

AGENDA
VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY
Village Hall Auditorium
9915 – 39th Avenue
Pleasant Prairie, WI
April 21, 2014
6:00 p.m.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. VFW Post 7308 presentation of Local and National Public Servant Awards to a Village Emergency Medical Technician, Firefighter and Law Enforcement Officer.
5. Minutes of Meetings – April 7, 2014
6. Citizen Comments (Please be advised per State Statute Section 19.84(2), information will be received from the public and there may be limited discussion on the information received. However, no action will be taken under public comments.)
7. Administrator’s Report
8. New Business
 - A. Receive Plan Commission recommendation and consider a Conceptual Plan for the future expansion of the Hospice Alliance facility and commercial development located at 10220 Prairie Ridge Boulevard.
 - B. Receive Plan Commission recommendation and consider a Certified Survey Map of the property located at 10220 Prairie Ridge Boulevard and the vacant 8.6 acre property to the east.
 - C. Receive Plan Commission recommendation and consider Ordinances #14-09 and #14-10 for a Zoning Map and Zoning Text Amendment for the property located at 10220 Prairie Ridge Blvd. and a portion of the vacant 8.6 acre property to the east.
 - D. Receive Plan Commission recommendation and consider a Certified Survey Map to combine the Village owned property located at 9915 39th Avenue and the vacant property to the north and to

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dedicate additional right-of-way for the future 39th Avenue and Springbrook Road roadway improvements.

- E. Consider the request of the Tobin Woods Homeowner's Association to approve amendments to the Declaration of Design Guidelines, Restrictive Covenants and Easements for Tobin Woods Subdivision
 - F. Consider Resolution #14-08 to deny the Final Plat, Development Agreement and related documents for the properties generally located east of 63rd Avenue and north of STH 165 for Stage 1 of the Courts of Kensington development.
 - G. Consider an award of contract for the 2014 Microsurface and Slurry Seal Project.
 - H. Consider a contract to provide appraisal review services for parcel acquisition for the 39th Avenue corridor project.
 - I. Consider Resolution #14-09 proclaiming the week of May 18, 2014 National Public Works Week.
 - J. Consider Operator License Applications on file.
8. Village Board Comments
9. Adjournment.

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

**VILLAGE OF PLEASANT PRAIRIE
PLEASANT PRAIRIE VILLAGE BOARD
PLEASANT PRAIRIE WATER UTILITY
PLEASANT PRAIRIE SEWER UTILITY**

**9915 - 39th Avenue
Pleasant Prairie, WI**

April 7, 2014

6:00 p.m.

A regular meeting of the Pleasant Prairie Village Board was held on Monday, April 7, 2014. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Steve Kumorkiewicz, Clyde Allen and Mike Serpe. Kris Keckler was excused. Also present were Michael Pollocoff, Village Administrator; Tom Shircel, Assistant Administrator; Jean Werbie-Harris, Community Development Director; Dave Smetana, Police Chief; Doug McElmury, Fire & Rescue Chief; Mike Spence, Village Engineer; John Steinbrink Jr., Public Works Director; Carol Willke, HR and Recreation Director; Dan Honore, IT Director; Sandro Perez, Inspection Superintendent and Jane M. Romanowski, Village Clerk. Two citizens attended the meeting.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**

Jane Romanowski:

Kris Keckler is excused. He had a previous engagement prior to being appointed to the Board.

- 4. MINUTES OF MEETINGS - March 17, 2014**

Steve Kumorkiewicz:

Move to approve.

Michael Serpe:

Second.

John Steinbrink:

Motion by Steve, second by Mike. Any discussion?

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KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE MARCH 17, 2014 VILLAGE BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY SERPE; MOTION CARRIED 4-0.

5. CITIZEN COMMENTS

John Steinbrink:

Anybody wishing to speak under citizens' comments? Hearing none, I'm going to close citizens' comments.

6. ADMINISTRATOR'S REPORT

Mike Pollocoff:

Mr. President, I'm going to need to request a special Board meeting prior to the next Plan Commission meeting. We were informed by the State today that the contract for salt needs to be returned and they're giving us nine days to do it. And we've had money authorized in the budget. I believe that was \$180,000. That's what we anticipated going for, and we're going to need in the vicinity of \$260,000. So we want to be able to present a plan for how we're going to pay for that this year. But my recommendation is we're going to have to make a great purchase in order to get our salt reserves back up to where we want them to be so we can do business. And inasmuch as that amount is going to exceed our budget amount we'll need to have a special meeting on Monday night so we can authorize a purchase with the State and get that off to them by the 14th or is it the 16th? The 16th. We're meeting on the 14th; we have to respond by the 16th so I couldn't let it go another week.

7. NEW BUSINESS

A. Receive Plan Commission recommendation and consider Ordinance #14-05 related to several amendments to the Village Comprehensive Plan as a result of the Village no longer being certified for the Farmland Preservation Program by the State of Wisconsin.

Jean Werbie-Harris:

Mr. President, I would ask that items for Ordinance 14-06 and -07 be taken up at the same time.

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John Steinbrink:

Motion to include Item B and Item A together.

ALLEN MOVED TO CONSIDER ITEMS A AND BE TOGETHER; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

B. Receive Plan Commission recommendation and consider Ordinances #14-06 and #14-07 for several Zoning Text and Map Amendments as a result of the Village no longer being certified for the Farmland Preservation Program by the State of Wisconsin.

Jean Werbie-Harris:

Mr. President and members of the Board, the three ordinances that you have before you refer to amendments to the Village's Comprehensive Plan as a result of the Village no longer being certified in the Farmland Preservation Program, and that's Ordinance #14-05. The second items, Ordinance 14-06 and 14-07 refer to several zoning text and map amendments. And these amendments have to do with the fact that since the Village is no longer participating in the Farmland Preservation Program, and there are no farmers in the Village of Pleasant that are certified or participating in the program, no longer does the Village need to have an A-1, Agricultural Preservation District, or any type of references to that A-1 District. We need to remove all references in the zoning ordinance to the A-1 District in the conditional use section, in the definition section and all of the other sections of the zoning ordinance. It's similar to a spider's web. As soon as you start to pull one section or one area that refers to a district that we refer to multiple times throughout the ordinance you need to make all those modifications and changes in your zoning ordinance.

So, again, we've got the three different ordinance amendments for you this evening. Again, the first one is just a simple modification to the Comprehensive Plan. And it refers to the sentence that includes a reference to the Farmland Preservation Program. This has to do with agricultural production in the Comprehensive Plan. As of December 13, 2012 the Village is no longer certified for the Farmland Preservation Program by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection.

Again, maybe I should back up for just a minute. As you know over many, many years the Village and the Town of Pleasant Prairie were participating in the Farmland Preservation Program. And under Section 91.10 of the statutes through Kenosha County they were authorized to prepare a Farmland Preservation Program plan which we had participated in. When we had multiple farmers participating in the program we had to continue to be active for the farmers to be able to get the tax credits to continue to

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participate, and there was a recent update to that program plan through Kenosha County in 2011. At that time we still believed we had one farmer that was participating in the program. So we went through that whole program planning with Kenosha County and the other townships in Kenosha County and adopted that Farmland Preservation Program plan as part of our Comprehensive Plan. Again, now that that farmer is no longer participating and we received an official letter from DATCP basically stating that we were no longer qualified to participate, we're going through and doing some cleanup work to our Comprehensive Plan and our zoning ordinance.

So, again, this is the first amendment to our Comprehensive Plan. And, again, we need to reference, continue to participate in and support the Wisconsin Farmland Preservation Program which provides income tax credits to eligible farmland owners. Again, we need to delete any reference or section to the Comprehensive Plan that has that particular language which we are proposing to do this evening.

In Chapter 9 of the plan a last sentence is being added. As of December 31st, as I mentioned, 2012 the Village is no longer certified as part of the State of Wisconsin program. That reference, again, to delete that reference from the Comprehensive Plan. And we have a listing of all the plans that this community has adopted in the Comprehensive Plan. The Kenosha County Farmland Preservation Plan was one of those last updated in 2011. Again, we're also deleting that as our listing of plans to follow.

So as I mentioned at the beginning, looking at the zoning ordinance we need to repeal Section 421-01 entitled A-1, Agricultural Preservation District. We need to repeal Section 420-14 entitled amendments to the Agricultural Preservation District. We need to amend the following sections to remove references to the A-1 District and the recently repealed A-4 District and the ALHO District. Again, all of these sections refer to the prime ag district provisions in performance standards related to pet and animal regulations, related to detached accessory building standards, related to notices of conditional uses granted, related to conditional uses for airstrips, landing fields and hangars, and related to conditional use standards for community living arrangements and conditional uses related to wind energy conversion systems.

Next we needed to amend the zoning ordinance as it relates to 420-87B related to decks to clarify that these regulations refer to properties zoned in the ag or residential districts and to clarify the street setbacks. We needed to delete the basic zoning district A-1 from Section 420-100 A (1), and we needed to amend 420-139 B (8) related to average street setbacks to remove the reference to the A-1 and add a reference to the AGO District.

As I mentioned earlier, one of the particular properties that was participating in that program in the early 2000's known as the Michaelis property on 85th Street, we need to now since he's not participating in the program rezone his property out of that A-1

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District and place it into the General Agricultural District or A-2 District. His address is at 6109 85th Street. All of those portions on his property that are currently zoned C-1, Lowland Resource Conservancy District, or FPO, Floodplain Overlay District, or if he's got areas located in the Shoreland Jurisdictional area all of those conservancy areas must remain on his particular property. Again, this should not affect his individual property or values just because we are moving it just from the prime ag or the exclusive ag district, A-1, to a General Agricultural District, A-2.

These matters were before the Village Plan Commission at their last meeting. Public hearings were held on all of the petitions and all of the amendments. And the Plan Commission recommended approval subject to the comments and conditions and the approval, again, of that Comprehensive Plan Amendment.

Steve Kumorkiewicz:

So moved.

Jane Romanowski:

I'll need three separate motions. The first one needs a roll call.

Michael Serpe:

Move approval of 14-05.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve for adoption of 14-05. Further discussion? Hearing none, roll call vote has been requested.

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #14-05 RELATED TO SEVERAL AMENDMENTS TO THE VILLAGE COMPREHENSIVE PLAN AS A RESULT OF THE VILLAGE NO LONGER BEING CERTIFIED FOR THE FARMLAND PRESERVATION PROGRAM BY THE STATE OF WISCONSIN; SECONDED BY KUMORKIEWICZ; ROLL CALL VOTE – ALLEN – AYE; KUMORKIEWICZ – AYE; STEINBRINK – AYE; SERPE – AYE; MOTION CARRIED 4-0.

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Michael Serpe:

Move approval of 14-06.

Clyde Allen:

Second.

John Steinbrink:

Motion by Mike, second by Clyde for adoption of 14-06. Any further discussion on that item?

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #14-06 TO AMEND CHAPTER 420 OF THE ZONING ORDINANCE RELATING TO THE AGRICULTURAL PRESERVATION DISTRICT; SECONDED BY ALLEN; MOTION CARRIED 4-0.

Steve Kumorkiewicz:

Make a motion to adopt 14-07.

Clyde Allen:

Second.

John Steinbrink:

Motion by Steve, second by Clyde for adoption of 14-07. Any further discussion on that item?

KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #14-07 TO AMEND THE OFFICIAL ZONING MAP PURSUANT TO CHAPTER 420-13; SECONDED BY ALLEN; MOTION CARRIED 4-0.

- C. Receive Plan Commission recommendation and consider Ordinance #14-08 for several Zoning Text Amendments related to Commercial Communication Structures.**

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Jean Werbie-Harris:

Mr. President and members of the Board, for you this evening are a consideration of several zoning text amendments, seven different amendments which I will go into a little bit of detail. These have to do with commercial communication structures in the Village of Pleasant Prairie. The 2013 Biennial Budget Act for the State of Wisconsin modified the regulatory powers of local governments in regard to cell phone towers as referred to in the Village zoning ordinance as commercial communication structures. The new law specifies the manner in which a municipality can use zoning to regulate such facilities and list specific regulations that a municipality may no longer apply.

The new law states specifically that a municipality may regulate cell phone towers under a zoning ordinance, but it did place some very strict regulations in doing so. It specified the procedures, the standards a municipality must use in reviewing applications for permits to construct or to modify a tower. It also listed specific limitations or regulations that a municipality may not impose on the construction or the modification of a tower. One of the biggest changes that it did was it took away any authority or approval of power or authority by the Village Plan Commission through a conditional use permit process. Now there is a process that's being set forth. Again, it's based very closely on the State law. My Village staff, Peggy Herrick and myself, worked with our Village Attorney, Kevin Long. As you know many of you, if not all of you, were at the Plan Commission meeting earlier this evening. We went through the details of the particular law and specifically how it affected the new changes to our new ordinance as it affects cellular communication facilities.

The seven specific areas of the zoning ordinance that were modified were 1) to create Section 420-22 A (7) related to adding a Commercial Communication Structure Permit as a permit type; 2) to create Section 420-29 J related to fees for a Commercial Communication Structure Permits; 3) to repeal and recreate Section 420-89 related to requirements for Commercial Communication Structures; 4) to amend Article XVI of the zoning ordinance by adding Commercial Communications Structures as a principal use in all of the districts as listed from A-2 all the way to the C-3 districts; and as accessory uses in the districts that are listed, again primarily all the A, B, M, PR-2 and PR-3 and I-1 Districts of the zoning ordinance; 5) to amend Article XVI to remove Commercial Communication Structures as a conditional use in all of the districts within the ordinance; 6) to delete Section 420-148 B (17) and (17.1) related to conditional use standards for Commercial Communication Structures; and 7) to delete the definition of Commercial Communication Structures as currently listed in Section 420-152.

Again, the Village staff has taken the last three to four months to go through in comparing, looking at our previous zoning ordinance and looking at the State statutes and what we were allowed to put together as part of a new ordinance for Pleasant Prairie.

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Again, put substantial limitations or restrictions on the Village, but it did give us some zoning authority and approval authority over the various sitings of new towers. We have been discussing our modifications with representatives from various cellular communication companies and their attorneys over the past few weeks, and have been providing them the information. And we have been working with them to make sure that they have similar or the same interpretations of our ordinance. And we intend to continue to work with them for the siting of towers and the co-location of the antennas throughout the community.

And, again, I'm not going to go through all of the details as we went through all of those at the Plan Commission, but as you know there are a number of limitations that are now being placed on the local communities. But we needed to do this as soon as possible because our existing ordinances were no longer in effect with respect to communication towers. And we do have a number of applications that would like to come in over the next few days. So with that the Village staff recommends approval of the zoning text amendments as presented.

Let me just make one clarification. And that is the ordinance that you were provided on I believe Monday or Friday of this past week we have made some minor modifications which we did discuss at the Plan Commission. And they're on the green sheets, and so we just needed to make sure that these modifications and changes are also included as part of the new ordinance that we're looking to adopt this evening.

Michael Serpe:

This law really benefits the communication companies and a very few people who own the property on which these towers are going to be put on. And it's unfortunate that we have legislators in Madison that respond to only those that bring in large amounts of money either to their campaign or to their party. And the rest of us just sit back and we lose control. And there's more coming. There's more coming. I get enraged when I see stuff like this that Madison can take over local control throughout the State of Wisconsin based only on how money is being brought into that city. And that's a shame. That is a shame.

Steve Kumorkiewicz:

I agree with you, Mike. It appears that Madison works for special interests, not for the communities. The local communities are losing local control. The home rule is disappearing. Every time we turn around a new bill is passed that takes control away from the communities. But then we are the ones who have to answer the questions to the residents. Madison is doing this, Madison is doing that. Madison should be working for

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the communities. Not just for the people who are getting bucks over there. It's like you, it gets me very upset.

John Steinbrink:

Mike, this was inserted in the budget, correct? So there was no public hearing on it, no input. No chance to --

Mike Pollocoff:

It was done at the last hour at joint finance. So when it came out really nobody could respond to it because nobody had seen it.

Steve Kumorkiewicz:

That's what they want.

Mike Pollocoff:

I would also recommend, I visited with Kevin after the Plan Commission meeting, and I asked him to do some research on how we can be certain that the tower sitings don't end up being a tax dodge where the cell tower companies have an exemption from property taxes. And it shouldn't translate into somebody who is changing the use of their property receiving a rent payment. I mean the transaction between a cell company and the property owner if they have to account to the taxes so be it. But we need to see if, one, if there's something we can put in our ordinance to make sure that the local property tax owners aren't footing the bill for that exemption. Or redefining the terms to which those exemptions would be placed. My first inclination was ag because that's got some unique ways in which those values are determined. But on the other hand I would think that a commercial tower on a residential lot would be of significantly greater value than a home and should that be taxes of what's a vacant single family lot or should it be taxed as a property with a commercial use on it.

Like I say, I think it behooves the Village to protect the rest of the taxpayers that didn't benefit from this to be able to get that cleaned up. I guess if that's offensive to the cell companies they can go back and get that cleaned up at a later time. But at least for this upcoming reval cycle and budget cycle we can get that addressed so that there's some element of fairness to where these get sited and what they have to pay for it.

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John Steinbrink:

It follows in the footsteps of cable TV and billboards, so it's a continuing process. With that we need a motion.

Michael Serpe:

We have no choice but to approve 14-08 and I would make that motion.

Clyde Allen:

I'll second it under duress.

John Steinbrink:

Motion by Mike, second by Clyde. Any further discussion on 14-08?

SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND ADOPT ORDINANCE #14-08 FOR SEVERAL ZONING TEX AMENDMENTS RELATED TO COMMERCIAL COMMUNICATION STRUCTURES; SECONDED BY ALLEN; MOTION CARRIED 4-0.

D. Consider Professional Services Agreement with Clark Dietz to perform field surveying and base mapping services for Heritage Valley Sewer.

Mike Spence:

Mr. President and members of the Board, the Village has an existing pump station that serves the Heritage Valley Subdivision which is just located south of Country Trunk Highway C. The station is old, and it needs to be repaired or replaced. As you may recall the Village constructed a new sanitary sewer to replace the Sewer D wastewater treatment plant in 2010. As a result of that we can abandon the existing pump station, just give you a frame. County Trunk Highway C is up here. This is the sewer D sewer line that was installed back in 2010. The existing lift station is here. So because we have this availability of this sewer now we will be able to abandon that sewer by connecting the existing sewer to a new sewer that will run to the east and connect up to Sewer D.

So the contract that we have tonight is to allow for Clark Dietz to do survey, topographic mapping and base map preparation so that the Village engineering department can prepare the plans and specs to install this sewer. The total fee for these services is \$8,600. Clark Dietz has performed similar projects for the Village in the past. And I'm

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recommending that this contract be executed for the survey work. I'd be glad to answer any questions.

Michael Serpe:

Mike, how old is that system over there?

Mike Pollocoff:

That was put in I believe in '94-'95. That lift station was really meant to be a temporary lift station. The rest of that development was going to proceed farther to the north. It would tie into the gravity sewer at some point and the lift station would be abandoned. But that subdivision had problems before there were problems. So we're at the point where we need to modify a temporary station as Mike said and do some work on it. It would just be money wasted. Might as well put into the main and get it diverted.

Steve Kumorkiewicz:

Question for Mike. Mike, if I recall correctly Heritage Valley they were selling lots west of the area in phase 2 but they never did it. Didn't we have a problem with that once?

Mike Pollocoff:

We had a lot of problems with that development. They were looking to sell lots south but they never did get to that point because that wasn't platted. But they had taken peoples' money, hadn't paid some bills, there were liens on the property. There were some fiduciary problems with that developer, and that's why that development came to a stop. I might add just to pour some more vinegar on a wound, just this last week we had held letter of credits, that's one of the ways we're able to make sure that the people in that subdivision didn't get put in a financial situation. And neither did the Village taxpayers because we didn't have to finish the roads and stuff.

Now the State has eliminated our ability to do letter of credits. We can only do it if a developer is willing to do it. Now a developer can get a bond, and then if the Village has a problem with the bond we would have to sue the bonding company to get performance. So in a matter like this we would have been in litigation for quite some time because a bonding company has all the incentive in the world to not pay the bond. And the price of a bond is usually maybe a tenth of what a letter of credit is because the letter of credit ensures that the cash is there, that the only ones that can take the money out is the Village. So situations like this you can see we're dealing with it now. I mean we still are going to do what was going to happen anyway. But had this been under a bond we would have been in an incredibly difficult situation.

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Steve Kumorkiewicz:

The State is doing us another favor with this eliminating the letter of credit?

Mike Pollocoff:

No, they're doing the homebuilders a favor.

Clyde Allen:

Is this covered in the budget, the \$8,600?

Mike Spence:

Yes, this number was put in the budget for the sewer.

Clyde Allen:

Okay, with that I'll make the motion to approve.

Michael Serpe:

Second.

John Steinbrink:

Motion by Clyde, is there a second? Motion by Mike. Any further discussion? Thinking back to Heritage those folks there owe Mike a debt of gratitude for the fact that you were able to clean up all that financial mess out there so that mortgages stayed intact without them losing their property or their investment in the property. But, once again, somebody is going to find a way to supersede that on our part.

ALLEN MOVED TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH CLARK DIETZ TO PERFORM FIELD SURVEYING AND BASE MAPPING SERVICES FOR THE HERITAGE VALLEY SEWER PROJECT; SECONDED BY SERPE; MOTION CARRIED 4-0.

E. Consider Professional Services Agreement with Clark Dietz to perform design and construction services for the Niagara Bottling, LLC.

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Mike Spence:

Mr. President and members of the Board, this improvement has been identified as part of the process that we went through in looking at the latest amendment to TID #2. This improvement is a new sewer that will go from Lot 75 where Niagra will be building their new facility and it will be going north along County Trunk Highway H to an existing sewer that goes to the LakeView pump station at Highway 165.

This sewer has a number of benefits in that it will increase the flow to the LakeView pump station. The LakeView pump station has a large capacity, and it's underutilized right now, and so it will be more efficient. In addition, this project with the whole Niagra development will result in positive adjustments to the rate structure for sewers for the Village. Here you can see the sewer will start. This is where the proposed Niagra facility will be right here. And so we're going to be installing and designing this sewer to run north, and it will tie into an existing sewer by 165 here. And then ultimately it will discharge into the LakeView pump station.

The services as part of this contract will include, survey, the sewer design. We may need to acquire some easements so that will be part of this. And then the construction documents as well as bidding and construction are included. The fee for these services is \$65,300 for design and \$39,750 for construction-related services. That total number is not right. The total will be \$114,700, about \$105,000, whatever those two numbers add up to be. Again, I recommend -- Clark Dietz has done similar work for us in the past for this, and I recommend that this contract be executed. I'd be glad to answer any questions.

Michael Serpe:

I move approval.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Any further discussion? Mike, that little flagged lot in there, that little lot that's still a wetland in there on H.

Mike Pollocoff:

Yeah, that will stay. It's pristine.

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John Steinbrink:

It doesn't go to the other properties at all then, it just stays?

Mike Pollocoff:

Right.

John Steinbrink:

So who controls that?

Mike Pollocoff:

Center Point.

John Steinbrink:

So they're responsible for the maintenance of it and everything?

Mike Pollocoff:

Right.

Steve Kumorkiewicz:

For now.

John Steinbrink:

Okay, we have a motion, we have a second. Any further discussion?

SERPE MOVED TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH CLARK DIETZ TO PERFORM DESIGN AND CONSTRUCTION SERVICES FOR THE 88TH AVENUE SEWER EXTENSION FOR THE PROPOSED NIAGARA BOTTLING PROJECT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

F. Consider an amendment to the Professional Services Agreement with GAI, Inc. to perform surveying and design services for the PrairieWood Water Main Project.

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Mike Spence:

Mr. President and members of the Board, there have been a number of improvements that have been identified for the Village's water system, again, as part of the approved Amendment #5 to TID 2. What we're trying to do is increase capacity and flows in the western part of the Village's water system. The map that I have here this map has an additional water main that this is the Premium Outlets, and this particular water main will provide some additional redundancy and reliability for the proposed Riverview Corporate Park. So this is part of the design effort in this contract.

The next improvement is an additional water main that will run from the Village's water town, again, by the Premium Outlets there. It will run to the west, cross I-94, and then will run along the west frontage road and then on the north side of County Trunk Highway Q to the western limits of the Village limits. This water main will allow for the adequate pressures or flows for fire protection for the Uline distribution center there.

The scope of services for this project, again, includes the water main on the east frontage road as well as the water main by the west frontage road. This project will include design services, survey and construction bids. And also will include recommendation of an award for the contract. The total fee for this project is \$83,550. GAI has done a number of these projects for the Village, and they have been working with us on improvements for the Riverview Corporate Park so it's a natural extension of that. So I recommend that this amendment to the existing contract be executed.

Michael Serpe:

This water line dead ends right at our Village boundary.

Mike Pollocoff:

Right.

Michael Serpe:

Is there any future looping? Is that going to loop to the north eventually?

Mike Pollocoff:

It will move through the Abbott site, yeah.

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Mike Spence:

Yeah, eventually, Mike, we've got a plan for the whole Abbott site, and this will tie to that, yeah. We don't want to have a long dead ended main like that for very long.

Steve Kumorkiewicz:

I've got a question. Mike, the water pressure is going to be equalized due to the tower over there same as the rest of the Village?

Mike Spence:

Yes.

Steve Kumorkiewicz:

Equalized pressure?

Mike Spence:

Yeah, everything is on the zone that pretty much all the Village is on.

Steve Kumorkiewicz:

Now, we need to rebore under the Interstate to put it to Uline?

Mike Spence:

That is correct.

John Steinbrink:

So all of our towers are at the same elevation, the water [inaudible].

Mike Spence:

That is correct.

John Steinbrink:

That's kind of a unique thing with the lowering of the Ladish tower. We achieved that with everything being at the same elevation. I don't think most people realize that.

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Mike Spence:

That really gives John and our utility really the tools to really manage this system effectively because we're all on the same pressure.

Steve Kumorkiewicz:

Equalized, yes. But lowering the tower 40 feet at County C [inaudible].

Clyde Allen:

I make a motion to approve.

Michael Serpe:

Second.

John Steinbrink:

Motion by Clyde, second by Mike for approval. Further discussion?

ALLEN MOVED TO APPROVE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH GAI, INC. TO PERFORM SURVEYING AND DESIGN SERVICES FOR THE PRAIRIEWOOD WATER MAIN PROJECT; SECONDED BY SERPE; MOTION CARRIED 4-0.

G. Consider an award of contract for the Cooper Road Sewer Rehabilitation Project.

John Steinbrink, Jr.:

Mr. President and members of the Board, the Pleasant Prairie Sewer Utility is planning the third phase of a multi-year rehabilitation project for the Cooper Road drainage basin. The area is generally located north of 85th to 76th Street along Cooper Road west to 56th Ave. This year will include relining sections of sanitary sewer mains on 79th, 81st, 82nd and 84th Street along with a section along 54th Ave. The sewer was constructed around the 1950s and consists of 2.5 miles of clay main and 222 six inch clay laterals. The area has been subject to sewer backups and high sewer flows. During rain events the flows increased ten times higher than during dry conditions. Causes of these flows are infiltration in the ground water and into the sewer mains and laterals and some illegal sump pump connections.

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On Friday, March 21st, three bids were received for installation of approximately 2,560 feet of sewer main lining and rehabilitation for 181 vertical feet of sanitary manhole. Three bids were received. The lowest one was by Visu-Sewer in the amount of \$116,934. The two other bids were from Terra Engineering and Construction for \$129,258, and the third was Michels Corporation for \$141,269. The approved 2014 sewer utility capital budget for this project was \$133,300. So we are under budget with the project.

Visu-Sewer has completed the sanitary sewer relining for Pleasant Prairie in the past. Pipe relining has become a very popular rehabilitation method. A new liner is pulled into the existing sewer main lateral and cured into place. It's a very cost effective method and is recommended for this project. I recommend a contract be awarded to Visu-Sewer for sanitary sewer lining services and manhole rehabilitation in phase three of the Cooper Road rehabilitation project not to exceed \$116,934. And I can answer any questions.

John Steinbrink:

John, can you explain that process a little more? I mean there's no digging involved unless there's a real structural problem.

John Steinbrink, Jr.:

Right, there's no excavation involved. On the graphic that we have up top, the new liner is filled with epoxy and it's inverted and then air pressure is forced through the pipe and so it's pulled through the pipe. When it's all done, it becomes like a hard liner about a quarter inch thick. Then it makes a little dimple where the laterals are, and then there's a robotic cutter that goes in the sewer main, cuts out the lateral openings. So what that does is that gives you the structural integrity and lack of infiltration which you have in those clay mains. So you're really taking a flexible pipe, pulling it backwards, heating it up with hot water, it cures it, and then it creates like a new plastic pipe as shown with the picture to the right. So the picture on the right kind of shows an old pipe and then the new liner is kind of extended out, the white component of it inside.

John Steinbrink:

Is there anything people could do if they have a failing lateral?

John Steinbrink, Jr.:

This technique is being used for laterals, and it's something that the Village is going to pursue beginning next year. So this is the last year of lining all the mains and then we're

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going to start lining the laterals as a component of it. We haven't put together a project yet, and we'll probably bring to the Board within the budget process next year different options for residents probably being excavation and replacement which is costly, relining which is very less intrusive with this, or some component of a lateral insurance program. There are different companies out there that offer that. And so we're kind of investigating and preparing a proposal for the 2015 budget for the Board to review.

Michael Serpe:

John, did you mention that some of these existing sewer lines are clay tile?

John Steinbrink, Jr.:

Yes, the entire basin is made out of clay pipe around five feet long and there are some joints in there, but the joints have failed and the pipes deteriorated over the probably 60 or 70 years that it's been there. It's definitely exceeded its useful life and so this is a much cheaper rehabilitation than going through and excavating the road, replacing the road and working around the fiber optics and stuff like that.

Michael Serpe:

And putting this liner in it's not going to get damaged by the damaged tile that's in there, is it?

John Steinbrink, Jr.:

No, it does not. It's a very thick liner. It's about a quarter inch. I have a couple of samples. I should have brought one with but I did not. I can bring that to the next Board meeting for the Board to kind of hold and touch and kind of see what it is.

Michael Serpe:

If something were to fail on the new liner is it easily repaired or not?

John Steinbrink, Jr.:

You would have to do an excavation if it would fail. So far we have about 6,000 feet of it in the Village and we have zero failure right now and so it's a very reliable product.

Steve Kumorkiewicz:

Is there another area around here who got [inaudible].

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John Steinbrink, Jr.:

This is probably one of the first areas that have done the lateral lining or the main line lining. We've been very happy with it as the Village staff, and I'm going to propose doing hopefully a little bit more of it in other areas of clay pipe within the Village in the future. This would have probably cost well over a million dollars to do the excavation, tear up the road and all the rehab and the headache that comes along with it. So it's a much cheaper rehab method.

John Steinbrink:

Clyde, you had a question?

Clyde Allen:

John, is there a useful life in it, estimated life?

John Steinbrink, Jr.:

It's kind of a newer product. Word out by the manufacturer is saying around maybe 50 to 70 years.

Clyde Allen:

Okay, and being under budget I'm happy to make a motion to approve.

Michael Serpe:

Second.

John Steinbrink:

Motion by Clyde, second by Mike. Any further discussion?

ALLEN MOVED TO AWARD A CONTRACT TO VISU-SEWER IN THE AMOUNT OF \$116,934 TO COMPLETE PHASE 3 OF THE COOPER ROAD SEWER REHABILITATION PROJECT; SECONDED BY SERPE; MOTION CARRIED 4-0.

H. Consider the request for a new liquor license agent for the Chancery Pub and Restaurant located at 11900 108th Street.

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Jane Romanowski:

This is a request just for a new agent for the liquor license that is currently issued to the Chancery. This happens here and there when the manager or the current agent is no longer an employee of the Chancery, and that's what's happened in this case. So the Restaurant of Pleasant Prairie, Inc. has submitted a request to change the agent. Chief Smetana took a look at that police check and approved it and basically they sent the \$10 check out to issue the new license with the new agent's name on. When the renewals are out that name will be on the renewals as well and the license will be issued.

Michael Serpe:

Move approval.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Mike, second by Steve. Any further discussion?

SERPE MOVED TO APPROVE the request for GEORGE FLESS TO BE APPOINTED AS THE new liquor license agent for the Chancery Pub and Restaurant located at 11900 108th Street; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 4-0.

I. Consider Operator License Applications on file.

Jane Romanowski:

There are three applications, Jaclyn Flick, Shannon Glascock, Maxine Larsen. Recommend approval of all three.

Steve Kumorkiewicz:

So moved.

Clyde Allen:

Second.

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John Steinbrink:

Motion by Steve, second by Clyde. Any discussion?

KUMORKIEWICZ MOVED TO APPROVE OPERATOR LICENSES FOR JACLYN FLICK, SHANNON GLASCOCK AND MAXINE LARSEN; SECONDED BY ALLEN; MOTION CARRIED 4-0.

8. VILLAGE BOARD COMMENTS

Michael Serpe:

Just one. With what we went through tonight with the Plan Commission and the Board with reference to the communication towers I just would hope that the people, not just of the Village of Pleasant Prairie, but the whole State of Wisconsin pay attention to what's going on in Madison because local control is going to be a thing of the past. And it's unfortunate, but it's a little upsetting.

Steve Kumorkiewicz:

As I say the control is done by the local interests, by the interests, not by the communities.

John Steinbrink:

Just one other comment. Judging by the crowds and the parking at the RecPlex it's been a very busy season out there. Unfortunately we don't have that additional parking because of interference in Madison made that impossible to do in a timely manner. As long as we're piling on I might as well throw one more.

9. ADJOURNMENT

SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY ALLEN; MOTION CARRIED 4-0 AND MEETING ADJOURNED AT 6:50 P.M.

**THESE ITEMS ARE RELATED AND WILL BE DISCUSSED AT THE SAME TIME
HOWEVER SEPARATE ACTION IS REQUIRED.**

Consider approval of a **Conceptual Plan** for the request of Mark Molinaro, Jr. of Partners In Design Architects, agent on behalf of the Hospice Alliance Foundation, Inc. owners of the property located at 10220 Prairie Ridge Blvd. and the vacant 8.6 acre property to the east for the future expansion of the Hospice facility and future commercial development.

Recommendation: On April 14, 2014 the Plan Commission held a public hearing and recommended that the Village Board approve the **Conceptual Plan** subject to compliance with the comments and conditions of the Village Staff Report of April 21, 2014.

Consider the request of Mark Molinaro, Jr. of Partners In Design Architects, agent on behalf of the Hospice Alliance Foundation, Inc. owners of the property located at 10220 Prairie Ridge Blvd. and the vacant 8.6 acre property to the east for approval of a **Certified Survey Map**.

Recommendation: On April 14, 2014 the Plan Commission recommended that the Village Board approve the **Certified Survey Map** subject to compliance with the comments and conditions of the Village Staff Report of April 21, 2014.

Consider approval of **Ord. # 14-09 and #14-10 for a Zoning Map and Zoning Text Amendment** for the request of Mark Molinaro, Jr. of Partners In Design Architects, agent on behalf of the Hospice Alliance Foundation, Inc. owners of the property located at 10220 Prairie Ridge Blvd. and a portion of the vacant 8.6 acre property to the east to rezone a portion of the vacant land into the I-1 (PUD), Institutional District with a Planned Unit Development Overlay District for the future expansion of the Hospice facility; and a Zoning Text Amendment to create the specific PUD zoning regulations for the development.

Recommendation: On April 14, 2014 the Plan Commission held a public hearing and recommended that the Village Board approve the **Zoning Map and Text Amendments (Ord. #14-09 and #14-10)** as presented in the Village Staff Report of April 21, 2014.

VILLAGE STAFF REPORT OF APRIL 21, 2014

Consider approval of a **Conceptual Plan** for the request of Mark Molinaro, Jr. of Partners In Design Architects, agent on behalf of the Hospice Alliance Foundation, Inc. owners of the property located at 10220 Prairie Ridge Blvd. and the vacant 8.6 acre property to the east for the future expansion of the Hospice facility and future commercial development.

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THESE ITEMS ARE RELATED AND WILL BE DISCUSSED AT THE SAME TIME HOWEVER SEPARATE ACTIONS ARE REQUIRED.

The petitioners are requesting several approvals related to the proposed parking lot expansion at the Hospice House located at 10220 Prairie Ridge Blvd and the future development to the east.

The Hospice Alliance Foundation (Hospice) has been operating an eight (8) residential bed facility known as the Hospice House at 10220 Prairie Ridge Boulevard since 2003. In December of 2013, Hospice purchased 8.6 acres of vacant land adjacent to their property to the east (known as Lot 3 of CSM 2602). Hospice purchased the additional property for the singular, immediate purpose of constructing additional parking for their existing facility.

In the initial phase, Hospice proposes to combine a portion of the new property with the existing Hospice House property for the purpose of expanding the available number of parking spaces for the Hospice House through approval of a Certified Survey Map (being considered at tonight's meeting). The remainder of the land could be further developed as shown on the Conceptual Plan; however, there are no immediate plans to proceed with the development of this area at this time.

CERTIFIED SURVEY MAP: The Certified Survey Map reconfigures the Hospice property with the vacant land to the east, which will allow for the additional parking to be constructed on the Hospice House property on the north portion of the newly added land, along with a shared ingress/egress road connecting to Prairie Ridge Boulevard. The CSM provides for a 35-foot wide ingress, egress and cross access easement to be shared with both Lots 1 and 2 of the CSM. This shared access road will align with 100th Avenue and will provide for a full ingress/egress to the Hospice House property, where currently only a right-in/right-out driveway exists. In addition, the CSM also dedicates a 20-foot wide sidewalk, access and maintenance easement along the eastern area of Lot 2 for a future public sidewalk connection from Prairie Ridge Boulevard north to the Shoppes of Prairie Ridge commercial development. This sidewalk will be required to be installed when Lot 2 is developed.

Lot 1 is proposed to be approximately 6-acres with 418 feet of frontage on Prairie Ridge Boulevard and Lot 2 is proposed to be approximately 5 acres with over 500 feet of frontage on Prairie Ridge Boulevard. Lot 1 is proposed to be rezoned to I-1 (PUD), Institutional District with a Planned Unit Development Overlay District. See below for future discussion related to the Zoning Map and Text Amendments. Lot 2 will remain in its current zoning designation of B-2 (PUD), Community Business District with a Planned Unit Development Overlay District at this time.

CONCEPTUAL PLAN: With an approval of any land division, a Conceptual Plan is required to ensure that the vacant land can be developed in an orderly and well planned manner in the future. As noted above, Hospice does not have immediate plans for the development of eastern portion of Lot 1 or Lot 2.

Lot 1: As indicated by Hospice, there are several potential directions the organization could go to expand the services they provide to the greater Kenosha County community. The Conceptual Plan indicates one potential scenario which includes the construction of a new 16-24 bed residential hospice facility capable of providing acute symptom care to the expanded patient population. This option would result in two buildings on Lot 1. [Note: If a second facility is constructed, Site and Operational Plans will need to be submitted for review and approval by the Village Plan Commission.]

If a second building is built, the criteria for patient admission would remain consistent with the current admission requirements, which are 60 days or less of life expectancy and the need for 24/7 care. The facility will be staffed with registered nurse coverage 24/7. The new facility shown on the Conceptual Plan provides for a maximum of 24 beds, 10 employees on the largest shift and two (2) doctors/staff maximum at any given time.

All eight (8) of the residential beds in the existing building could be eliminated with the entire existing facility being renovated into an administration building for the Hospice Alliance Foundation. The maximum number of employees on the largest shift in the administration building is projected to be 35.

Lot 2: At this point, Hospice has no intended use contemplated for the property and will be actively marketing the property for sale. The Conceptual Plans provide that Lot 2 would be capable of supporting two (2) additional buildings and have the potential to be subdivided into two (2) parcels.

SITE AND OPERATIONAL PLANS: The petitioners received conditional approval of the Site and Operational Plans for the parking lot expansion of the Hospice House by the Plan Commission on April 14, 2014. While the existing Hospice House meets the minimum number of on-site parking spaces, the proposed parking lot is intended to provide additional parking for the visitors and staff during peak times as well as to accommodate the annual auto show fundraiser held by Hospice.

The current Hospice House is approximately 19,600 square feet with a 16,725 square foot basement. There are 25 parking spaces and two (2) handicapped accessible parking spaces in the front of the building and 40 parking spaces and two (2) handicapped accessible parking spaces in the rear of the building. The facility has a daily staff count of approximately 40 staff on the largest shift with the exception of one (1) day a week when the number could reach 50. The parking area in the front of the building is proposed to remain unchanged. The 42 parking spaces in the rear of the building are proposed to be reconfigured and additional parking is proposed to the east with access to 100th Avenue within the cross access easement as discussed above. The parking in the rear of the building will include 135 total parking spaces.

ZONING MAP AND TEXT AMENDMENTS (Ord. # 14-09 and #14-10): The existing Hospice House property is zoned I-1 (PUD) and the 8.6 acre property to the east is zoned B-2 (PUD). Lot 1 is proposed to be rezoned so that the entire property is zoned I-1 (PUD). Lot 2 will remain in the B-2 (PUD) Zoning Districts.

Lot 2 will remain under the PUD requirements specified in the Shoppes of Prairie Ridge PUD adopted as Ord. #07-29 in 2007. Lot 1 and Lot 2 will also remain under the PUD requirements specified in the Prairie Ridge PUD adopted as Ord. #07-28 in 2007. A separate PUD is proposed to be created for Lot 1 of the proposed CSM for the Hospice development.

Currently all the dimensional requirements of the I-1 District are being met, so no dimensional variations are being provided in the PUD. However, an amendment to the PUD with the development of a second building on this property or a building addition greater than 500 square feet to the existing building will require the installation of a Digital Security Imaging System (DSIS) pursuant to the Chapter 410 of the Village Municipal Code. In addition, the owners will also be required to provide a DSIS Access Easement pursuant to the Chapter 410 of the Village Municipal Code.

2035 Comprehensive Plan Amendment: The Village Comprehensive Plan will be required to be updated to correctly identify that Lot 1 of the proposed CSM will be located within the Government and Institutional land use designation to ensure that both the Zoning Map and the Comprehensive Land Use Plan are consistent. Currently the Land Use Plan indicates this property within the Community Commercial land use designation. A written request shall be submitted with an application fee of \$225 to amend the Village 2035 Comprehensive Land Use Plan Map for the required hearing to be scheduled.

RECOMMENDATIONS

On April 14, 2014 the Plan Commission held a public hearing and recommended that the Village Board approve the Conceptual Plan subject to the above comments and the following conditions:

1. The Conceptual Plan approval will be valid for a period of one (1) year.
2. Submittal of a request and the required \$225 application fee to amend the Village Comprehensive Land Use Plan shall be to the Village by July 1, 2014 for the required amendment. As noted in the staff comments above, the Village Comprehensive Land Use Plan will be required to be updated to correctly identify that Lot 1 of the proposed CSM will be located within the Government and Institutional land use designations to ensure that both the zoning map and the comprehensive land use plan are consistent. Currently the Land Use Plan indicates this property within the Community Commercial land use designation.
3. Prior to the development of each lot, detailed Site and Operational Plans are required to be submitted and approved by the Plan Commission pursuant to Article IX of the Village Zoning Ordinance. Also, depending on the use proposed, the occupants may require a Conditional Use Permit along with Site and Operational Plan approval from the Plan Commission. In addition, it may require approval of special licenses by the Village.
4. The future development of the lots and structures shall comply with the ordinances in effect at the time of construction. In addition, detailed Site and Operational Plans are required to be submitted for review and approval prior to any development pursuant to the requirements for the Village Zoning Ordinance.

5. At the time that each lot is proposed to be developed for commercial/institutional purposes, detailed landscaping plans will be required to be submitted and reviewed. All landscaped areas will be required to be irrigated with a sprinkler system. The base map for these landscape plans shall include the approved grading plan. In addition, the location of all pedestals and transformers and proposed screening shall be shown on the Site and Operational Plans required for each development site.
6. Landscaping and parking lot islands will be required pursuant to the Village Ordinance requirements. In particular, landscaping between parking areas and roadways shall comply with Section 420-57 J (2) (d) of the Village Zoning Ordinance that states "*Parking lots associated with business or institutional uses shall be screened from public rights-of-way and/or residential zoning districts located within 50 feet of such parking lots; such screening shall be installed in close proximity to the parking lot and shall be 75% opaque to a height of at least four (4) feet above the grade of the nearest edge of such parking lot within three (3) years of installation and may consist of shrubs and trees, an appropriately landscaped undulating berm...*" Revise the plans. Review and place similar quantity, quality and size landscaping as shown in the Shoppes at Prairie Ridge.
7. Each Lot is required to have a primary monument sign. Secondary entrance signs (entry monument signs) may be allowed. All signage shall conform to the provisions of the PUD Ordinances and all general requirements of the Village Sign Ordinance (Chapter 420 Article X).
8. All commercial buildings will be required to install a sanitary sewer sampling manhole. The location and details shall be shown on the Site and Operational Plans required for each site.
9. All downspouts for all proposed buildings within the development shall be interconnected to the private storm sewer system and shown on the required Site and Operational Plans.
10. Impact fees shall be paid prior to issuance of the building permit. (Currently based upon \$1.94 per \$1,000 of valuation as determined by the Village Assessing Department).
11. Real Estate Marketing Signs are permitted only by permit pursuant to the requirements of Article X of Chapter 420.
12. Municipal connection fees shall be paid prior to the connections of each building to the sanitary sewer system.
13. This development shall be in compliance with the Village Land Division and Development Control Ordinance, the Village Municipal and Zoning Codes, the Village Construction Site Maintenance and Erosion Control Ordinance and the State of Wisconsin Statutes.
14. Written approval from the Prairie Ridge Commercial Owners Association is required for any parking lot or building development plans. A copy of the written approval shall be provided to the Village prior to issuance of any building or erosion control permits.

On April 14, 2014 the Plan Commission recommended that the Village Board approve the Certified Survey Map subject to compliance with the above comments and the following conditions:

1. The changes as noted on the *attached* CSM and in the staff comments shall be made and a revised draft shall be submitted to the Village staff for review. Additional dedication and easement language shall be added to the CSM as noted.
2. Any outstanding taxes or special assessments shall be paid in full prior to executing and recording the CSM at the Kenosha County Register of Deeds Office.
3. The CSM shall be executed and recorded and a recorded copy provided to the Village within 30 days of Village Board approval.

On April 14, 2014 the Plan Commission held a public hearing and recommended that the Village Board approve the Zoning Map and Text Amendments (Ord. #14-09 and #14-10) as presented.

ORD. # 14-09

**ORDINANCE TO AMEND THE OFFICIAL ZONING MAP
OF THE VILLAGE OF PLEASANT PRAIRIE,
KENOSHA COUNTY, WISCONSIN
PURSUANT TO CHAPTER 420-13 OF THE VILLAGE ZONING ORDINANCE**

**BE IT ORDAINED by the Village of Pleasant Prairie Board of Trustees,
Kenosha County, Wisconsin, that the Official Village Zoning Map is hereby amended
as follows:**

The property located at 10220 Prairie Ridge Blvd. and known as Lot 1 of CSM _____
located within U. S. Public Land Survey Section 8 Township 1 North, Range 22 East in the
Village of Pleasant Prairie is hereby rezoned into the I-1 (PUD), Institutional District with a
Planned Unit Development Overlay District.

The Village Zoning Administrator is hereby directed to record this Zoning Map Amendment
on the appropriate sheet of the Official Village Zoning Map and Appendix B in Chapter 420 of
the Village Municipal Code shall be updated to include said amendment.

Adopted this 21st day of April, 2014.

VILLAGE BOARD OF TRUSTEES

ATTEST:

John P. Steinbrink
Village President

Jane M. Romanowski
Village Clerk

Posted: _____

09- Hospice

ORD. # 14-10

**ORDINANCE TO CREATE THE
HOSPICE ALLIANCE DEVELOPMENT
PLANNED UNIT DEVELOPMENT (PUD) PURSUANT TO
CHAPTER 420-137 OF THE VILLAGE ZONING ORDINANCE
IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN**

BE IT ORDAINED by the Village Board of Trustees of the Village of Pleasant Prairie, Kenosha County, Wisconsin, that the following Planned Unit Development (PUD) Ordinance is hereby created for the Hospice Alliance Development pursuant to Chapter 420-137 of the Village Zoning Ordinance to read as follows:

HOSPICE ALLIANCE DEVELOPMENT PLANNED UNIT DEVELOPMENT

- a. It is the intent that the Hospice Alliance Development (hereinafter referred to as the "DEVELOPMENT"), will provide for structures, improvements and uses on the property as legally described below in conformity with the adopted Village Comprehensive Plan and in compliance with the basic underlying I-1, Institutional Zoning District with the goal of facilitating development in a fashion that will not be contrary to the general health, safety, economic prosperity, and welfare of the Village, with the additional goal of encouraging proper maintenance of the structures, landscaping, sitting areas, parking areas, lighting, signage and general site development so as to promote an attractive and harmonious commercial development area and seek to achieve a institutional/business environment of sustained desirability and economic stability, which will operate as a uniform commercial development with the surrounding commercial properties located both in the Village of Pleasant Prairie as well as avoids unreasonable adverse effects to the property values of the surrounding properties and surrounding neighborhood.
- b. Legal Description: The property includes Lot 1 of CSM _____ as recorded at the Kenosha County Register of Deeds Office on _____, 2014 as Document # _____ and located in U.S. Public Land Survey Section 8, Township 1 North, Range 22 East in the Village of Pleasant Prairie.
- c. Requirements within the DEVELOPMENT:
 - (i) The DEVELOPMENT shall be in compliance with all Federal, State, County and Village Ordinances and regulations, except as expressly modified by this PUD Ordinance.
 - (ii) The DEVELOPMENT shall be in compliance with the *Prairie Ridge Commercial Development Declaration of Development Standards and Protective Covenants*, as recorded at the Kenosha County Register of Deeds Office. Said Declarations, as requested by the owners and approved by the Village, may be amended from time to time.
 - (iii) The DEVELOPMENT shall continue to comply with the Prairie Ridge Planned Unit Development (Ord. #07-28 as approve in 2007). Said Ordinance, as requested by the owners and approved by the Village, may be amended from time to time.
 - (iv) The DEVELOPMENT shall not be required to comply with the Shoppes of Prairie Ridge Planned Unit Development (Ord. #07-29 as adopted in 2007).
 - (v) The DEVELOPMENT, including but not limited to, the building(s), sign(s), fence(s), garbage dumpster enclosures, landscaping, parking lot(s), exterior site lighting, etc., and the site as a whole, shall be maintained on a regular basis in a neat, presentable, aesthetically pleasing, structurally sound and non-hazardous condition. This site maintenance shall also include the daily picking up and disposal of trash and debris which may accumulate on the sites.

- (vi) Upon development of a second building on this property or an addition greater than 500 square feet to the existing building within the DEVELOPMENT, the owners of the DEVELOPMENT shall install a Digital Security Imaging System and provide a DSIS Access Easement pursuant to the regulations set forth in the Chapter 410 of the Village Municipal Code.
- (vii) The DEVELOPMENT shall be in compliance with all applicable Site and Operational Plan(s), Conditional Use Permits (if applicable) and other Planned Unit Developments (if applicable), as on file with the Village.
- (viii) All buildings and site alterations and modifications, excluding general building and site maintenance within the DEVELOPMENT, shall be made in accordance with the applicable Village Ordinances and Codes at the time the modification is proposed.
- (ix) All buildings/structures and all exterior additions, remodeling or alterations to the any buildings/structures within the DEVELOPMENT shall be constructed of the same or complimentary exterior materials, colors and architectural style to ensure a unified commercial development, including signage, lighting, outdoor furniture, etc. with the Prairie Ridge entire commercial area included within the Prairie Ridge Subdivision.
- (x) The DEVELOPMENT shall be operated and maintained in a uniform manner, regardless of property ownership. If the DEVELOPMENT is sold to another entity(s), the DEVELOPMENT shall continue to operate as a unified commercial development PUD and shall continue to comply with this PUD and all other PUDs that may be applicable to this DEVELOPMENT, which may be amended from time to time. Specifically, but not limited to, the commercial buildings parking lots shall be utilized as a shared parking lots and cross-access easements shall be designed in order to allow and facilitate the movement of vehicular traffic from property to property.
- (xi) Temporary or permanent storage containers (some having brand names such as P.O.D.S, S.A.M.S., etc.) and compactors are not allowed within the DEVELOPMENT. All merchandise, product, crate, pallet, etc., storage shall be stored inside a building.
- (xii) No flags, pennants, streamers, inflatable signage, plastic banner-type signage, spot lights, walking signs, shall be affixed to any building, landscaping vehicle, roof-top, or the ground shall be allowed unless expressly permitted by the Zoning Ordinance.
- (xiii) The DEVELOPMENT shall comply with the designated hours of operation and hours of delivery times for the I-1 District at all times during the year.
- (xiv) The DEVELOPMENT shall be maintained in a neat, presentable, aesthetically pleasing, structurally sound and nonhazardous condition. All litter and debris shall be promptly removed.
- (xv) The DEVELOPMENT shall not be used for any outside overnight or daytime parking of junked, inoperable, dismantled or unlicensed vehicles. All junked, inoperable, dismantled or unlicensed vehicles that are parked outside will be issued citations. No extended overnight parking of passenger vehicles is allowed in the parking lots.
- (xvi) In the event that any tenant requests public transportation to service the DEVELOPMENT, it shall be the responsibility of the requesting party(ies) to fund the cost of providing such public transportation to and from the DEVELOPMENT.
- (xvii) The DEVELOPMENT shall comply with all applicable performance standards set forth in Section 420-38 of the Village Zoning Ordinance.

- d. Specific modifications to the Village of Pleasant Prairie Zoning Ordinance for the DEVELOPMENT:
 - (i) Reserved for future use.
- e. Amendments
 - (i) The PUD regulations for the DEVELOPMENT may be amended pursuant to Chapter 420-137 of the Zoning Ordinance.
 - (ii) The Zoning Administrator has the discretion to approve minor changes, adjustments and additions to this PUD ordinance document without the need for Village Plan Commission and Village Board review and approval.

Adopted this 21st day of April 2014.

VILLAGE OF PLEASANT PRAIRIE

John P. Steinbrink
Village President

ATTEST:

Jane M. Romanowski
Village Clerk

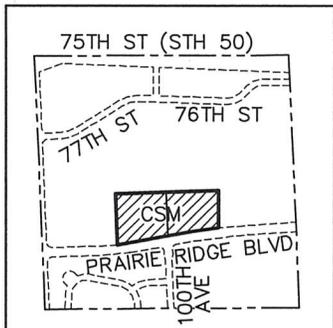
Posted: _____

10-hospice pud

CERTIFIED SURVEY MAP No. _____

BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2314, LOT 2 OF CERTIFIED SURVEY MAP NO. 2514 AND LOT 3 OF CERTIFIED SURVEY MAP NO. 2602, LOCATED IN THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN

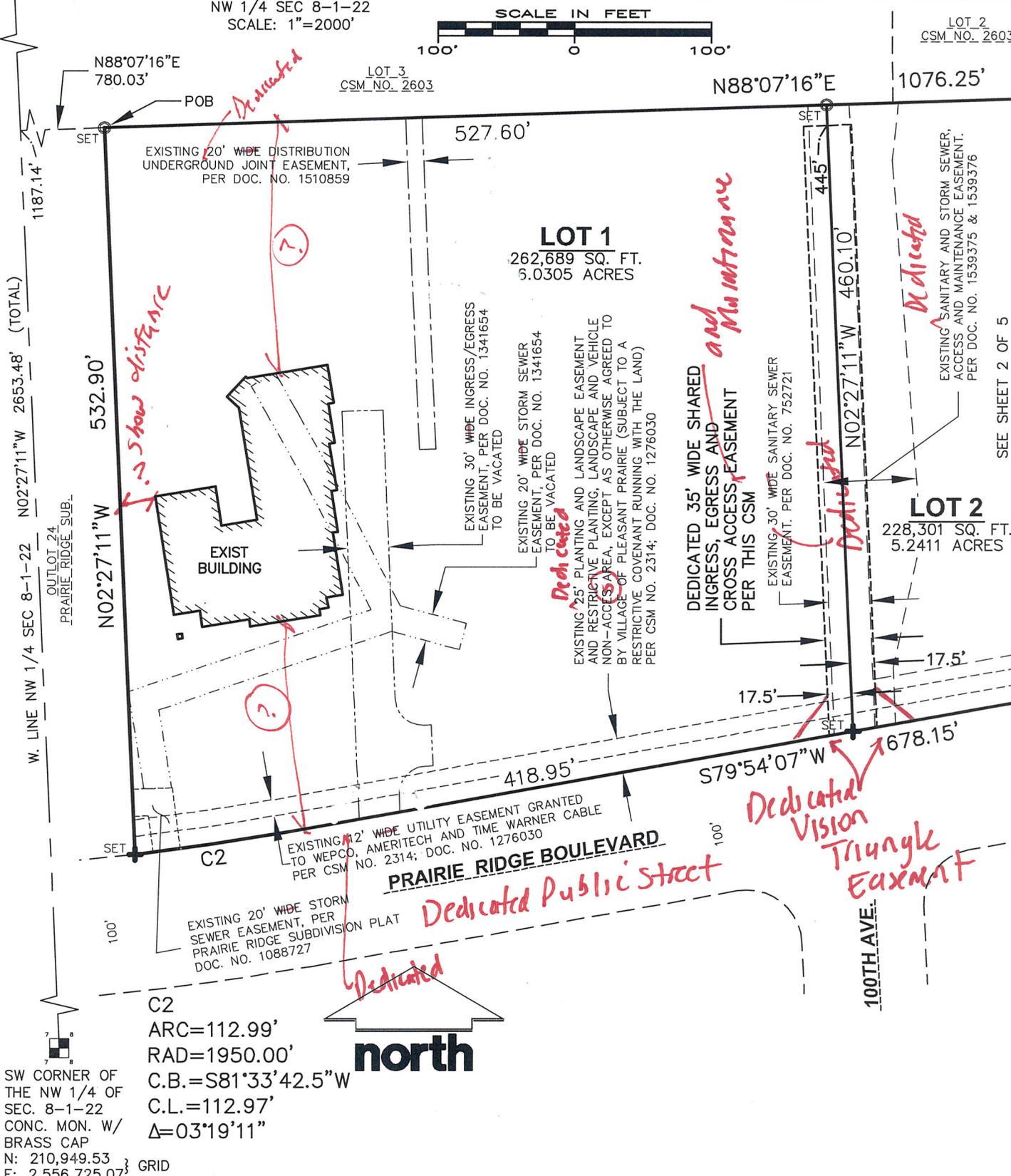
NW CORNER OF THE NW 1/4 OF SEC. 8-1-22 CONC. MON. W/ BRASS CAP
N: 213,600.59 } GRID
E: 2,556,611.50 }



LOCATION MAP
NW 1/4 SEC 8-1-22
SCALE: 1"=2000'

PREPARED FOR:
HOSPICE ALLIANCE
FOUNDATION, INC
10220 PRAIRIE RIDGE BLVD.
PLEASANT PRAIRIE, WI 53158

PREPARED BY:
JSD Professional Services, Inc.
Engineers • Surveyors • Planners
MILWAUKEE REGIONAL OFFICE
N22 W22931 NANCY'S COURT SUITE 3
WAUKESHA, WISCONSIN 53186
262.513.0666 PHONE | 262.513.1232 FAX



SW CORNER OF THE NW 1/4 OF SEC. 8-1-22 CONC. MON. W/ BRASS CAP
N: 210,949.53 } GRID
E: 2,556,725.07 }

C2
ARC=112.99'
RAD=1950.00'
C.B.=S81°33'42.5"W
C.L.=112.97'
Δ=03°19'11"

R:\2014\14C6080 HospiceAlliance\dwg\14C6080 CSM.dwg

SEE SHEET 2 OF 5

CERTIFIED SURVEY MAP No. _____

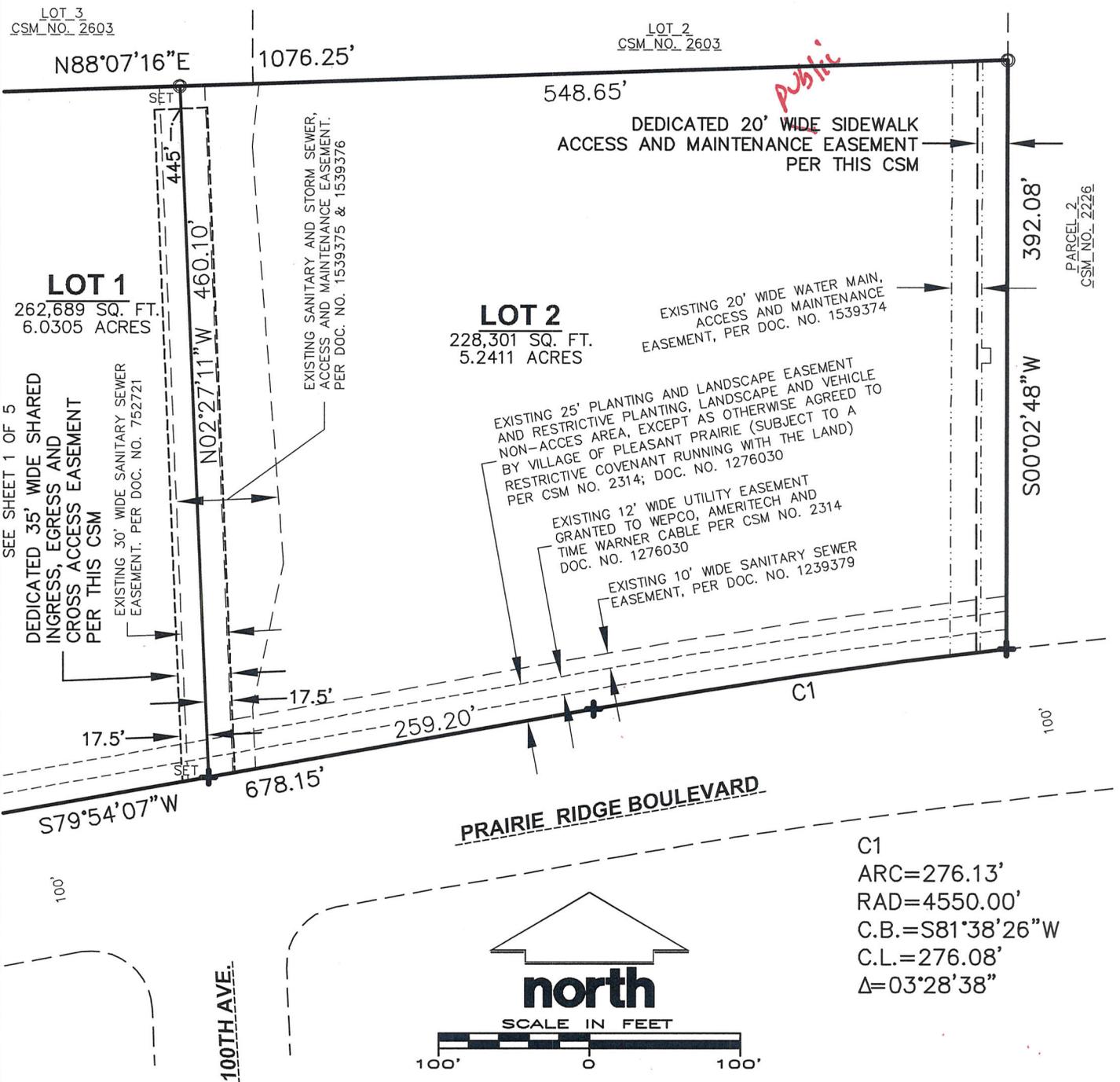
BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2314, LOT 2 OF CERTIFIED SURVEY MAP NO. 2514 AND LOT 3 OF CERTIFIED SURVEY MAP NO. 2602, LOCATED IN THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

NOTES:

CSM NO. 2314 RECORDED ON JULY 19, 2002 AT KENOSHA CO. REGISTER OF DEEDS AS DOC. 1276030.
 CSM NO. 2514 RECORDED ON MARCH 23, 2006 AT KENOSHA CO. REGISTER OF DEEDS AS DOC. 1473614.
 CSM NO. 2602 RECORDED ON NOVEMBER 9, 2007 AT KENOSHA CO. REGISTER OF DEEDS AS DOC. 1539367.

LEGEND:

- 1" IRON PIPE FOUND & ACCEPTED
- + CHISELED CROSS FOUND & ACCEPTED
- SET + CHISELED CROSS SET
- SET ○ 1"X18" IRON PIPE SET WT. 1.13 LBS/LIN. FT.



BEARING BASIS
 ALL BEARINGS ARE REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE. THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, WAS USED AS NORTH 02°27'11" WEST

PROJECT CONVERSION FACTOR: GRID/1.00000319 = GROUND

SUBJECT TO EASEMENTS OF RECORD.

ALL MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE-HUNDREDTH OF A FOOT.

ALL ANGULAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE SECOND.

DATED THIS _____ DAY OF MARCH, 2014
 THIS INSTRUMENT WAS DRAFTED BY RIZAL W. ISKANDARSJACH, S-2738

P:\2014\14C6080 HospiceAlliance\dwg\14C6080 CSM.dwg

CERTIFIED SURVEY MAP No. _____

BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2314, LOT 2 OF CERTIFIED SURVEY MAP NO. 2514 AND LOT 3 OF CERTIFIED SURVEY MAP NO. 2602, LOCATED IN THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

NEW EASEMENT DEDICATIONS:

DEDICATED 35' ~~WIDE~~ SHARED INGRESS, EGRESS AND CROSS ACCESS EASEMENT

A perpetual nonexclusive easement coextensive with the area shown as a Dedicated 35' ~~Wide~~ Shared Ingress, Egress and Cross Access Easement on Lot 1 and Lot 2 of this Certified Survey Map is hereby dedicated, given, granted and conveyed by Hospice Alliance Foundation, Inc. to the Owner(s) of said Lot 1 and Lot 2 and the Village for vehicular ingress, egress and cross access purposes. This Dedicated 35' Wide Shared Ingress, Egress and Cross Access Easement shall be exclusive, except for: (1) the Existing 30' Wide Sanitary Sewer Easement as dedicated on Document No. 752721 with respect to the same area or any portion thereof and (2) Existing Sanitary and Storm Sewer Access and Maintenance Easement as dedicated on Document Nos. 1539375 and 1539376 with respect to the same area or any portion thereof. In the event of any conflict between the rights of the Owner(s) of said Lot 1 and Lot 2, the rights of the Village or other entities with respect to the Dedicated 35' Wide Shared Ingress, Egress and Cross Access Easement, the Village's rights under the easement shall be deemed to be superior. Unless the Village exercises the rights granted to it hereunder with respect to the easement, the Village shall have no obligation to do anything pursuant to its rights under these easement. The Owner(s) of said Lot 1 and Lot 2 shall be responsible for all costs associated with the construction, snow plowing and maintenance of the private access drives and associated pavement and landscaping improvements.

DEDICATED 20' ~~WIDE~~ SIDEWALK ACCESS AND MAINTENANCE EASEMENT

A perpetual nonexclusive easement coextensive with the area shown as a Dedicated 20' ~~Wide~~ Sidewalk, Access and Maintenance Easement on Lot 2 of this Certified Survey Map is hereby dedicated, given, granted and conveyed by Hospice Alliance Foundation, Inc. to the Village for ^{Public} pedestrian walkway, bicycle, access, uses and purposes, and for all related ingress and egress, construction, installation, repair, alteration, replacement and maintenance activities. This Dedicated 20' Wide Sidewalk, Access and Maintenance Easement shall be exclusive, except for: (1) the Existing 20' Wide Water Main, Access and Maintenance Easement as dedicated on Document No. 1539374 with respect to the same area or any portion thereof and (2) the Owner's use, planting and irrigation, care and maintenance of the Sidewalk, Access and Maintenance Easement area on Lot 2, as it will not interfere with the improvements, uses and purposes of the Village. In the event of any conflicts between the rights of the Village pursuant to this Easement and the rights of any other persons or entities with respect of this Easement, the Village's rights under this Easement shall be deemed to be superior.

add missing Dedication Language

CERTIFIED SURVEY MAP No. _____

BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 2314, LOT 2 OF CERTIFIED SURVEY MAP NO. 2514 AND LOT 3 OF CERTIFIED SURVEY MAP NO. 2602, LOCATED IN THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 22 EAST, VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

State of Wisconsin)
) SS
Kenosha County)

I, Rizal W. Iskandarsjach, Registered Land Surveyor, do hereby certify that I have surveyed, divided, dedicated and mapped a redivision of Lot 2 of Certified Survey Map No. 2314, Lot 2 of Certified Survey Map No. 2514 and Lot 3 of Certified Survey Map No. 2602, located in the Southeast 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 8, Township 1 North, Range 22 East, Village of Pleasant Prairie, Kenosha County, Wisconsin, bounded and described as follows:

Commencing at the southwest corner of the Northwest 1/4 of said Section 8; thence North 02°27'311" West along the west line of said Northwest 1/4 section, 1187.14 feet to the westerly extension of the south line of Lot 3 of Certified Survey Map No. 2603; thence North 88°07'16" East along said extension line and then along said south line, 780.03 feet to the northwest corner of Lot 2 of Certified Survey Map No. 2514 and the point of beginning;

Thence continuing North 88°07'16" East along the south line of said Certified Survey Map No. 2603, 1076.25 feet to the west line of Parcel 2 of Certified Survey Map No. 2226; thence South 00°02'48" West along said west line, 392.08 feet to the north line of Prairie Ridge Boulevard and a point on a curve; thence southwesterly 276.13 feet along said north line and along the arc of said curve to the left whose radius is 4550.00 feet and whose chord bears South 81°38'26" West, 276.08 feet to a point of tangency; thence South 79°54'07" West along said north line, 678.15 feet to a point of curve; thence southwesterly 112.99 feet along said north line and along the arc of said curve to the right whose radius is 1950.00 feet and whose chord bears South 81°33'42.5" West, 112.97 feet to the southeast corner of Outlot 24 of Prairie Ridge Subdivision; thence North 02°27'11" West along the east line of said Outlot 24, 532.90 feet to the point of beginning.

Containing in all 490,990 square feet (11.2716 acres) of lands, more or less.

All subject to easements and restrictions of record, if any.

That I have made such survey, land division and map by the direction of HOSPICE ALLIANCE FOUNDATION, INC, owner of said land.

That such map is a correct representation of all 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 the Village of Pleasant Prairie Land Division and Development Control Ordinance in surveying, dividing, dedicating and mapping the same.

DATED THIS _____ DAY OF MARCH, 2014

Rizal W. Iskandarsjach, R.L.S.
Registered Land Surveyor, S-2738

ADDITIONAL DRAFT LANGUAGE to be added to the HOSPICE CSM DEDICATION AND EASEMENT LANGUAGE

1. DEDICATED PUBLIC STREET

The fee interest in the area shown as a Dedicated Public Street on this CSM was dedicated, given, granted and conveyed on the previous Prairie Ridge Subdivision Plat to the Village of Pleasant Prairie, its successors and assigns (referred to as the "Village") for the construction, installation, repair, alteration, replacement, and maintenance of public street improvements, uses and purposes, including, without limitation, street pavement, curbs and gutters, sidewalks, street signs, street lights, bike lanes, sanitary sewerage system improvements, water system improvements, storm sewer and drainage system improvements, mailboxes, utility and communications facilities, street terrace grading, placing topsoil and seeding, 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) a nonexclusive easement coextensive with the Dedicated Public Street area shown on this CSM and granted to the adjacent Lot Owners for street terrace grading, placing topsoil and seeding, street trees and other landscaping planting, the snow clearance, maintenance, repair and replacement of sidewalks in the area between the roadway and their properties, and for the construction, installation, repair, replacement, maintenance and use of such driveways in the area between the roadway and their properties as 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); and (2) a nonexclusive easement for the Prairie Ridge Commercial Association, Inc. (hereinafter referred to as the "Association") for the planting and maintenance of grass and street trees, and the snow clearance, maintenance, repair and replacement of sidewalks in the area between the roadway and the properties, and for the construction, installation, repair, replacement, maintenance and use of such driveways in the area between the public roadway and the adjacent properties as 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, but not the obligation to perform the same planting, replanting, construction, installation, repair, clearance, maintenance and replacement functions and assess such costs to the abutting properties); and in the event of any conflict between the rights of the Village under its fee interest in the Dedicated Public Streets, the Association, or of the Lot Owner(s), pursuant to the easements retained herein, the rights of the Village shall be deemed to be superior.

The adjacent Lot Owners shall be responsible for all costs associated with the construction, installation, repair, alteration, replacement, planting and maintenance of the public sidewalks, and private driveways, public street lights energy and maintenance costs, mailboxes, utility and communications facilities, street terrace grading, placing topsoil and seeding, street trees and for all related ingress and egress, construction, installation, repair, alteration, replacement, planting and maintenance in accordance with the terms and conditions of the Village Land Division and Development Control Ordinance and obligations under the Development Agreement on file with the Village Clerk for the Village of Pleasant Prairie.

2. DEDICATED 12' UTILITY AND 20' DISTRIBUTION EASEMENTS

Easements coextensive with the areas shown as Dedicated Utility Easement areas on Lot 1 and Lot 2 of this CSM were dedicated, given, granted and conveyed to WE Energies, AT & T and Time Warner Cable Inc. and their respective successors and assigns (collectively, the "Utility and Communications Grantees") per recorded Document # 1276060 and #1510859, 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 CSM 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 interfering with the Utility and Communication Grantees use of the easement areas. To the extent possible, all such utility and communications lines and facilities shall be installed underground. Upon the installation of the utility cables and related appurtenances, the elevation of the existing ground surface within the easement areas shall not be altered by more than four (4) inches of final grade without the written approval of the Utility and Communications Grantees. Upon the installation of the utilities, the Lot Owner shall restore or cause to be restored, all such land, as nearly as is reasonably possible, to the condition existing prior to installing such utilities within the communication easement areas on which such easements are located as does not interfere with the purpose of the utility and communications easements and the use of such easements by the Utility and Communications Grantees unless a separate agreement is entered into between the Owner(s) and Grantees regarding the transfer of the restoration and maintenance responsibilities to the Grantees. No buildings, fences, or structures of any kind shall be placed within the utility and communications easement areas without the prior written approval of the Utility and Communication Grantees.

The Village generally allows private utilities, including but not limited to electric and communications facilities, to be installed in public street rights-of-way 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 to their pre-existing condition, at its own cost, after any use of such areas. In the event the private companies do not restore the public street areas to a vegetatively stabilized condition, the abutting Lot Owner(s) 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 the 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. DEDICATED 25' PLANTING AND LANDSCAPE EASEMENT AND RESTRICTIVE PLANTING, LANDSCAPE AND VEHICLE NON-ACCESS AREAS

Nonexclusive easements co-extensive with each area shown on Lot 1 and Lot 2 of this CSM as a Dedicated 25' Planting and Landscape Easement and Restrictive Planting, landscape and Vehicle Non-Access Area were dedicated, given, granted and conveyed per recorded Document #1276030 to the Village for the purposes of planting and installing trees, shrubs and other landscape elements and all related ingress and egress requirements, grading, replacement and maintenance activities. In the event of any conflict between the rights of the Owner(s) and the rights of the Village or other easement holder entities with respect to the dedicated planting and landscape easement and vehicle non-access area, the Village's rights under these easements shall be deemed to be superior. Notwithstanding such easements, the Village shall have no obligation to exercise its rights under these easements. The Owner shall be responsible for all costs associated with the of planting and installing trees, shrubs and other landscape elements and all related grading, replacement and maintenance activities within these nonexclusive easement areas and the access restrictions as noted.

4. DEDICATED 35' SHARED INGRESS, EGRESS AND CROSS ACCESS AND MAINTENANCE EASEMENT (see CSM for comments)

5. DEDICATED 20 SIDEWALK, ACCESS AND MAINTENANCE EASEMENT (see CSM for comments)

6. DEDICATED 30' SANITARY SEWER, ACCESS AND MAINTENANCE EASEMENT

Perpetual nonexclusive easements coextensive with the area shown on Lot 1 and Lot 2 of this CSM as a Dedicated 30' Sanitary Sewer, Access and Maintenance Easement were dedicated, given, granted and conveyed as shown per recorded Document #752721 at the Kenosha County Register of Deeds Office to the Village for public sanitary sewerage system improvements, uses and purposes, and for all related ingress and egress, construction, installation, repair, alteration, replacement and maintenance activities and public water system improvements, uses and purposes, and for all related ingress and egress, construction, installation, repair, alteration, replacement and maintenance activities. These sanitary sewer easements shall be exclusive, except for: (1) such other easements as may be dedicated and conveyed herein with respect to the same area or any portion thereof; (2) such above-ground use, planting, care and maintenance responsibilities of the easement areas which shall be required by the Owner(s) of the Lot 1 and Lot 2 on which such easements are located as will not interfere with the improvements, uses and purposes of the Village as it relates to these easements; and (3) such future parking lots, driveways, curbs and gutters, sidewalks, landscaping, landscape islands or other uses of the easement areas as may be approved by the Village. In the event of any conflict between the rights of the Lot Owner(s), the rights of the Village and the rights of other entities with respect to the sanitary sewer easement areas, the Village's rights under these easements shall be deemed to be superior.

The easement rights include the perpetual right to enter upon Lot 1 and Lot 2 within the sanitary sewer easement areas at any time that the Village may see fit, to re-construct, maintain, use and repair the underground sewer main(s) and related appurtenances, which may

in any manner be a part of or portion to such sanitary sewer main for the purpose of conveying sanitary sewer under Lot 1 and Lot 2, together with the right to excavate, reconstruct, maintain, use and repair the sanitary sewer system improvements, and the further right to remove trees, bushes, parking/driveway pavement areas, landscaping, landscaped islands, sidewalks, curbs and gutters, signage, underground and other obstructions interfering with the location, reconstruction, use and maintenance of the sanitary sewer system improvements.

7. DEDICATED SANITARY AND STORM SEWER, ACCESS AND MAINTENANCE EASEMENT

Nonexclusive easements coextensive with the areas shown as Sanitary and Storm Sewer, Access and Maintenance Easement on Lot 1 and Lot 2 of this CSM were dedicated, given, granted and conveyed per recorded Document # 1539375 and #1539376 to the Village for sanitary sewer and storm water management purposes, private and public drainage ways, and for all related construction, installation, repair, alteration, replacement, landscaping, maintenance and ingress and egress. These sanitary sewer and storm sewer easements are exclusive, except for: (1) such other easements as may be dedicated and conveyed herein with respect to the same area or any portion thereof; (2) such above-ground use, planting, care and maintenance responsibilities of the easement areas which shall be required by the Owner(s) of the Lot 1 and Lot 2 on which such easements are located as will not interfere with the improvements, uses and purposes of the Village as it relates to these easements; and (3) such future parking lots, driveways, curbs and gutters, sidewalks, landscaping, landscape islands or other uses of the easement areas as may be approved by the Village. In the event of any conflict between the rights of the Lot Owner(s), the rights of the Village and the rights of other entities with respect to the sanitary sewer and storm sewer easement areas, the Village's rights under these easements shall be deemed to be superior.

The easement rights include the perpetual right to enter upon Lot 1 and Lot 2 within the sanitary sewer and storm sewer easement areas at any time that the Village may see fit, to reconstruct, maintain, use and repair the underground storm sewer main(s) and related appurtenances, which may in any manner be a part of or portion to such sanitary sewer or storm sewer mains for the purpose of conveying storm water across, through, and under Lot 1 and Lot 2, together with the right to excavate, reconstruct, maintain, use and repair the storm water management system improvements, and the further right to remove trees, bushes, parking/driveway pavement areas, landscaping, landscaped islands, sidewalks, curbs and gutters, signage, underground and other obstructions interfering with the location, reconstruction, use and maintenance of the sanitary sewer and storm water management system improvements.

8. DEDICATED VISION TRIANGLE EASEMENT

Nonexclusive easements coextensive with the areas shown as a 15'X15' Dedicated Vision Triangle Easement on Lot 1 and Lot2 of this CSM are hereby dedicated, given, granted and conveyed by the Owner to the Owner(s) of Lots 1 and 2 and the Village for the purpose of maintaining a clear sight line of vision at the identified intersection. There shall be no obstructions, such as but not limited to structures, signage, fencing, vehicular parking, vegetation and shelters within the 15'X15' vision triangle easement unless expressly approved by the Village. This restriction is for the safety and benefit of the traveling public and shall be enforceable by the Village.



Partners in Design
ARCHITECTS

RECEIVED
MAR 14 2014
Village of Pleasant Prairie

Partners in Design
Architects, Inc.

W I S C O N S I N
600 Fifty Second Street
Suite 220
Kenosha, WI 53140
voice: 262.652.2800
fax: 262.652.2812

I L L I N O I S
2610 Lake Cook Road
Suite 280
Riverwoods, IL 60015
voice: 847.940.0300
fax: 847.940.1045

March 13, 2014

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

Re: Hospice Alliance Foundation Parking Expansion

Dear Ms. Werbie-Harris:

As you know, the Hospice Alliance Foundation (HAF) has been operating the 8 residential bed facility known as Hospice House at 10220 Prairie Ridge Blvd. since 2003. In December of last year the HAF closed on the purchase of 8.6 acres of vacant land contiguous to the east property line of their current location. The newly acquired property is commonly known as Lot 3 of CSM 2602.

The HAF purchased the additional property for the singular immediate purpose of constructing additional parking for their existing facility. Our initial phase will be to combine a portion of the new property with the existing HAF property for the purpose of expanding the available number of parking spaces for the Hospice House. We are therefore requesting approval of a new Certified Survey Map and approval to construct the additional parking on the combined single parcel. You have requested that the HAF provide a conceptual development plan for the overall property. While we have complied with the request, it is important that we again stress there are no immediate plans to develop anything beyond the additional parking and realize any future development will require village review and approval.

The overall **conceptual** approach for the property is as outlined in the narrative below:

Phase One: The initial phase is intended to reconfigure the existing and new properties to create a two parcel certified survey map with the west parcel of the new CSM containing the existing Hospice House facility in its current configuration, as well as an additional parking lot on the north portion of the newly added property and a shared ingress/egress road to Prairie Ridge Blvd. The shared access road will align with 100th Street and will provide for a full ingress/egress to the Hospice House property, where currently only a right-in/right-out exists. While the existing Hospice House facility is code compliant relative to the number of parking spaces on the site, the newly proposed parking lot is intended to provide additional parking for the visitors and staff during peak times as well as to accommodate the annual auto show fundraiser held by the HAF.

The current Hospice House is an approximately 19,600 sf partial two story building with an additional 16,725 sf of basement. The maximum building height, at the partial two story area, is 30'-4". The facility has a daily staff count of approximately 40 staff on the largest shift with the exception of one day a week when the number could reach 50.

www.pidarchitects.com

Phase Two: As stated, the Hospice Alliance Foundation does not have specific plans for the future development of the remainder of what will be their specific, enlarged parcel. There are several potential directions the organization could go to expand the services they provide to the greater Kenosha County community. We have outlined one potential scenario in an attempt to comply with your request to provide a conceptual plan for any future development. Phase two does not have a specific time line. The conceptual details are as follows:

1. Construct a new 16-24 bed residential hospice facility capable of providing acute symptom care to the expanded patient population. This will result in two buildings on the same parcel of land.
2. The criteria for admission will remain consistent with the current admission requirements which are 60 days or less of life expectancy and the need for 24/7 care.
3. The facility will be staffed with registered nurse coverage 24/7.
4. The new facility will have a maximum of 24 beds, 10 employees on the largest shift and 2 doctors/staff maximum at any given time.
5. All eight of the residential beds in the existing building could be eliminated with the entire existing facility renovated into an administration building for the Hospice Alliance Foundation. The maximum number of employees on the largest shift in the administration building is projected to be 35.

Phase Three: Phase three is not necessarily a phase at all in that the reference is made simply in relation to the eastern most parcel(s) of the newly created CSM. At this point, the HAF has no intended use contemplated for the property and will actively market the property for sale, however we have shown that the remainder of the property would be capable of supporting two additional buildings and have the potential to be subdivided into two parcels.

Again, as previously stated, we are only asking for approval of a new certified survey map and the construction of additional parking.

Please feel free to give me a call with any questions.

Sincerely,



Mark A. Molinaro Jr., AIA, LEED AP

General Location Map



1 inch = 300 feet

DISCLAIMER This map is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, data and information located in various state, county and municipal offices and other sources affecting the area shown and is to be used for reference purposes only. Kenosha County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact Kenosha County.

Date Printed: 3/26/2014



RECEIVED
MAR 14 2014
Village of Pleasant Prairie

Filed 20 Published 20
Public Hearing 20
Fee Paid 20 Approved 20
Notices Mailed 20 Denied 20

VILLAGE OF PLEASANT PRAIRIE
CONCEPTUAL PLAN APPLICATION

- 1. Development Name: HOSPICE ALLIANCE FOUNDATION
2. General Location of Development: 10220 PRAIRIE RIDGE BLVD.
3. Tax Parcel Number(s): 91-4-122-082-0306 91-4-122-082-0143
4. Number of Lots: 2 Number of Outlots: N/A
5. Size of Development: 8.65 acres.
6. The Development is proposed to be constructed in Phases: [X] Yes [] No
7. The Development abuts or adjoins a State Trunk Highway: [] Yes [X] No
8. The Development abuts or adjoins a County Trunk Highway or a Kenosha County Park or the Kenosha County Bike Trail: [] Yes [X] No
9. The following number and types of plans shall be submitted with this application:
- 10 full size sets of Conceptual Plan
- 1 copy of the Conceptual Plan reduced to 11" by 17"
- Conceptual Plan application fee
- 10 sets of Conceptual Engineering Plan
- Phasing Plan, if applicable
- Draft of Declarations, Covenant, Restrictions and any Easement Documents
- Any other information as specified by the Village

I, (We), hereby certify that all the above statements and attachments submitted herewith are true and correct to the best of my knowledge.

PROPERTY OWNER:

Print Name: HOSPICE ALLIANCE FOUNDATION
Signature: Thomas J. Lemata, President
Address: 10220 PRAIRIE RIDGE BLVD.
PLEASANT PRAIRIE WI 53158
(City) (State) (Zip)
Phone: 262-818-1408
Fax:
Date: 3-13-2014

OWNER'S AGENT:

Print Name: MARC A. MOLINARO JR
Signature: [Signature]
Address: 600 52 STREET SUITE 220
KENOSHA WI 53140
(City) (State) (Zip)
Phone: (262) 652-2800
Fax:
Date: 03.13.14

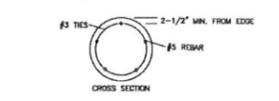
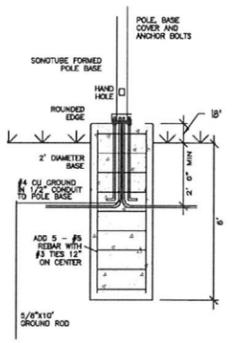
NEW CONCRETE BASE WITH ALUMINUM POLE AND DOUBLE HEAD FIXTURE - SEE DETAIL VAI AND SHEET E1 FOR DETAILS - TYPICAL X4

SHADING INDICATES AREA OF EXISTING PARKING LOT TO BE RECONFIGURED

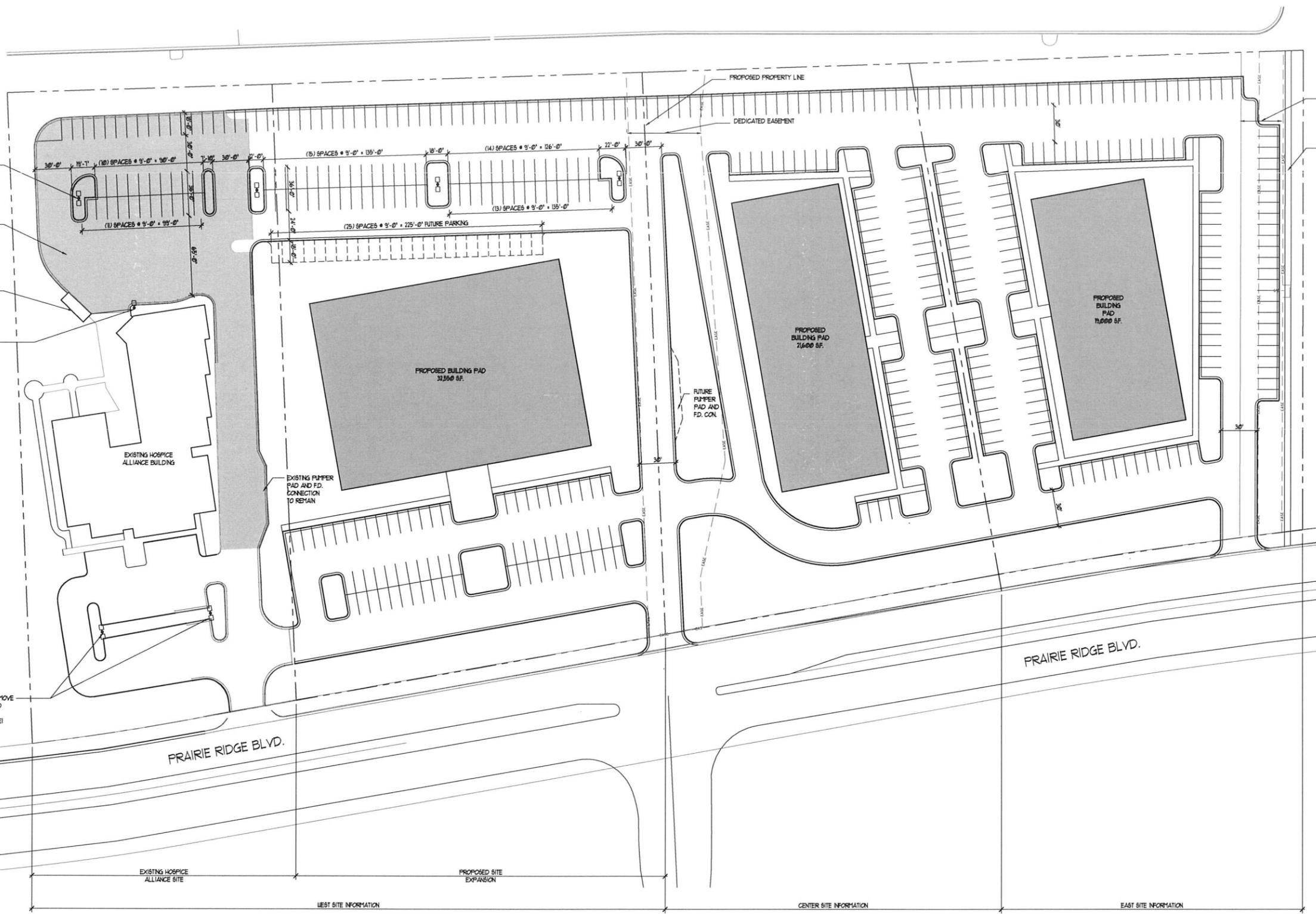
EXISTING TRASH ENCLOSURE TO RETAIN

NEW CONCRETE BASE WITH ALUMINUM POLE AND SINGLE HEAD FIXTURE - SEE DETAIL VAI AND SHEET E1 FOR DETAILS

EXISTING LIGHT POLES: REMOVE DOUBLE HEAD FIXTURE AND REPLACE WITH LED TYPE CB FIXTURES - SEE SHEET E1



1 LIGHT POLE DETAIL
A11 NOT TO SCALE



WEST SITE INFORMATION
TOTAL AREA: 267,688 SF (6.03 AC)
GREEN SPACE: 6071 SF (2.26%)
PARKING: 225 SPACES
FUTURE PARKING: 25 SPACES

CENTER SITE INFORMATION
TOTAL AREA: 10,501 SF (134 AC)
GREEN SPACE: 37,556 SF (34.80%)
PARKING: 84 SPACES

EAST SITE INFORMATION
TOTAL AREA: 18,102 SF (2.11 AC)
GREEN SPACE: 37,634 SF (31.52%)
PARKING: 144 SPACES

ARCHITECTURAL SITE PLAN
1" = 40'-0"



600 TINY-Second Street
 Suite 220
 Kenosha, WI 53142
 PH: (262)652-2800
 FAX: (262)652-2812

Partners in Design
 ARCHITECTS

HOSPICE ALLIANCE PARKING LOT EXPANSION
 Pleasant Prairie, Wisconsin
 Architectural Site Plan

PROJECT NO:
 11013.122
 DRAWN BY: EMM
 CHECKED BY: MAM
 DATE: 03.14.14
 SHEET NO: A1.1

Consider approval of a **Certified Survey Map** to combine the Village owned properties located at 9915 39th Avenue and the vacant property to the north and to dedicate additional right-of-way for the future 39th Avenue and Springbrook Road roadway improvements.

Recommendation: On April 14, 2014 the Plan Commission recommended that the Village Board approve the **Certified Survey Map** subject to compliance with the comments and conditions of the Village Staff Report of April 21, 2014.

VILLAGE STAFF REPORT OF APRIL 21, 2014

Consider approval of a **Certified Survey Map** to combine the Village owned properties located at 9915 39th Avenue and the vacant property to the north and to dedicate additional right-of-way for the future 39th Avenue Springbrook Road roadway improvements.

The Village is requesting to combine the Village owned properties located at 9915 39th Avenue and the vacant property to the north and to dedicate additional right-of-way for the future 39th Avenue roadway improvements.

After the combination of the lots and the dedication of additional right-of-way, the property will be 8.189 acres. At a subsequent meeting the entire property is proposed to be rezoned into the I-1 (PUD), Institutional District with a Planned Unit Development Overlay District.

Plan Commission recommends that the Village Board approve the **Certified Survey Map** subject to compliance with the above comments and recording the CSM at the Kenosha County Register of Deeds Office 30 days of Village Board approval.



RECEIVED
APR 9 - 2014
Village of Pleasant Prairie

Filed 4/9 2014
Fee Paid 20
PC Meeting Date 4/14 2014
VB Meeting Date 7/21 2014
Approved 20
Denied 20

VILLAGE OF PLEASANT PRAIRIE
CERTIFIED SURVEY MAP APPLICATION

To: Village Plan Commission & Village Board of Trustees of the Village of Pleasant Prairie:

I, (We), the undersigned owner(s)/agent do hereby petition the Village Board to amend the Village of Pleasant Prairie Zoning Map as hereinafter requested.

It is petitioned that the following described property be subdivided with a Certified Survey Map (CSM)

The property petitioned to be subdivided is located at: 9915 39th Avenue

and is legally described as follows: see attached CSM

Tax Parcel Number(s): 92-4-122-243-0020 and 92-4-122-243-0025

- The property abuts or adjoins a State Trunk Highway [] Yes [X] No
The property abuts or adjoins a County Trunk Highway [X] Yes [] No
Municipal Sanitary Sewer is available to service said properties [X] Yes [] No
Municipal Water is available to service said properties [X] Yes [] No

I (We), have contacted the Community Development Department to arrange a pre-application meeting to discuss the proposed request with the Village staff to determine additional information that may be needed to consider the request.

I, (We), hereby certify that all the above statements and attachments submitted herewith are true and correct to the best of my knowledge.

PROPERTY OWNER:

Print Name: Village of Pleasant Prairie

Signature: [Handwritten Signature]

Address: 9915 39th Avenue

Pleasant Prairie WI 53158
(City) (State) (Zip)

Phone: 262-925-6721

Fax: 262-694-4734

Date: 4/8/14

OWNER'S AGENT:

Print Name: _____

Signature: _____

Address: _____

(City) (State) (Zip)

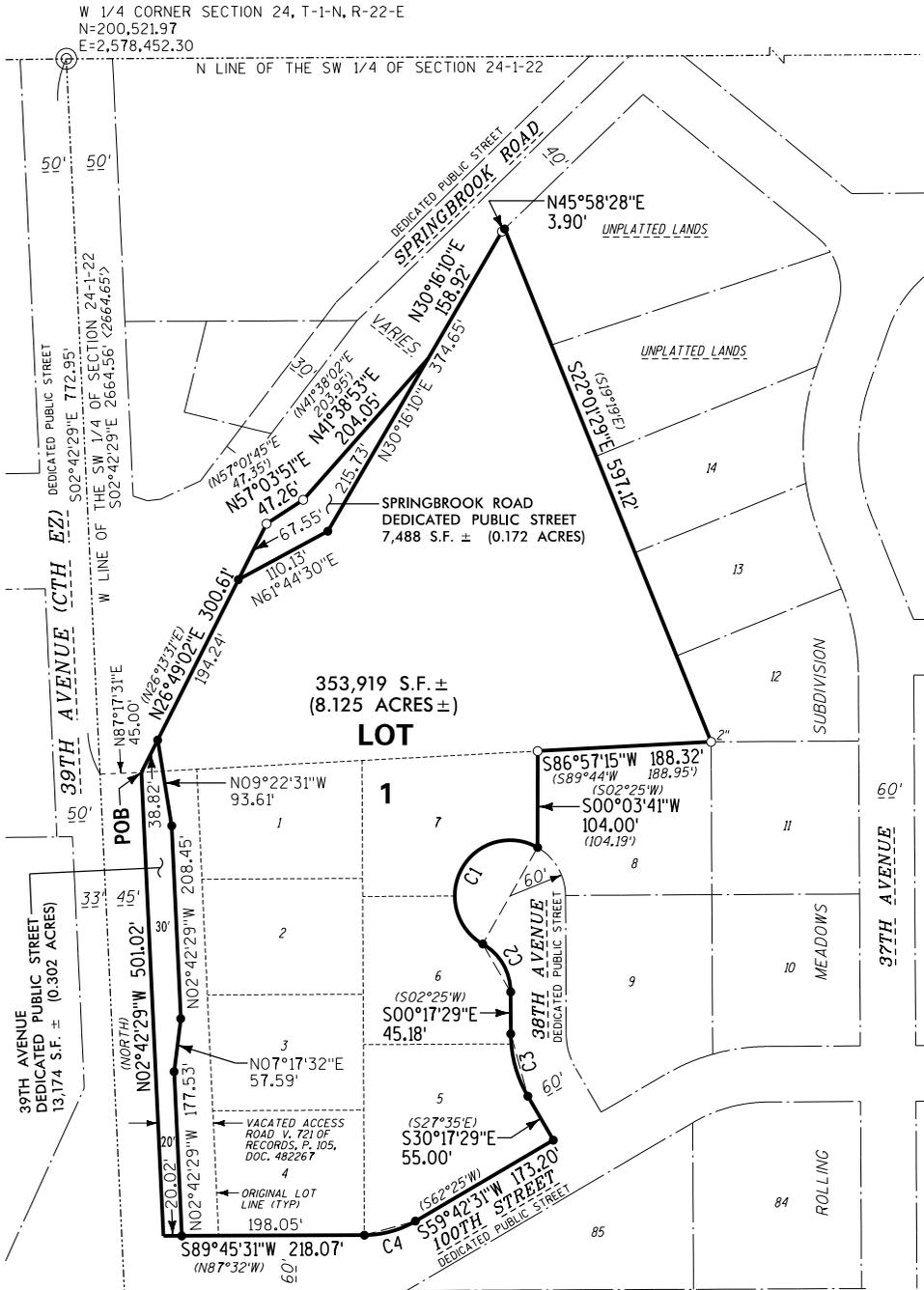
Phone: _____

Fax: _____

Date: _____

CERTIFIED SURVEY MAP NO.

LOTS 1-7 OF ROLLING MEADOWS SUBDIVISION INCLUDING ACCESS ROAD AS VACATED IN V. 721 OF RECORDS, P. 105, DOC. 482267 AND LANDS LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWN 1 NORTH, RANGE 22 EAST, VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.



RECORDING AREA

PREPARED FOR /OWNER:
VILLAGE OF PLEASANT PRAIRIE
9915 39TH AVENUE
PLEASANT PRAIRIE, WISCONSIN 53158

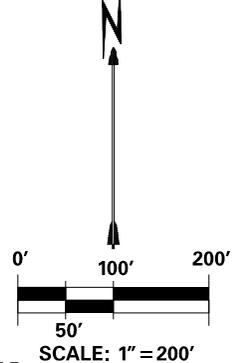
EXISTING TAX PARCEL NUMBERS:
92-4-122-243-0020 AND 92-4-122-243-0025

ZONING:
I-1, INSTITUTIONAL DISTRICT AND PUD, PLANNED UNIT DEVELOPMENT OVERLAY
STREET SETBACK: 65' FROM ARTERIAL STREETS OR HIGHWAYS, 30' FROM NON ARTERIAL STREET OR PRIVATE ROADS.
REAR & SIDE YARD SETBACK: 25'
OHWM SETBACK: 75'
WETLAND: 25'
MINIMUM LOT SIZE: 1 ACRE
MINIMUM FRONTAGE: 150'

DATUM:
HORIZONTAL DATUM: WISCONSIN STATE PLANE COORDINATE SYSTEM GRID, SOUTH ZONE, NAD 27

BEARING BASIS: GRID NORTH AND THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 24-1-22 WHICH BEARS N02°42'29"W.

NOTES:
SEE SHEET 2 FOR EXISTING BUILDING AND EASEMENT LOCATIONS.
SEE SHEET 3 FOR NEW RESTRICTIVE COVENANT LOCATIONS.
SEE SHEETS 4-5 FOR DEDICATIONS AND RESTRICTIVE COVENANTS.
SEE SHEETS 6-7 FOR CERTIFICATES AND APPROVALS.



CURVE TABLE

#	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING	TANGENT IN	TANGENT OUT
C1	188.52'	60.00'	180°01'14"	120.00'	S29°43'08"W	-----	-----
C2	62.83'	60.00'	60°00'00"	60.00'	S30°17'29"E	-----	S00°17'29"E
C3	70.50'	134.64'	30°00'00"	69.70'	S15°17'29"E	S00°17'29"E	S30°17'29"E
C4	58.09'	110.76'	30°03'00"	57.43'	S74°44'01"W	S59°42'31"W	S89°45'31"W

"RECORDED AS" CURVE TABLE

#	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	(188.50')	-----	(180°00'00")	-----	-----
C2	(62.84')	(60.00')	-----	(60.00')	(S27°35'E)
C3	-----	-----	-----	(69.70')	(S12°35'E)
C4	-----	-----	-----	(57.42')	(S77°26'30"W)

SW CORNER SECTION 24, T-1-N, R-22-E
N=197,860.39
E=2,578,578.19

LEGEND

- ⊙ CONCRETE MONUMENT WITH WISDOT ALUMINUM CAP
- CONCRETE MONUMENT WITH SEWRPC BRASS CAP
- FOUND 1.25" OD IRON PIPE UNLESS NOTED OTHERWISE
- SET 3/4" X 24" IRON ROD WEIGHING 1.50 LBS/LIN FT
- () RECORDED AS

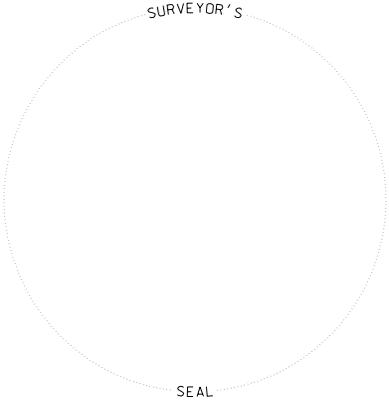


gai consultants

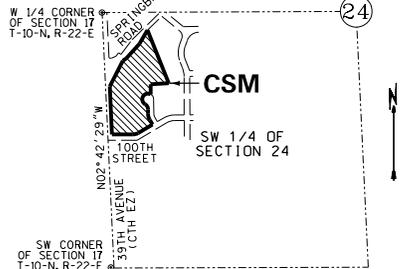
700 GENEVA PARKWAY
LAKE GENEVA, WI 53147
262.348.5600 • FAX 262.348.9979
PROJECT NO. W132090.00

APRIL 10, 2014

THIS INSTRUMENT WAS DRAFTED BY: MICHAEL RUBENDALL



TERRANCE E. PISAREK
WISCONSIN REGISTERED LAND SURVEYOR, S-1930

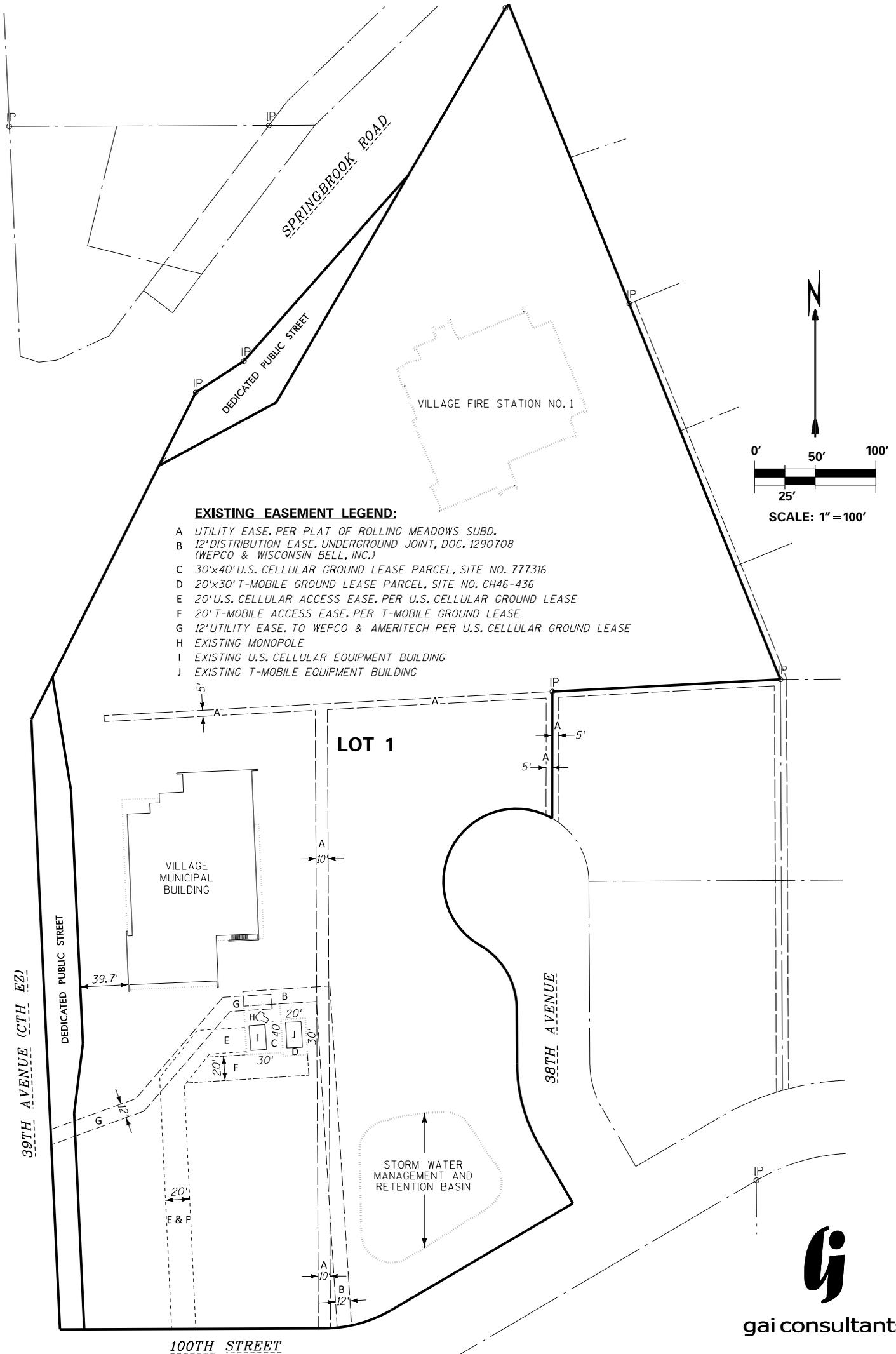


LOCATION MAP

1" = 200'

CERTIFIED SURVEY MAP NO.

LOTS 1-7 OF ROLLING MEADOWS SUBDIVISION INCLUDING ACCESS ROAD AS VACATED IN V. 721 OF RECORDS, P. 105, DOC. 482267 AND LANDS LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWN 1 NORTH, RANGE 22 EAST, VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.



EXISTING EASEMENT LEGEND:

- A UTILITY EASE, PER PLAT OF ROLLING MEADOWS SUBD.
- B 12' DISTRIBUTION EASE, UNDERGROUND JOINT, DOC. 1290708 (WEPCO & WISCONSIN BELL, INC.)
- C 30'x40' U.S. CELLULAR GROUND LEASE PARCEL, SITE NO. 777316
- D 20'x30' T-MOBILE GROUND LEASE PARCEL, SITE NO. CH46-436
- E 20' U.S. CELLULAR ACCESS EASE, PER U.S. CELLULAR GROUND LEASE
- F 20' T-MOBILE ACCESS EASE, PER T-MOBILE GROUND LEASE
- G 12' UTILITY EASE, TO WEPCO & AMERITECH PER U.S. CELLULAR GROUND LEASE
- H EXISTING MONOPOLE
- I EXISTING U.S. CELLULAR EQUIPMENT BUILDING
- J EXISTING T-MOBILE EQUIPMENT BUILDING

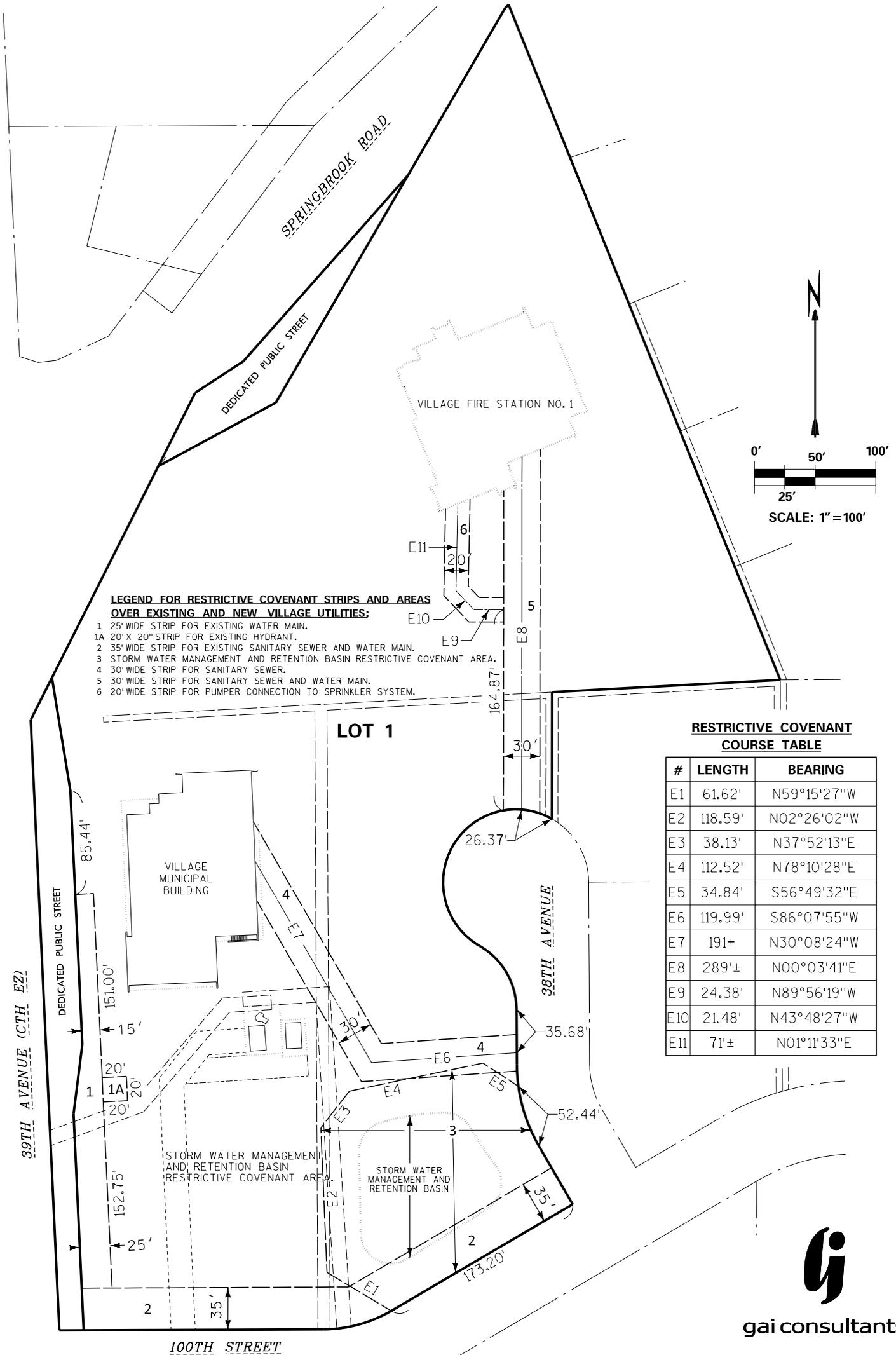


gai consultants

SHEET 2 OF 7 SHEETS

CERTIFIED SURVEY MAP NO.

LOTS 1-7 OF ROLLING MEADOWS SUBDIVISION INCLUDING ACCESS ROAD AS VACATED IN V. 721 OF RECORDS, P. 105, DOC. 482267 AND LANDS LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWN 1 NORTH, RANGE 22 EAST, VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.



LEGEND FOR RESTRICTIVE COVENANT STRIPS AND AREAS OVER EXISTING AND NEW VILLAGE UTILITIES:

- 1 25' WIDE STRIP FOR EXISTING WATER MAIN.
- 1A 20' X 20" STRIP FOR EXISTING HYDRANT.
- 2 35' WIDE STRIP FOR EXISTING SANITARY SEWER AND WATER MAIN.
- 3 STORM WATER MANAGEMENT AND RETENTION BASIN RESTRICTIVE COVENANT AREA.
- 4 30' WIDE STRIP FOR SANITARY SEWER.
- 5 30' WIDE STRIP FOR SANITARY SEWER AND WATER MAIN.
- 6 20' WIDE STRIP FOR PUMPER CONNECTION TO SPRINKLER SYSTEM.

RESTRICTIVE COVENANT COURSE TABLE

#	LENGTH	BEARING
E1	61.62'	N59°15'27"W
E2	118.59'	N02°26'02"W
E3	38.13'	N37°52'13"E
E4	112.52'	N78°10'28"E
E5	34.84'	S56°49'32"E
E6	119.99'	S86°07'55"W
E7	191±	N30°08'24"W
E8	289±	N00°03'41"E
E9	24.38'	N89°56'19"W
E10	21.48'	N43°48'27"W
E11	71±	N01°11'33"E



CERTIFIED SURVEY MAP NO.

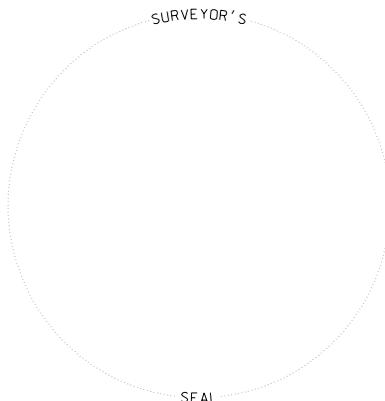
LOTS 1-7 OF ROLLING MEADOWS SUBDIVISION INCLUDING ACCESS ROAD AS VACATED IN V. 721 OF RECORDS, P. 105, DOC. 482267 AND LANDS LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWN 1 NORTH, RANGE 22 EAST, VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

DEDICATED PUBLIC STREET

The fee interest in the areas shown as a Dedicated Public Street on this Certified Survey Map (CSM) for 39th Avenue (County Trunk Highway EZ) and Springbrook Road located on Lot 1 are hereby dedicated, given, granted and conveyed by the Village of Pleasant Prairie, (the "Owner") to the Village of Pleasant Prairie and/or Kenosha County as it relates to jurisdiction, its successors and assigns for the construction, installation, repair, alteration, replacement, planting and maintenance of public highway improvements, uses and purposes, including, without limitation, pavement, curbs and gutters, bike lanes and sidewalks, if required by the Village or Kenosha County, street signs, street lights, street trees, sanitary sewerage system improvements, water system improvements, storm sewer and drainage system improvements, utility and communications facilities, street tree landscaping, and for all related ingress and egress, construction, installation, repair, alteration, replacement, planting and maintenance activities. Such fee interest is subject to the following: a nonexclusive easement hereby reserved by the Owner, which is adjacent to the Dedicated Public Street for the required planting, mowing, watering and maintenance of grass within the grassy terrace area, for the maintenance and replanting of street trees and the clearance, maintenance, and repair and replacement of bike lanes and sidewalks, if required by the Village or Kenosha County in the area between the roadway and the Lot. In the event of any conflict between the rights of the Village or Kenosha County under its fee interest in any of the Dedicated Public Street areas shown on this CSM and the rights of the Owner or of any easement holder pursuant to the dedications retained herein, the rights of the Village shall be deemed to be superior.

STORM WATER MANAGEMENT AND RETENTION BASIN RESTRICTIVE COVENANT AREA

The Village of Pleasant Prairie does hereby covenant the following restrictions associated with the area shown as a Storm Water Management and Retention Basin Restrictive Covenant Area on Sheet 3 of this CSM, for public storm water management purposes, private and public drainageways, and for all related construction, installation, repair, alteration, replacement, landscaping, maintenance and ingress and egress. This Storm Water Management and Retention Basin Restrictive Covenant Area shall be exclusive, except for: (1) such other easements as may be dedicated and conveyed herein with respect to the same area or any portion thereof; (2) such above-ground use, planting, care and maintenance responsibilities of the easement areas which shall be required as will not interfere with the improvements, uses and purposes of the Village as is related to this Storm Water Management and Retention Basin Restrictive Covenant Area; and (3) such future parking lots, driveways, curbs and gutters, sidewalks, landscaping, landscape islands or other uses of the restrictive covenant area as may be approved by the Village. In the event of any conflict between the rights of the Village and other entities with respect to the Storm Water Management and Retention Basin Restrictive Covenant area, the Village's rights under this restrictive covenant shall be deemed to be superior. The Village shall be responsible for all costs associated with the construction and maintenance of public storm water management, retention basin and drainage way improvements contained within this nonexclusive restrictive covenant area.



TERRANCE E. PISAREK
WISCONSIN REGISTERED LAND SURVEYOR, S-1930

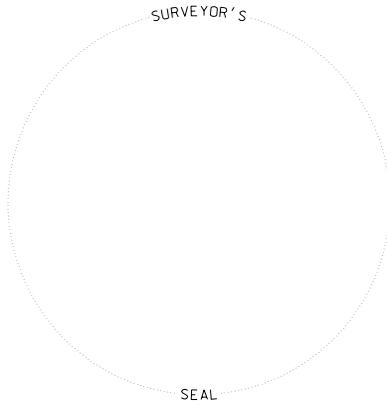
CERTIFIED SURVEY MAP NO.

LOTS 1-7 OF ROLLING MEADOWS SUBDIVISION INCLUDING ACCESS ROAD AS VACATED IN V. 721 OF RECORDS, P. 105, DOC. 482267 AND LANDS LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWN 1 NORTH, RANGE 22 EAST, VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

DEDICATED 5' UTILITY EASEMENT AND 12' DISTRIBUTION EASEMENT

A perpetual easement co-extensive with each area shown on this CSM as a Dedicated 5' or 12' Utility Easement or Distribution Easement are hereby dedicated, given, granted and conveyed by the Owner ("the Grantor") to We Energies a/k/a Wisconsin Electric Power Company, Ameritech 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 Lot 1 shown on this CSM in accordance with the Village-approved plans and for any related ingress and egress. To the extent possible, all such utility and communication lines and facilities shall be installed underground. These utility easements specifically include the right to trim or cut trees, brush or roots as may be reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. These utility easements shall be exclusive, except for: (1) the corresponding utility easements dedicated herein to the other Utility and Communications Grantees; (2) such other easements as may be dedicated on this CSM with respect to the same area or any portion thereof; and (3) such use, planting, care and maintenance of the easement areas by the Owner of the Lot on which such easements are located as will not interfere with the improvements, uses and purposes of the Utility and Communications Grantees. No buildings or structures shall be placed within the utility easement areas by the Owner of the Lot on which such easements are located as will interfere with the improvements, uses and purposes of the Utility and Communication Grantees. In the event of any conflict between the rights of the Utility and Communication Grantees pursuant to the utility easements with respect to the Dedicated Utility Easement areas and the rights of the Village in such areas, the rights of the Village shall be deemed to be superior.

Source Documents:
5' Utility Easement: Plat of Rolling Meadows Subdivision.
12' Distribution Easement: Document 1290708.



TERRANCE E. PISAREK
WISCONSIN REGISTERED LAND SURVEYOR, S-1930

CERTIFIED SURVEY MAP NO.

LOTS 1-7 OF ROLLING MEADOWS SUBDIVISION INCLUDING ACCESS ROAD AS VACATED IN V. 721 OF RECORDS, P. 105, DOC. 482267 AND LANDS LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWN 1 NORTH, RANGE 22 EAST, VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I TERRANCE E. PISAREK, REGISTERED LAND SURVEYOR, HEREBY CERTIFY:

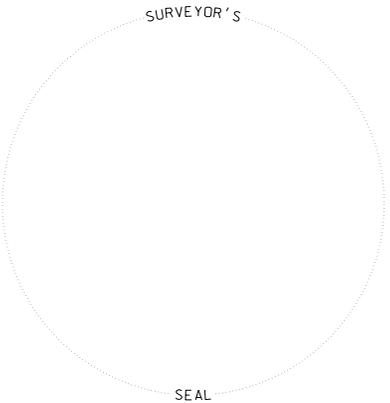
THAT I HAVE SURVEYED, DIVIDED AND MAPPED A PARCEL OF LAND BEING LOTS 1-7 OF ROLLING MEADOWS SUBDIVISION INCLUDING ACCESS ROAD AS VACATED IN V. 721 OF RECORDS, P. 105, DOC. 482267 AND LANDS LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWN 1 NORTH, RANGE 22 EAST, VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 24; THENCE SOUTH 02°42'29" EAST, ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 772.95 FEET; THENCE NORTH 87°17'31"E, 45.00 FEET TO THE INTERSECTION OF THE EASTERLY LINE OF 39TH AVENUE (CTH EZ) WITH THE SOUTHEASTERLY LINE OF SPRINGBROOK ROAD (CTH ML) AND THE POINT OF BEGINNING; THENCE NORTH 26°49'02" EAST, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, 300.61 FEET; THENCE NORTH 57°03'51"EAST, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, 47.26 FEET; THENCE NORTH 41°38'53"EAST, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, 204.05 FEET; THENCE NORTH 30°16'10" EAST, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, 158.92 FEET; THENCE NORTH 45°58'28" EAST, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, 3.90 FEET; THENCE SOUTH 22°01'29" EAST, 597.12 FEET TO THE NORTHEAST CORNER OF LOT 8 OF SAID ROLLING MEADOWS SUBDIVISION; THENCE SOUTH 86°57'15" WEST, ALONG THE NORTH LINE OF SAID LOT 8, 188.32 FEET TO THE NORTHWEST CORNER OF SAID LOT 8; THENCE SOUTH 00°03'41" WEST, ALONG THE WEST LINE OF SAID LOT 8, 104.00 FEET TO A POINT ON THE 38TH AVENUE CUL-DE-SAC RIGHT-OF-WAY LINE; THENCE COUNTERCLOCKWISE, 188.52 FEET, ALONG SAID CUL-DE-SAC RIGHT-OF-WAY LINE AND THE ARC OF CURVE WHOSE CENTER LIES TO THE SOUTHWEST, WHOSE RADIUS IS 60.00 FEET, WHOSE INTERIOR ANGLE MEASURES 180°01'14" AND WHOSE CHORD BEARS SOUTH 29°43'08" WEST, 120.00 FEET; THENCE SOUTHEASTERLY, 62.83 FEET, ALONG SAID CUL-DE-SAC RIGHT-OF-WAY LINE AND THE ARC OF CURVE WHOSE CENTER LIES TO THE SOUTHWEST, WHOSE RADIUS IS 60.00 FEET, WHOSE INTERIOR ANGLE MEASURES 60°00'00" AND WHOSE CHORD BEARS SOUTH 30°17'29" EAST, 60.00.00 FEET; THENCE SOUTH 00°17'29" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID 38TH AVENUE, 45.18 FEET; THENCE SOUTHERLY, 70.50 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND THE ARC OF CURVE WHOSE CENTER LIES TO THE EAST, WHOSE RADIUS IS 134.64 FEET, WHOSE INTERIOR ANGLE MEASURES 30°00'00" AND WHOSE CHORD BEARS SOUTH 15°17'29" EAST, 69.70 FEET; THENCE SOUTH 30°17'29" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 55.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF 100TH STREET; THENCE SOUTH 59°42'31" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 173.20 FEET; THENCE WESTERLY, 110.76 FEET ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND THE ARC OF A CURVE WHOSE CENTER LIES TO THE NORTH, WHOSE RADIUS IS 110.76 FEET, WHOSE INTERIOR ANGLE MEASURES 30°03'00" AND WHOSE CHORD BEARS SOUTH 74°44'01" WEST, 57.43 FEET; THENCE SOUTH 89°45'31" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 218.07 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID 39TH AVENUE; THENCE NORTH 02°42'29" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 501.02 FEET TO THE POINT OF BEGINNING. DEDICATING LAND ALONG 39TH AVENUE (CTH EZ) AND ALONG SPRINGBROOK ROAD, TO THE PUBLIC FOR STREET PURPOSES AS SHOWN ON SHEET 1 OF THIS MAP, CONTAINING 353,919 SQUARE FEET (8.125 ACRES) OF LAND MORE OR LESS EXCLUSIVE OF LAND DEDICATED FOR PUBLIC STREET PURPOSES..

THAT I HAVE MADE THIS SURVEY, LAND DIVISION AND MAP BY THE DIRECTION OF THE VILLAGE OF PLEASANT PRAIRIE, OWNER. THAT THE MAP IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE DIVISION THEREOF MADE. THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE LAND DIVISION AND DEVELOPMENT CONTROL ORDINANCE OF THE VILLAGE OF PLEASANT PRAIRIE IN SURVEYING, DIVIDING AND MAPPING THE SAME.

DATED THIS _____ DAY OF _____, 2014.

TERRANCE E. PISAREK, R.L.S. 1930



CERTIFIED SURVEY MAP NO. _____

LOTS 1-7 OF ROLLING MEADOWS SUBDIVISION INCLUDING ACCESS ROAD AS VACATED IN V. 721 OF RECORDS, P. 105, DOC. 482267 AND LANDS LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWN 1 NORTH, RANGE 22 EAST, VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN.

OWNER'S CERTIFICATE

THE VILLAGE OF PLEASANT PRAIRIE, AS OWNER, DOES HEREBY CERTIFY THAT IT HAS CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED ON THIS CERTIFIED SURVEY MAP.

IT DOES FURTHER CERTIFY THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL:

VILLAGE BOARD OF PLEASANT PRAIRIE

WITNESS THE HAND AND SEAL OF SAID OWNER

JOHN P. STEINBRINK, VILLAGE PRESIDENT

THIS _____ DAY OF _____, 2014.

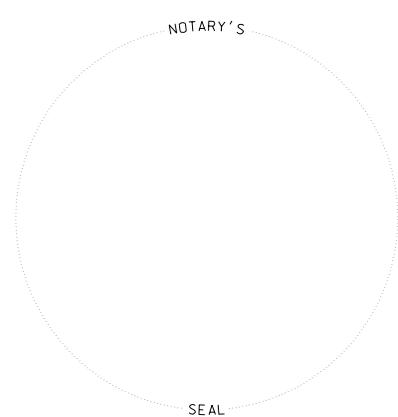
STATE OF WISCONSIN)
KENOSHA COUNTY) SS

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2014, THE ABOVE NAMED JOHN P. STEINBRINK, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME TO ME.

PRINT NAME

NOTARY PUBLIC, KENOSHA COUNTY, STATE OF WISCONSIN

MY COMMISSION EXPIRES



PLAN COMMISSION APPROVAL

APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF PLEASANT PRAIRIE ON

THIS _____ DAY OF _____, 2014.

THOMAS W. TERWALL, CHAIRMAN

VILLAGE BOARD APPROVAL

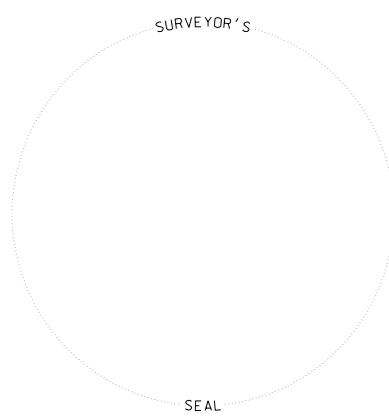
APPROVED BY THE VILLAGE BOARD OF PLEASANT PRAIRIE ON

THIS _____ DAY OF _____, 2014.

JOHN P. STEINBRINK, VILLAGE PRESIDENT

ATTEST:

JANE M. ROMANOWSKI, VILLAGE CLERK



TERRANCE E. PISAREK
WISCONSIN REGISTERED LAND SURVEYOR, S-1930

Consider the request of Tony DeVito, President of the Tobin Woods Homeowners Association to approve **amendments to the Declaration of Design Guidelines, Restrictive Covenants and Easements for Tobin Woods Subdivision.**

Recommendation: Village staff recommends approval of the amendments as presented at the April 21, 2014 Village Board meeting subject to recording the amendment at the Kenosha County Register of Deeds and providing a recorded copy to the Village within 30 days of Village Board approval

**AMENDED DECLARATION OF DESIGN GUIDELINES,
RESTRICTIVE COVENANTS AND EASEMENTS
FOR TOBIN WOODS**

PLEASANT PRAIRIE, WISCONSIN

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RECITALS

WHEREAS, a Declaration of Design Guidelines, Covenants, Restrictions and Easements was entered into on December 18, 2001, by STEIN DEVELOPMENT, LLC., a Wisconsin Liability Company (hereinafter referred to as "Developer" and/or "Declarant") and recorded with the Register of Deeds for Kenosha County, Wisconsin, on December 19, 2001 as Document Number 1247836 (the "Declaration"):

WHEREAS, at the time, the Developer was the sole owner of all those lands in the Village of Pleasant Prairie, County of Kenosha, State of Wisconsin, more particularly described in the Exhibit A attached hereto and incorporated herein (hereinafter referred to as the "Property") and the Property remains subject to the Declaration; and

WHEREAS, the Developer has sold or otherwise transferred all of the "Lots" ("Lot" or "Lots" are defined as Lots 1 through 19 in the Tobin Woods subdivision) in the Property and the owners of no less than 2/3 of the Lots in the Property desire to amend the Declaration.

DECLARATION

NOW, THEREFORE, the Owners of no less than 2/3 of the Lots in the Property hereby amend the Declaration and replaces it in its entirety as follows:

All of the real estate described on attached Exhibit A shall be used, held, sold, and conveyed subject to the following covenants, restrictions, easements, conditions, reservations, liens and encumbrances which shall run with the land and be binding on all parties having any right, title or interest in the described real estate or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

SECTION I DESIGN GUIDELINES

1.1 General Purpose

All Property in Tobin Woods is subject to the covenants, restrictions, and easements to insure the best use and the most appropriate development and improvement; to protect the Owners against such improper use of the Property as will depreciate the value thereof; to preserve, so far as practicable, the natural beauty of the Property; to provide for entrances to the Property; to guard against erection of poorly designed or proportioned structures, and structures built of improper or unsuitable materials; to obtain harmonious color schemes; to insure the highest and best development of the Property; to encourage and secure the erection of attractive, substantial homes, with appropriate locations on Lots; to prevent haphazard and inharmonious improvement of Lots; to secure and maintain proper setbacks from street and adequate free space between structures; to encourage secure and maintain attractive and harmonious landscaping of Lots and Common Areas; and in general to provide adequately for a high type and quality of improvement in the Property and thereby to enhance the value of investments made by purchasers of Lots.

1.2 Land Use

No Lot shall be used and no building shall be constructed for any use except that of a single-family residence. A home office may be permitted in any residence provided that said office is not the primary location of the business and no employees of the business other than residential occupants who are working at said office.

1.3 Building Locations

All Lots shall have a minimum setback distance from the street right-of-way, rear lot line and interior side lot lines as follows:

Street Setback – Buildings	40 feet minimum to the lot line
Street Courtyard	25 feet minimum to the lot line
Street Fences	25 feet minimum to the lot line
Rear Setback – Building	50 feet minimum to the lot line
Rear Courtyard and Fences	50 feet minimum to the lot line
Sidyard Setback	30 feet minimum to the lot line
Side Courtyard and Fences	20 feet minimum to the lot line

1.4 Division of Lots

In no event may a Lot or outlot be further divided than as provided in the current plat unless written approval is obtained from the Architectural Guidelines Committee (AGC), and formal approval is granted by the Village of Pleasant Prairie Plan Commission and the Village Board. Upon written consent of the AGC, three Lots may be purchased by two Owners with the intention of redividing said three Lots into two Lots. Redivision of these two Lots will not be permitted. The Developer has given written authority to the Village of Pleasant Prairie to reject any division of Lot(s) other than described above.

1.5 Architectural Control

All homes built in Tobin Woods are subject to the following design standards and guidelines. All homes, outbuildings, hardscaping, landscaping, additions and renovations must be submitted to, and approved by the Architectural Guidelines Committee (hereinafter referred to "AGC") prior to applying for, or obtaining, a building permit to construct or to remodel or add to any building or site. The Developer has provided written authority to the Village of Pleasant Prairie to reject any plans not having the AGC seal of approval.

1.5.1 Architect Required

All homes, hardscaping, outbuildings, additions to or the remodeling of any home located in Tobin Woods shall be designed by a licensed Architect who specializes in a single family residential design as a primary focus of his or her practice.

- a.) All homes, outbuildings, etc. designed for Tobin Woods must meet the requirements of the State of Wisconsin Uniform Dwelling Code and Village of Pleasant Prairie Zoning and Building Codes.
- b.) All homes, outbuildings, etc. designed and built in Tobin Woods must meet the requirements of the Architectural Guidelines established herein.
- c.) Should a conflict occur between Building and/or Zoning Codes and the Architectural Guidelines established for Tobin Woods, the more stringent requirement will apply and be adhered to by the Owner.

1.5.2 Building Types and Sizes

Only residences designed in the following Architectural Styles and permitted variations of those styles will be allowed to be built in Tobin Woods.

1. French
2. Plantation
3. Georgian
4. English
5. New England
6. Traditional

All Architectural Styles and permitted variations shall be Architecturally accurate and detailed as to form, massing, etc.

The design, layout and exterior appearance of each dwelling proposed to be erected, altered or modified shall be such that, in the opinion of the Architectural Control Committee at the time of approving of the building plans, the dwelling will be of a high quality and will have no substantial adverse effect upon Property values.

Only residences of one and one-half and two story design, with a minimum building and living area of 3,000 square feet, excluding garages, patios, porches and outbuildings, will be permitted in Tobin Woods.

All roof pitch will be 8:12 or greater.

The Architectural Style and detailing of the home, any outbuilding and hardscaping shall be continued on the entire exterior of the structure and all materials shall be continuous in use. "Front" or "Street yard" only Architectural interpretations of style will not be allowed.

The front façade of each dwelling (except for the trim) shall be at least sixty-five percent (65%) brick, stone, or similar masonry product. The same treatment is required to be carried out in all or some of the other faces of the dwelling at the sole discretion of the AGC. The Architectural Control Committee may make exceptions to the restrictions on the façade materials where design elements make the use of such materials appropriate.

T-111, vinyl, wood, and aluminum are prohibited for use as the primary exterior surface. Vinyl and aluminum are prohibited for use on soffit and fascia.

Front entry doors shall be wood, metal doors are prohibited for use on main front entry door.

Where shutter and mutton are selected for the front of a dwelling, that same treatment shall be carried on all other faces of the dwelling at the discretion of the AGC

All homes designed and built in Tobin Woods shall be “one-of-a-kind” and unique to its site. No duplication of any home built in Tobin Woods shall be allowed either in plan or exterior, or both.

1.5.3 Garages and Outbuildings

Garages shall be a minimum of 3 cars and/or minimum area of 720 square feet. Garages may be attached or semi-detached incorporating a breezeway or porte-cochere. All garages shall be of the same Architectural Style as the main residence.

The location of the garage door(s), shall be side or rear entry, and the location of any driveway and its intersection with the street shall be subject to the approval of the Architectural Guidelines Committee

Owners shall endeavor to use decorative, architecturally correct garage doors that enhance appearance. Garage doors shall be of a design approved by the Architectural Guidelines Committee.

One permanent outbuilding may be constructed on a Lot in addition to the main residence building and garage. Such outbuilding shall be limited to 500 square feet per floor with a maximum height of 20 feet and be the same Architectural Style as the main residence.

One (1) storage shed not to exceed 12 feet by 14 feet shall be allowed providing it meets the following criteria and providing a building and zoning permit has been issued by the Village:

- a.) The storage shed shall be located at least ten (10) feet from the home and can only be located in a side or rear yard.
- b.) The exterior color and materials of the storage shed shall be the same as the exterior color of the home.
- c.) The color and materials of the storage shed roof must match the roof color of the home.
- d.) The storage shed shall be shielded from view of the adjoining Lots with landscaping as determined by the Architectural Review Committee.

1.5.4 Color Schemes

The proposed exterior color schemes and materials for all homes, outbuildings, landscaping and additions to, or the remodeling of, any home located in Tobin Woods shall be presented to the AGC for approval with the submittal package in Section 1.4.15. It is the goal of the AGC to harmonize and co-ordinate colors for not only the proposed homes and outbuildings but to consider these colors and materials as they relate to other homes and outbuildings in Tobin Woods. Changes to approved colors and materials may be made only with written approval of the AGC prior to installation, painting or staining of said material and/or color.

1.5.5 Removal and Protection of Trees

Tree removals on any Lot in Tobin Woods are subject to the following limitations:

- a.) No tree greater than eight (8) inches shall be removed more than 15 feet from any building or structure.
- b.) No tree greater than eight (8) inches shall be removed more than 5 feet away from any walk, driveway, patio, deck or courtyard.
- c.) No tree greater than eight (8) inches shall be removed more than 15 feet from any outdoor swimming pool.
- d.) Should a tree of 20 inches or more in diameter be at least 10 feet, but less than 15 feet from a structure or swimming pool, the structure or swimming pool shall be moved or modified in size or shape to maintain the 15 foot requirement.
- e.) The clear cutting of any Lot will not be permitted.
- f.) A tree survey of the building area showing which trees with trunks over 8" in diameter are being removed in the areas to be occupied by the main building, any outbuildings, swimming pools and any hardscaping of the property (walks, driveways, patios, etc.) shall be submitted with the application for plan approval for each home to be constructed in Tobin Woods. See 1.4.15 SUBMITTALS (1).

1.5.6 Landscaping

All landscaping for homes in Tobin Woods shall be designed by a licensed landscape architect. Such landscaping shall be appropriate to the Architectural Style of the home as well as the natural landscape features of the Lot. The landscape shall be designed and executed to create a pleasing, park like appearance for the development avoiding a uniform, sterile line of planting. A complete landscape plan shall be presented, **including the front, side and back yards**, together with Architectural plans to the AGC for approval. Landscape plans shall not be changed or modified in anyway, nor shall any plantings be changed, altered or removed without prior written approval of the AGC.

1.5.7 Swimming Pools

Swimming pools shall be outdoor in-ground, or indoor in-ground only. No above ground pool of any type will be allowed in Tobin Woods. Pool aprons and decks shall be a minimum of 6 feet wide around the entire perimeter of the pool. Such wall or fence shall be compatible with the Architectural style of the residence. Chain link or utility fencing shall not be allowed under any circumstances.

1.5.8 Driveways, Walks, Patios, Decks and Courtyards

Driveways, walks and patios shall be of a patterned, hard surface material. The material and pattern shall be appropriate to and compatible with the Architectural Style of the home. Acceptable materials are patterned and stained concrete, concrete or asphalt paving blocks and paving brick or stone. Driveways shall be a minimum of 16 feet wide from garage to street.

Decks shall be of redwood cedar or treated lumber. All lumber shall be grade stamped for appropriate use and treated lumber shall be stamped 0.2 CCA for the above grade use and 0.4 CCA for in-ground use.

Courtyards shall be designed, enclosed, landscaped and hardscaped in a manner appropriate to the Architectural Style of the home. If the courtyard is located to the front of streetside of the home, the front or streetside wall(s) of the courtyard may be located no closer than 25 feet to the lot line. In no case, however, shall any portion of the building be located closer than 40 feet to the front lot line. Courtyard walls and fences located at the side and rear yards shall not be closer than 20 feet and 50 feet, respectively, from side and rear lot lines. Courtyard walls shall not be more than 6 feet high.

1.5.9 Mailboxes

Each home shall have a mailbox approved by both the U.S. Postal Service and AGC. The location of mailboxes shall be as permitted by the U.S. Postal Service and be shown on site plan when submitted for AGC approval.

1.5.10 Driveway Lights

Every driveway shall have at least one driveway light **with photo cell (to operate dusk to dawn)**. Said light(s) shall be no taller than 7' - 6'. Driveway lights shall be located not more than 2 feet from the front lot line and no more than 5 feet from either side of the driveway **and of a design approved by the Architectural Guidelines Committee**.

1.5.11 Exterior Lighting

All exterior lighting patterns and fixtures shall be shown on the site plan, building plans and elevations when submitted to the AGC for approval. All exterior light fixtures shall be appropriate to the Architectural Style of the home. All exterior lighting patterns shall be soft and subdued in their design.

1.5.12 Fences

No fence shall be located closer to a lot line than the setback requirements specified herein. All fences shall be of a design appropriate to the Architectural Style of the home. No chain link fences are permitted for any use or condition (see 2.6, animals).

1.5.13 Signs

No signs, billboards or advertising materials shall be erected on or in any parcel other than customary highway or street signs for use in connection with highways or streets located within said real property and the customary signs of Owners or agents advertising property for sale within Tobin Woods and complying with the Village ordinances. Identification signs and or structures at entrance gates, pillars or courtyards may be allowed with AGC approval. Designs of identification signs must be submitted for consideration at the time of submittal for plan approval by the AGC.

1.5.14 Existing Structures

There shall be no moving of existing homes, or other permanent structures into Tobin Woods at any time of under any circumstances.

1.5.15 Submittals

Complete plans and specifications shall be submitted to the AGC for approval. In no event shall an Owner or agent supply to the Village of Pleasant Prairie for a building permit prior to obtaining Architectural Approval from the AGC. Tobin Woods has provided written authority to the Village of Pleasant Prairie to reject any plans submitted for permit not having been first approved by the AGC.

Only complete plans and specifications will be considered for approval by the AGC. Submittal requirements are as follows:

1. Fully dimensioned and detailed site, grading and landscape plans. The site plans shall show exterior lighting patterns, draining and erosion control methods, as well as a tree survey showing tree removals and protections techniques for remaining trees in the immediate area(s) of construction.
2. Fully dimensioned and detailed foundation plans, floor plans, exterior and interior elevations.
3. At least one section through the entire building plus wall sections and details to fully describe the construction.
4. Fully detailed design elements of the building(s) showing how the exterior Architectural Style will be executed.
5. Fully dimensioned and detailed floor and roof framing plans, mechanical and electrical plans.
6. Project manual specifications, CSI format or equal, describing the quality level of materials and construction
7. Color schemes, materials, color and pattern boards of all exterior finishes including all buildings, outbuildings, fences, courtyards, patios, decks, walks and drives.
8. Additional information, as required, to fully describe the home to be built and the quality level of the construction.

Only completed plans and specifications shall be presented for approval. Under no circumstances shall approval be granted for preliminary of incomplete plans. The AGC for Tobin Woods will be available for consultation on any Owner's proposed plans and/or its design as it relates to the requirements of Tobin Woods. Owners and their Architects are encouraged to schedule

preliminary design conference with the AGC for review the Architectural Guidelines for Tobin Woods prior to submittal of plans and specifications for approval.

SECTION II GENERAL COVENANTS

2.1 Excavation

Except for the excavation material necessary for the backfilling of a residence and other on-site construction, all excavated material must be immediately removed from the site and the development at the time of excavation. Except as noted above, no excavated material shall remain or be stored on any Lot or Outlot that is part of Tobin Woods.

Any materials to be used for backfill, or any other purpose, may not be stored within a 10-foot radius of any tree. All trees in the immediate area of construction shall be protected by a snow fence or other acceptable measures approved in advance by the trees. All Lots shall conform to the grading and drainage plans for Tobin Woods as approved by the Village of Pleasant Prairie.

2.2 Erosion Control and Site Maintenance

During construction, measures shall be taken, by Owner's and their contractors, to control erosion. Drainage paths on individual lots will require placement of hay bales or silt fencing to protect against erosion during construction and until the property is vegetatively stabilized. These protection measures shall be as recommended and detailed in the Wisconsin Construction Site Best Management Practice Handbook, current edition, as produced by the Department of Natural Resources and Village Ordinances.

In addition it shall be the responsibility of the individual Lot Owners and their contractors to control the tracking of mud, dirt, clay, stones and other construction debris on public streets during construction on a daily basis. Pressurized water may not be for purposes of cleaning public streets.

All construction sites shall be maintained in a neat and clean condition. Construction debris shall be cleaned up daily and disposed of at least on a weekly basis. All material stored on site shall be placed in an orderly manner and protected so as not to create a hazard to workers or visitors to the site.

2.3 Temporary Structures

Structures of a temporary nature including, but not limited to, a trailer, tent, shack, garage, barn or other utilitarian type outbuilding, shall not be used in any Lot at any time as a residence or for any other purpose, whether temporarily or permanently unless otherwise provided for herein.

The only exception to the above is that the general contractor of a residence for an Owner may, upon approval of the AGC and payment of a \$500.00 security deposit, provide a job trailer on the Owner's Lot during the time of construction

of the home. Said trailer shall be kept in good repair during the construction of the home and be removed immediately upon substantial completion. Violation of any of the above conditions shall be cause for the AGC upon proper notice to have the trailer removed and the area cleaned up. Such action by the AGC will cause forfeiture of the \$500.00 security deposit.

2.4 Construction Time Limits

The following conduction time limits will be in effect for all projects approved by the Architectural Guidelines Committee for construction in Tobin Woods:

2.4.1 Completion

Except for unforeseen circumstances (i.e.) strikes, weather, or shortage of materials, all construction of dwellings, outbuildings, patios, decks, courtyards and swimming pools shall be completed within one year of the date of issuance of a building permit by the Village of Pleasant Prairie.

2.4.2 Driveways and Walks

The gravel base for all driveways and walks shall be in place at the time of substantial completion of the dwelling, and prior to a written certificate of occupancy from the Village of Pleasant Prairie. Finished hard-surfaced drives and walks shall be completed within 60 days of that date.

2.4.3 Landscaping

All sodding and seeding of Lots, as required, shall be complete at the time of substantial completion of the dwelling. Sodding and/or seeding is a condition of written occupancy for the Village of Pleasant Prairie. Landscaping features such as planting beds, etc. shall be completed within one year **of permit date**. All such planting beds, etc. shall be rough graded and edged at the time of substantial completion. The Village of Pleasant Prairie may grant verbal (temporary) occupy at their discretion.

2.5 Easements

Easements affecting the properties in Tobin Woods are recorded on the Final Plat in the office of the Register of Deeds for Kenosha County, Wisconsin. Each Lot shall be subject to any easement granted, or hereinafter to be granted, by the Developer, or its successors and assigns, to the Village of Pleasant Prairie, for stormwater management, drainage, access or maintenance purposes or to public or semi-public utility companies for the erection, construction and maintenance of all poles, wires, pipes and conduits for drainage, gas mains, water pipes, and mains, and for performing any public or quasi-easements shall be confined, so far as possible, in underground pipes or conduits, and in an area within 10 feet of lot lines shown on the recorded Final Plat, with the necessary rights of ingress to,

and egress therefrom and with the rights to whatever may be necessary to carry out the purposes for which the easement is created.

2.5.1 Cul-de-sac

The cul-de-sac island along with related landscaping and lighting, as shown the Final Plat and Village approved Landscaping Plans have been created by the Developer and dedicated to the Village of Pleasant Prairie, The Village of Pleasant Prairie has granted certain easements to said islands for entry, to the extent necessary, for planting, mowing, weeding, water and other maintenance, repair and replacement of such facilities. These activities shall be the responsibility of the Developer conveys this responsibility to the Tobin Woods Homeowners Association, Inc. Such easements shall preclude any Owner from interfering with, removing or altering such facilities, including maintenance and repair.

2.5.2 Outlots

Outlots 1 and 2 on the Final Plat have been created by the Developer to preserve and maintain the natural characteristics of the land. These Outlots have been dedicated to the Homeowners Association for permanent woodland and wetland conservancy preservation to ensure they will remain in a natural state and untouched into perpetuity. The Developer shall be responsible for maintaining and managing these Outlots in their natural state until such time as the Developer conveys this responsibility to the Homeowners Association. Such easements shall preclude any Lot Owner from interfering with, removing or altering any portion of these Outlots, including maintenance and repair. The Developer has reserved dedicated over Outlots 1 and 2 to the Village.

2.5.3 Identification Signage Monuments

Easements have been created by the Developer on Lots 1 and 19 of the Final Plat for the purpose of building and maintaining Identification Monuments for Tobin Woods. Maintenance, repair and replacement of these monuments, their lighting and repair and related landscaping shall be the responsibility of the Developer until such a time as the Developer conveys this responsibility to the Homeowners Association. Such easements shall preclude any Lot Owner from interfering with, removing or altering such facilities, including maintenance and repair.

2.5.4 Landscaping

The landscaping of the 24th and 25th Court cul-de-sac islands and areas surrounding the identification signage monument on Lots 1 and 19 of the Final Plat is the responsibility of the Tobin Woods Homeowners Association and the Village of Pleasant Prairie will,

if necessary, assess the Homeowners Association if they are not maintained.

2.5.5 Warranty of Landscaping

The Developer shall be responsible for providing a one (1) year warranty for all landscaped materials and street trees planted or installed within the subdivision. Said warranty shall commence upon the completion, acceptance and dedication of said planting and trees to the Village. Upon expiration of the warranty periods, the abutting Lot Owner(s) shall be responsible for the watering, weeding, trimming and maintaining, or replanting of the trees. In addition, any tree that is damaged, destroyed or removed shall be promptly replanted with a new, similar tree by the adjacent Lot Owner, at the Lot Owner's expense.

2.5.6 Motorized Equipment Prohibited

As Outlots 1 and 3 are to remain in a natural state for the enjoyment of the residents of Tobin Woods, the use of any type of motorized equipment is prohibited on said Outlots.

2.5.7 Easement Repairs

If any of the easement areas for individual Lots are damaged because of the circumstance beyond an individual Lot Owner's control, i.e. lightning, vandalism, etc., then the Homeowners Association will be responsible for any necessary repairs. Otherwise, the individual Lot Owner shall be responsible for such repairs through his or her homeowner's insurance policy.

2.5.8 Superiority

If a conflict arises between the Homeowner Association's rights of the Village of Pleasant Prairie with respect to the repair, replacement and maintenance of easements provided for in this Section, the Village's rights shall be deemed to be superior.

2.5.9 Deed Restricted Woodland Protection Area

Certain areas of Lots 1 through 9 and Lots 12 through 19 of the Final Plat which are contiguous and abutting to Outlots 1 and 2 have also been identified by the Developer for woodland protection and preservation activities. There shall be no tree cutting of any tree greater than six (6) inches in diameter and no digging, dredging, filling, grading, or other land disturbances shall be permitted, within such area without the prior approval of the Village of Pleasant Prairie. This restriction shall be binding on the Developer, its successors and assigns and subsequent title-owners of Lots 1 through 9 and Lots 12 through 19 of the Final Plat.

2.6 Animals

No animals, livestock, including pot-belled pigs or poultry, or any other exotic animal of any kind shall be raised, bred or kept on any Lot or in any structure in Tobin Woods. The only exception permitted is that up to two dogs and one cat or one dog and two cats, or other small non-exotic household pets, totaling no more than three, may be kept in a manner which will not disturb the quality of life and the environment of Tobin Woods and its residents. No animal shall be left unattended and/or unrestrained in any part of Tobin Woods. No animal shall be kept, bred or maintained for commercial purposes. Outside kennels will be permitted only if they are an integral part of a dwelling or outbuilding and are placed away from public view or exposure. Upon review and approval by AGC, a limited use of chain link, type fencing may be allowed for the kennel only.

2.7 Parking and Storage of Motor Vehicles

There shall be no outside parking of boats or any type of recreational vehicles or trailers. All motor vehicles of any type (trailers, boats, snowmobiles, etc.) must be parked and stored in a garage or permitted outbuilding. There is no restriction on reasonable, normal, day-to-day temporary parking by Owner's guests or maintenance and service vehicles.

2.8 Lot Maintenance

Each Owner is individually responsible to provide all maintenance for his or her Lot, drainage ways, landscape improvements, utility and storm water management easements, building maintenance and upkeep necessary in order to maintain a high level of aesthetic quality.

In the event that landscaping is not maintained properly, in the opinion of the AGC, upon notification, the owner of the Lot shall take adequate measures to properly maintain the landscaping. Refusal to comply with the maintenance requirement shall be considered a violation of this Section 2.8 of this Declaration and shall be subject to penalties.

2.9 Nuisances

No noxious or offensive activity shall be carried on upon any Lot or Outlot in Tobin Woods, nor shall anything be done thereon which may be, or may become a nuisance to the neighborhood.

Trash, garbage or other wastes shall be kept in sanitary containers and all such materials shall be properly screened from public view and disposed of as early as possible. Outside incinerators are not allowed. The burning of any waste, of any kind, including leaves, will not be allowed on any property in Tobin Woods.

Basketball goals shall be permanently direct-buried within 3 ft. of the driveway. No goals shall be installed on any portion of the main dwelling or garage

structures nor shall any portable goals be permitted. Support poles shall be black and the backboards shall be transparent (plexi-glass or plastic).

No external antennas, including satellite dishes of any type, or for any purpose shall be permitted without the prior written approval of the AGC.

No solar panels or solar collecting equipment or apparatus will be allowed to be installed on any roof, wall or yard **without prior approval of the AGC.**

SECTION III ARCHITECTURAL GUIDELINES COMMITTEE (“AGC”)

3.1

No Building (including without limitation all structures, homes, accessory buildings and storage sheds) shall be erected, placed or altered on any Lot until the construction plans and specification and a plan showing the location of the structure have been approved by the Architectural Guidelines Committee, as provided herein. Approval shall be based upon, but not limited to, quality of workmanship and materials; harmony of eternal design with existing structures including color, shape and design and as to location with respect to topography and finish grade elevation.

No fences or walls shall be erected, placed or altered on any Lot nearer to any street than the minimum building setback line unless otherwise approved by the AGC.

The Architectural Guidelines Committee shall initially consist of ~~Kevin J. Stein~~ or his designees and shall hold office until successors are appointed by the Developer or until such time as seventy percent (70%) of the Lots in the subdivision (as may be expanded) have been sold to Owners by the Developer, at which time the Officers of the Homeowner’s Association then in office shall become the members of the Architectural Guidelines Committee. Except for persons appointed by the Developer, a person must be a Lot Owner or Co-Owner in order to be eligible to serve as a member of the Architectural Guidelines Committee.

No member of the Committee shall be entitled to compensation for services rendered in discharging his duty as a member of said Committee. To be valid, action taken by the Architectural Guidelines Committee must be in writing and signed by a majority of its member. The Architectural Guidelines Committee shall grant its approval or disapproval in writing within thirty (30) days from the date the plans and specification are submitted.

Nothing contained in this provision is intended to or shall relieve any Owner from obtaining any necessary building permits or approvals from the applicable governmental agency for any construction or alteration on any Lot.

In the event of any conflict between a decision of the Architectural Guidelines Committee and the Village of Pleasant Prairie, the Village’s decision shall be deemed superior.

The Architectural Guidelines Committee shall have the sole discretion and the right (but is under no obligation) to waive infractions or deviations from these covenants as it sees fit to enhance and protect the value of the property and harmony of Tobin Woods.

SECTION IV DUTIES AND POWERS OF THE ASSOCIATION

4.1 General

(The Association shall have the power the adopt rules and regulations supplementing the General Covenants as provided by Section II hereof; maintain such policy or policies of insurance at all times as the Board of Directors deems necessary or desirable in furthering the purposes of and protecting the interests of the Association and it Members, officers and directors;) enforce this Declaration; purchase, sell and convey Lots (including the improvements thereon) incidental to foreclosure of a lien for any assessments and to acquire real estate in common area; enter and execute contracts, deeds, mortgages and documents on behalf of the Association which relate to any common area or improvements therefore; incur indebtedness on behalf of the Association and to execute drafts and other negotiable instruments; acquire, sell, transfer or exchange goods, equipment and other personal property or fixtures in the name of the Association for the operation of the Association; commence, prosecute, defend or be a party to any sit, hearing or proceeding (whether administrative, legislative or judicial) involving the enforcement of the Declaration or otherwise involving the enforcement of the Declaration or otherwise involving the exercise of any powers, duties or obligation of the Association; employ a manager or other persons and contract with independent contractors to perform and effectuate all or any part of the duties and powers of the Association, if deemed necessary by the Board of Directors; establish such reserves as may be required hereunder or as the Board of Directors shall from time to time deem necessary to fulfill and further the purposes of the Association; and exercise any and all other powers necessary to operate the Association for the mutual use and enjoyment of all Lots Owners.

4.2 Maintenance

The Association shall maintain and repair areas under its control, and its elements, including but not limited to landscaping, seeding, signs, grass, trees, shrubs, plantings, pathways, lighting and other improvements located upon the areas under its control.

SECTION V GENERAL PROVISIONS

5.1 Terms and Amendment

These restrictions are intended as covenants to run with the land and thereby benefit and burden the Lots and Outlots in Tobin Woods accordingly. These restrictions shall be binding on all owners, successors, assigns and heirs, and

each such party agrees to conform to and observe these restrictions and the restrictions shall be so binding for a period of twenty-five (25) years from the date recorded, and perpetually extended thereafter subject to and in accordance with the provisions of Section IV and Section V.

5.2 Enforcement

Enforcement of these restrictions shall be by proceedings at law or in equity against any person or persons violating or attempting to violate them either to restrain violation or to recover damages. In the event a person shall be restrained or found for such damages, shall be found liable for reasonable costs and attorney's fees to the person bringing such action.

5.3 Severability

Invalidation of any one of these restrictions by judgment or order of any court or administrative agency shall in no way affect any other restriction and such other restrictions shall remain in full force and effect. Any restrictions, which shall be or become in violation of any law, regulation or restriction of a governmental body shall be construed as if in conformity with such law, regulation or restrictions.

5.4 Amendment

Unless amended as herein provided, the Declaration shall run with the land and shall be binding upon all persons claiming interest under this Declaration in accordance with this Section and Section IV of this Declaration. These amended Declaration may be further amended by the recording of an instrument executed by the owners of two-thirds (2/3) of the Lots subject hereto, and as to any provision of the Section IV, by the Village Board. All amendments made within twenty (20) year period from the date the original Declaration was recorded shall be consistent with the general plan of development embodied in this Declaration (as presently written or as so amended) and shall be automatically extended for successive ten (10) year periods, unless an instrument executed by the Owners of a majority of the Lots subject hereto and the Village Board has been recorded to abolish or change the same in whole or in part. In ascertaining the number of Owners required to amend the Declaration, each Owner of a Lot who has the power to convey title in fee simple for such Lot shall have a single vote.

IN WITNESS WHEREOF, the **Tobin Woods Homeowners Association** has obtained 2/3's of the Lot Owner's consent to amend the Declaration as noted herein, and therefore, this Amended Declaration is hereby signed and sealed by its duly authorized Officer as of the _____ day of _____, 2014.

Tobin Woods Homeowners Association, Inc.

By:

Anthony R. DeVito, President

STATE OF WISCONSIN)
)SS.
KENOSHA COUNTY)

This instrument was acknowledged before me on _____, 2014 by Anthony R. DeVito, President of the Tobin Woods Homeowners Association, Inc.

Notary Public, State of Wisconsin
My commission: _____

This instrument was drafted by:
Anthony R. DeVito
Tobin Woods Homeowners Association, Inc.
11947 - 24th Court
Pleasant Prairie, WI 53158

Return to drafter

Consider **Resolution #14-08** to **deny** the **Final Plat, Development Agreement and related documents** for the properties generally located east of 63rd Avenue and north of STH 165 for Stage 1 of the Courts of Kensington development including 36 single family lots and three (3) Outlots.

Recommendation:

Village staff recommends approval of **Resolution #14-08 to deny the Final Plat, Development Agreement and related documents** for the Courts of Kensington development.

VILLAGE STAFF REPORT OF APRIL 21, 2014

Consider **Resolution #14-08** to **deny** the **Final Plat, Development Agreement and related documents** for the properties generally located east of 63rd Avenue and north of STH 165 for Stage 1 of the Courts of Kensington development including 36 single family lots and three (3) Outlots.

On August 6, 2007 the Village Board conditionally approved the Preliminary Plat for The Courts of Kensington Subdivision pursuant to Resolution #07-45.)The Preliminary Plat approval is valid for two (2) years; however prior to the expiration of the Preliminary Plat the Final Plat shall be approved unless an extension is granted.)

On September 24, 2007 the Plan Commission held a public hearing related to the Final Plat, Development Agreement and related documents and recommended that the Village Board conditionally approve the Final Plat and related documents provided that all conditions are satisfied prior to March 3, 2008.

On March 3, 2008, the Village Board granted a one (1) year extension to satisfy the conditions and for the Village Board to consider the Final Plat and related documents until March 3, 2009.

On March 2, 2009 the Village Board granted another extension of the Final Plat (until May 10, 2010) to comply with the conditions set forth at the September 24, 2007 Plan Commission public hearing and for the Village Board to consider the Final Plat and related documents. In addition, the Village Board granted an extension of the Preliminary Plat until May 10, 2010 pursuant Village Board Resolution #07-45.

On May 3, 2010 Dan Kane, agent for North Shore Bank, who owned the property received a two (2) year extension from the Village Board to consider the Final Plat for Stage 1 (to expire May 10, 2012) and for an extension of the Preliminary Plat (to expire May 10, 2012) pursuant Village Board Resolution #07-45.

On May 7, 2012, the Village Board granted a two (2) year time extension to the then new owners -104th Street LLC for the Village Board to consider the Final Plat (to expire May 10, 2014) and a two (2) year extension of the Preliminary Plat (to expire May 10, 2014).

Since the project has not moved forward for almost 7 years and numerous Village requirements have changed since the original conditional approval, the Village staff is recommending that the Village Board deny the Final Plat at this time. If action is not taken regarding the final plat by May 10, 2014 the Plat will be deemed approved. Furthermore, by taking no action to extend the Preliminary Plat, the Preliminary Plat will automatically expire on May 10, 2014.

**VILLAGE OF PLEASANT PRAIRIE BOARD OF TRUSTEES
RESOLUTION #14-08
RESOLUTION DENYING THE FINAL PLAT OF THE
COURTS OF KENSINGTON SUBDIVISION
IN THE VILLAGE OF PLEASANT PRAIRIE**

WHEREAS, Mark Eberle P.E. of Nielsen, Madsen & Barber, S.C. agent had submitted a Final Plat (See **Exhibit A**) for the proposed Courts of Kensington Subdivision (Stage 1) generally located east of 63rd Avenue and north of STH 165 which includes 36 single family lots and three (3) outlots; and

WHEREAS, on August 6, 2007 the Village Board conditionally approved the Preliminary Plat for the proposed Courts of Kensington for the development of approximate 83-acre property into 119 single family lots and seven (7) outlots subject to the comments and conditions outlined in Village Board Resolution #07-45; and

WHEREAS, the Village of Pleasant Prairie Plan Commission held a public hearing and recommended conditional approval of the aforementioned Final Plat for Stage 1 of the proposed Courts of Kensington Subdivision on September 24, 2007 provided that all of the conditions were satisfied within 90 days of said public hearing; and

WHEREAS, the Village Board approved the following extensions for the owner/developer to satisfy the conditions of the Final Plat pursuant to the conditions of the September 24, 2007 Plan Commission recommendation:

- on March 3, 2008, the Village Board granted a one (1) year extension (until March 3, 2009);
- on March 2, 2009, the Village Board granted another extension of the Courts of Kensington Final Plat (until May 10, 2010);
- on May 3, 2010, the Village Board granted another two (2) year extension (until May 10, 2012); and
- on May 7, 2012, the Village Board granted another two (2) year extension (until May 10, 2014); and

WHEREAS, these extensions were granted conditioned upon the Final Plat, Engineering Plans and related documents being subject to any Village ordinance changes or amendments being adopted since 2007 and all final documents being submitted to the Village staff a minimum of 45 days prior to final consideration by the Village Board.

NOW THEREFORE BE IT RESOLVED that the Village Board of Trustees hereby **denies** the Final Plat for the Courts of Kensington Subdivision (Stage 1) because all of the conditions of the Final Plat have not been satisfied within the required time frame. Furthermore, the Preliminary Plat as conditionally approved for the proposed Courts of Kensington has also since expired.

Adopted this the 21st day of April 2014.

VILLAGE OF PLEASANT PRAIRIE

ATTEST:

John P. Steinbrink
Village President

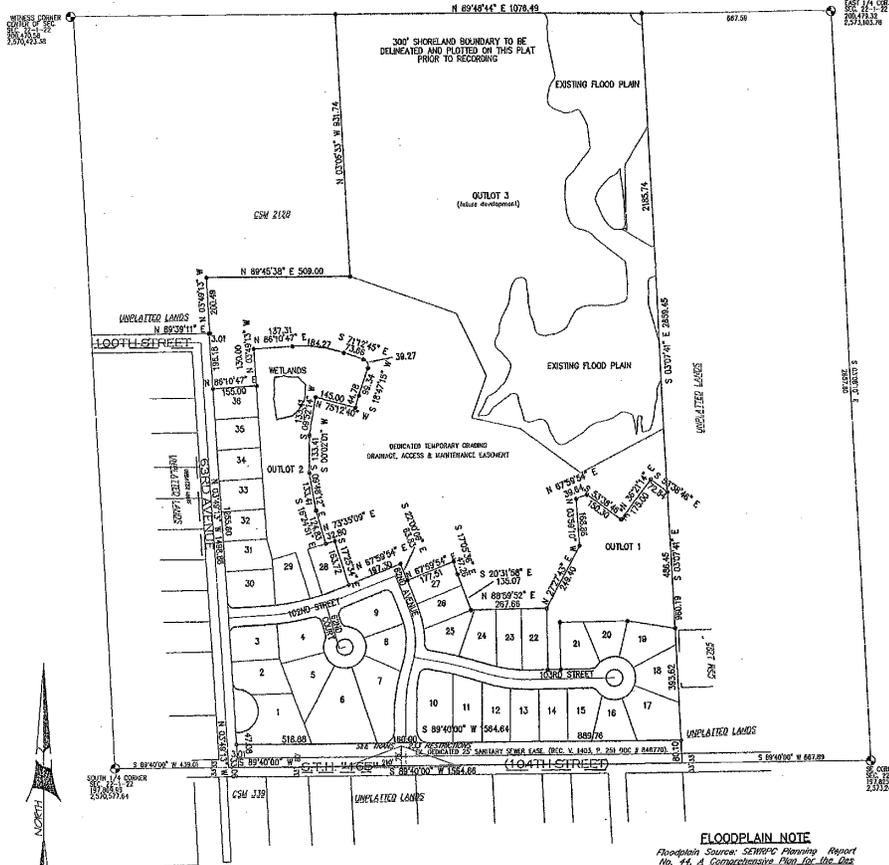
Jane M. Romanowski
Village Clerk

Posted: _____

courts of kensington-denied

COURTS OF KENSINGTON

PART OF THE NE 1/4, NW 1/4, SW 1/4, AND SE 1/4 OF THE SE 1/4 OF SECTION 22, TOWNSHIP 1 NORTH, RANGE 22 EAST, IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN



FLOODPLAIN NOTE
 Floodplain Source: SEWRPC Planning Report No. 44, A Comprehensive Plan for the Des Moines River Watershed, in progress delineated by AGH and approved by the WI DNR on September 14, 2000, ref. No. SE-30174-00-52 as verified in the field by James E. Robinson a Wisconsin Registered Land Surveyor, on March 14, 2000. Elevation 078.90

WETLAND NOTE
 The wetlands were delineated by Dave Meyer of Wetland and Wetland Consulting LLC, on February 17, 2000 and were approved by the WI Department of Natural Resources on April 3, 2000

TRANS 233 APPROVAL # _____
 TRANS 233 HIGHWAY SETBACK RESTRICTIONS
 No improvements or structures are allowed between the right-of-way fire and the highway setback line. Improvements and structures include, but are not limited to, signs, parking areas, driveways, wells, septic systems, drainage facilities, backlogs and retaining walls. It is expressly intended that this restriction for the benefit of the public as provided in section 236.253, Wisconsin Statutes, and shall be enforceable by the Wisconsin Department of Transportation or its assigns. Contact the Wisconsin Department of Transportation for more information. The phone number may be obtained by contacting the County Highway Department.

TRANS 233 HIGHWAY ACCESS RESTRICTIONS
 "All lots and blocks are hereby restricted so that no owner, possessor, user, leasee or other person may have any right of direct vehicular ingress from or egress to any highway lying within the right-of-way of "S.T.R. 102". It is expressly intended that this restriction constitute a restriction for the benefit of the public as provided in section 236.203, Stats. and shall be enforceable by the Department or its assigns. Any access shall be allowed only by special exception. Any access allowed by special exception shall be conditioned and granted only through the driveway permitting process and all permits are revocable."

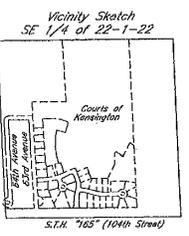
Section 233.105 "The lots of this land division may experience noise at levels exceeding the levels in s. Trans 455.04, Table 1. These levels are based on federal standards. The Department of Transportation is not responsible for abating noise from existing State Trunk Highways or connecting highways, in the absence of any increase by the Department of the highway through-bore capacity." It is required that a vision corner be added on each side of 62nd Avenue along STH 105.
 "No structure or improvement of any kind is permitted within the vision corner. No vegetation within the vision corner may exceed 20 inches in height." The land division layout shall include provisions for surface drainage in such a manner that the existing highway drainage system is not adversely affected. It is required that the developer provide our district office with a final plan for the subject plot.

RESIDENTIAL LOT DATA

LOT NO.	AREA	DISTANCE
1	32256	484.63
2	26500	154.89
3	21190	284.38
4	23317	282.94
5	23061	41.23
6	45383	81.73
7	31174	81.23
8	17034	68.11
9	22552	463.23
10	39025	471.13
11	18031	166.12
12	19336	102.34
13	18457	92.28
14	19222	89.86
15	18458	125.24
16	17048	72.93
17	28072	64.29
18	20500	84.28
19	21550	84.28
20	19150	72.12
21	18091	147.08
22	19793	90.02
23	19229	91.26
24	20024	138.61
25	17617	160.74
26	18329	92.66
27	15683	86.00
28	15922	100.19
29	17449	124.34
30	20252	109.20
31	17777	107.87
32	18712	107.82
33	18712	107.82
34	18712	107.82
35	18712	107.82
36	18712	107.82
37	18712	107.82
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100	18712	107.82



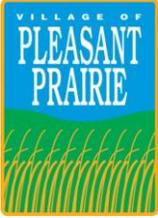
There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis Stat., as provided by s. 236.12, Wis. Stat.
 Certified _____, 20____
 Department of Administration



ZONING NOTE
 The Zoning is R-1 (Single Family Residential District), R-1 (Open and Recreational District), C-1 (Lowland Resource Conservation District) and FPO (Floodplain Overlay District)

- LEGEND AND NOTES**
- BEARING BASE FOR THIS PLAT IS GRID NORTH, WISCONSIN COORDINATE SYSTEM, SOUTH ZONE, BASED UPON NAD 1983. THE SOUTH LINE OF THE SE 1/4 OF SECTION 22, TOWNSHIP 1 NORTH, RANGE 22 EAST, IS ASSUMED TO BEAR N 89°40'00" E.
 - ALL DISTANCES MEASURED TO THE NEAREST HUNDRETH OF A FOOT.
 - ALL ANGLES TURNED TO THE NEAREST SECOND AND COMPUTED TO THE NEAREST HALF SECOND.
 - DENOTES A 2.375" O.D. IRON PIPE STAKE, 18" IN LENGTH, WEIGHT OF 3.654 lbs. ft.
 - DENOTES A FOUND 1" O.D. IRON PIPE STAKE
 - DENOTES AN EASEMENT (SEE PLAT FOR DETAILS)
 - ||||| DENOTES NO VEHICULAR ACCESS.
 - ⊙ DENOTES CONCRETE MONUMENT WITH BRASS CAP.

EXHIBIT A



MEMO

Office of the Village Engineer
Michael Spence, P.E., LEED® AP

TO: Mike Pollocoff/Village Administrator

FROM: Mike Spence/Village Engineer

CC: Jane Romanowski/Village Clerk
John Steinbrink, Jr./Public Works Director

DATE: April 15, 2014

RE: Bid Award for 2014 Microsurface and Slurry Seal Project

ATTACH: Bid Tabulation
Project Location Map

Sealed bids for the above referenced project were received until 2 p.m. on April 10, 2014, at the Village Hall Auditorium and were publicly opened and read aloud. A copy of the bid tabulation is enclosed for your reference.

The project consists of one prime Contract with seven work sections and is identified as follows (see attached map):

Section 1: 78th Avenue Loop (Including 100th Street to 80th Avenue and 102nd Street to 80th Avenue) – **Micro-surface, Type 2**, (13,182 square yards, est. qty.).

Section 2: 102nd Street & 107th Street Loops (Including 82nd Avenue and 86th Avenue to STH 165 Right-of-Way) – **Micro-surface, Type 2**, (23,270 square yards, est. qty.).

Section 3: 109th Street (80th Avenue to 88th Avenue) – **Micro-surface, Type 2**, (11,467 square yards, est. qty.).

Section 4: 80th Avenue (Springbrook Road to STH 165 Right-of-Way) – **Micro-surface, Type 2**, (34,671 square yards, est. qty.).

Section 5: RecPlex parking lot – **Slurry Seal** (13,167 square yards, est. qty.).

Section 6: 93rd Street (39th Avenue to Copper Road) – Asphalt patching (1,125 square yards, est. qty.), **micro-surface, type 2**, (11,250 square yards, est. qty.), pavement markings.

Section 7: 104th Avenue (Prairie Ridge Boulevard to Wilmot Road) – Asphalt patching (1,325 square yards, est. qty.), **micro-surface, type 2**, (8,750 square yards, est. qty.), pavement markings.

One bid was received for this project. The bid was submitted by Fahrner Asphalt Sealers, LLC of Waunakee, WI. in the amount of **\$377,424.31**.

The type of pavement treatment specified for this project is a specialized system that is only utilized by a few Contractors. We worked with Fahrner to develop a specification that is most suited to this pavement type. The other primary Contractor that has bid in the past is Struck and Irwin. They did not submit a bid.

I recommend that the ***Village award this project to Fahrner Asphalt Sealers in the amount of \$377,424.31***. I believe the bid is competitive because it is comparable to previous year estimates and bid prices.

Following the formal award by the Village Board, we will prepare the necessary documents for execution by the Village and the Contractor.

BID TABULATION

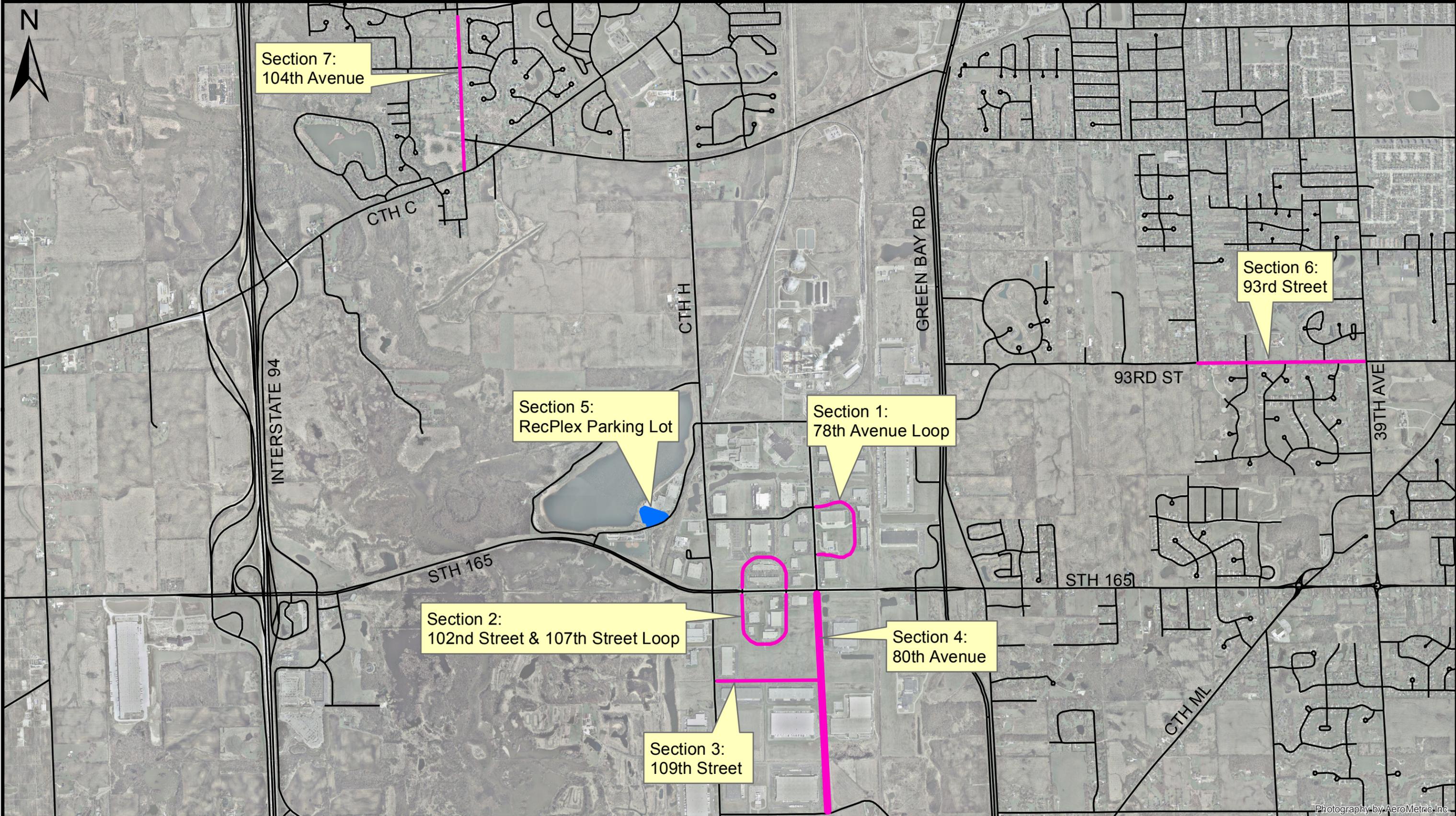
Project Name: 2014 Road Maintenance - Microsurfacing and Slurry Seal Projects
 Owner: Village of Pleasant Prairie
 PN: E-14-002
 Bid Date: April 10, 2014

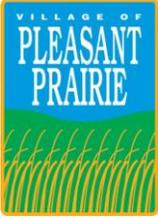
CONTRACTOR				Fahrner Asphalt Sealers, LLC	
BID SECURITY				5% BB (included)	
No.	Item	Unit	Quantity	Unit Price	Total
WORK SECTION 1: 78th Avenue Loop - Microsurface					
1	Micro-surface, type II, furnished and placed as specified.	SY	13,182	\$2.04	\$26,891.28
WORK SECTION 2: 102nd Street & 107th Street Loop - Microsurface					
2	Micro-surface, type II, furnished and placed as specified.	SY	23,270	\$2.04	\$47,470.80
WORK SECTION 3: 109th Street - Microsurface					
3	Micro-surface, type II, furnished and placed as specified.	SY	11,467	\$2.00	\$22,934.00
SECTION 4: 80th Avenue- Microsurface					
4	Micro-surface, type II, furnished and placed as specified.	SY	34,671	\$2.01	\$69,688.71
WORK SECTION 5: RecPlex Parking Lot - Slurry Seal					
5	Slurry Seal, including rolling, furnished and placed as specified.	SY	13,167	\$2.56	\$33,707.52
WORK SECTION 6: 93rd Street (39th Avenue to Cooper Road)					
6	Asphalt Patching, as specified.	SY	1,125	\$52.00	\$58,500.00
7	Micro-surface, type II, furnished and placed as specified.	SY	11,250	\$2.10	\$23,625.00
8	4-inch double yellow epoxy lane markings, furnished and placed as specified.	LF	4,200	\$0.94	\$3,948.00
Subtotal - Section 6 - Items 6 thru 8, inclusive				\$86,073.00	
WORK SECTION 7: 104th Avenue (Prairie Ridge Boulevard to Wilmot Road)					
9	Asphalt Patching, as specified.	SY	1,325	\$52.00	\$68,900.00
10	Micro-surface, type II, furnished and placed as specified.	SY	8,750	\$2.10	\$18,375.00
11	4-inch double yellow epoxy lane markings, furnished and placed as specified.	LF	3,600	\$0.94	\$3,384.00
Subtotal - Section 7 - Items 9 thru 11, inclusive				\$90,659.00	
TOTAL ITEMS 1 THROUGH 11:				\$377,424.31	

2014 VILLAGE OF PLEASANT PRAIRIE ROAD MAINTENANCE MICROSURFACING AND SLURRY SEAL SECTIONS 1-7

 - MICROSURFACE

 - SLURRY SEAL





MEMO

Office of the Village Engineer
Michael Spence, P.E., LEED® AP

TO: Mike Pollocoff/Village Administrator

FROM: Mike Spence/Village Engineer

CC: Jane Romanowski/Village Clerk

DATE: April 15, 2014

RE: Contract for Review Appraisal Services for 39th Avenue Parcel Acquisition

ATTACH: CORRE, INC. Proposal Dated April 3, 2014

The Village will be acquiring portions of 15 parcels as part of the 39th Avenue reconstruction project. This acquisition is needed for geometric reasons as well as the need to preserve the corridor should the need arise to widen the roadway in the future.

The project is partially funded through a grant from the Wisconsin Department of Transportation (WisDOT). As such the acquisition process requires the independent review of the appraisals for this project.

I requested a proposal from CORRE, INC. (CORRE) to provide the review appraisal services. The scope of work includes:

- Site inspection
- Comparable inspection
- Review of completed appraisal report
- Complete and submit Written Review of Appraisal to Village

Mr. Richard Dickson will be performing the work. He is an approved WisDOT LPA Appraiser & Negotiator, Certified General Appraiser, has 24 years of experience with the Wisconsin Department of Transportation with the last 15 years as the principle review appraiser. Experience included review appraisal work, internal appraiser education seminars, state wide appraisal work, appraisal of contaminated property, appraisal of property suffering from severance damages, appraisal of property affected by access changes, proximity damages, and special benefits. He is retired from the Wisconsin Department of Transportation after over 24 years working in the field of eminent domain.

The work described in the scope of services will be performed on a lump sum basis of \$500.00 per parcel for a total of \$7,500.00 total for the project.

I recommend that the *Village award this project to CORRE, INC. in the amount of \$7,500.00.*

April 3, 2014

Mr. Mike Spence
Village Engineer
Village of Pleasant Prairie
9915 39th Ave
Pleasant Prairie, WI 53158

RE: PROPOSAL FOR REVIEW APPRAISAL SERVICES

**ID 3729-00-04
39th Ave (CTH EZ)
104th Avenue (STH 165) to 97th Street
Village of Pleasant Prairie
Kenosha County**

Dear Mr. Spence:

CORRE, INC. (CORRE) is pleased to submit this proposal for the review appraisal work associated with the above referenced project.

Project Understanding

Based on our phone conversation last week we understand the Village is currently acquiring fifteen (15) parcels in conjunction with the above referenced project. **CORRE's** scope of work will include reviewing the completed appraisals for this project. Upon receiving the notice to proceed and the previously completed appraisals, our scope of work will include:

- Site inspection
- Comparable inspection
- Review of completed appraisal report
- Complete and submit Written Review of Appraisal to Village

If during the acquisition process it is determined that any parcel requires a formal review appraisal, **CORRE** will complete this at no extra charge.

Qualifications and Experience of Staff:

Richard Dickson

Sales Study & Negotiation

Mr. Dickson, an approved WisDOT LPA Appraiser & Negotiator, Certified General Appraiser, has 24 years of experience with the Wisconsin Department of Transportation with the last 15 years as the principle review appraiser. Experience included review appraisal work, internal appraiser education seminars, state wide appraisal work, appraisal of contaminated property, appraisal of property suffering from severance damages, appraisal of property affected by access changes, proximity damages, and special benefits. Retired from the Wisconsin Department of Transportation after over 24 years working in the field of eminent domain. His career with the department included statewide oversight of the Property Management program, LPA Program, Litigation Program, Relocation Program, Statewide Appraiser, and Statewide Review Appraiser. He retired after serving 15 years as the principle review appraiser. He chaired the State Environmental Contamination Exemption Committee, wrote the state appraisal procedures for appraising contaminated property, and he worked with wetland mitigation sites. He has created and taught numerous in-house appraisal and review

CORRE, INC.

classes for staff and management throughout the years. He worked closely with the Department of Justice, reviewing state and plaintiff reports to help determine litigation strategy.

Project Assumptions:

- Fifteen appraisals to be reviewed.
- The Village will provide **CORRE** with the following information:
 - Final Plat
 - Final Construction Plans
 - List of known encroachments (if any)
 - Completed Appraisals

Responsibilities of the Village of Pleasant Prairie:

Our Scope of Services and Compensation are based on the Village of Pleasant Prairie performing or providing a designated representative with authority to transmit instructions and information, receive information, interpret policy, and define decisions.

Compensation

The work described in the scope of services will be performed on a lump sum basis of \$500.00 per parcel for a total of **\$7,500.00** for this project.

Schedule

Upon receipt of the above referenced material, **CORRE** will complete review of the appraisals and submit the Written Review of Appraisal to the Village within three weeks.

Summary

We appreciate this opportunity to provide these services and look forward to working with you on this project. If you have any questions, please feel free to contact me at 608.234.3728.

Respectfully Submitted,



Rick Dickson SR/WA –Real Estate Specialist
CORRE, INC.

Accepted by: Village of Pleasant Prairie

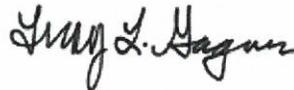
By: _____

Name: _____

Title: _____

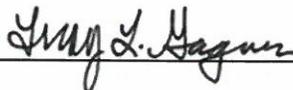
The above person is authorized to sign for Client and bind the Client to the terms hereof.

Date: _____



Troy Gagner, PE – Transportation Services Manager
CORRE, INC.

Approved by: **CORRE, INC.**

By:  _____

Name: Troy Gagner

Title: Vice-President

Date: 4-16-14

**VILLAGE OF PLEASANT PRAIRIE
RESOLUTION #14-09**

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collection; and

WHEREAS, the health, safety and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works employees; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,

NOW, THEREFORE, BE IT RESOLVED that the Village of Pleasant Prairie hereby proclaims the week of May 18, 2014, as ***National Public Works Week*** in the Village of Pleasant Prairie and urges all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works employees make every day to our health, safety, comfort, and quality of life.

Adopted this 21st day of April, 2014.

VILLAGE OF PLEASANT PRAIRIE

John Steinbrink
Village President

ATTEST:

Jane Romanowski
Village Clerk

**CLERK'S CERTIFICATION OF
BARTENDER LICENSE APPLICATIONS**

Period Ending: April 15, 2014

I, Jane M. Romanowski, Village Clerk of the Village of Pleasant Prairie, Kenosha County, Wisconsin, do hereby certify the following persons have applied for bartender licenses and **each applicant is in compliance with the guidelines set forth in Chapter 194 of the Municipal Code.** I recommend approval of the applications for each person as follows:

NAME OF APPLICANT

LICENSE TERM

- | | |
|----------------------|--------------------|
| 1. Melissa A. Brown | thru June 30, 2016 |
| 2. Paul D. Forchette | thru June 30, 2016 |
| 3. Megan S. Richardt | thru June 30, 2016 |
| 4. Jonathan D. Walls | thru June 30, 2016 |

Jane M. Romanowski
Village Clerk