



CITY OF WHITEWATER

PLAN AND ARCHITECTURAL REVIEW COMMISSION

Whitewater Municipal Building
Community Room
312 W. Whitewater Street
Whitewater, WI 53190
March 14, 2011
6:00 p.m.

1. Call to order and roll call.
2. **Hearing of Citizen Comments.** No formal Plan Commission action will be taken during this meeting ON CITIZEN COMMENTS although issues raised may become a part of a future agenda. Items on the agenda may not be discussed at this time.
3. Approval of the minutes of February 14, 2011.
4. Review and make recommendation to the City Council for authorizing execution of Quit Claim Deed relative to City of Whitewater Cravath Street Water Tower Real Estate (to correct real estate errors).
5. Information:
 - a. Possible future agenda items.
 - b. Next regular Plan Commission meeting- April 11, 2011.
6. Adjourn.

Anyone requiring special arrangements is asked to call the Zoning and Planning Office 24 hours prior to the meeting. Those wishing to weigh in on any of the above-mentioned agenda items but unable to attend the meeting are asked to send their comments to c/o Zoning Administrator, 312 W. Whitewater Street, Whitewater, WI, 53190 or jwegner@whitewater-wi.gov.

The City of Whitewater website is: whitewater-wi.gov

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
February 14, 2011

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL
ACTIONS OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION**

Chairperson Torres called the meeting of the Plan and Architectural Review Commission to order at 6:00 p.m.

PRESENT: Torres, Binnie, Dalee, Miller, Zaballos, Coburn, Knedler. ABSENT: None.
OTHERS: Wallace McDonell/City Attorney, Mark Roffers/City Planner, Bruce Parker/Zoning Administrator, Wegner/Secretary.

Welcome to Brandon Knedler, who volunteered to finish the existing term for the Park and Recreation Board's representative to the Plan Commission.

HEARING OF CITIZEN COMMENTS. This is a time in the agenda where citizens can voice their concerns. They are given three minutes to talk. No formal Plan Commission Action will be taken during this meeting although issues raised may become a part of a future agenda. Items on the agenda may not be discussed at this time.

There were no citizen comments.

MINUTES. Moved by Dalee and Miller to approve the Plan Commission minutes of December 13, 2010. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW FOR AN AUTOMOTIVE REPAIR BUSINESS TO BE LOCATED AT 265 S. WISCONSIN STREET FOR DARYL AND FABIAN LOPEZ. Chairperson Torres opened the public hearing for consideration of a conditional use permit to allow for an automotive repair business to be located at 265 S. Wisconsin Street for Daryl and Fabian Lopez.

Zoning Administrator Bruce Parker explained that the applicants had not shown up yet. Parker explained the proposal. The property is located in a B-3 Zoning District. A conditional use permit is required for an auto repair shop. He had talked to the applicant and explained that the parking stalls labeled #6 and #8 would have to be removed to maintain the green space area and allow for snow removal. The dumpster enclosure was going to be moved up next to the building and a new garage door was to be installed on the north side of the building. The fence shown on the site plan will not be installed as it encroaches into the driveway access easement area. A new site plan had not yet been submitted. The applicants had not arrived yet, so the Plan Commission held the public hearing open until after the next item when the applicants arrived.

Plan Commission came back to this item approximately 6:20 p.m.

Zoning Administrator Bruce Parker had talked to them prior to the hearing. They will be planting some arborvitae in the green space along the south edge of the parking lot (paved area) to help screen the view from the south residential area. The trash enclosure will be up against the east edge of the building and the parking will be on the blacktop area in the back and other areas there.

City Planner Mark Roffers recommended approval with conditions. The reasoning behind the approval is that the building is there and it is suited for this type of use. The property's immediate surroundings are compatible business type uses. The Planners also recognize that there is residential housing in the area and the Plan Commission needs to stay cognizant in taking care of the neighbors too. Some of this is done with suggestions for site plan improvement, such as landscaping, dumpster enclosures, parking etc., but a lot has to do with how businesses are operated when they are open. The Planners had suggested operational types of conditions for approval that have to do with types of auto work, so the neighborhood is not negatively affected by this business.

The Board asked about the type of enclosure for the dumpster that would match the building.

Zoning Administrator Bruce Parker explained that it would be a fence type of material that could be painted to match the building.

City Planner Mark Roffers explained that the future for this block would be for continued business use, a location for redevelopment. The City would be open to broader redevelopment, possibly a mixed use development.

Marilyn Kienbaum, neighbor, stated that this business would not be a huge change. She felt this would be O.K.

Terry Stritzel, a concerned citizen, stated that the business may need more than Monday through Friday in order to make a living. They may need Saturday to make it work. Only Monday through Friday is quite a restriction for a small business that is trying to make it work for them.

Board Members felt that this business should have the same opportunities as the NAPA store next door in being allowed to be open on Saturdays, with the condition that the business could be looked at in 6 months or a year if there are complaints. There are a lot of businesses open on Saturdays, so it would put them at a competitive disadvantage if they were not allowed to be open on Saturdays. There was also concern of the garage doors having to be closed while working on the vehicles inside the building. Knedler felt it would be good not to have the requirement that the doors must be closed.

Bob Freiermuth, a local investor and neighbor, stated that other than an impact wrench or a radio, there will not be much noise. The radio can be turned down and a regular wrench could be used for extended weekend hours. If the business can't be open and operate, it will have a hard time making money. It is a good location.

Plan Commission Binnie wanted to hear from the applicants to know if they had the opportunity to review the City Planner's report and the suggested conditions, and if they were O.K. with them.

Fabian Lopez and his father reviewed the conditions and were perfectly fine with the conditions. If it was alright with the Plan Commission, they would like to be open from 8 a.m. until noon on Saturdays. But they would be perfectly fine with Monday through Friday also. They were planning to keep the garage doors closed and put a hole in the garage door to vent the smoke out of the building.

Terry Stritzel stated that all the overhead doors face commercial buildings, not toward the condos or residential areas. The applicants may not realize how hot it might get in the building come the middle of July.

Plan Commission Member Miller noted that he didn't see a problem with the doors being open particularly when it is hot out. As far as hours, he thought they should be able to have the same hours as NAPA. If they wanted to close the business at noon on Saturday, that would be up to them. If they wanted to stay open to 4 or 5 p.m. they would have that option. Miller stated that they needed all the advantages they could get, and did not want the applicants to have to come back in 6 months to ask for an extension.

The City Planners recommended that the Plan Commission approve the request for the conditional use permit and related site plan approval for an auto repair business at 265 S. Wisconsin Street subject to the following conditions as amended at the meeting:

1. The project shall be developed in accordance with the site and operational plans submitted on 1/31/11, except as changes to such plans are required to meet the conditions that follow.
2. Prior to the commencement of the auto repair operation, the applicant shall revise and resubmit the site plan for City staff approval, including the following changes and additions:
 - a. Reduce the width of the 6 parking stalls along the rear property line to 9 feet to allow adequate space in the southeast corner of the site for a dumpster and enclosure.
 - b. Provide details on the fence or wall that will be used to enclose the dumpster at the southeast corner of the site, with such enclosure being completely opaque and tall and wide enough to completely screen the dumpster from view.
 - c. Provide a catalog page or other detailed information on the proposed light fixture(s) for City staff approval. All proposed lighting shall be directed downward at a 90 degree angle with the ground to avoid spill-over onto nearby properties.
 - d. Indicate through a label that all parking stalls will be painted/striped and that wheel stops will be installed at the eastern ends of the parking stalls along the rear lot line.
 - e. Indicate the location of three additional mid-level shrubs (4-6 feet at maturity) in the southwest grassy area of the lot. The plantings shall meet the City's landscaping guidelines in terms of species, size at time of planting, and installation method.
 - f. Indicate that rooftop water drainage will be directed to the grassy area south of the building, to the extent practical.
 - g. Include a title and date of the latest revision on all plan documents.
 - h. Maintain area of parking space 6 and part of 8 on the site plan in green space and move the enclosed dumpster to a hard-surfaced area beside the rear of the building, adding screen-type landscaping to the area between the parking lot and the south property line.
3. The following ongoing standards regarding operation of the auto repair business shall apply:
 - a. There shall be no vehicle painting or body work performed on site.
 - b. No equipment, tools, or car parts shall be stored outdoors.
 - c. All garbage and scrap materials shall remain in the building or be placed in an outside dumpster, completely enclosed by an opaque fence or wall, in the rear yard of the property.
 - d. At no time shall any unlicensed or junk vehicles be kept outdoors on the site.
 - e. Vehicle maintenance and repair work shall be performed only between 7 a.m. and 6 p.m., Monday through Saturday. If the Neighborhood Services Director identifies a concern within one year of conditional use permit issuance that these hours are creating a nuisance or reducing the values and enjoyment of neighboring property, he may refer the matter to the City Plan and Architectural Review Commission, which may reduce the hours.
 - f. All vehicle maintenance and repair activities shall be conducted inside the building. If the Neighborhood Services Director identifies a concern within one year of conditional use permit issuance that allowing garage doors to be open during operations is creating a nuisance or reducing the values and enjoyment of neighboring property, he may refer the matter to the City Plan and Architectural Review Commission, which may require that garage doors be closed during operations.

- g. No vehicle shall be kept outdoors on the site for more than 14 consecutive days, nor deliberately removed and returned to the site in an attempt to circumvent this requirement.
 - h. No vehicle awaiting service or pick-up shall be kept in any other location than inside the building or in a striped parking space to the rear of the building.
 - i. The on-site sale or rental of motor vehicles is prohibited.
4. Signage shall be installed only after the applicant has submitted complete signage plans and received a sign permit. Plans shall be consistent with City signage requirements and shall clearly indicate the sign dimensions, materials, and colors.

Chairperson Torres closed the public hearing.

Moved by Binnie and Zaballos to approve the conditional use permit and site plan for 265 S. Wisconsin Street based on the conditions of the City Planner with the exception that 3e be amended to read vehicle maintenance and repair work should be performed only between 7 a.m. and 6 p.m. Monday through Saturday, and on 3f, should read "All vehicle maintenance and repair activities shall be conducted inside the building." Those two items could be revisited should we receive any concerns from the neighbors within the next year. The site plan requirements would be changed adding 2h "Maintain area of parking space 6 and part of 8 on the site plan in green space and move the enclosed dumpster to a hard-surfaced area beside the rear of the building, adding screen-type landscaping to the area between the parking lot and the south property line". Motion approved by unanimous roll call vote.

DISCUSSION OF POTENTIAL MEASURES TO INCREASE EFFICIENCY IN DEVELOPMENT PLAN REVIEWS AND CONTROL DEVELOPER COSTS. City Planner Mark Roffers explained that over the past month to 6 weeks they have been working with the City Manager Kevin Brunner and Zoning Administrator Bruce Parker on ways to reduce planning and development review costs to make the cost more predictable and better known at the start of the process. Normally, the time that the planning support or engineering service support spend on a project is billed to the City, and the City in turn charges that cost back to the applicant. The proposed process is to make the charge back cost more predictable and a little less costly when possible; and make the approval process flow more smoothly and efficiently. The proposals offered try to address those various issues. The City is very open to comments on these proposals.

The first one is travel time costs. The travel costs have been cut in half from previous levels. The proposal from City staff is to not charge travel time costs to applicants at all.

The second proposal is a different report format (as seen in the previous item on the agenda). The format is to get to issues quicker by using a standard form and hit the highlights in a more efficient and understandable way. This should also help to reduce the time it takes to write the reports for the Plan Commission.

Thirdly, the Planners and Zoning Administrator Bruce Parker have already been reviewing which projects need the Planners' review, and this will be given more of a focus. The Planners just might offer some verbal comments to Zoning Administrator Bruce Parker and he would incorporate those into his comments and recommendations to the Plan Commission; and to continue to practice if there was a pretty straight forward proposal, just offering two or three suggested conditions in an email that would then be forwarded on to the Plan Commission and the applicant.

The other fair criticism that has been offered is that by the time the applicant receives the report

from the City through Vandewalle, it might be Friday p.m. and half of their support staff may be gone for the weekend and so they may be left scrambling on Monday to address some of the comments in advance of the meeting. So Vandewalle is going to make a concerted effort, when they get the proper materials they need to review a proposal, to get that done by noon on the Wednesday before the meeting. They will get their report to Jane to get to the applicants. The applicant should have it Wednesday p.m. or Thursday a.m. and have a couple of days to address the comments and make things run a little smoother.

Sometimes City Planner Mark Roffers will not be needed at the meeting at all, if the items are relatively simple, and straight forward.

Item #6 on the list of proposals is a little more comprehensive. It gives applicants for development review an upfront and better understanding of the types of cost they may be confronted with. That way it is not a surprise after they get through the process and get a bill in the mail. The attachments in the packet address this information (Cost Recovery Certificate and Agreement; Section B: Applicant/Property Owner Cost Obligations; and Typical City Planning Consultant Development Review Costs). There is also a guide for applicants, "Tips for Minimizing Your Development Review Costs". This document would be specifically helpful for first time or one time applicants.

The final offering for review time and costs, is what amounts to 2 to 3 hours of free review time before an applicant submits an application for a zoning or a conditional use permit. It might be submitting a sketch plan through Bruce to the City Planners' office, with Mark taking a red pen and marking the plan up with comments. It may involve a single meeting where Mark may be involved to share his comments in advance so that issues can be dealt with and addressed early.

The City and Vandewalle and Associates wanted to share this information with the Plan Commission and get their feedback before moving forward on utilizing these ideas fully.

Plan Commission Member Coburn stated that she appreciated the details of the City Planner reports but would really like to get them earlier as is the plan to accomplish.

City Planner Roffers stated that they would like to be able to use the new format as much as possible. They should be able to still provide a reasonable level of detail, but in a more organized way by hitting the highlights quicker. If there does happen to be a huge project that takes more review, we have the option to elaborate on particular issues as they come out.

Plan Commission Member Zaballos stated that she liked the chart and the format. It should be a little bit clearer and easier to follow. If Mark will not be coming to every meeting, would that be able to be communicated well in advance?

City Planner Mark Roffers explained that process. Bruce comes to Madison to go over the Plan Commission agenda and it gets determined at that time whether or not Roffers comes to the meeting. Any questions that may need an answer from Vandewalle and Associates, could be emailed or given to Bruce, and he or Jane would get the message to Vandewalle for input.

Plan Commission Member Binnie stated that he appreciated the thought that went into the process and it is an excellent start to try to contain costs especially those passed onto the developers; and the guide would be very helpful for the developers in trying to streamline the process for them.

Chairperson Torres stated that he agreed with what has been said and that this is a step in the

right direction.

Zaballos asked if City Planner Roffers had included any developers in the conversation.

City Planner Roffers did not talk directly to developers, but they have gotten feedback from discussions with City Manager Brunner and Zoning Administrator Parker.

Zoning Administrator Parker explained that Councilmember Patrick Singer had a meeting with developers in which both he and the City Manager received input indirectly. That information had also been passed onto Mark Roffers.

INFORMATION:

- a. **Future agenda items:** There were no submittals yet for the next Plan Commission meeting.

Karen Coburn asked if there was anything in the ordinance or regulations that would protect historic buildings in the downtown if the owner or tenant were to repair or remodel the façade without applying for a downtown facade loan. City Planner Mark Roffers stated that we do have the Design Guidelines that we can use as a reference. Zoning Administrator Bruce Parker stated that there are times when what is planned for the building would not need to go to the Plan Commission for approval. When asked if there is there anything in place to encourage preservation or prevent a builder from damaging the façade, the answer was no.

- b. **Future discussion of neighborhood preservation implementation, including consideration of higher density multiple family residential district.** City Planner Mark Roffers explained this is listed as a future discussion. His intent was not to have a discussion on the neighborhood preservation implementation, but to give a progress report on that issue.

The Comprehensive Plan that was adopted in early 2010 had a number of implementation steps to carry out the city's neighborhood preservation strategy. A lot of them are zoning ordinance approaches, so one thing the City should be thinking about is which of those does the City want to implement and how and when. That is one issue for potential future discussion, but everything has cost implications. If the city were to dive into all the ordinance amendments at once, it would be quite costly. The Planners are discussing with the City those types of issues as to when it might be appropriate to bring it forward in any given budget or other concerns. Added to that, at the December meeting when the Plan Commission was reviewing a multiple family housing proposal, an attorney suggested that rather than dealing with requests for greater than R-3 density on a case by case basis, that the city might consider an approach that would identify an area where higher density housing may be permitted and perhaps even create its own district, rather than make up rules on a project by project basis. At that time, Commissioner Binnie had suggested that the Plan Commission have a future discussion of this at a subsequent meeting. So this was mainly a report to check back in with the Plan Commission, to let them know that neighborhood preservation and the possibility of a higher density multiple family residential district are still on the City's radar screen. As part of this broader neighborhood preservation approach, the Planners thought they would bring it forward to you for discussion in concert with the other zoning based strategies to consider for neighborhood preservation for the Plan Commission to have a broader discussion and workshop.

Jeff Knight wanted to inform the Plan Commission members that the CDA is working on a housing task force. One of things that the task force has done is to target approximately seven properties that are blighted and distressed which they are taking action to get them removed. One of the next steps the housing task force is looking at is a number of market studies that shows the value of the cost of services for the school, the city and the county for new homes that are built in order to keep them in balance. Knight also expressed concern about the current vacancy rate in rental properties, which he believes to be approximately 9 to 10%.

The next regular Plan Commission meeting will be March 14, 2011.

Moved by Miller and Coburn to adjourn at approximately 7:00 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,

Jane Wegner
Secretary

**CITY OF WHITEWATER
COMMON COUNCIL AGENDA**
Common Council Meeting
Tuesday, March 1, 2011 – 6:30 p.m.
City of Whitewater Municipal Building Community Room
312 W. Whitewater Street Whitewater, Wisconsin

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE.

CONSENT AGENDA:

CA-A	Approval of Council Minutes of February 17, 2011
CA-B	Approval of Payment of Invoices Processed through 2/24/11.
CA-C	Acknowledgment of Receipt and Filing of: * Library Minutes of 01/10/2011. *CDA Minutes of 01/24/11. *January, 2011 Financial Reports. *Technology Park Board Minutes of 02/09/2011.
CA-D	Expedited approval of the following items, per city staff recommendation: R-2, R-3, O-1

REPORTS:

City Manager	1) Recognition of City employees John Alvarado and Melody Lentz; 2) Public Information Meeting on March 8 for North St. project.
CDA Coordinator	1) Report on April 18, 2011 Energy Event.
Finance Director	1) Borrowing for Water and Sewer Utilities.
City Clerk	1) Report on 2011 Property Assessments, Open Book, and Board of Review

HEARING OF CITIZEN COMMENTS. No formal Common Council Action will be taken during this meeting although issues raised may become a part of a future agenda. Participants are allotted a three- minute speaking period. Specific items listed on the agenda may not be discussed at this time; however citizens are invited to speak to those specific issues at the time the Council discusses that particular item.

RESOLUTIONS:

R-1	Authorizing Execution of Quit Claim Deed relative to City of Whitewater Cravath Street Water Tower Real Estate (to correct real estate errors) (City Attorney Request).
*R-2	Adoption of 25 X 25 Plan for Energy Independence (CDA Coordinator/City Manager Request).
*R-3	Recommending Amendment to Tax Incremental District #4 Project Plan (Distressed Designation) [CDA Coordinator].

ORDINANCES: First Reading

*O-1	No Parking on the West side of Executive Court – Executive Drive north to terminus (DPW Director Request).
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ORDINANCES: Second Reading NONE

CONSIDERATIONS:

C-1	Discussion and Possible Direction regarding Downtown Parking Regulations (Councilmember Singer Request).
C-2	Approval of Contract with Strand Associates for North Street Project Engineering Proposal (DPW Director Request).
C-3	Discussion and Possible Direction regarding Civil Service / Employee Grievance Process Ordinance (Councilmember Singer Request).
C-4	Discussion and Possible Direction regarding Performance or Merit Pay for City Employees.

MEMORANDUM

TO: Common Council

FROM: Kevin Brunner, City Manager

DATE: February 24, 2011

RE: Comments on March 1, 2011 Agenda Items

1. **Authorizing Execution of Quit Claim Deed relative to City of Whitewater Cravath Street Water Tower Real Estate (to correct real estate errors)**. I recommend approval. The City Attorney has requested us to correct a real estate error on the City owned Water Tower real estate.
2. **Adoption of 25 X 25 Plan for Energy Independence**. I recommend approval. I briefed the Common Council on this plan at the December 21st meeting. The plan has been submitted to the Governor's Office of Energy Independence as a requirement of the grant that was received by the City and School District to produce this plan.

I want to emphasize that in adopting this plan, you are not committing the City to implementing the plan. It is for future guidance only. Obviously, implementation of the various plan items will be dependent upon the future ability of the city and the school district to fund projects and the respective returns on investment that they might generate.
3. **Recommending Amendment to Tax Incremental District #4 Project Plan**. Unfortunately, the State of Revenue has required that the previous recommendation to amend the TID #4 Project Plan made to the Tax Increment Joint Review Board (JRB) must be made in the form of a resolution. Hence, we have included a formal resolution recommending this action by the JRB for your approval again. This will also mean the Joint Review Board will need to formally approve a resolution approving the amendment based upon this amendment submitted by the Common Council. This item has been starred for expedited approval because it was previously approved by the Council.
4. **No Parking on the West side of Executive Court – Executive Drive north to terminus**. I recommend approval.
5. **Discussion and Possible Direction regarding Downtown Parking Regulations**. Downtown Whitewater Executive Director Tami Brodnicki has been invited to attend this meeting to discuss this item. We implemented a number of changes to reduce the amount of enforcement of downtown parking regulations in recent years, however, we have received one complaint from the owner of Fat Jack's regarding enforcement on a recent Saturday afternoon. The Police Chief and Public Works Director will be present to discuss concerns about enforcement of downtown parking at the meeting.
6. **Approval of Contract with Strand Associates for North Street Project Engineering Proposal**. I recommend approval. We only received one engineering proposal for the North Street Project and it

**RESOLUTION AUTHORIZING THE SIGNING OF A QUIT CLAIM DEED
AND RECEIVING A QUIT CLAIM DEED CONCERNING THE CITY OF
WHITEWATER CRAVATH STREET WATER TOWER REAL ESTATE**

WHEREAS, the City of Whitewater is the owner of a water tower situated on real estate located on Cravath Street in the City of Whitewater, and

WHEREAS, it has been determined that when the City of Whitewater acquired the land on which the water tower is located in 1973 and 1976 there were serious chain of title defects in the real estate received by the City, and

WHEREAS, the chain of title defects have caused title problems for the real estate in the area throughout the years, and

WHEREAS, the City, in an effort to correct the problems, has caused a survey of the property in the area to be completed, and

WHEREAS, the surveyor has recommended that the City and the Arnold Estate exchange quit claim deeds in order to correct the real estate title problems in the area, and

WHEREAS, it is in the City of Whitewater's best interest to exchange quit claim deeds with the Arnold Estate.

Now, therefore, **BE IT RESOLVED**, subject to the approval of the City of Whitewater Plan Commission, as follows:

1. The City Manager and the City Clerk of the City of Whitewater are hereby authorized to sign the attached Quit Claim Deed granting the City's interest (if any) in Parcel A to the Arnold Estate.

2. The City Manager and the City Clerk of the City of Whitewater are hereby authorized to accept a Quit Claim Deed from the Arnold Estate granting the Arnold Estate's interest in Parcel C (if any) to the City of Whitewater.

Resolution introduced by Councilmember _____,
who moved its adoption. Resolution seconded by Councilmember _____.

AYES:

NOES:

ABSENT:

ADOPTED:

Kevin Brunner, City Manager

Michele R. Smith, City Clerk

QUIT CLAIM DEED

Document Number

THIS QUIT CLAIM DEED made and entered into by and between the City of Whitewater, Wisconsin, a municipal corporation located in Walworth and Jefferson Counties, Wisconsin (hereinafter referred to as the "City"), and John K. Arnold, as Personal Representative of the Estate of Jean A. Arnold, Deceased (hereinafter referred to as the "Estate"). The City hereby quit claims to the Estate, the real estate located in the City of Whitewater, Walworth County, State of Wisconsin, more particularly described as "Parcel A" described below. The Estate hereby quit claims to the City, the real estate more particularly described as "Parcel C" below.

RETURN TO:

SIMON LAW OFFICE
304 West Main Street
Whitewater, WI 53190

Parcel A:

Lot 2 and part of Lot 3, Block 5 of Dann's Addition and part of the Southwest 1/4 of the Northeast 1/4 of Section 4, Town 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin described as follows: Commencing at the Northeast corner of a parcel of land known as Engebretsen's Land, which parcel is described in a warranty deed from George Dann and L.J. Dann, his wife, to Andrew Engebretsen

/DA 00028, /WUP 00023A,
/A 31800001, /DA 00028A,
/WUP 00023 & /WUP 00024A
(Parcel Identification Number)

recorded in Volume 63 of Deeds at page 253, Walworth County Records; Thence S 3°59'00" E along the East line of Engebretsen 3.75 feet to a set iron pipe and the point of beginning; Thence continue S 3°59'00" E along said East line and formerly the East line of H.W. Bentson's and Borrie Bentson's lands 280.25 feet to a found iron rod on the North line of Block 5, Dann's Addition; Thence S 84°43'21" W along said North line 72.60 feet to a set iron pipe at the Northwest corner of Lot 2, Block 5 of Dann's Addition; Thence S 03°59'00" E along the West line of said Lot 2, 184.93 feet to a set cut cross on the South line of Block 5 of Dann's Addition and the Northerly right-of-way line of Cravath Street; Thence N 84°43'21" E along the south line of said Block 5, 149.90 feet to a set iron pipe; Thence N 3°59'00" W 367.00 feet to a set iron pipe; Thence N 42°41'30" W 123.58 feet to the point of beginning.

Parcel A contains 45,577 square feet or 1.0463 acres of land, more or less.
Tax Parcel Numbers: /DA 00028 and /WUP 00023A (See explanation below)

Parcel C:

Lot 1 of Certified Survey Map No. 318 located in Southwest 1/4 of the Northeast 1/4 of Section 4, Town 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin; ALSO, a part of Lot 3, Block 5 of Dann's Addition and a parcel of land all located in part of the Southwest 1/4 of the Northeast 1/4 of Section 4, Town 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin described as follows: Commencing at the Southwest corner of said Lot 1 of Certified Survey Map No. 318; Thence N 07°19'17" E along the West line of Certified Survey Map No. 318, 33.03 feet to the intersection of the Northerly right-of-way line of Cravath Street and the Point of Beginning; Thence S 84°43'21" W along said right-of-way 54.81 feet to a set iron pipe; Thence N 03°59'00" W 367.00 feet to a set iron pipe; Thence S 42°41'30" E 57.72 feet to a set iron pipe at the North corner of said Certified Survey Map; Thence S 07°19'17" E along the West line of Certified Survey Map No. 318, 321.28 feet to the Point of Beginning.

Parcel C contains 40,106 square feet of land more or less.
Tax Parcel Numbers: /A 31800001, /DA 00028A, /WUP 00023 and part of /WUP 00024A (See explanation below)

Due to certain ambiguities and overlaps in prior legal descriptions for Parcel A and Parcel C, and ambiguities in descriptions of lands abutting upon that portion of the westerly boundary of Parcel A described above lying northerly of the North line of Block 5 of Dann's Addition to the City of Whitewater, the above-described lands have been surveyed by Mark L. Miritz and the above legal descriptions for Parcel A and Parcel C have been established based upon said survey dated February 10, 2011. The City is joining in the execution and delivery of this Quit Claim Deed to establish and confirm that the City claims no ownership interest in Parcel A described above, and as an acknowledgment of the Estate's claim of ownership of Parcel A as described above. The Estate is joining in the execution and delivery of this Quit Claim Deed for purposes of establishing that the Estate claims no ownership in Parcel C described above and for purposes of acknowledging the City's claim to ownership of Parcel C described above.

Explanation as to Tax Parcel Numbers: The existing tax parcel legal description for Parcel /WUP 00023A contains errors: The language "W 3 CHS 9 LKS TO N LN CRAVATH ST" should read "S 3 CHS 9 LKS TO N LN CRAVATH ST" and fails to set forth immediately following the word "POB", the following exception "EXC /DA-28"; the existing tax parcel legal descriptions for Parcel /WUP 00024A and Parcel /WUP 00023A (with foregoing corrections) overlap in that the tax legal description for Parcel /WUP 00024A fails to set forth, immediately following the word "POB", the following exception: EXC /WUP-23A DESC IN VOL 516 DEEDS PG 375 WCR. Due to tax parcel mapping errors, existing tax parcel maps fails to reflect Tax Parcel /WUP 00023A, but rather, reflects lands actually included in the tax legal description for Parcel /WUP 00023A (corrected as noted above) as being part of Parcel /WUP 00024A and /WUP 00023 as currently mapped. An existing overlap in legal descriptions and the tax legal descriptions for Parcel /WUP 00023A and Parcel /WUP 00022A also exists (said overlap is described as Parcel "B" in the survey by Mark L. Miritz dated 2-10-11 referred to above), which overlap is being eliminated and corrected by separate quit claim deed of said overlap area from Estate to Glen A. Edwards and Maureen Edwards, current owners of Parcel /WUP 00022A; the as-surveyed legal description of Parcel A set forth above in this Deed excludes such area of legal description overlap being eliminated and corrected by such separate quit claim deed. The as-surveyed legal description of Parcel C set forth in this Deed includes lands, if any, lying between Parcels /WUP 00023 and /WUP 00024, and easterly of the East line of Parcel A described above and westerly of the westerly line of Parcel /A 31800001.

This is not homestead property.

THIS DEED is executed by the City and the Estate without monetary consideration to either party, and since the Estate already claims ownership of Parcel A under existing conveyances, and since the City already claims ownership of Parcel C, the value of interest in real estate actually conveyed by this Deed is nominal.

Dated this ___ day of _____, 2011. JEAN A. ARNOLD ESTATE

By _____ (SEAL)
John K. Arnold, Personal Representative

Dated this ___ day of _____, 2011. CITY OF WHITEWATER, WISCONSIN

By _____ (SEAL)
Kevin M. Brunner, City Manager

Attest:

Michele R. Smith, City Clerk (SEAL)

AUTHENTICATION

Signature of John K. Arnold, as Personal Representative of the Estate of Jean A. Arnold, Deceased, authenticated this ___ day of _____, 2011.

Mitchell J. Simon, Member
State Bar of Wisconsin

AUTHENTICATION

Signatures of Kevin M. Brunner, City of Manager of, and Michele R. Smith, City Clerk of, the City of Whitewater, Wisconsin, a municipal corporation located in Walworth and Jefferson Counties, Wisconsin, authenticated this ___ day of _____, 2011.

Wallace K. McDonnell, Member
State Bar of Wisconsin

INSTRUMENT DRAFTED BY:
Mitchell J. Simon, Attorney at Law
State Bar No. 01015249
304 West Main Street
Whitewater, WI 53190

ELECTRONIC REAL ESTATE TRANSFER RECEIPT
 WISCONSIN DEPARTMENT OF REVENUE


1PEVB

INSTRUCTIONS

1. Grantors and grantees must review this receipt, noting grantor and grantee responsibilities.
2. Mail or deliver the following items to:
Walworth County Register of Deeds, 100 W. WALWORTH ST, PO BOX 995, ELKHORN, WI 53121-0995
 - This receipt page, along with a transfer fee of \$0.00.
 - The deed or instrument of conveyance, along with a recording fee of \$30.00 regardless of the number of pages.

To view the details of the real estate transfer return online, go to <https://ww2.revenue.wi.gov/RETRWebPublic/application>. You will need to know the receipt number, the total value of the real estate transferred, and the last name of one grantor or grantee.

Receipt **1PEVB**. Filed February 10, 2011, 3:18 PM - **Walworth County**. Conveyance date **2011-02-11**.

Value transferred	\$100	Transfer fee	\$0.00
Value subject to fee	\$0	Fee exemption number	13

Grantors City of Whitewater, Wisconsin; Jean A. Arnold Estate

Grantees Jean A. Arnold Estate; City of Whitewater, Wisconsin

Tax bill address Jean A. Arnold Estate/City of Whitewater, Wisconsin, 414 East Cravath/P.O. Box 178, Whitewater, Wisconsin 53190

Property Location East Cravath - Vacant (**City of Whitewater**)

Parcels /DA 00028 (S4/T04N/R15E), /WUP 00023A (S4/T04N/R15E), /A 31800001 (S4/T04N/R15E), /DA 00028A (S4/T04N/R15E), /WUP 00023 (S4/T04N/R15E), /WUP 00024A (S4/T04N/R15E)

Short legal description Parcel A: Lot 2 and part of Lot 3, Block 5 of Dann's Addition and part of the Southwest 1/4 of the Northeast 1/4 of Section 4, Town 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin described as follows: Commencing at the North

Grantor responsibilities: Grantors are responsible for paying the proper fee amount—verify the total property value, fee amount and fee exemption before sending this receipt to the county Register of Deeds.¹

Grantee responsibilities: Grantees assert that this property is not a primary residence², and that the property is not subject to weatherization standards with exclusion code "W-3".³

Preparer Mitchell J. Simon, Esq., 262-473-6940, bmillier@netwurx.net

Grantor agent Kevin M. Bruner, City Manager, 262-473-0500

Grantee agent John K. Arnold, Personal Representative, 262-749-1408

If you have any questions about the Real Estate Transfer Return visit the Real Estate Transfer Web site at <http://www.dor.state.wi.us/ust/retrn.html>. You can also contact your County Register of Deeds (see <http://www.wrda.org/>).

Information on the real estate transfer return is used to administer Wisconsin's laws of income tax, real estate transfers, rental unit energy efficiency, lottery tax credit and general property tax. The transfer of Wisconsin real estate in a taxable transaction must be reported on your Wisconsin income tax return. This is true whether you were a resident, a part-year resident, or a nonresident of Wisconsin. If you are a nonresident of Wisconsin, you must file Form 1NPR to report the sale.

1 Penalties for use of an improper exemption are imposed per s. 77.26(8), Stats. Penalties for falsifying the property value are imposed per s. 77.27, Stats.

2 Penalties for improperly claiming the Lottery & Gaming Credit as Primary Residence are imposed per Chapter Tax 20.19.

3 Penalties relating to Weatherization claims are imposed per s. 101.122, Stats.

* For more information see Chapter COMM67, s. 67.03 and 67.04.

IM

A part of the Southwest 1/4 of the Northeast 1/4 of Section 4, Town 4 North of Range 15 East bounded as Engebretsen's Land, which parcel is described in a warranty deed from George Dann and L. J. Dann, 1253, Walworth County Records; thence South along the East line of said Engebretsen's land and H. W. Bentson; thence West along said B. Bentson's South line 13 links to the East line of the Church lot being 1 the East line of said Church Lot 3 chains and 9 links to the North line of Cravath Street; thence East along a straight line parallel with the West line of Lot 2 in Block 5 of Dann's Addition to the City of Whitewater of real estate described as "Parcels one and two" in a warranty deed running from Cecil W. Ffoulkes and Walworth County Records; thence Northwesterly along said Northeasterly line to the Northeast corner of beginning.

Also a strip of land 4 rods wide across the West side of Lot 2 in Block 5 in Dann's Addition as numbered recorded August 11, 1862 in the Register's Office of said Walworth County in Vol. 2 of Village plats on p

More particularly described as Parcel "A" and Parcel "B" as follows:

Parcel "A"

Lot 2 and part of Lot 3, Block 5 of Dann's Addition and part of the Southwest 1/4 of the Northeast 1/4 of Section 4, Walworth County, Wisconsin described as follows: Commencing at the Northeast corner of a parcel of land in a warranty deed from George Dann and L. J. Dann, his wife, to Andrew Engebretsen recorded in Volume 1253, Walworth County Records; thence S 3°59'00" E along the East line of Engebretsen 3.75 feet to a set iron pipe and the point of beginning; thence East line and formerly the East line of H. W. Bentson's and Borrie Bentson's lands 280.25 feet to a found iron pipe; thence S 84°43'21" W along said North line 72.60 feet to a set iron pipe at the Northwest corner of Lot 2; thence West line of said Lot 2, 184.93 feet to a set cut cross on the South line of Block 5 of Dann's Addition; thence N 84°43'21" E along the South line of said Block 5, 149.90 feet to a set iron pipe; thence N 3°59'00" W 123.58 feet to the point of beginning, and containing 45,577 square feet or 1.0463 acre(s) of land, more or less.

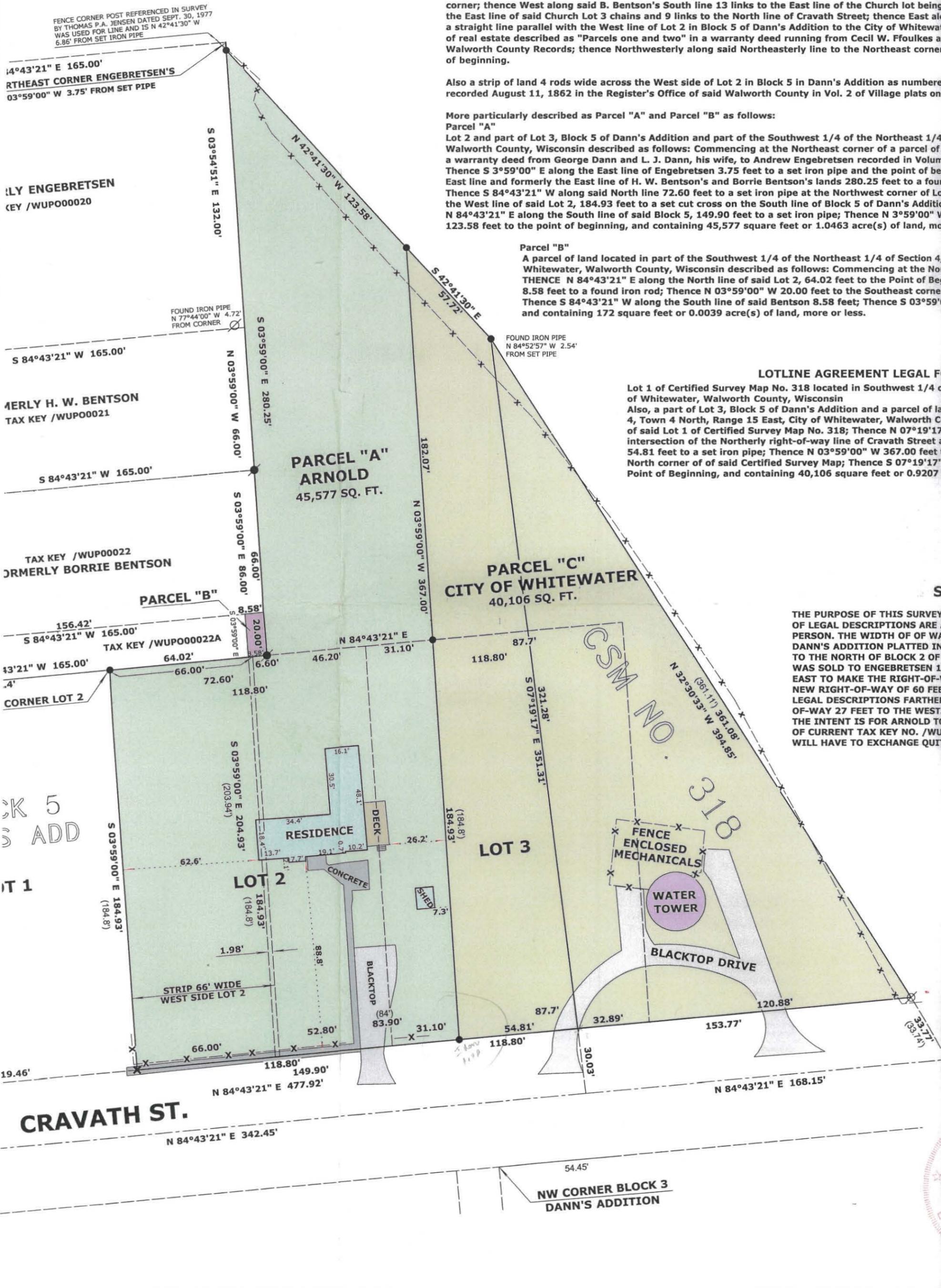
Parcel "B"

A parcel of land located in part of the Southwest 1/4 of the Northeast 1/4 of Section 4, Whitewater, Walworth County, Wisconsin described as follows: Commencing at the Northeast corner of a parcel of land in a warranty deed from George Dann and L. J. Dann, his wife, to Andrew Engebretsen recorded in Volume 1253, Walworth County Records; thence N 84°43'21" E along the North line of said Lot 2, 64.02 feet to the Point of Beginning; thence S 84°43'21" W along the South line of said Bentson 8.58 feet; thence S 03°59'00" W 20.00 feet to a found iron pipe; thence N 84°52'57" W 2.54 feet to a found iron pipe; thence S 84°43'21" W along the South line of said Bentson 8.58 feet; thence S 03°59'00" W 20.00 feet to a found iron pipe; thence N 84°43'21" E along the North line of said Lot 2, 64.02 feet to the Point of Beginning, and containing 172 square feet or 0.0039 acre(s) of land, more or less.

LOTLINE AGREEMENT LEGAL FORCE

Lot 1 of Certified Survey Map No. 318 located in Southwest 1/4 of Section 4, Town 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin. Also, a part of Lot 3, Block 5 of Dann's Addition and a parcel of land in a warranty deed from George Dann and L. J. Dann, his wife, to Andrew Engebretsen recorded in Volume 1253, Walworth County Records; thence N 07°19'17" E along the East line of said Lot 2, 118.80 feet to the intersection of the Northerly right-of-way line of Cravath Street and the East line of said Lot 2; thence N 03°59'00" W 367.00 feet to the North corner of of said Certified Survey Map; thence S 07°19'17" W 118.80 feet to the Point of Beginning, and containing 40,106 square feet or 0.9207 acre(s) of land, more or less.

THE PURPOSE OF THIS SURVEY OF LEGAL DESCRIPTIONS ARE A PERSON. THE WIDTH OF OF WA DANN'S ADDITION PLATTED IN TO THE NORTH OF BLOCK 2 OF I WAS SOLD TO ENGBRETSEN 18 EAST TO MAKE THE RIGHT-OF-W NEW RIGHT-OF-WAY OF 60 FEET LEGAL DESCRIPTIONS FARTHER OF-WAY 27 FEET TO THE WEST. THE INTENT IS FOR ARNOLD TO OF CURRENT TAX KEY NO. /WUI WILL HAVE TO EXCHANGE QUIT



FENCE CORNER POST REFERENCED IN SURVEY BY THOMAS P.A. JENSEN DATED SEPT. 30, 1977 WAS USED FOR LINE AND IS N 42°41'30" W 6.86' FROM SET IRON PIPE

LY ENGBRETSEN
KEY /WUPO00020

ERLY H. W. BENTSON
TAX KEY /WUPO00021

TAX KEY /WUP00022
RMERLY BORRIE BENTSON

TAX KEY /WUPO00022A

5
5 ADD

1

CRAVATH ST.

NW CORNER BLOCK 3
DANN'S ADDITION

PLAT OF SURVEY

PARCEL "A" AND "B" AS FOUND IN VOL. 516, PAGE 375, DOCUMENT NO. 493658, WALWORTH COUNTY DEEDS

A part of the Southwest 1/4 of the Northeast 1/4 of Section 4, Town 4 North of Range 15 East bounded as follows: Commencing at the Northeast corner of a parcel of land known as Engebretsen's Land, which parcel is described in a warranty deed from George Dann and L. J. Dann, his wife, to Andrew Engebretsen recorded in Volume 63 of Deeds at page 253, Walworth County Records; thence South along the East line of said Engebretsen's land and H. W. Bentson's and Borrie Bentson's lands 4 chains to Borrie Bentson's Southeast corner; thence West along said B. Bentson's South line 13 links to the East line of the Church lot being 10 rods East of the said continuation of Wakely Street; thence South along the East line of said Church Lot 3 chains and 9 links to the North line of Cravath Street; thence East along the said North line of Cravath Street 84 feet to a point; thence North on a straight line parallel with the West line of Lot 2 in Block 5 of Dann's Addition to the point where that straight line intersects with the Northeasterly line of real estate described as "Parcels one and two" in a warranty deed running from Cecil W. Ffoulkes and wife to Charles Thayer recorded in Volume 515 of Deeds on page 413, Walworth County Records; thence Northwesterly along said Northeasterly line to the Northeast corner of said Engebretsen's land as identified above, that corner being the place of beginning.

Also a strip of land 4 rods wide across the West side of Lot 2 in Block 5 in Dann's Addition as numbered on the plat of said addition and recorded August 11, 1862 in the Register's Office of said Walworth County in Vol. 2 of Village plats on page 64.

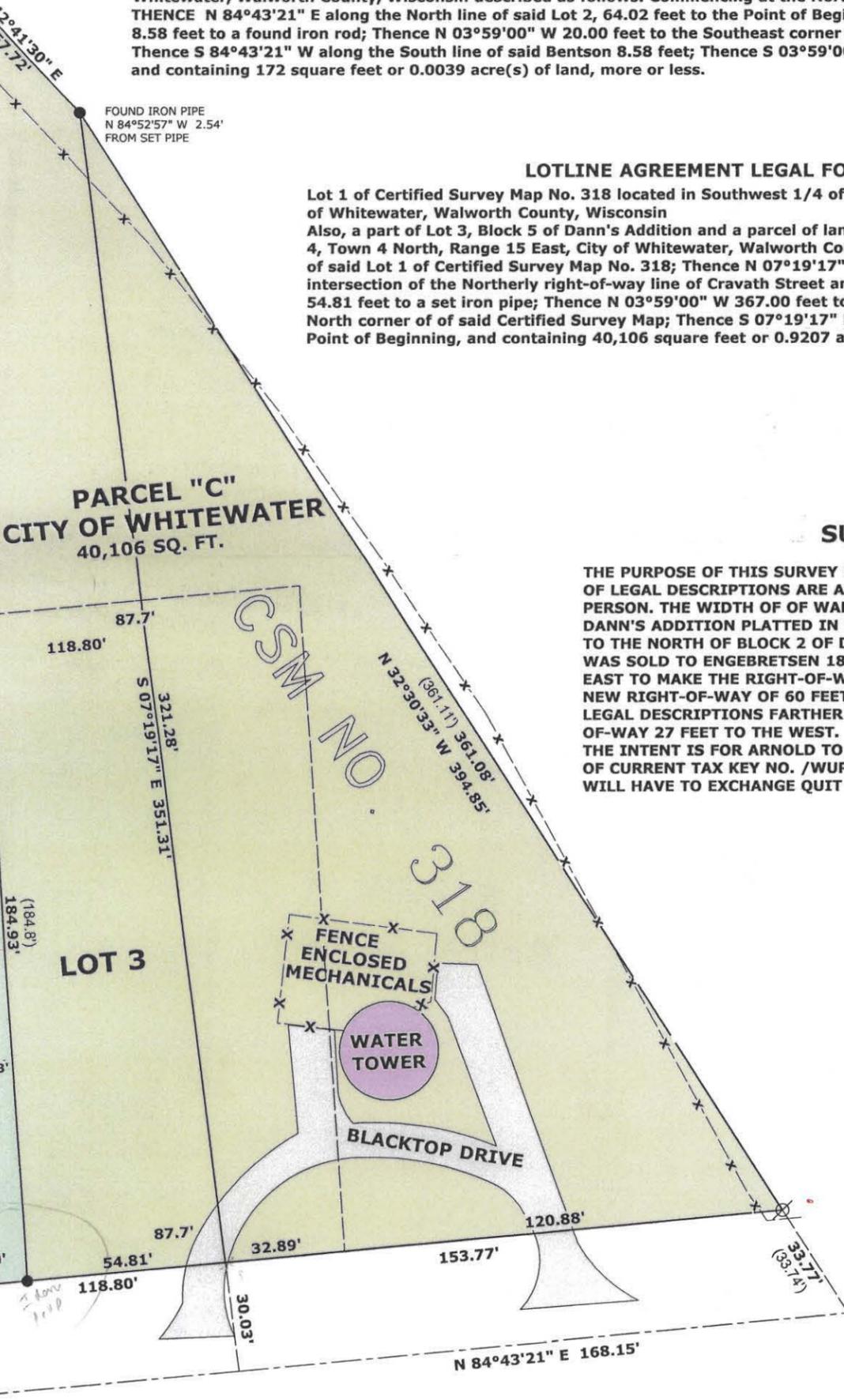
More particularly described as Parcel "A" and Parcel "B" as follows:

Parcel "A"
 Lot 2 and part of Lot 3, Block 5 of Dann's Addition and part of the Southwest 1/4 of the Northeast 1/4 of Section 4, Town 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin described as follows: Commencing at the Northeast corner of a parcel of land known as Engebretsen's Land, which parcel is described in a warranty deed from George Dann and L. J. Dann, his wife, to Andrew Engebretsen recorded in Volume 63 of Deeds at page 253, Walworth County Records; Thence S 3°59'00" E along the East line of Engebretsen 3.75 feet to a set iron pipe and the point of beginning; Thence continue S 3°59'00" E along said East line and formerly the East line of H. W. Bentson's and Borrie Bentson's lands 280.25 feet to a found iron rod on the North line of Block 5, Dann's Addition; Thence S 84°43'21" W along said North line 72.60 feet to a set iron pipe at the Northwest corner of Lot 2, Block 5 of Dann's Addition; Thence S 03°59'00" E along the West line of said Lot 2, 184.93 feet to a set cut cross on the South line of Block 5 of Dann's Addition and the Northerly right-of-way line of Cravath Street; Thence N 84°43'21" E along the South line of said Block 5, 149.90 feet to a set iron pipe; Thence N 3°59'00" W 367.00 feet to a set iron pipe; Thence N 42°41'30" W 123.58 feet to the point of beginning, and containing 45,577 square feet or 1.0463 acre(s) of land, more or less.

Parcel "B"
 A parcel of land located in part of the Southwest 1/4 of the Northeast 1/4 of Section 4, Town 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin described as follows: Commencing at the Northwest corner of Lot 2 of Block 5, Dann's Addition; THENCE N 84°43'21" E along the North line of said Lot 2, 64.02 feet to the Point of Beginning; Thence continue N 84°43'21" E 8.58 feet to a found iron rod; Thence N 03°59'00" W 20.00 feet to the Southeast corner of land formerly owned by Borrie Bentson; Thence S 84°43'21" W along the South line of said Bentson 8.58 feet; Thence S 03°59'00" E 20.00 feet to the Point of Beginning, and containing 172 square feet or 0.0039 acre(s) of land, more or less.

LOTLINE AGREEMENT LEGAL FOR PARCEL "C" -CITY OF WHITEWATER

Lot 1 of Certified Survey Map No. 318 located in Southwest 1/4 of the Northeast 1/4 of Section 4, Town 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin
 Also, a part of Lot 3, Block 5 of Dann's Addition and a parcel of land all located in part of the Southwest 1/4 of the Northeast 1/4 of Section 4, Town 4 North, Range 15 East, City of Whitewater, Walworth County, Wisconsin described as follows: Commencing at the Southwest corner of said Lot 1 of Certified Survey Map No. 318; Thence N 07°19'17" E along the West line of Certified Survey Map No. 318, 33.03 feet to the intersection of the Northerly right-of-way line of Cravath Street and the Point of Beginning; Thence S 84°43'21" W along said right-of-way 54.81 feet to a set iron pipe; Thence N 03°59'00" W 367.00 feet to a set iron pipe; Thence S 42°41'30" E 57.72 feet to a set iron pipe at the North corner of of said Certified Survey Map; Thence S 07°19'17" E along the West line of Certified Survey Map No. 318, 321.28 feet to the Point of Beginning, and containing 40,106 square feet or 0.9207 acre(s) of land, more or less.



SURVEYOR'S NOTES:

THE PURPOSE OF THIS SURVEY IS TO CLARIFY THE BOUNDARIES OF THREE PARCELS. THE CHAIN OF LEGAL DESCRIPTIONS ARE AMBIGUOUS AND SOME PARCELS WERE SOLD TWICE BY THE SAME PERSON. THE WIDTH OF WAKELY STREET WAS PLATTED AS 33 FEET WIDE IN THE SUBDIVISION DANN'S ADDITION PLATTED IN 1862 BY GEORGE DANN. SUBSEQUENTLY, GEORGE DANN, SOLD 3 LOTS TO THE NORTH OF BLOCK 2 OF DANN'S ADDITION ON THE EAST SIDE OF WAKELY STREET. THE THIRD LOT WAS SOLD TO ENGBRETSEN 1879. THE THREE LOTS MOVED THE EASTERLY RIGHT-OF-WAY 27 FEET TO THE EAST TO MAKE THE RIGHT-OF-WAY 60 FEET WIDE. WITHOUT SURVEYS OF THE THREE PARCELS, THE NEW RIGHT-OF-WAY OF 60 FEET CREATED BY GEORGE DANN WAS OVERLOOKED BY PEOPLE WRITING LEGAL DESCRIPTIONS FARTHER EAST AND BY STRITZEL SUBDIVISION WHICH EXPANDED THE RIGHT-OF-WAY 27 FEET TO THE WEST. PARCEL "C" IS ONE OF THE OVERLAPS OF LEGAL DESCRIPTIONS. THE INTENT IS FOR ARNOLD TO QUIT CLAIM TO GLEN A. EDWARDS AND MAUREEN EDWARDS, OWNERS OF CURRENT TAX KEY NO. /WUP00021 AND /WUP00022A. THE CITY OF WHITEWATER AND ARNOLD WILL HAVE TO EXCHANGE QUIT CLAIM DEEDS TO FINALIZE THE PROCESS.

LEGEND

- ✕ CUT CROSS IN CONCRETE
- FOUND IRON PIPE
- FOUND P.K. NAIL
- ⊠ CHISEL CUT IN CONCRETE
- ⊗ SET P.K. NAIL
- ⊗ FOUND 60 PENNY NAIL
- SET IRON PIPE, 18" LONG, WEIGHING 1.5 LBS./LINEAL FT., 1 1/4" DIA.
- (x x) RECORDED AS DIMENSION
- x — EXISTING FENCE

SCALE: 1 INCH = 40 FEET

"I hereby certify that the above described property has been surveyed by me or under my direction and that the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary fences, apparent easements, roadways and visible encroachments, if any."
 "This survey is made for the use of the present owners of the property, and also those who purchase, mortgage, or guarantee the title thereto within one year from date hereof."



Mark L. Miritz
 MARK L. MIRITZ
 WISCONSIN REGISTERED
 LAND SURVEYOR S-2582

DATE: FEB. 10, 2011 JOB NO. 10.907

NW CORNER BLOCK 3
 DANN'S ADDITION