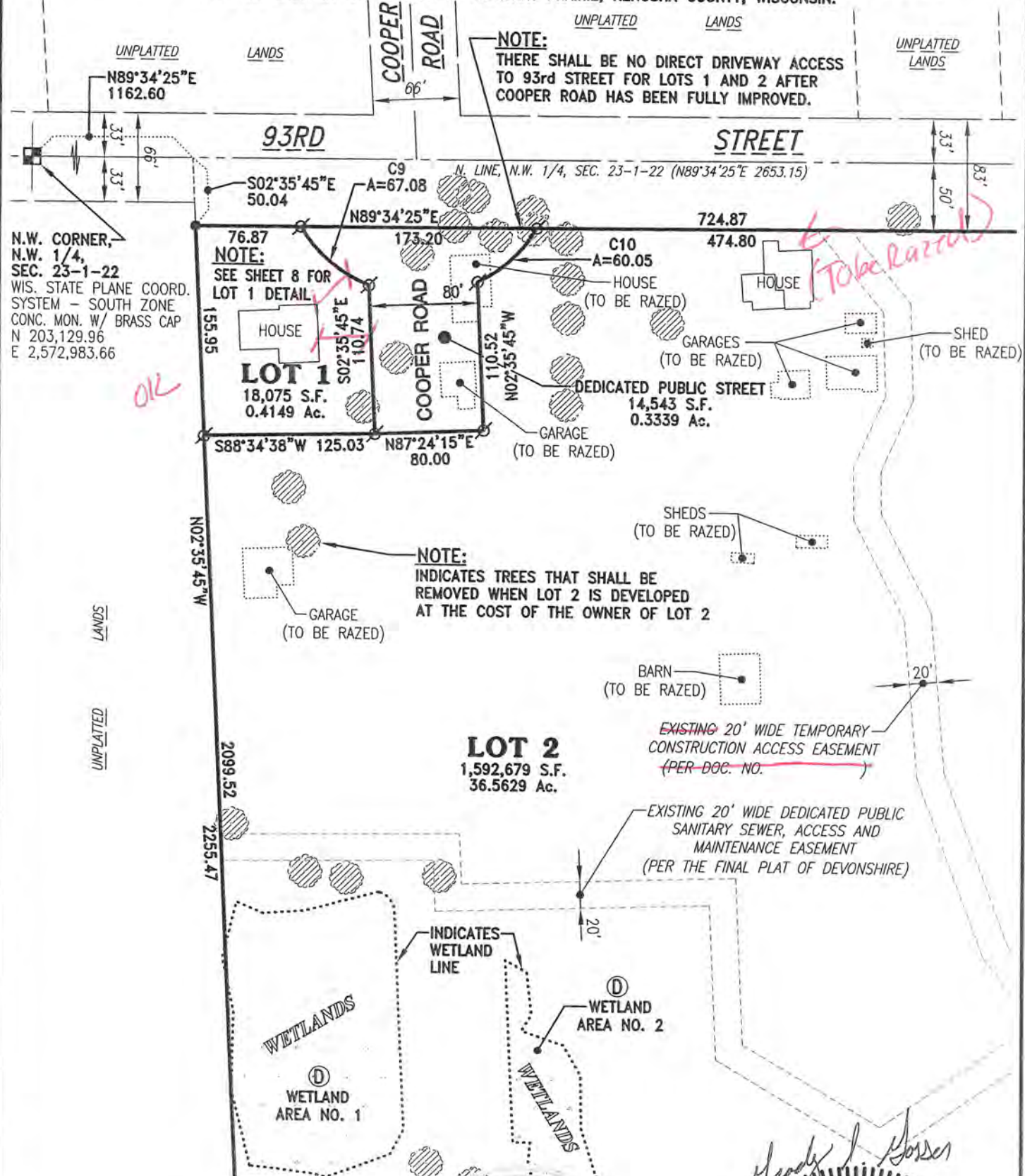
THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, S-2972



JOB NO. 03-031-678-01
 SHEET 1 OF 21

CERTIFIED SURVEY MAP NO.

BEING A REDIVISION OF OUTLOT 4 OF "DEVONSHIRE" SUBDIVISION, LOCATED IN A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWN 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.



NOTE:
THERE SHALL BE NO DIRECT DRIVEWAY ACCESS TO 93rd STREET FOR LOTS 1 AND 2 AFTER COOPER ROAD HAS BEEN FULLY IMPROVED.

NOTE:
SEE SHEET 8 FOR LOT 1 DETAIL

NOTE:
INDICATES TREES THAT SHALL BE REMOVED WHEN LOT 2 IS DEVELOPED AT THE COST OF THE OWNER OF LOT 2

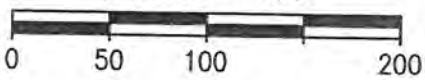
N.W. CORNER, N.W. 1/4, SEC. 23-1-22
WIS. STATE PLANE COORD. SYSTEM - SOUTH ZONE
CONC. MON. W/ BRASS CAP
N 203,129.96
E 2,572,983.66

OK

(To be Razed)



SCALE: 1" = 100'



17700 W. Capitol Drive
Brookfield, WI 53045
Phone: (262) 790-1480
Fax: (262) 790-1481



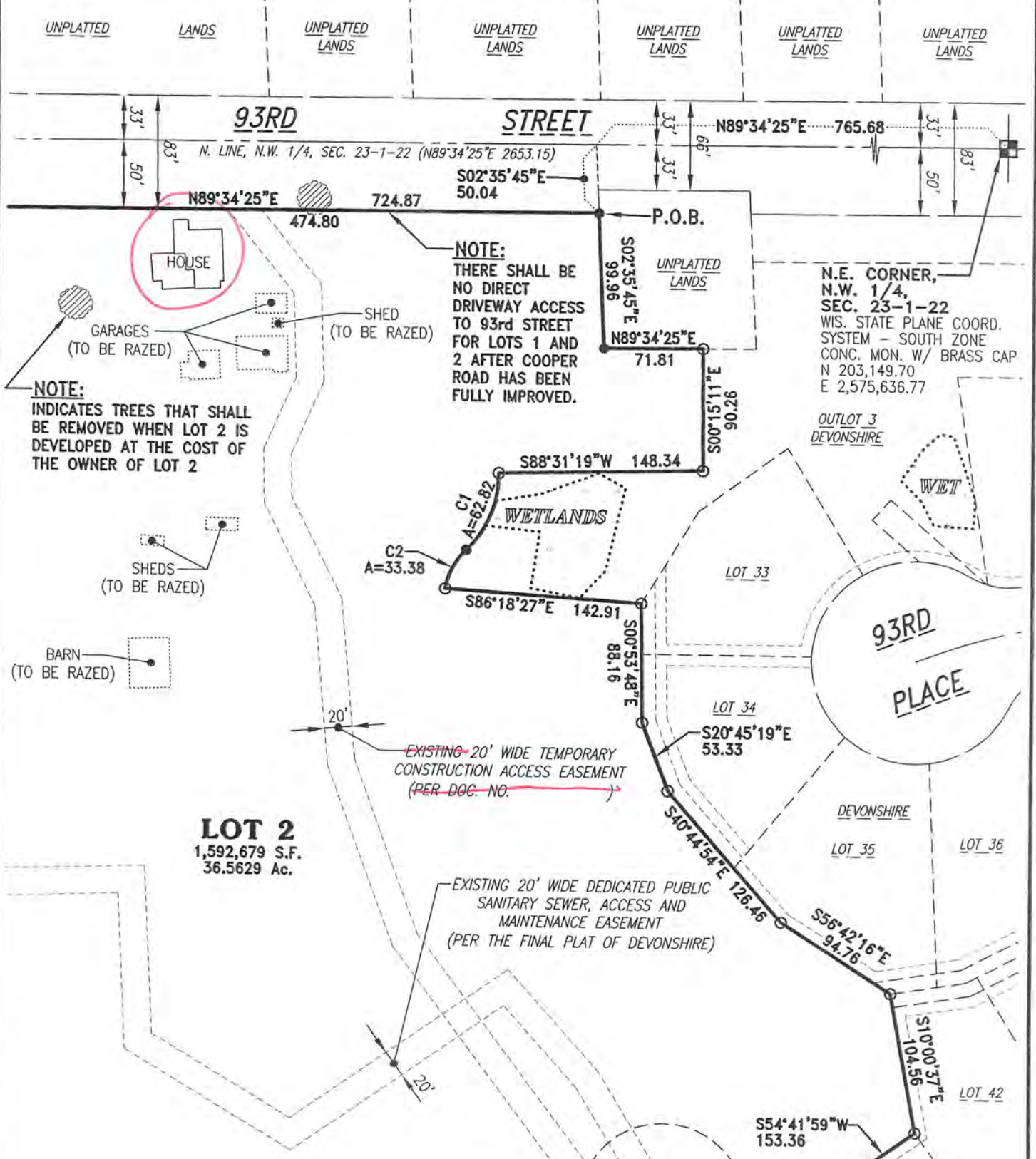
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DRAFTED THIS 28TH DAY OF MAY, 2013
THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, S-2972

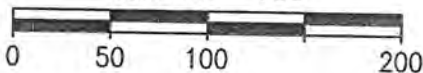
JOB NO. 03-031-678-01
SHEET 2 OF 21

CERTIFIED SURVEY MAP NO.

BEING A REDIVISION OF OUTLOT 4 OF "DEVONSHIRE" SUBDIVISION, LOCATED IN A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWN 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.



SCALE: 1" = 100'



17700 W. Capitol Drive
Brookfield, WI 53045
Phone: (262) 790-1480
Fax: (262) 790-1481

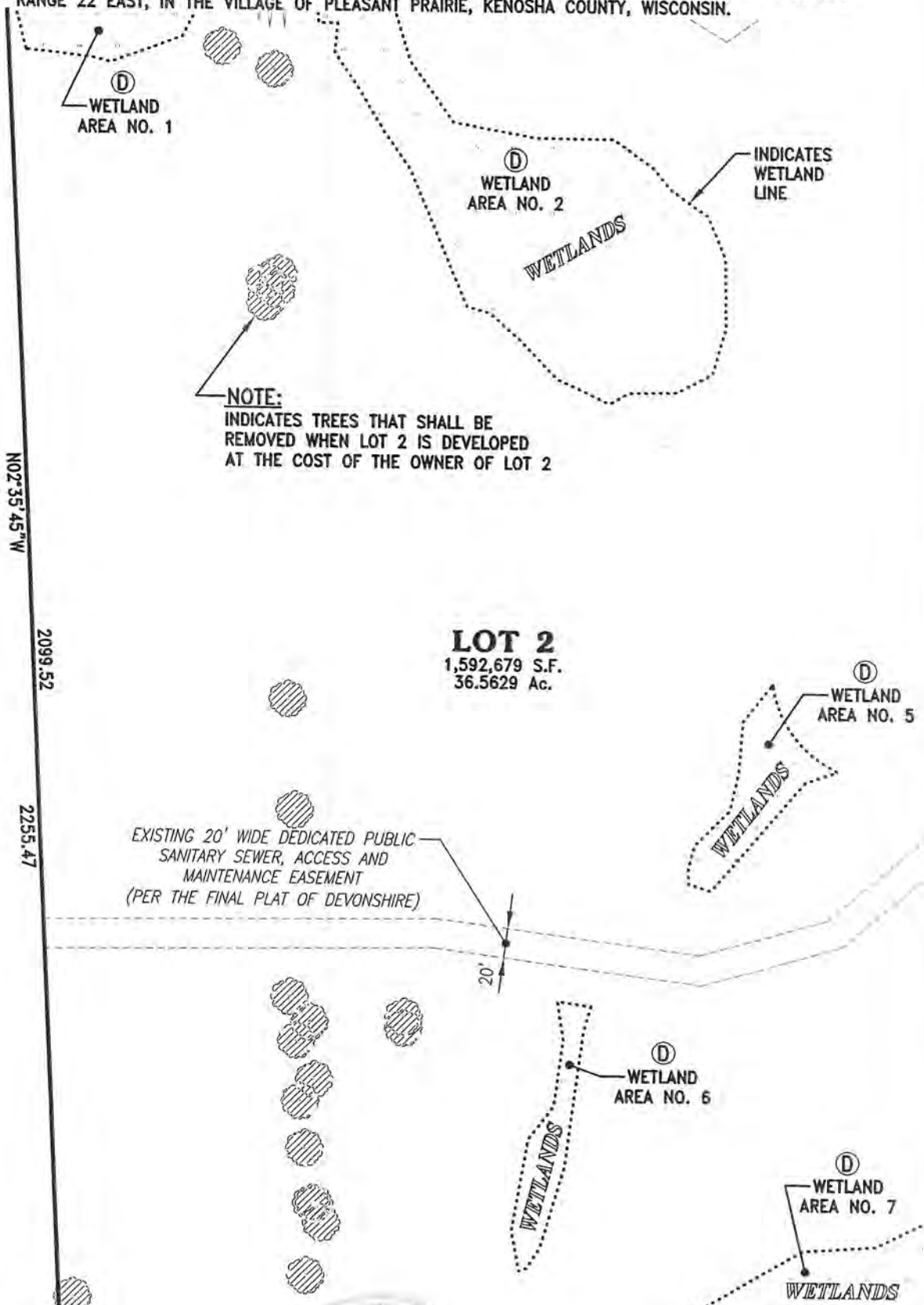


JOB NO. 03-031-678-01
SHEET 3 OF 21

DRAFTED THIS 28TH DAY OF MAY, 2013
THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, S-2972

CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF OUTLOT 4 OF "DEVONSHIRE" SUBDIVISION, LOCATED IN A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWN 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

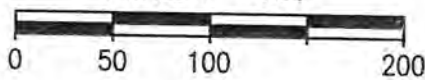


NOTE:
INDICATES TREES THAT SHALL BE REMOVED WHEN LOT 2 IS DEVELOPED AT THE COST OF THE OWNER OF LOT 2

LOT 2
1,592,679 S.F.
36.5629 Ac.

UNPLATTED LANDS

NORTH
SCALE: 1" = 100'



17700 W. Capitol Drive
Brookfield, WI 53045
Phone: (262) 790-1480
Fax: (262) 790-1481



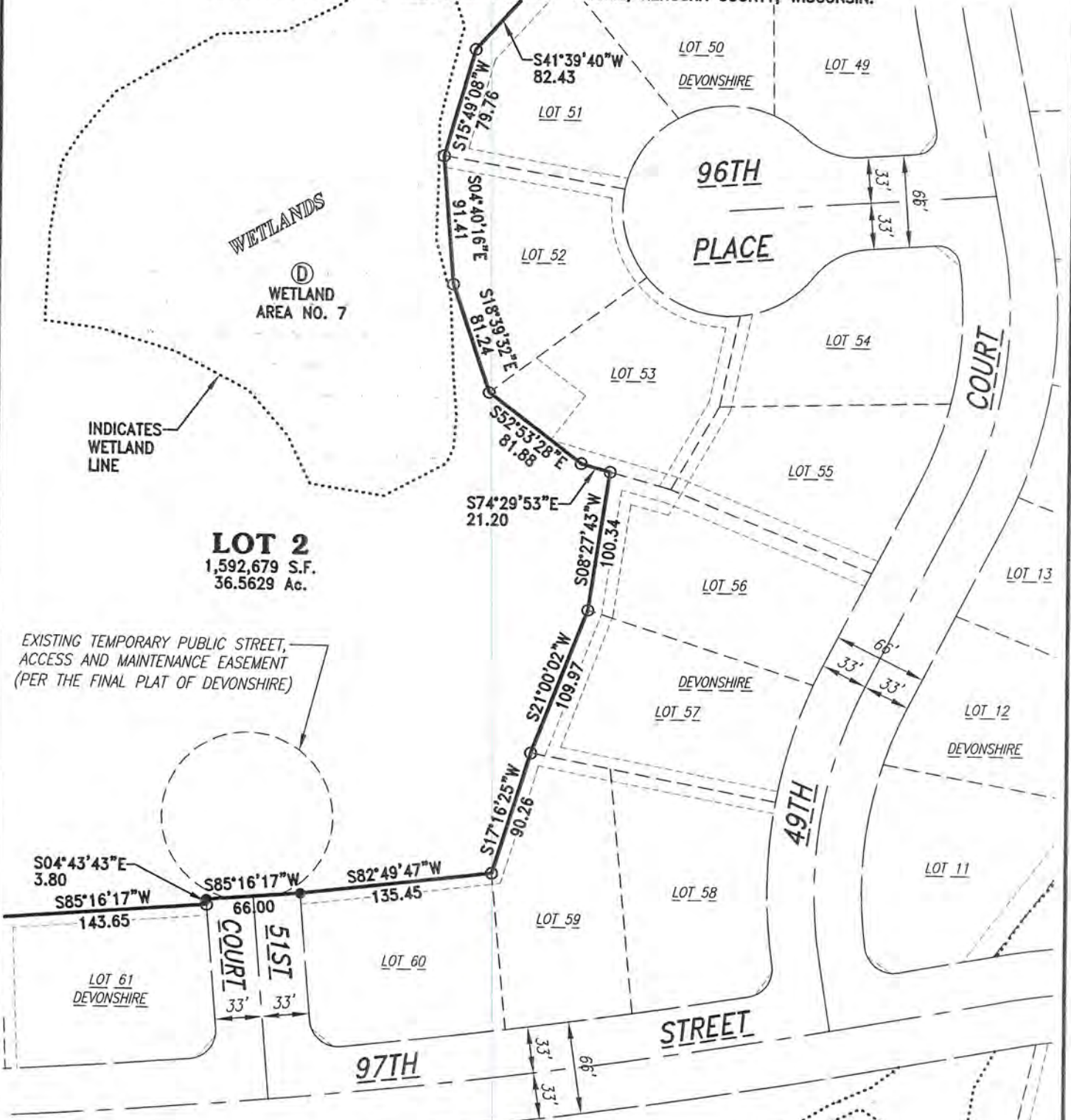
JOB NO. 03-031-678-01
SHEET 4 OF 21

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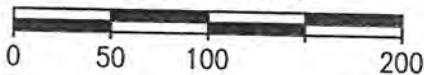
DRAFTED THIS 28TH DAY OF MAY, 2013
THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, S-2972

CERTIFIED SURVEY MAP NO.

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SCALE: 1" = 100'



17700 W. Capitol Drive
Brookfield, WI 53045
Phone: (262) 790-1480
Fax: (262) 790-1481

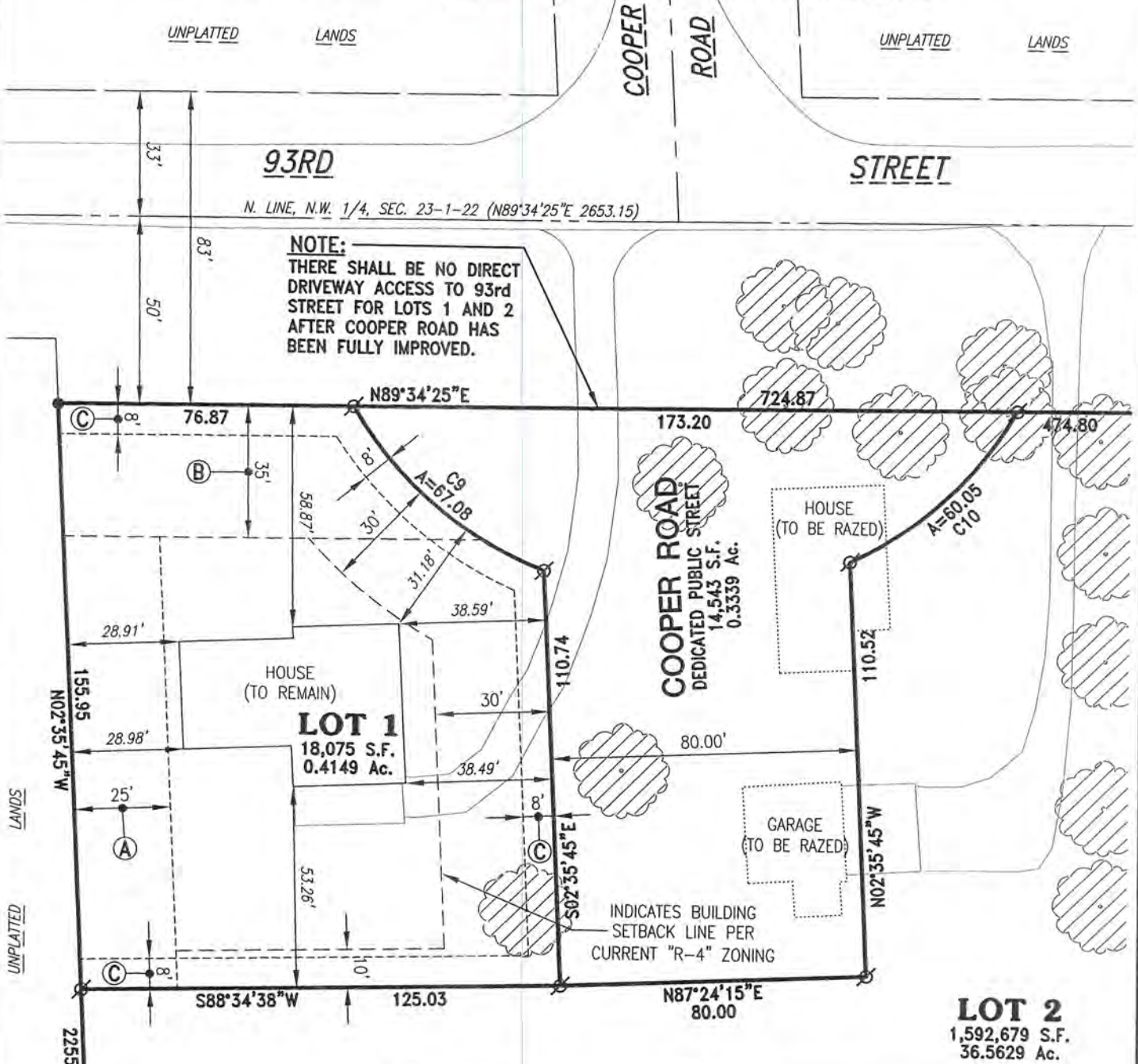


JOB NO. 03-031-678-01
SHEET 7 OF 21

DRAFTED THIS 28TH DAY OF MAY, 2013
THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, S-2972

CERTIFIED SURVEY MAP NO.

BEING A REDIVISION OF OUTLOT 4 OF "DEVONSHIRE" SUBDIVISION, LOCATED IN A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWN 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.



NOTE:
THERE SHALL BE NO DIRECT DRIVEWAY ACCESS TO 93rd STREET FOR LOTS 1 AND 2 AFTER COOPER ROAD HAS BEEN FULLY IMPROVED.

LOT 1
18,075 S.F.
0.4149 Ac.

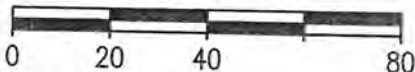
LOT 2
1,592,679 S.F.
36.5629 Ac.

DEDICATION LEGEND	
(A)	- Dedicated Tree Preservation and Protection, Access and Maintenance Easement
(B)	- Dedicated Landscape, Access and Maintenance Easement
(C)	- Dedicated Utility Easement Areas
(D)	- Dedicated Wetland Preservation and Protection Access and Maintenance Easement

NOTE:
INDICATES TREES THAT SHALL BE REMOVED WHEN LOT 2 IS DEVELOPED AT THE COST OF THE OWNER OF LOT 2



SCALE: 1" = 40'



17700 W. Capitol Drive
Brookfield, WI 53045
Phone: (262) 790-1480
Fax: (262) 790-1481



JOB NO. 03-031-678-01
SHEET 8 OF 21

CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF OUTLOT 4 OF "DEVONSHIRE" SUBDIVISION, LOCATED IN A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWN 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

CURVE TABLE:

NUMBER	RADIUS	DELTA	ARC	CHORD	CHORD BEARING	TANGENT IN	TANGENT OUT
C1	75.00	47°59'18"	62.82	61.00	S22°30'58"W	S01°28'41"E	S46°30'37"W
C2	50.00	38°15'22"	33.38	32.77	S27°22'56"W	S46°30'37"W	S08°15'15"W
C3	333.00	01°50'32"	10.70	10.70	S30°18'44"E	S29°23'28"E	S31°14'00"E
C4	1033.00	01°39'49"	29.99	29.99	N31°05'39.5"E	N31°55'34"E	N30°15'45"E
C5	15.00	95°39'36"	25.04	22.23	N78°05'33"E	N30°15'45"E	S54°04'39"E
C6	267.00	09°29'19"	44.22	44.17	S24°01'49.5"E	S28°46'29"E	S19°17'10"E
C7	4967.00	01°30'21"	130.54	130.53	S89°14'49.5"W	S88°29'39"W	DUE WEST
C8	75.00	52°42'54"	69.00	66.60	S53°03'10"W	S79°24'37"W	S26°41'43"W
C9	100.00	38°26'07"	67.08	65.83	S49°38'38.5"E	S30°25'35"E	S68°51'42"E
C10	100.00	34°24'29"	60.05	59.16	N46°46'39.5"E	N63°58'54"E	N29°34'25"E

NOTES: (PER THE FINAL PLAT OF DEVONSHIRE)

1. Wetlands shown hereon were field identified on September 26, 2002 and October 1, 2002 by David Meyer of Wetland & Waterway Consulting, LLC and approved by Michael Luba of the Wisconsin Department of Natural Resources on January 21, 2003.
2. Wetland areas were Dedicated for Wetland Preservation and Protection, Access and Maintenance Purposes.
3. All wetlands shall not be filled, moved, cut or destroyed. Wetlands are located within Dedicated Wetland Preservation and Protection, Access and Maintenance Areas.
4. Temporary Public Street, Access and Maintenance Easements were dedicated to the Village for roadways to end in a temporary cul-de-sac that meets the Village specifications except that no island will be required. Temporary cul-de-sacs will not be paved, nor is curb required. When Lot 2 is further developed the temporary cul-de-sacs will be removed and the easements vacated.
5. The Dedicated Public Sanitary Sewer, Access and Maintenance Easement located within Lot 2 was dedicated for the installation of the Sanitary Sewer and related appurtenances.



17700 W. Capitol Drive
Brookfield, WI 53045
Phone: (262) 790-1480
Fax: (262) 790-1481



DRAFTED THIS 28TH DAY OF MAY, 2013
THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, S-2972

JOB NO. 03-031-678-01
SHEET 9 OF 21

CERTIFIED SURVEY MAP NO.

BEING A REDIVISION OF OUTLOT 4 OF "DEVONSHIRE" SUBDIVISION, LOCATED IN A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWN 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

STATE OF WISCONSIN)
)ss
COUNTY OF WAUKESHA)

I, Grady L. Gosser, Registered Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped a redivision of Outlot 4 of "Devonshire" Subdivision, located in a part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 23, Town 1 North, Range 22 East, in the Village of Pleasant Prairie, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Northeast corner of the said Northwest 1/4 Section; Thence North $89^{\circ}34'25''$ East and along the North line of the said Northwest 1/4 Section, 765.68 feet to a point; Thence South $02^{\circ}35'45''$ East and along the Easterly line of said Outlot 4 and the Northerly extension thereof, 50.04 feet to a point on the South Right-of-Way line of "93rd Street" and the place of beginning of lands hereinafter described;

Continuing thence Southerly along the said Easterly line of said Outlot 4 the following courses; Thence South $02^{\circ}35'45''$ East, 99.96 feet to a point; Thence North $89^{\circ}34'25''$ East and parallel to the said North line of the said Northwest 1/4 Section, 71.81 feet to a point; Thence South $00^{\circ}15'11''$ East, 90.26 feet to a point; Thence South $88^{\circ}31'19''$ West, 148.34 feet to a point; Thence Southwesterly 62.82 feet along the arc of a curve, whose center lies to the Northwest, whose radius is 75.00 feet, whose central angle is $47^{\circ}59'18''$, and whose chord bears South $22^{\circ}30'58''$ West, 61.00 feet to a point of reverse curvature; Thence Southwesterly 33.38 feet along the arc of a curve, whose center lies to the Southeast, whose radius is 50.00 feet, whose central angle is $38^{\circ}15'22''$, and whose chord bears South $27^{\circ}22'56''$ West, 32.77 feet to a point; Thence South $86^{\circ}18'27''$ East, 142.91 feet to a point; Thence South $00^{\circ}53'48''$ East, 88.16 feet to a point; Thence South $20^{\circ}45'19''$ East, 53.33 feet to a point; Thence South $40^{\circ}44'54''$ East, 126.46 feet to a point; Thence South $56^{\circ}42'16''$ East, 94.76 feet to a point; Thence South $10^{\circ}00'37''$ East, 104.56 feet to a point; Thence South $54^{\circ}41'59''$ West, 153.36 feet to a point on the Easterly Right-of-Way line of "49th Court"; Thence South $60^{\circ}36'32''$ West, 66.00 feet to a point on the Westerly Right-of-Way line of said "49th Court"; Thence South $29^{\circ}23'28''$ East and along the said Westerly Right-of-Way line, 17.14 feet to a point of curvature; Thence Southeasterly 10.70 feet along the said Westerly Right-of-Way line and the arc of a curve, whose center lies to the Northeast, whose radius is 333.00 feet, whose central angle is $01^{\circ}50'32''$, and whose chord bears South $30^{\circ}18'44''$ East, 10.70 feet to a point; Continuing thence Southerly along the said Easterly line of said Outlot 4 the following courses; Thence South $60^{\circ}47'22''$ West, 170.00 feet to a point; Thence South $73^{\circ}21'57''$ East, 70.97 feet to a point; Thence South $57^{\circ}15'50''$ East, 125.21 feet to a point on the Northwesterly Right-of-Way line of "96th Street"; Thence South $58^{\circ}04'26''$ East, 66.00 feet to a point on the Southeasterly Right-of-Way line of said "96th Street"; Thence Northeasterly 29.99 feet along the said Southeasterly Right-of-Way line and the arc of a curve, whose center lies to the Northwest, whose radius is 1033.00 feet, whose central angle is $01^{\circ}39'49''$, and whose chord bears North $31^{\circ}05'39.5''$ East, 29.99 feet to a point of tangency; Thence North $30^{\circ}15'45''$ East and along the said Southeasterly Right-of-Way line, 46.98 feet to a point of curvature; Thence Northeasterly 25.04 feet along the said Southeasterly Right-of-Way line and the arc of a curve, whose center lies to the Southeast, whose radius is 15.00 feet, whose central angle is $95^{\circ}39'36''$, and whose chord bears North $78^{\circ}05'33''$ East, 22.23 feet to a point of tangency on the said Westerly Right-of-Way line of said "49th Court"; Thence South $54^{\circ}04'39''$ East and along the said Westerly Right-of-Way line, 51.72 feet to a point; Continuing thence Southerly along the said Easterly line of said Outlot 4 the following courses; Thence South $34^{\circ}43'12''$ West, 153.05 feet to a point; Thence South $43^{\circ}12'52''$ East, 67.28 feet to a point; Thence North $58^{\circ}56'48''$ East, 152.20 feet to a point on the said Westerly Right-of-Way line of said "49th Court"; Thence Southeasterly 44.22 feet along the said Westerly Right-of-Way line and the arc of a curve, whose center lies to the Southwest, whose radius



Drafted this 28th Day of May, 2013

THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, S-2972

Job. No. 03-031-678-01

SHEET 10 OF 21

CERTIFIED SURVEY MAP NO.

BEING A REDIVISION OF OUTLOT 4 OF "DEVONSHIRE" SUBDIVISION, LOCATED IN A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWN I NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

is 267.00 feet, whose central angle is $09^{\circ}29'19''$, and whose chord bears South $24^{\circ}01'49.5''$ East, 44.17 feet to a point; Continuing thence Southerly along the said Easterly line of said Outlot 4 the following courses; Thence South $62^{\circ}27'00''$ West, 103.16 feet to a point; Thence South $39^{\circ}19'22''$ West, 88.70 feet to a point; Thence South $19^{\circ}23'18''$ West, 96.17 feet to a point; Thence South $13^{\circ}49'22''$ West, 89.25 feet to a point; Thence South $66^{\circ}32'45''$ West, 90.14 feet to a point; Thence South $41^{\circ}39'40''$ West, 82.43 feet to a point; Thence South $15^{\circ}49'08''$ West, 79.76 feet to a point; Thence South $04^{\circ}40'16''$ East, 91.41 feet to a point; Thence South $18^{\circ}39'32''$ East, 81.24 feet to a point; Thence South $52^{\circ}53'28''$ East, 81.88 feet to a point; Thence South $74^{\circ}29'53''$ East, 21.20 feet to a point; Thence South $08^{\circ}27'43''$ West, 100.34 feet to a point; Thence South $21^{\circ}00'02''$ West, 109.97 feet to a point; Thence South $17^{\circ}16'25''$ West, 90.26 feet to a point; Thence South $82^{\circ}49'47''$ West and along the Southerly line of said Outlot 4, 135.45 feet to a point on the East Right-of-Way line of "51st Court"; Thence South $85^{\circ}16'17''$ West, 66.00 feet to a point on the West Right-of-Way line of said "51st Court"; Thence South $04^{\circ}43'43''$ East and along the said West Right-of-Way line, 3.80 feet to a point; Continuing thence Westerly along the said Southerly line of said Outlot 4 the following courses; Thence South $85^{\circ}16'17''$ West, 143.65 feet to a point; Thence North $02^{\circ}03'56''$ West, 103.83 feet to a point; Thence North $73^{\circ}16'00''$ West, 127.54 feet to a point; Thence South $49^{\circ}04'12''$ West, 76.11 feet to a point; Thence South $02^{\circ}03'56''$ East, 206.34 feet to a point on the North Right-of-Way line of "97th Street"; Thence Southwesterly 130.54 feet along the said North Right-of-Way line and the arc of a curve, whose center lies to the North, whose radius is 4967.00 feet, whose central angle is $01^{\circ}30'21''$, and whose chord bears South $89^{\circ}14'49.5''$ West, 130.53 feet to a point of tangency; Thence Due West and along the said North Right-of-Way line, 6.28 feet to a point on the West line of said Outlot 4; Thence North $02^{\circ}35'45''$ West and along the said West line of said Outlot 4, 2255.47 feet to a point on the said South Right-of-Way line of said "93rd Street; Thence North $89^{\circ}34'25''$ East and along the said South Right-of-Way line being parallel to and at a right angle distance of 50.00 feet from the said North line of the said Northwest 1/4 Section, 724.87 feet to the point of beginning of this description.

Said Parcel contains 1,625,297 Square Feet (or 37.3117 Acres) of land, more or less.

That I have made such survey, land division and map by the direction of **DOUBLE D INVESTMENTS, LLC**, owner of said lands.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and Chapter 395 of the Village Municipal Code, Land Division and Development Ordinance of the Village of Pleasant Prairie in surveying, dividing, mapping and dedicating the same.

Dated this 28th day of May, 20 13.



Grady L. Gosser

Grady L. Gosser, R.L.S.
Registered Land Surveyor, S-2972
TRIO ENGINEERING, LLC
17700 West Capitol Drive
Brookfield, WI 53045
Phone: (262)790-1480 Fax: (262)790-1481

Drafted this 28th Day of May, 2013

THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, S-2972

Job. No. 03-031-678-01

SHEET 11 OF 21

CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF OUTLOT 4 OF "DEVONSHIRE" SUBDIVISION, LOCATED IN A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWN 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

OWNER'S CERTIFICATE OF DEDICATION:

DOUBLE D INVESTMENTS, LLC., a Wisconsin Limited Liability Company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said Corporation has caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and Chapter 395 of the Village Municipal Code, Land Division and Development Ordinance of the Village of Pleasant Prairie, this _____ day of _____, 20____.

Carmelo Tenuta, Managing Member

STATE OF WISCONSIN)
) ss
COUNTY OF)

Personally came before me this _____ day of _____, 20____, Carmelo Tenuta, Managing Member of the above named Corporation, to me known to be the person who executed the foregoing instrument, and to me known to be the Managing Member of said Corporation, and acknowledged that he executed the foregoing instrument as such officer as the deed of said Corporation, by its authority.

Print Name: _____
Notary Public, _____ County, WI
My commission expires: _____

CONSENT OF CORPORATE MORTGAGEE:

_____, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedicating of the land described on this Certified Survey Map, and does hereby consent to the above certificate of **DOUBLE D INVESTMENTS, LLC.**, owner, this _____ day of _____, 20____.

STATE OF WISCONSIN)
) ss
COUNTY OF)

Personally came before me this _____ day of _____, 20____, _____ of the above named corporation, to me known to be the person who executed the foregoing instrument, and to me known to be such _____ of said corporation, and acknowledged that he executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

Print Name: _____
Notary Public, _____ County, WI
My commission expires: _____



Grady L. Gosser

Drafted this 28th Day of May, 2013

THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, S-2972

Job. No. 03-031-678-01

SHEET 12 OF 21

CERTIFIED SURVEY MAP NO.

BEING A REDIVISION OF OUTLOT 4 OF "DEVONSHIRE" SUBDIVISION, LOCATED IN A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWN 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

VILLAGE OF PLEASANT PRAIRIE APPROVAL:

The Village of Pleasant Prairie does hereby approve the land division shown in the Certified Survey Map herein and consents to its recording this _____ day of _____, 20 _____.

Jane M. Romanowski, Village Clerk

Approve P.

John P. Steinbrink, Village President
Village Board of Trustees

Thomas W. Terwall, Chairperson
Village Plan Commission

LEGAL DESCRIPTION OF WETLAND AREA NO. 1:

All that part of the Northwest 1/4 of the Northwest 1/4 of Section 23, Town 1 North, Range 22 East, in the Village of Pleasant Prairie, Kenosha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Northwest corner of the said Section; Thence North 89°34'25" East and along the North line of the said Northwest 1/4 Section, 1162.60 feet to a point; Thence South 02°35'45" East, 587.10 feet to the place of beginning of lands hereinafter described;

Thence North 13°45'27" East, 33.98 feet to a point; Thence South 66°39'12" East, 20.98 feet to a point; Thence North 85°48'48" East, 29.80 feet to a point; Thence North 76°25'30" East, 9.93 feet to a point; Thence North 73°32'31" East, 18.17 feet to a point; Thence North 75°32'32" East, 29.21 feet to a point; Thence Southeasterly 19.31 feet along the arc of a curve to the right, whose radius is 15.00 feet, whose central angle is 73°45'01" and whose chord bears South 39°28'15.5" East, 18.00 feet to a point; Thence South 02°35'45" East, 163.31 feet to a point; Thence South 27°18'18" West, 20.93 feet to a point; Thence South 68°27'12" West, 21.85 feet to a point; Thence South 69°40'23" West, 28.71 feet to a point; Thence North 76°04'10" West, 10.92 feet to a point; Thence North 82°52'07" West, 32.10 feet to a point; Thence North 84°49'45" West, 13.39 feet to a point; Thence North 13°26'45" West, 58.18 feet to a point; Thence North 01°03'52" East, 59.18 feet to a point; Thence North 12°00'04" West, 24.53 feet to a point; Thence North 02°35'45" West, 24.45 feet to the point of beginning of this description.

Said parcel of land contains 23,776 Square Feet (or 0.5458 Acres) of land, more or less.



Drafted this 28th Day of May, 2013

THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, S-2972

Job. No. 03-031-678-01

SHEET 13 OF 21

CERTIFIED SURVEY MAP NO.

BEING A REDIVISION OF OUTLOT 4 OF "DEVONSHIRE" SUBDIVISION, LOCATED IN A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWN 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

LEGAL DESCRIPTION OF WETLAND AREA NO. 2:

All that part of the Northeast 1/4 of the Northwest 1/4 of Section 23, Town 1 North, Range 22 East, in the Village of Pleasant Prairie, Kenosha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Northwest corner of the said Section; Thence North 89°34'25" East and along the North line of the said Northwest 1/4 Section, 1367.75 feet to a point; Thence South 02°35'45" East, 596.91 feet to the place of beginning of lands hereinafter described;

Thence South 59°55'52" East, 18.40 feet to a point; Thence South 06°26'09" East, 31.28 feet to a point; Thence South 31°04'29" West, 13.94 feet to a point; Thence South 71°30'59" East, 32.55 feet to a point; Thence South 29°14'05" East, 26.09 feet to a point; Thence South 00°29'23" East, 39.68 feet to a point; Thence South 17°07'40" East, 37.61 feet to a point; Thence South 35°16'22" East, 49.54 feet to a point; Thence South 79°41'05" East, 56.01 feet to a point; Thence South 89°46'43" East, 50.46 feet to a point; Thence South 54°11'43" East, 32.71 feet to a point; Thence South 38°15'55" East, 17.97 feet to a point; Thence South 54°14'58" East, 30.48 feet to a point; Thence South 21°58'02" East, 30.37 feet to a point; Thence South 00°49'42" East, 47.27 feet to a point; Thence South 15°31'10" West, 32.80 feet to a point; Thence South 61°49'01" West, 26.08 feet to a point; Thence South 88°41'49" West, 31.60 feet to a point; Thence South 60°04'31" West, 14.66 feet to a point; Thence North 65°09'04" West, 38.14 feet to a point; Thence North 43°21'16" West, 36.45 feet to a point; Thence North 47°43'58" West, 27.32 feet to a point; Thence North 75°16'30" West, 15.13 feet to a point; Thence North 22°25'15" West, 99.90 feet to a point; Thence North 34°47'38" West, 29.72 feet to a point; Thence North 30°43'47" West, 30.81 feet to a point; Thence North 33°13'30" West, 31.85 feet to a point; Thence North 05°05'24" East, 19.67 feet to a point; Thence North 89°51'16" West, 12.65 feet to a point; Thence North 02°35'45" West, 135.92 feet to the point of beginning of this description.

Said parcel of land contains 35,355 Square Feet (or 0.8116 Acres) of land, more or less.

LEGAL DESCRIPTION OF WETLAND AREA NO. 3:

All that part of the Northeast 1/4 of the Northwest 1/4 of Section 23, Town 1 North, Range 22 East, in the Village of Pleasant Prairie, Kenosha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Northwest corner of the said Section; Thence North 89°34'25" East and along the North line of the said Northwest 1/4 Section, 1162.60 feet to a point; Thence South 02°35'45" East, 1123.48 feet to a point; Thence North 87°24'15" East, 851.47 feet to the place of beginning of lands hereinafter described;

Thence South 48°57'31" East, 15.96 feet to a point; Thence South 34°43'12" West, 63.77 feet to a point; Thence South 50°06'15" West, 41.63 feet to a point; Thence South 80°14'36" West, 52.75 feet to a point; Thence Northeasterly 36.23 feet along the arc of a curve to the left, whose radius is 1033.00 feet, whose central angle is 02°00'34" and whose chord bears North 38°24'14" East, 36.23 feet to a point; Thence North 62°36'56" East, 8.04 feet to a point; Thence North 71°26'12" East, 38.86 feet to a point; Thence North 42°31'11" East, 37.47 feet to a point; Thence North 31°47'22" East, 31.14 feet to the point of beginning of this description.

Said parcel of land contains 2,748 Square Feet (or 0.0631 Acres) of land, more or less.



Grady L. Gosser

Drafted this 28th Day of May, 2013

THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, S-2972

Job. No. 03-031-678-01

SHEET 14 OF 21

CERTIFIED SURVEY MAP NO.

BEING A REDIVISION OF OUTLOT 4 OF "DEVONSHIRE" SUBDIVISION, LOCATED IN A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWN 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

LEGAL DESCRIPTION OF WETLAND AREA NO. 4:

All that part of the Northeast 1/4 of the Northwest 1/4 of Section 23, Town 1 North, Range 22 East, in the Village of Pleasant Prairie, Kenosha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Northwest corner of the said Section; Thence North 89°34'25" East and along the North line of the said Northwest 1/4 Section, 1162.60 feet to a point; Thence South 02°35'45" East, 1154.86 feet to a point; Thence North 87°24'15" East, 628.65 feet to the place of beginning of lands hereinafter described;

Thence South 67°11'18" East, 56.36 feet to a point; Thence South 58°27'26" East, 3.47 feet to a point; Thence Southwesterly 29.14 feet along the arc of a curve to the right, whose radius is 967.00 feet, whose central angle is 01°43'36" and whose chord bears South 40°56'34" West, 29.14 feet to a point; Thence Northwesterly 35.99 feet along the arc of a curve to the right, whose radius is 15.00 feet, whose central angle is 137°29'24" and whose chord bears North 69°26'56" West, 27.96 feet to a point; Thence Northwesterly 37.53 feet along the arc of a curve to the left, whose radius is 75.00 feet, whose central angle is 28°40'10" and whose chord bears North 15°02'19" West, 37.14 feet to the point of beginning of this description.

Said parcel of land contains 1,406 Square Feet (or 0.0323 Acres) of land, more or less.

LEGAL DESCRIPTION OF WETLAND AREA NO. 5:

All that part of the Northeast 1/4 of the Northwest 1/4 of Section 23, Town 1 North, Range 22 East, in the Village of Pleasant Prairie, Kenosha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Northwest corner of the said Section; Thence North 89°34'25" East and along the North line of the said Northwest 1/4 Section, 1162.60 feet to a point; Thence South 02°35'45" East, 1195.32 feet to a point; Thence North 87°24'15" East, 486.49 feet to the place of beginning of lands hereinafter described;

Thence Southeasterly 75.37 feet along the arc of a curve to the left, whose radius is 75.00 feet, whose central angle is 57°34'48" and whose chord bears South 36°29'08" East, 72.24 feet to a point; Thence South 70°47'16" West, 22.27 feet to a point; Thence South 40°05'01" West, 95.49 feet to a point; Thence North 73°18'21" West, 15.44 feet to a point; Thence North 00°54'33" West, 10.35 feet to a point; Thence North 14°10'57" East, 16.10 feet to a point; Thence North 44°52'15" East, 32.85 feet to a point; Thence North 12°12'16" East, 26.31 feet to a point; Thence North 04°18'36" East, 33.91 feet to a point; Thence North 37°21'30" East, 31.77 feet to the point of beginning of this description.

Said parcel of land contains 4,460 Square Feet (or 0.1024 Acres) of land, more or less.

LEGAL DESCRIPTION OF WETLAND AREA NO. 6:

All that part of the Southeast 1/4 of the Northwest 1/4 of Section 23, Town 1 North, Range 22 East, in the Village of Pleasant Prairie, Kenosha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the West 1/4 corner of the said Section; Thence North 89°48'27" East and along the South line of the said Northwest 1/4 Section, 1162.85 feet to a point; Thence North 02°35'45" West, 1254.36 feet to a point; Thence North 87°24'15" East, 337.40 feet to the place of beginning of lands hereinafter described;

Thence South 81°54'15" East, 22.22 feet to a point; Thence South 15°41'59" West, 17.55 feet to a point; Thence South 07°28'00" West, 91.90 feet to a point; Thence South 16°21'51" West, 56.74 feet to a point; Thence South 32°35'56" West, 16.02 feet to a point; Thence South 66°48'29" West, 5.35 feet to a point; Thence North 11°01'37" West, 27.56 feet to a point; Thence North 10°02'55" East, 62.44 feet to a point; Thence North 37°10'25" East, 27.34 feet to a point; Thence North 07°34'04" East, 45.36 feet to a point; Thence North 08°30'40" West, 26.21 feet to the point of beginning of this description.

Said parcel of land contains 3,340 Square Feet (or 0.0767 Acres) of land, more or less.



Drafted this 28th Day of May, 2013

THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, S-2972

Job. No. 03-031-678-01

SHEET 15 OF 21

CERTIFIED SURVEY MAP NO.

BEING A REDIVISION OF OUTLOT 4 OF "DEVONSHIRE" SUBDIVISION, LOCATED IN A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWN 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

LEGAL DESCRIPTION OF WETLAND AREA NO. 7:

All that part of the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 of Section 23, Town 1 North, Range 22 East, in the Village of Pleasant Prairie, Kenosha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the West 1/4 corner of the said Section; Thence North 89°48'27" East and along the South line of the said Northwest 1/4 Section, 1162.85 feet to a point; Thence North 02°35'45" West, 880.71 feet to a point; Thence North 87°24'15" East, 363.84 feet to the place of beginning of lands hereinafter described;

Thence North 02°27'06" East, 62.60 feet to a point; Thence North 08°38'19" East, 50.00 feet to a point; Thence North 31°16'45" East, 22.78 feet to a point; Thence North 38°13'26" East, 40.92 feet to a point; Thence North 58°48'53" East, 41.47 feet to a point; Thence North 59°08'49" East, 41.98 feet to a point; Thence North 86°06'50" East, 47.87 feet to a point; Thence North 63°13'16" East, 41.13 feet to a point; Thence North 53°10'09" East, 34.58 feet to a point; Thence North 64°25'15" East, 20.80 feet to a point; Thence South 56°47'01" East, 15.26 feet to a point; Thence North 42°37'55" East, 18.76 feet to a point; Thence North 50°34'28" East, 37.96 feet to a point; Thence North 28°35'05" East, 34.68 feet to a point; Thence North 55°00'15" East, 71.28 feet to a point; Thence North 24°12'02" East, 56.30 feet to a point; Thence North 42°02'08" East, 34.09 feet to a point; Thence North 32°31'27" East, 93.34 feet to a point; Thence North 46°47'08" East, 57.63 feet to a point; Thence North 66°00'46" East, 56.99 feet to a point; Thence North 68°38'29" East, 20.86 feet to a point; Thence South 87°54'20" East, 14.32 feet to a point; Thence South 32°33'33" West, 9.52 feet to a point; Thence South 58°12'24" West, 69.66 feet to a point; Thence South 41°03'33" West, 90.68 feet to a point; Thence South 30°59'54" West, 126.50 feet to a point; Thence South 40°13'25" West, 83.54 feet to a point; Thence South 50°49'22" West, 85.22 feet to a point; Thence South 33°08'23" West, 15.14 feet to a point; Thence South 17°41'56" East, 17.97 feet to a point; Thence South 14°38'37" West, 36.83 feet to a point; Thence South 12°56'51" West, 34.64 feet to a point; Thence South 00°17'41" West, 35.76 feet to a point; Thence South 01°49'16" West, 19.76 feet to a point; Thence South 01°12'31" West, 28.12 feet to a point; Thence South 15°01'11" East, 40.72 feet to a point; Thence South 02°32'35" East, 60.00 feet to a point; Thence South 04°55'18" East, 25.59 feet to a point; Thence South 04°23'01" West, 22.48 feet to a point; Thence South 23°19'43" West, 12.48 feet to a point; Thence South 61°27'20" West, 49.81 feet to a point; Thence North 81°39'00" West, 52.46 feet to a point; Thence North 25°42'48" West, 38.08 feet to a point; Thence North 41°06'42" West, 41.30 feet to a point; Thence North 62°23'15" West, 58.67 feet to a point; Thence North 73°47'47" West, 54.71 feet to a point; Thence North 82°44'39" West, 38.34 feet to the point of beginning of this description.

Said parcel of land contains 86,249 Square Feet (or 1.9800 Acres) of land, more or less.

LEGAL DESCRIPTION OF WETLAND AREA NO. 8:

All that part of the Southwest 1/4 of the Northwest 1/4 of Section 23, Town 1 North, Range 22 East, in the Village of Pleasant Prairie, Kenosha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the West 1/4 corner of the said Section; Thence North 89°48'27" East and along the South line of the said Northwest 1/4 Section, 1162.85 feet to a point; Thence North 02°35'45" West, 375.37 feet to the place of beginning of lands hereinafter described;

Thence continuing North 02°35'45" West, 89.84 feet to a point; Thence South 80°38'57" East 30.49 feet to a point; Thence North 70°04'03" East 32.51 feet to a point; Thence North 27°38'42" East 19.10 feet to a point; Thence North 27°57'34" East 26.30 feet to a point; Thence North 54°08'16" East 21.82 feet to a point; Thence North 81°09'20" East 14.79 feet to a point; Thence South 78°04'50" East 17.67 feet to a point; Thence South 12°13'29" East 25.58 feet to a point; Thence South 02°56'11" West 34.05 feet to a point; Thence South 10°10'50" West 37.05 feet to a point; Thence South 44°58'56" West 25.33 feet to a point; Thence South 63°06'53" West 24.38 feet to a point; Thence South 66°39'57" West 23.93 feet to a point; Thence South 67°26'38" West 25.81 feet to a point; Thence South 80°19'51" West 33.52 feet to a point; Thence North 71°28'21" West 6.29 feet to the point of beginning of this description.

Said parcel of land contains 13,021 Square Feet (or 0.2989 Acres) of land, more or less.



Drafted this 28th Day of May, 2013

THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, S-2972

Job. No. 03-031-678-01

SHEET 16 OF 21

CERTIFIED SURVEY MAP NO.

BEING A REDIVISION OF OUTLOT 4 OF "DEVONSHIRE" SUBDIVISION, LOCATED IN A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWN 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

RESTRICTIVE COVENANTS:

1. The Developer hereby covenants that each area shown on this Certified Survey Map as a "Wetland Preservation and Protection, Access and Maintenance Easement" in Lot 2 shall be protected and maintained as a natural wetland area and that no filling, dredging, mowing or cutting, or other activity or condition detrimental to its function as a wetland area shall occur or exist within such area or on any surrounding land shown on this Certified Survey Map without written approval of the Village and the Wisconsin Department of Natural Resources. This covenant shall run with the land, shall be binding on the Developer, its successors, assigns and successors-in-title in their capacity as Owner(s) of any of the Lots shown on this Certified Survey Map or any portion thereof that contain wetlands and shall benefit and be enforceable by the Village and by the Association with respect to the Wetland Preservation and Protection Easement Area located within Lot 2 on this Certified Survey Map. The Developer, its successors, assigns and successors-in-title shall be relieved of any protection or maintenance obligations they may have as owners of such Lot or portions thereof under this covenant as a result of the activities of the Association pursuant to easements dedicated on this Certified Survey Map, only to the extent that the Association performs the required protection and maintenance functions to the satisfaction of the Village.

To the extent that the Village performs any such wetland preservation protection maintenance activities of the areas within the Wetland Preservation and Protection, Access and Maintenance Area Easement abutting their respective lots, the Lot Owner shall be liable for any costs which may be incurred by the Village, which the Village may recover from such owners as special assessments or special charges under Section 66.0627 (or successors or similar provisions) of the Wisconsin Statutes or otherwise according to law. Unless the Village exercises the rights granted to it in the dedications statement on this Certified Survey Map with respect to the easements, the Village shall have no obligation to do anything pursuant to its rights under these easements.

2. The Developer hereby covenants that the Owner of Lot 1 is subject to a Dedicated Tree Preservation and Protection, Access and Maintenance Easement. The removal or destruction of any tree within this easement shall be prohibited with the exception of dead, diseased or dying vegetation with the written recommendation of an Arborist or silviculture thinning upon the recommendation of a Forester or Naturalist and approved by the Association and the Village of Pleasant Prairie.

Violation of the above restrictions shall require the individual homeowner to plant equivalent vegetation at a ratio of 1 to 1 within the area defined above. Trees shall be a minimum caliper of 3". The Association shall have the obligation to notify the Lot Owner, Developer or Home Builder of the violation. In the event the Lot Owner, Developer or Home Builder does not comply within a reasonable period of time, they shall have the authority to assess the property owner for the cost of said tree replacement.

Existing trees 8" (eight inches) in diameter or greater on Lot 1 that are not identified within the Dedicated Tree Preservation and Protection Access and Maintenance Easement shall also be protected. Every effort shall be made by the Developer, Home Builder and/or Lot Owner to preserve and protect those existing trees. Varied site line setbacks would be considered by the Village after minimum setbacks per the Village ordinance are met in the event the placement of a home can be modified as to avoid removal of the existing tree.

If the Developer, Builder and/or Lot Owner wishes to voluntarily remove any trees 8" (eight inches) in diameter or larger located on the lot but not within the tree preservation easement area, they must first seek written approval from the Association and the Village of Pleasant Prairie. As part of that approval they will be required to plant equivalent vegetation at a ration of 1 to 1 within the area defined above. Replacement trees shall be a minimum 3" caliper tree.

Violation of the above restrictions shall require the individual Lot Owner to plant equivalent vegetation at a ration of 1 to 1 within the area defined above. Trees shall be a minimum caliper of 3". The Association shall have the obligation to notify the Developer, Home Builder or Lot Owner of the violation. In the event the Developer, Home Builder or Lot Owner does not comply within a reasonable period of time, the Association shall have the authority to assess the property owner for the cost of said tree replacement.

To the extent that the Village performs any such tree replacement within the Dedicated Tree Preservation and Protection Access and Maintenance Easement, the Individual Lot Owner shall be liable for any costs which may be incurred by the Village, which the Village may recover from such owners as special assessments or special charges under Section 66.0627 (or successors or similar provisions) of the Wisconsin Statutes or otherwise according to law. Unless the Village exercises the rights granted to it in the dedications statement on this Certified Survey Map with respect to the easements, the Village shall have no obligation to do anything pursuant to its rights under these easements.



Drafted this 28th Day of May, 2013

THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER

Job. No. 03-031-678-01

SHEET 17 OF 21

CERTIFIED SURVEY MAP NO.

BEING A REDIVISION OF OUTLOT 4 OF "DEVONSHIRE" SUBDIVISION, LOCATED IN A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWN 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

3. The Developer hereby covenants that the Owners of Lots 1 and 2 shall have the obligation of maintaining the street trees and maintaining, watering and mowing the grass abutting their respective lots within the Dedicated Public Streets shown on this Certified Survey Map in a trimmed, maintained and weed-free condition. Such maintenance shall include without limitation and as needed, watering, staking, trimming, and removing of fallen leaves and brush in order to prevent a nuisance condition. Street trees which are damaged, dead or dying shall be replaced at the abutting property owners expense within 60 days of the trees removal, weather permitting. No trees shall be removed from the Village's right-of-way without first obtaining the written approval of the Village. There shall be no planting of trees, bushes or shrubs in the Village's right-of-way which might interfere with the Village's rights, unless express written approval is granted by the Village and subject to any such conditions as the Village may impose. This covenant shall run with the land, shall be binding upon the lot owners, the Association, its successors, assigns and successors-in-title of the Lots, in their capacity as owners of any such Lots, and shall benefit and be enforceable by the Village. The Developer shall be relieved of these maintenance obligations pertaining to the street tree and grass area maintenance activities upon the transfer of said properties to the Lot owners, and the Association who then shall perform such tree maintenance and tree replacement activities without compensation to the satisfaction of the Village.

To the extent that the Village performs any such street tree maintenance activities or maintenance of the areas abutting their respective Lots within the Dedicated Public Streets, the owners of Lots 1 and 2 and the Association respectively, shall be liable for any costs which may be incurred by the Village, which the Village may recover from such owners as special assessments or special charges under Section 66.0627 (or successors or similar provisions) of the Wisconsin Statutes or otherwise according to law. Unless the Village exercises the rights granted to it in the dedications statement on this Certified Survey Map, the Village shall have no obligation to do anything pursuant to its rights under the dedication statement.

4. The Developer hereby covenants that the Association shall have the obligation of maintaining the Dedicated Landscape, Access and Maintenance Easement shown on Lot 1 of this Certified Survey Map in a trimmed, maintained and weed-free condition. Such maintenance shall include without limitation and as needed, mowing, watering, staking, trimming, and removing of fallen leaves and brush in order to prevent a nuisance condition. Trees which are damaged, dead or dying shall be replaced at the Association's expense within 60 days of the trees removal, weather permitting. No trees shall be removed without first obtaining the written approval of the Village. There shall be no planting of trees, bushes or shrubs in the Dedicated Landscape, Access and Maintenance Easement which might interfere with the Village's rights, unless express written approval is granted by the Village and subject to any such conditions as the Village may impose. This covenant shall run with the land, shall be binding upon the Association, its successors, assigns and successors-in-title of the Lots, in their capacity as owners of any such Lots, and shall benefit and be enforceable by the Village. The Developer shall be relieved of these maintenance obligations pertaining to the Dedicated Landscape, Access and Maintenance Easement maintenance activities upon the transfer of said properties to the Association, who then shall perform such maintenance and replacement activities without compensation to the satisfaction of the Village.

To the extent that the Village performs any such landscape or grass mowing maintenance activities or grass mowing, the Association shall be liable for any costs which may be incurred by the Village, which the Village may recover from such owners as special assessments or special charges under Section 66.0627 (or successors or similar provisions) of the Wisconsin Statutes or otherwise according to law. Unless the Village exercises the rights granted to it in the dedications statement on this Certified Survey Map, the Village shall have no obligation to do anything pursuant to its rights under the dedication statement.

5. The Developer hereby covenants that the 20' Dedicated Sanitary Sewer, Access and Maintenance Easements shown on Lot 2 of this Certified Survey Map hereby places limitations and restrictions on the use of Lot 2 because of the location of this Sanitary Sewer, Access and Maintenance Easements which were given, granted and conveyed by the Developer to the Village for public sanitary sewer and system improvements, uses and purposes, and for all related and incidental ingress and egress, construction, installation, repair, alteration, replacements, plantings and maintenance activities to serve the Development as referenced in Paragraph 5 of the Dedications and Easements language on this Certified Survey Map. The Developer further covenants that there shall be no structures, buildings, or driveways of any kind placed within the sanitary sewer easement area. If the Village approves any fencing or landscaping within the sanitary sewer easement areas, it will be the Owner(s) of the affected property, not the Village, who shall be responsible for any and all costs associated with the removal and or placement of said fencing or landscaping. This covenants shall run with the land, shall be binding upon the Owners, its successors, assigns and successors-in-title of the Lot, in their capacity as Owners of these Lot, and shall benefit and be enforceable by the Village.



Drafted this 28th Day of May, 2013

THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, S-2972

Job. No. 03-031-678-01

SHEET 18 OF 21

CERTIFIED SURVEY MAP NO.

BEING A REDIVISION OF OUTLOT 4 OF "DEVONSHIRE" SUBDIVISION, LOCATED IN A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWN 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

DEDICATIONS AND EASEMENT PROVISIONS:

1. The fee interest in the areas shown as a Dedicated Public Street on this Certified Survey Map is hereby dedicated, given, granted and conveyed by DOUBLE D INVESTMENTS, LLC (referred to as the "the Developer") to the Village of Pleasant Prairie, its successors and assigns (the "Village") for the construction, installation, repair, alteration, replacement, planting and maintenance of public street improvements, uses and purposes, including, without limitation, pavement, curbs and gutters, and cul-de-sac islands, sidewalks, (if required by the Village) street signs, street lights, sanitary sewerage system improvements, water system improvements, storm sewer and drainage system improvements, utility and communications facilities, street trees and other landscaping, and for all related ingress and egress, construction, installation, repair, alteration, replacement, planting, maintenance, and access activities. Such fee interest is subject to the following: (1) temporary nonexclusive easements coextensive with the areas of each such Dedicated Public Streets shown on this Plat, are hereby retained by the Developer for the construction, installation, repair, replacement and maintenance of such public street improvements pursuant to a Development Agreement entered into between the Developer and the Village dated as of _____ (subject to the rights of the Village to perform the same functions); (2) nonexclusive easements coextensive with the areas shown on the Dedicated Public Street areas on this Certified Survey Map, hereby reserved by the Developer, which are dedicated to the Association, Inc. (herein after referred to the Association), whose Lots are adjacent to such Dedicated Public Street for the responsibilities of the planting and maintenance of grass, the maintenance and replanting of street trees and the clearance, maintenance, repair and replacement of sidewalks in the area between the roadway and their property, if required by the Village, and for the construction, installation, repair, replacement, maintenance and use of such driveways in the area between the roadway and their property as are approved by the Village and as will not interfere with the public improvements, uses and purposes of the Village (all subject to the rights of the Village to perform the same planting, replanting, construction, installation, repair, clearance, maintenance and replacement functions);

The Developer shall be responsible for all costs associated with the construction, installation, repair, alteration, replacement, planting and maintenance of the public street improvements, including, without limitation, filling and grading, pavement, curbs and gutters, sanitary sewer system improvements, water system improvements, storm sewer and drainage system improvements, utility and communication facilities and street signs, street lights and street trees and plantings and for all related ingress and egress referred to herein, in accordance with the terms and conditions set forth in the Development Agreement on file with the Village Clerk.

- see town*
2. Easements coextensive with the areas shown as Dedicated Utility Easement areas (C) on this Certified Survey Map are hereby dedicated, given, granted and conveyed by the Developer (the "Grantor") to We Energies, 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) shown on this Certified Survey Map and for any related ingress and egress. These easements shall also include the right to trim or cut down trees, bushes, branches, and roots as reasonably required so as to not interfere 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 area shall not be altered by more than four (4) inches of final grade without the written approval of the Utility and Communications Grantees. The Utility and Communications 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 utility and 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 Grantee. 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.

Dedication & Easement Provisions should be before the Restrictive Covenants



Drafted this 28th Day of May, 2013

THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, S-2972

Job. No. 03-031-678-01

SHEET 19 OF 21

The Developer has requested and the
Village has agreed to defer the
Required Public Improvements for the portion
of 93rd Street and Cooper Road ~~being~~
~~dedicated~~ shown as a dedicated Public
Street on this CSM.

Section
insert deferral of public
imp. from LDO

" statement needs "

to be
added in CSM

395-32J.

CERTIFIED SURVEY MAP NO. _____

BEING A REDIVISION OF OUTLOT 4 OF "DEVONSHIRE" SUBDIVISION, LOCATED IN A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWN 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

The Village generally allows private utilities, including but not limited to electric, gas and communications facilities, to be installed in public street rights-of-way 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 highway 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 easement areas to a vegetatively stabilized condition, the Developer shall be ultimately responsible for the costs of such restoration and may pursue its remedies against the respective utility company (ies). Under no circumstances shall any private utility, electric or communications company conduct any open cutting of public 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.

3. Temporary easements coextensive with the areas shown as Dedicated Public Streets on this Certified Survey Map are hereby dedicated, given, granted and conveyed by the Village to the Developer for highway pavement and curb and gutter improvements, sanitary sewer, water, storm sewer and drainage system improvements, and uses and purposes, street tree planting and maintenance and street lighting installation and maintenance and for all related ingress and egress, construction, installation, repair, alteration, replacement and maintenance activities until such improvements are inspected by, dedicated to and accepted by the Village. These easements shall be exclusive, except for such coextensive permanent easements granted herein and the responsibilities required for such use, planting, care and maintenance of the easement, parkway or terrace areas by the Association for areas shown on this Certified Survey Map or other future roadway, street, driveway, sidewalk or other such use as approved by the Village, as will not interfere with the uses and purposes of the Village, and is permitted by applicable Village Ordinances.
4. A nonexclusive easement coextensive with each area shown as a Dedicated Wetland Preservation and Protection, Access and Maintenance Easement (D) within Lot 2 on this Certified Survey Map is hereby dedicated, given, granted and conveyed by the Developer to the Village for wetland preservation and protection and maintenance purposes and uses and for related ingress and egress. Notwithstanding such easements, the Village shall have no obligation to exercise its rights under these easements.
5. Perpetual nonexclusive easements coextensive with each area shown as Dedicated Landscape, Access and Maintenance Easements (B) within Lot 1 on this Certified Survey Map is hereby dedicated, given, granted and conveyed by the Developer to the Village for the purposes of planting and installation of trees, shrubs and other landscape elements and all related ingress and egress, grading, replacement and maintenance activities. This Landscape, Access and Maintenance Easements shall be exclusive except for the same easements hereby retained by the Developer and granted to the Association for the purposes of landscape planting and installation, maintenance, removal and replacement; planting and installing trees, shrubs, and other landscape elements, grading, watering, weeding, pruning and related maintenance activities and all related ingress and egress. Notwithstanding such easements, the Village shall have no obligation to exercise its rights under these easements.
6. Perpetual nonexclusive easements coextensive with the areas shown as Existing Dedicated Public Sanitary Sewer, Access and Maintenance Easement within Lot 2 on this Certified Survey Map was dedicated, given, granted and conveyed by the Developer to the Village for public sanitary sewer, access and maintenance purposes and for all related construction, installation, repair, alteration, replacement, landscaping, roadway repair, maintenance and ingress and egress. These easements shall be exclusive except for the planting, care, and maintenance responsibilities of the easement areas which shall be required by the Owners of the Lot on which the easements are located as will not interfere with the improvements, uses and purposes of the Village. There shall be no structures, fences, retaining walls, berms, driveways, or driveway approaches located within the sanitary sewer easement areas. In the event of any conflicts between the rights of the Developer, the rights of the Village pursuant to these easements to access the public utilities and the rights of the Lot Owners with respect to the Dedicated Public Sanitary Sewer, Access and Maintenance Easement areas, the Village's rights under these easements shall be deemed superior.



Drafted this 28th Day of May, 2013

THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, S-2972

Job. No. 03-031-678-01

SHEET 20 OF 21

CERTIFIED SURVEY MAP NO.

BEING A REDIVISION OF OUTLOT 4 OF "DEVONSHIRE" SUBDIVISION, LOCATED IN A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23, TOWN 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

7. A nonexclusive easement coextensive with each area shown as a Dedicated Tree Preservation and Protection, Access and Maintenance Easement (A) on Lot 1 on this Certified Survey Map are hereby dedicated by the Developer to the Village for the preservation and protection and maintenance purposes and uses and for related ingress and egress. Existing trees 8" (eight inches) in diameter or greater on Lots 31, 53 and 54 that are not identified within the Dedicated Tree Preservation and Protection Access and Maintenance Easement shall also be protected. Notwithstanding such easements, the Village shall have no obligation to exercise its rights under these easements.
8. Existing Temporary Easements coextensive with the areas shown as Existing Temporary Public Street, Access and Maintenance Easements on this Certified Survey Map were dedicated to the Village for roadways to end in a temporary cul-de-sac that meets the village specifications except that no island will be required. Temporary cul-de-sacs will not be paved, nor is curb required. When Lot 2 is further developed the temporary cul-de-sacs will be removed and the easements vacated.

future lots



Drafted this 28th Day of May, 2013

THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, S-2972

Job. No. 03-031-678-01

SHEET 21 OF 21



**WAIVER OF LIABILITY AND
INDEMNIFICATION AND HOLD
HARMLESS AGREEMENT**

Return to:

Village of Pleasant Prairie
9915 39th Avenue
Pleasant Prairie, WI 53158

Tax Parcel Number:

92-4-122-232-1304

THIS INDEMNIFICATION is being made this ____ day of _____, 2013 between Double D Two Investments, LLC, hereinafter referred to as the "Owner", and the Village of Pleasant Prairie, Wisconsin, hereinafter referred to as the "Village" regarding the property generally located south of 93rd Street at Cooper Road in the Village of Pleasant Prairie as legally described below.

Legal Description: Lot 1 of Certified Survey Map (CSM) # _____ (Document # _____ recorded on _____, 2013 at the Kenosha County Register of Deeds Office and located in part of the Northwest One Quarter of U.S. Public Land Survey Section 23, Township 1 North, Range 22 East of the Fourth Principal Meridian, and lying and being in the Village of Pleasant Prairie, County of Kenosha, State of Wisconsin.

WHEREAS, the Owner is requesting that the house and detached garage shown within the dedicated right-of-way of Cooper Road on said CSM be allowed to temporarily remain within the public right-of-way of Cooper Road as dedicated on said CSM until December 1, 2013; and

WHEREAS, the Owner of Lot 2 of said CSM has agreed that the referenced structures shall be removed from the right-of-way by December 1, 2013 and until they are removed they shall will be maintained and be the legal and financial responsibility of the Owner of Lot 2; and

WHEREAS, the Village has agreed to allow for the structures to remain in the dedicated right-of-way of Cooper Road on a temporary basis, until December 1, 2013 subject to executing and complying with the obligations set forth in this *Waiver of Liability and Indemnification and Hold Harmless Agreement*.

**NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING;
IT IS HEREBY AGREED:**

The Village will allow the structures to remain within the Village right-of-way of Cooper Road on a temporary basis, until December 1, 2013, provided that the structures do not interfere with the operations and maintenance of 93rd Street or Cooper Road. Additionally, the Owner understands and agrees that the structures shall be removed, at the Owners expense, by

VILLAGE OF PLEASANT PRAIRIE:

ATTEST:

John P. Steinbrink
Village President

Jane M. Romanowski
Village Clerk

Document Drafted by:

Jean M. Werbie-Harris
Community Development Director
Village of Pleasant Prairie
9915 39th Avenue
Pleasant Prairie, Wisconsin 53158

Double D Cooper Road house and garage in right of way).doc