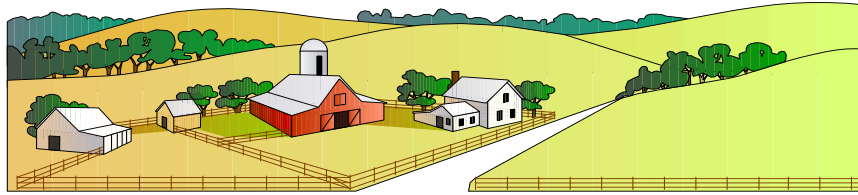


**LAND DIVISION
ORDINANCE**

**TITLE XI OF THE MUNICIPAL
CODE**

**TOWN OF WAYNE
WASHINGTON COUNTY
WISCONSIN**

**TITLE XI OF THE MUNICIPAL CODE
OF THE
TOWN OF WAYNE**



**WASHINGTON COUNTY
STATE OF WISCONSIN**

LAND DIVISION ORDINANCE

TOWN OF WAYNE OFFICIALS

Town Board

- Chairperson. Leander Herriges**
- Supervisor Carl Klemme**
- Supervisor Keith Kriewaldt**

Town Planning Commission

- Chairperson..... Leander Herriges**
- Members.....**
 - Carl Klemme**
 - Keith Kriewaldt**
 - Nick Hesprich**
 - Gordon Darmody**
 - Greg Ogi**
 - Mike Samann**
- Town Clerk.....Chris Kuehn**
- Zoning AdministratorGordon C. Hoffmann**
- Attorney.....Gerald Kiefer**

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**LAND DIVISION ORDINANCE
TOWN OF WAYNE, WASHINGTON COUNTY, WISCONSIN**

SECTION 1.00 INTRODUCTION

1.01 AUTHORITY

These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes.

1.02 TITLE

This Ordinance shall be known as the LAND DIVISION ORDINANCE, TOWN OF WAYNE, WASHINGTON COUNTY, WISCONSIN.

1.03 PURPOSE

The purpose of this Ordinance is to regulate and control the division of land within the civil boundaries of the Town in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the community.

1.04 INTENT

It is the intent of this Ordinance to regulate the division of land so as to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements, to facilitate the further division of larger tracts into smaller parcels of land; to ensure adequate legal description and proper survey monumentation of subdivided land; to provide for the administration and enforcement of this Ordinance; to provide penalties for its violation and in general to facilitate enforcement of community development standards as set forth in the applicable comprehensive plan, comprehensive plan components, zoning codes, building codes and official maps.

1.05 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

1.06 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the Town, and shall not be deemed limitation or repeal of any other power granted by the Wisconsin Statutes.

1.07 SEVERABILITY

If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court jurisdiction, the remainder of this Ordinance shall not be affected thereby.

1.08 REPEAL

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

1.09 DISCLAIMER OR LIABILITY

The Town does not guarantee, warrant, or represent that only those areas delineated as floodlands on plats and certified survey maps will be subject to periodic inundation, nor does the Town guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by the Ordinance are the only unsuited soils within the jurisdiction of this Ordinance; and thereby asserts that there is no liability on the part of the Town Board of Supervisors, its agencies or agents, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with this Ordinance.

SECTION 2.00 DEFINITIONS

2.01 GENERAL DEFINITIONS

For the purposes of the Ordinance, the following definitions shall apply. Words used in the present tense include the future; the singular number includes the plural number, and the plural number includes the singular. The word “shall” is mandatory.

2.02 SPECIFIC WORDS AND PHRASES

Advisory Agency. Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and comment. An advisory agency may give advice to the Town and suggest that certain changes be made to the plat or certified map, or it may suggest that a plat or certified survey map be approved or denied. Suggestions made by an advisory agency are not, however, binding on the Wayne Town Board or on the Town Planning Commission. Examples of advisory agencies include the Washington County Land Use and Park Department, the Southeastern Wisconsin Regional Planning Commission, and local utility companies.

Arterial Street. A street used, or intended to be used, primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways as well as standard arterial streets, highways, and parkways.

Back Lot Development. The practice whereby a lot, outlot, or common open space is used for waterfront access by a large number of lots located away from the water body; also known as “lot pyramiding,” “keyhole development,” and “development funneling.”

Basement. That portion of any structure that is located below lot grade or a room(s) with a ceiling that is less than four (4) feet above lot grade.

Block. A tract of land bounded by streets, or a combination of streets, public parks, cemeteries, railroad rights-of-way, bulkhead lines, shorelines of waterways, and city, village or town boundaries.

Building. Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property, except a mobile home unit when located in a mobile home park.

Building Line. A line parallel to a lot line and at a distance from the lot line to comply with the building setback requirements of the Town of Wayne Zoning Ordinance.

Building Setback Line. See Building Line

Certified Survey Map. Minor land divisions within the Town which are 10 acres or less shall be made by a Certified Survey Map (CSM). The CSM shall be completed by a registered land surveyor by the order and direction of the land owner in full compliance with the provisions of Chapter 236.34 of the Wisconsin Statutes and the land division ordinance regulations of the Town of Wayne.

Collector Street. A street used, or intended to be used, to carry traffic *from minor* streets to the system of arterial streets, including the principal entrance streets to residential developments.

Comprehensive Plan. The extensively developed plan, also called a master plan, adopted by the Town Planning Commission and certified to the Town Board pursuant to Sections 61.35 and 62.23, of the Wisconsin Statutes. Comprehensive Plans may include a master plan prepared and adopted by the Southeastern Wisconsin Regional Planning Commission and the Washington County Land Use and Park Department. The master plan may include detailed neighborhood plans, and proposals for future land use, transportation, and public facilities.

County Planning Agency. The Washington County Land Use and Park Department authorized by statute to plan land use within Washington County.

Cul-de-sac Street. A local street with only one outlet and having an appropriate turnaround for vehicular traffic.

Final Plat. A map prepared in accordance with the requirements of Chapter 236 of the Wisconsin Statutes, the Washington County Land Use and Park Department minor land division ordinance, and this Ordinance for the purpose of dividing larger parcels into lots and conveying those lots. The lines showing where lots and other improvements are located are precise.

Floodlands. Those lands, including the floodplains, floodways, and channels, subject to inundation by the 100-year recurrence interval flood or, where such data is not available, the maximum flood of record.

Floor Area, First. The square foot area of a dwelling unit on its lowest floor completely above grade, excluding the basement or cellar, measured from the exterior faces of the walls, including fully enclosed porches, but excluding open porches, breezeways, terraces, exterior stairways, and garages.

Floor Area Total. The sum of the areas of the several floors of a dwelling unit, as measured from the exterior faces of the walls, including fully enclosed porches, but excluding open porches, breezeways, terraces, exterior stairways, garages, basements, cellars, and attics.

Frontage Street. A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

High Water Elevation (Surface Water). The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave

a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristic.

High Groundwater Elevation. The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled giving a multi-colored effect.

Irrevocable Letter of Credit. An agreement guaranteeing payment for subdivision improvements, entered into by a bank, savings and loan, or other financial institution which is authorized to do business in the State of Wisconsin and which has a financial standing acceptable to the Town, and which is approved, as to form, by the Town Attorney.

Lot. A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use sufficient in size to meet lot width, lot frontage, lot area, yard, parking area, and other open space provisions of the Town of Wayne Zoning Ordinance.

Lot, Corner. A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.
(See Illustration No. 1)

Lot, Double Frontage. A lot, other than a corner lot, with frontage on more than one street. Double frontage lots shall normally be deemed to have two front yards and two side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure. (See Illustration No. 1)

Lot, Flag. A lot not fronting on or abutting a public road and where access to the public road is by a narrow strip of land, easement, or private right-of-way. Flag lots are not generally considered to conform to sound urban design principles. (See Illustration No. 1)

Lot, Frontage. The smallest dimension of a lot abutting a public street measured at the street right-of-way line. (See Illustration No. 1)

Lot, Interior. A lot other than a corner lot, with frontage on one street (See Illustration No. 1)

ILLUSTRATION NO. I

**TYPICAL CORNER, DOUBLE
FRONTAGE, FLAG, AND INTERIOR LOTS**

Lot, Reverse Frontage. A double frontage lot which is not accessible from one of the streets on which it fronts.

Mean Sea Level Datum. Mean Sea Level Datum, 1929 Adjustment, as established by the U.S. Coast and Geodetic Survey.

Minor Street. A street used, or intended to be used, primarily for access to abutting properties.

Minor Subdivision. The division of land by the owner or subdivider resulting in the creation of not more than four parcels or building sites, any one of which is ten acres or less in area, or the division of a block, lot, or outlot within a recorded subdivision plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot or outlot. Such minor subdivisions shall be made by a certified survey map.

Objecting Agency. An agency empowered to object to a subdivision plat pursuant to Chapter 236 of the Wisconsin Statutes. The Town of Wayne may not approve any plat upon which an objection has been certified until the objection has been satisfied. The objecting agencies may include the Wisconsin Department of Administration, the Wisconsin Department of Commerce, the Wisconsin Department of Transportation (WisDOT), the Wisconsin Department of Natural Resources (DNR), and the Washington County Land Use and Park Department.

Outlot. A parcel of land, other than a buildable lot or block, so designated on the plat, but not of standard lot size, which can be either redivided into lots or combined with one or more other adjacent outlots or lots in adjacent subdivisions or minor subdivisions in the future for the purpose of creating buildable lots.

Planned Unit Development Units (PUD). The PUD Planned Unit Development Overlay District is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD Overlay District will allow for flexibility and overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district. All provisions for PUD shall be complied with as stated in the Town of Wayne Zoning Ordinance.

Preliminary Plat. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided, and shows the approximate location of lots and other improvements.

Public Improvement. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access sidewalk, pedestrian way, planting strip or other facility for which the County or Town or Sanitary District or other District may ultimately assume the responsibility for maintenance and operation.

Public Sanitary Sewerage. A waste water disposal system providing conveyance, treatment, and final disposal of wastes from users who all have equal rights to the benefits of the utility, which is owned and operated by a legally established governmental body- except that sanitary sewerage systems operated by a lake or sanitary district are intended to be used for remedial purposes and are not intended to be used of provide sanitary sewerage services to new land divisions.

Public Way. Any public road, street, highway, walkway, drainageway or part thereof.

Replat. The process of changing the plat map, the boundaries of a recorded subdivision plat, certified survey map, or part thereof. The division of a large block, lot, or outlot within a recorded subdivision plat or certified survey map without changing the exterior boundaries of

said block, lot, or outlot is not a replat.

Restrictive Covenant. A restriction, also known as a deed restriction, on the use of land usually set forth in the deed. A restrictive covenant usually runs with the land and is binding upon subsequent owners of the property.

Review Specialist. A professional engineer, registered in the State of Wisconsin, licensed land surveyor, or other professional retained or hired by the Town of Wayne, to represent the Town's interests in all matters relating to engineering and surveying activities of persons, companies, or corporations developing or dividing land within the Town.

Sanitary Sewer Service Area. The area within and surrounding a city, village, or other municipality that is planned to be served with public sanitary sewerage facilities by the year 2010.

Shorelands. Those lands, in the unincorporated areas of Washington County, lying within the following distances: 1,000 feet from the high water elevation of navigable lakes, ponds, and flowages or 300 feet from the high water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

Soil Mapping Unit. Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U.S. Soil Conservation Service.

Subdivider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision, or replat.

Subdivider's (Developer's) Agreement. An agreement, by which the Town and the Subdivider (Developer) agree in reasonable detail as to all of those matters which the provisions of these regulations permit to be covered by the Subdivider's (Developer's) Agreement. The Subdivider's (Developers) Agreement shall not come into effect unless and until an Irrevocable Letter of Credit or other appropriate surety has been issued to the Town.

Subdivision. The division of a lot, parcel or tract of land by the owners thereof, or their agents, or a subdivider, for the purpose of transfer of ownership or building development where the division creates 5 or more parcels or building sites of 10 acres each or less in area; or where the act of division creates 5 or more parcels or building sites of 10 acres each or less in area by successive division within a period of five years.

Surety Bond. A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

Town Engineer. A professional engineer, registered in the State of Wisconsin, hired by the Town of Wayne, to represent the Town's interests in matters relating to engineering and surveying activities of persons, companies, or corporations developing or dividing land within the Town.

Wetland. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

Wisconsin Administrative Code. The rules of administrative agencies having rule-making authority in Wisconsin, including subsequent amendments to those rules.

Wisconsin Statutes. Shall refer to the 1997-1998 Wisconsin Statutes and all future modifications thereof, which shall be automatically deemed adopted and incorporated by reference. All definitions contained in the Wisconsin Statutes or in the Wisconsin Administrative Code, which are not inconsistent with the provisions of this Ordinance, are adopted by reference.

SECTION 3.00 **GENERAL PROVISIONS**

3.01 **JURISDICTION**

- A. Jurisdiction of these regulations shall include all lands within the civil boundaries of the Town of Wayne, Washington County, Wisconsin. The provisions of this Ordinance as it applies to divisions of tracts of land into less than 5 parcels shall not apply to:
1. Transfers of interests in land by will or pursuant to court order.
 2. Leases for a term not to exceed 10 years, mortgages, or easements.
 3. Sale or Exchange of parcels of land between owners of adjoining property, if additional lots are not thereby created, and the lots resulting are not reduced below the minimum sizes required by these regulations, the Town of Wayne Zoning Ordinance, or other applicable laws or ordinances.
 4. Cemetery Plats made under Wisconsin Statutes 157.07.
 5. Assessors' Plats made under Wisconsin Statutes 70.27, but such assessors plat shall comply with the Wisconsin Statutes, Sections 236.15 (1) (a) to (g) and 236.20 (1) and (2) (a) to (e).
- B. All land divisions which encompass divisions resulting in parcels of land over ten acres which are not otherwise controlled by the Land Division Ordinance, shall be subject to a review process under this Ordinance. Application for such review shall include an approval form and a Plat of Survey of the property in question prepared by a Registered Land Surveyor licensed in the State of Wisconsin.

3.02 **COMPLIANCE**

No person shall divide any land located within the Jurisdictional limits of the Town which result in a subdivision, minor subdivision, or a replat as defined herein; no such subdivision, minor subdivision or replat shall be entitled to be recorded; and no street shall be laid out or improvements made to land without compliance with all requirements of this Ordinance, and:

- A. Provisions of Chapter 236, Wisconsin Statutes.
- B. Rules of the Wisconsin Department of Commerce regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.
- C. Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street.

- D. Rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within floodland, wetland, and shoreland areas.
- E. Comprehensive Plans or components of such plans prepared by state, regional, county, or municipal agencies, adopted by the Wayne Town Board.
- F. The Town of Wayne Zoning Ordinance.
- G. The Town of Wayne Land Division Ordinance.
- H. All other applicable local and county ordinances.

3.03 DEDICATION AND RESERVATION OF LANDS

- A. Town and Recreation Fund. Whenever a proposed subdivision or certified survey map is located within the "Designated Development Area", the subdivider shall follow the procedure in Section 8.09.

3.04 IMPROVEMENTS

Before final approval of any plat located within the Town, the subdivider shall install street and other improvements as hereinafter provided. If such improvements are not installed as required at the time the final plat is submitted for approval, the subdivider shall, before the recording of the plat, enter into a contract with the Town agreeing to install the required improvements and shall file with said contract a bond with good and sufficient surety meeting the approval of the Town Attorney or a certified check in the amount equal to the estimated cost of the improvements, said estimate to be made by the Town Engineer, as a guarantee that such improvements will be completed by the subdivider or his subcontractors not later than one year from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied.

- A. Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights-of-way, as well as contractors and subcontractors providing such work, shall be subject to approval of the Town Board.
- B. Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.
- C. Survey Monuments. Before final approval of any plat within the civil boundaries of the Town, the subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes, and as may be required by an Engineer hired by the Town.

- D. Plats Outside the Municipal Boundaries. Before final approval by the Town of any plat located partially outside the civil boundaries of the Town and partially within the plat approval jurisdiction of the Town, the subdivider shall give evidence that he has complied with all street and utility improvement requirements of the municipality in which that portion of the land being platted is located.

3.05 WAIVERS/MODIFICATIONS

Where, in the judgment of the Town Planning Commission, it would be inappropriate to apply literally the provisions of this Ordinance because exceptional or undue hardship would result, the Planning Commission will recommend that the Town Board may waive or modify any requirement to the extent deemed just and proper. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Ordinance or the desirable general development of the community in accordance with an adopted comprehensive plan or comprehensive plan component. No waiver or modification shall be granted unless the Town Planning Commission finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- A. Exceptional Circumstances: There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship. Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that the Land Division Ordinance should be changed.
- B. Preservation of Property Rights: That such waiver or modification is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
- C. Absence of Detriment. That the waiver or modification will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
- D. Absence of Conflict with Town. That the waiver or modification is not in conflict with Town of Wayne requirements.

- E. A Simple Majority Vote of the Town Board shall not grant any waiver or modification of this Ordinance, unless 3.05(A), 3.05(B), 3.05(C), and 3.05(D) are met and the reasons shall be entered into the minutes of the Town Board.
- F. The Town Board may waive the placing of monuments, required under Section 236.15(b), (c) and (d), Wisconsin Statutes, for a reasonable time, not to exceed one year, on condition that the subdivider execute a surety bond equal to the estimated cost of installing the monuments to insure the placing of such monuments within the time required by statute. Additional time may be granted upon show of cause.

3.06 LAND SUITABILITY

No land shall be subdivided for residential use which is held unsuitable for such use by the Town Planning Commission, upon recommendation of the Town Engineer or other agency as determined by the Planning Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision, or the Town, or poses an undue threat to the environment, including surface or ground water. In addition:

- A. Floodlands. No lot served by public sanitary sewerage facilities shall have more than 20 percent of its required lot area below the elevation of the 100-year recurrence interval flood, or where such data is not available, five feet above the maximum flood of record, No lot one acre or less in area served by an onsite sanitary sewage disposal systems shall include Woodlands. All lots more than one acre in area served by an onsite sanitary sewage disposal system shall contain not less than 40,000 square feet of land which is above the elevation of the 100-year recurrence interval flood, or where such data is not available, five feet above the maximum flood of record.
- B. Lands Made, Altered, or Filled with Non-earth Materials within the preceding 20 years shall not be divided into building sites which are to be served by onsite sanitary sewage disposal systems except where, in the opinion of the Washington County Land Use and Park Department, soil tests clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one test per acre shall be made initially. The Town does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Town Board of Supervisors, its agencies, agents, or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.
- C. Lands Made, Altered, or Filled with Earth within the preceding seven years shall not be divided into building sites which are to be served by onsite sanitary sewage disposal systems except where, in the opinion of the Washington County Land Use and Park Department, soil tests clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one test per acre shall be made initially. The

Town does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Town Board of Supervisors, its agencies, agents, or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.

- D. Lands Having a Slope of 12 percent or more may be required by the Town Board to be maintained in unbuilt open space use.
- E. Lands Having Bedrock within six feet of the natural undisturbed surface shall not be divided into building sites to be served by onsite sanitary sewage disposal systems, unless in compliance with current standards promulgated by the Wisconsin Department of Commerce.
- F. Lands Having Groundwater within six feet of the natural undisturbed surface shall not be divided into building sites to be served by onsite sanitary sewage disposal systems, unless in compliance with current standards promulgated by the Wisconsin Department of Commerce.
- G. Lands Covered By Soils Having, a Percolation Rate slower than 60 minutes per inch or faster than 10 minutes per inch shall not be divided into building sites to be served by onsite sanitary sewage disposal systems, unless in compliance with current standards promulgated by the Wisconsin Department of Commerce.
- H. Land Drained by farm drainage tile or farm ditch systems shall not be divided into building sites to be served by onsite sanitary sewage disposal systems, unless in compliance with current standards promulgated by the Wisconsin Department of Commerce.
- 1. The Town Planning Commission, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it based its conclusion that the land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. The Town Planning Commission may thereafter affirm, modify, or withdraw its determination of unsuitability.

3.07 VIOLATIONS

No person, firm, or corporation shall build upon, divide, convey, record or place monuments on any land in violation of this Ordinance or the Wisconsin Statutes. No person, firm, or corporation shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, minor subdivision or replat within the jurisdiction of this Ordinance not of record as of April 26, 2000, until the provisions and requirements of this Ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.

3.08 PENALTIES AND REMEDIES

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$100 plus any additional applicable costs incurred by the Town for each offense, and the penalty for default of payment of such forfeiture and costs shall be imprisonment in the County Jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following:

- A. Recordation improperly made carries penalties as provided in Section 236.30 of the Wisconsin Statutes.
- B. Conveyance of lots in unrecorded plats carries penalties as provided for in Section 236.31 of the Wisconsin Statutes.
- C. Monuments disturbed or not placed carries penalties as provided for in Section 236.32 of the Wisconsin Statutes.

An assessor's plat made under Section 70.27 of the Wisconsin Statutes may be ordered as a remedy by the Town, at the expense of the subdivider, when a subdivision is created by successive divisions.

3.09 APPEALS

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve, as provided in Sections 236.13 (5) and 62.23 (7)(e) 10 to 15 of the Wisconsin Statutes, within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

SECTION 4.00 LAND DIVISION PROCEDURES

4.01 PRE-APPLICATION CONFERENCE

It's recommended that, prior to the filing of an application for the approval of a preliminary plat or certified survey map, the subdivider consult with the Town Planning Commission or its staff in order to obtain their advice and assistance. It is recommended that a conceptual plat of the proposed subdivision or certified survey map be brought by the applicant to the meeting, but such conceptual plat is not required. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, any applicable comprehensive plan, comprehensive plan components, and duly adopted plan implementation devices of the Town and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and Town Planning Commission may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures. Further, it is recommended that the subdivider also consult with the Washington County Land Use and Park Department for a pre-preliminary subdivision plat review with a written response from Washington County to the Town Planning Commission and Town Board.

4.02 PRELIMINARY PLAT REVIEW

Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The Preliminary Plat shall be prepared in accordance with this Ordinance and the subdivider shall file an adequate number of copies of the Plat and the application with the Town Clerk at least 45 days prior to the meeting of the Planning Commission at which action is desired.

- A. The Town Clerk shall, within two normal working days after filing, transmit:
1. Three copies to the Washington County Land Use and Park Department;
 2. Two copies to the Director of Plat Review, Wisconsin Department of Administration;
 3. Additional copies to the Director of Plat Review, Wisconsin Department of Administration for retransmission as follows:
 - a. Two copies to the Wisconsin Department of Transportation (WisDOT) if the subdivision abuts or adjoins a state trunk highway or a connecting street.
 - b. One copy to the Wisconsin Department of Commerce if the subdivision is not served by a public sewer and provision for such service has not been made; and
 - c. One copy to the Wisconsin Department of Natural Resources (WDNR) if shoreland areas are contained within the proposed subdivision.

- B. The Town Clerk shall also transmit copies of the preliminary plat to the Town Planning Commission and additional copies of all affected Town committees for their review and recommendations concerning matters within their jurisdiction. The recommendations of Town committees and commissions shall be transmitted to the Town Planning Commission within 45 days from the date the plat is filed. The preliminary plat shall then be reviewed by the Town Planning Commission for conformance with this Ordinance, the Town of Wayne Zoning Ordinance, and all other Town ordinances, rules, regulations, comprehensive plans, and comprehensive plan components.

- C. The Town Clerk shall send two copies to the Village of Kewaskum and City of West Bend if the subdivision lies within the extraterritorial plat approval jurisdiction of the Village or City.

- D. The Town Clerk shall also transmit one copy each of the preliminary plat to:
 1. The Southeastern Wisconsin Regional Planning Commission;
 2. Applicable public or private utility companies;
 3. The applicable school district

for their review and recommendation concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Planning Commission within 30 days from the date the plat is filed.

- E. Status of Reviewing Agencies:
 1. The Following Agencies are Approving Agencies: the Town Board, Washington County Land Use and Park Department, and, when the subdivision lies within the extraterritorial plat review jurisdiction of the Village of Kewaskum and the City of West Bend.
 2. The Following Agencies are Objecting Agencies: the Wisconsin Department of Administration, the Wisconsin Department of Transportation, the Wisconsin Department of Commerce, and the Wisconsin Department of Natural Resources.
 3. The Following Agencies are Advisory Agencies: the Washington County Land Conservation Committee, the Southeastern Wisconsin Regional Planning Commission, the utility companies, and the school board.

4.03 PRELIMINARY PLAT APPROVAL

- A. The Objecting Agencies shall, within 30 days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Town Planning Commission. If an objecting agency fails to act within 30 days, it shall be deemed to have no objection to the plat.

- B. The Town Planning Commission shall, within 90 days of the date of filing of the preliminary plat with the Town Clerk, approve, approve conditionally, or reject such plat. One copy of the plat shall thereupon be returned to the subdivider with the date and

action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the Town Planning Commission's permanent file.

- C. Failure of the Town Planning Commission to act within 90 days shall constitute an approval of the plat as filed, unless the review period is extended by mutual consent.
- D. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within six months of preliminary plat approval and conforms substantially to the preliminary plat provided in Section 236.11 (1) (b) of the Wisconsin Statutes, the final plat shall be entitled to approval.

4.04 FINAL PLAT REVIEW

The subdivider shall prepare a final plat and a letter of application in accordance with this Ordinance and shall file an adequate number of copies of the plat and the application with the Town Clerk at least 45 days prior to the meeting of the Town Planning Commission at which action is desired.

- A. The Town Clerk shall, within 2 days after filing, transmit:
 - 1. Three copies to the Washington County Land Use and Park Department,
 - 2. One Copy to the Director of Plat Review, Wisconsin Department of Administration;
 - 3. One Copy to each affected utility companies;
 - 4. Additional Copies to the Director of Plat Review, Wisconsin Department of Administration, for retransmission as follows:
 - a. Two copies to the Wisconsin Department of Transportation (WISDOT) if the subdivision abuts or adjoins a state trunk highway or a connecting street; and
 - b. Two copies to the Wisconsin Department of Commerce if the subdivision is not served by a public sewer and provision for such service has not been made; and
 - c. Two copies to the Wisconsin Department of Natural Resources (WDNR) if shoreland or Woodlands are contained within the proposed subdivision; and
 - d. One copy to each of the affected public or private utilities; and
 - 5. Twelve Copies of the original final plat to the Town Planning Commission.
- B. The Town Planning Commission shall examine the final plat as to its conformance with the approved preliminary plat; and conditions of approval of the preliminary plat; this Ordinance and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval or rejection of the plat to the Town Board.

- C. Partial Platting. The final plat may, if permitted by the Town Board, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time; however, it is required that each phase be final platted and designated as a phase of the approved preliminary plat.

4.05 FINAL PLAT APPROVAL

The objecting agencies, shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Town Planning Commission. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.

- A. Submission. If the final plat is not submitted within six months of the last required approval of the Preliminary Plat, the Town Board may refuse to approve the Final Plat.
- B. The Town Planning Commission shall, within 45 days of the date of filing of the final plat with the Town Clerk, recommend approval or rejection of the plat and shall transmit the final plat and application along with its recommendation to the Town Board.
- C. Notification. The Town Planning Commission shall, when it determines to recommend approval or rejection of a plat to the Town Board, give at least 10 days prior written notice of its recommendation to the clerk of any municipality within 1000 feet of the plat.
- D. The Town Board shall, in accordance with Section 236.12 of the Wisconsin Statutes, within 60 days of the date of filing the original final plat with the Town Clerk, approve or reject such plat. The Town Board may act on the plat at the same meeting at which the Town Planning Commission makes its recommendation. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. One copy each of the plat and letter shall be placed in the Town Board's permanent file. The Town Board shall not inscribe its approval on the final plat unless the Town Clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, with the date they were forwarded, and that no objections have been filed within 20 days or, if filed, that they have been met.
- E. Failure of the Town Board to act within 60 days, the time having not been extended by written agreement with the subdivider and no unsatisfied objections having been filed, and all fees payable by the subdivider having been paid, shall constitute approval of the final plat.
- F. Recordation. After the final plat has been approved by the Town Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the Washington County Land Use

and Park Department for recording with the Washington County Register of Deeds. The Register of Deeds shall not record the plat unless it is offered for record within 30 days from the date of the last approval and within 6 months of the first approval, as required in Section 236.25(2)b of the Wisconsin Statutes.

- G. Copies. The subdivider shall file 5 copies of the recorded final plat with the Town Clerk for distribution to the Review Specialist, Town Attorney, Building Inspector, Assessor and other affected departments for their files.

4.06 PLATS WITHIN EXTRATERRITORIAL PLAT APPROVAL JURISDICTION

- A. When the Land to be subdivided lies within one and one-half mile of the corporate limits of any Village, or three miles of any City, the subdivider shall proceed as specified in Sections 4.01 through 4.05, except the Town Clerk shall forward one copy of the preliminary and final plats or certified survey maps to the Village or City Clerk, who shall forward the plats to the Village or City Planning Commission for review.
- B. Approval Agencies, in addition to the Town Board, include such Village or City.

4.07 MINOR LAND DIVISION (Certified Survey Map Review and Approval)

When it is proposed to divide land into not more than four parcels or building sites any one of which is 10 acres or less in area; or when it is proposed to create by land division not more than four parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of a block, lot or outlot, the subdivider may subdivide by use of a certified survey map. The certified survey map shall include all parcels of land 10 acres or less in area and may, at the owners discretion, include any other parcels containing more than 10 acres. The subdivider shall prepare the certified survey map in accordance with this Ordinance and shall file 12 copies of the map and the letter of application with the Town Clerk at least 10 days prior to the meeting of the Town Planning Commission at which action is desired.

- A. Pre-Application Conference similar to the consultation suggested in Section 4.01 of this Ordinance is recommended. A preliminary certified survey map may be required when the division provides for land to be dedicated to the public.
- B. The Town Clerk shall, within ten work days after filing, transmit the copies of the map and letter of application to the Town Planning Commission.
- C. The Town Planning Commission shall, within 90 days from the date of filing of the map, recommend approval, conditional approval or rejection of the Map, and shall transmit the map along with its recommendations to the Town Board.
- D. The Town Board shall approve, approve conditionally and thereby require resubmission of a corrected map, or reject such map within 120 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Town Board shall cause the Town

Chairperson and Town Clerk to so certify on the face of the original map.

- E. Recordation. After the certified survey map has been approved by the Town Board, the Town Administrator shall cause the certificate to be inscribed upon the map attesting to such approval, and the Town Clerk shall record the certified survey map with the Washington County Register of Deeds. The Register of Deeds shall not record the map unless it is offered for record within 30 days from the date of the last approval and within 6 months of the date of first approval, in accordance with Section 236.25(2)b of the Wisconsin Statutes.
- F. Copies. The subdivider shall file 3 copies of the recorded certified survey map with the Town Clerk for distribution to the Building Inspector, Assessor, and other affected officials for their files.

4.08 MINOR LAND DIVISION (REVIEW AND APPROVAL NOT REQUIRING A CERTIFIED SURVEY MAP)

Division of land creating lots for building sites greater than ten (10) acres in area shall be required to submit a plat of survey completed by a registered surveyor to the Town for review and approval. The plat shall include the entire parcel from which the lot division(s) is extracted. This section does not apply to sales or exchanges of parcels of land between owners of adjoining property which do not create additional lots or result in the reduction of any lot below the minimum size required by these regulations, the zoning ordinance or other applicable laws, codes, or ordinances. Divisions of land for building sites not reviewed shall be voided and the deed resulting from the division shall not be eligible for recording.

- A. The Town Planning Commission shall, within 60 days from the date of filing of the Plat, recommend approval, conditional approval or rejection of the Plat and shall transmit the Plat along with its recommendations to the Town Board.
- B. The Town Board shall approve, approve conditionally and thereby require resubmission of a corrected plat, or reject such Plat within 90 days from the date of filing of the Plat unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the Plat is approved, the Town Board shall cause the Town Clerk to so certify of the face of the original Plat.
- C. Copies. The subdivider shall file 12 copies of the Plat of Survey with the Zoning Administrator.
- D. All fees applicable to Minor Land Divisions requiring a Certified Survey Map shall be incorporated by reference.

4.09 REPLAT

- A. When It Is Proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Sections 236.40 through 236.44, of the Wisconsin Statutes. The subdivider, or person wishing to replat, shall then proceed as specified in Sections 4.01 through 4.05 of this Ordinance.

- B. The Town Clerk shall schedule a public hearing before the Town Board when a preliminary plat of a replat of lands within the Town is filed, and shall cause notices of the proposed replat and public hearing to be published and mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 500 feet of the exterior boundaries of the proposed replat.

SECTION 5.00 PRELIMINARY PLAT

5.01 GENERAL

A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on tracing cloth or paper of good quality at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- A. Title or Name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat.
- B. Location of proposed subdivision by government lot, quarter section, township, range, county, and state.
- C. Date, graphic scale, and north arrow.
- D. Names and addresses of the owner, subdivider and land surveyor preparing the plat.
- E. Entire Area Contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Planning Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.

5.02 PLAT DATA

All preliminary plats shall show the following:

- A. Exact Length and Bearing of the exterior boundaries of the proposed subdivision referenced to two corners established in the U.S. Public Land Survey and the total acreage encompassed thereby.
- B. Existing and Proposed contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10 percent, and of not more than five feet where the slope of the ground surface is 10 percent or more. Elevations shall be marked on such contours referenced to mean sea level (1929) datum.
- C. Water Elevations of all streams, ponds, lakes, flowage, and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom at the date of the survey and approximate high and low water elevations, referenced to mean sea level (1929) datum.
- D. Floodland and Shoreland Boundaries and the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within 100 feet therefrom.

- E. Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- F. Location and Names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
- G. Type, Width and Elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, referenced to mean sea level datum.
- H. Location, Size and Invert Elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the plat, and by their size, and invert elevations.
- I. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, and other similar significant natural or manmade features within the tract being subdivided or immediately adjacent thereto.
- J. Location, Width and Names of all proposed streets and public rights-of-way such as alleys and easements.
- K. Approximate Dimensions of all lots together with proposed lot and block numbers.
- L. Location, Approximate Dimensions, and Size of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other non-public uses not requiring lotting.
- M. Approximate Radii of all curves.
- N. Existing Zoning on and adjacent to the proposed subdivision.
- O. Civil Boundary Lines within the exterior boundary of the tract or immediately adjacent thereto.
- P. Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.

- Q. Any Proposed Lake and Stream Improvement or relocation, and notice of application for approval by the Director of Environmental Protection, Wisconsin Department of Natural Resources, when applicable.
- R. Soil Type, Slope and Boundaries as shown on the "Washington County Soil Survey," 1971, prepared by the U.S. Soil Conservation Service.
- S. Location and Results of Soil Boring Tests, where required by Section Comm. 85.06 of the Wisconsin Administrative Code, made to a depth of six feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one test per three acres shall be made initially.
- T. Location and Results of Soil Percolation Tests where required by Section Comm. 85.06 of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such test initially made shall not be less than one test per three acres or one test per lot, whichever is greater.

5.03 STREET PLANS AND PROFILES

The Town Planning Commission may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon mean sea level (1929) datum, and plans and profiles shall meet the approval of the Review Specialist.

5.04 TESTING

- A. The Town Planning Commission, upon recommendation of the Town Engineer or Washington County Land Use and Park Department, may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock, and water conditions, including depth to bedrock and depth to ground water table. The Town does not guarantee, warrant, or represent that only those soils tested and shown to be unsuited for specific uses are the only unsuited soils within the Town and thereby asserts that there is no liability on the part of the Town Board of Supervisors, its agencies, or employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this ordinance.
- B. Where the subdivision will not be served by public sanitary sewer service, the provisions of Section Comm. 85 of the Wisconsin Administrative Code and the location and results of such tests shall be shown on the preliminary plat. The results may be shown in a separate document, if necessary.

5.05 SOIL AND WATER CONSERVATION

The Town Board, upon the recommendation of the Town Engineer, after determining from a review of the preliminary plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, may require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the requirements set forth in the Town of Wayne Erosion Control and Stormwater Management Ordinance, and shall be in accordance with standards set forth in Section 9.13 of this Ordinance.

5.06 COVENANTS

The Town Board may require submission of a draft of protective covenants, where a covenant is proposed, whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development. The covenants shall be subject to review and approval of the Town Attorney as to form.

5.07 AFFIDAVIT

The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Ordinance.

SECTION 6.00 FINAL PLAT**6.01 GENERAL**

A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20 of the Wisconsin Statutes.

6.02 ADDITIONAL INFORMATION

The Plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, the following:

- A. Exact Length and bearing of the center line of all streets.
- B. Exact Street Width along the line of any obliquely intersecting street.
- C. Railroad rights-of-way within and abutting the plat.
- D. Setbacks or building lines required by the Town Planning Commission in accordance with Section 8.07 of this Ordinance.
- E. Additional Building Setback Lines required by the Town Board or by Washington County Land Use and Park Department, which are more restrictive than the zoning district in which the plat is located or which are proposed by the subdivider and which are to be included in recorded protective covenants.
- F. Utility and drainage easements.
- G. All Lands Reserved for future public acquisition or reserved for the common use of property owners within the plat. If property reserved for common use is located within the subdivision, provisions and plans for its use and maintenance shall be submitted with the plat.
- H. Floodland and Shoreland Boundaries and the contour line lying a vertical distance of two feet above the elevation of the one hundred (100) recurrence interval flood or, where such data is not available, a vertical distance of five feet above the elevation of the maximum flood of record.
- I. Special Restrictions required by the Town Board relating to access control along public ways or to the provision of planting strips, or shorelands or floodlands.

6.03 DEED RESTRICTIONS

The Town Board may require that deed restrictions be filed with the final plat and shall be recorded with the approved plat.

6.04 SURVEY ACCURACY

The Review Specialist shall examine all final plats within the Town and may make, or cause to be made by a registered land surveyor under the supervision or direction of the Review Specialist, field checks for the accuracy and closure of survey, proper kind and location of monuments and liability and completeness of the drawing. In addition:

- A. Maximum Error of Closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in 10,000, nor in azimuth, of 4 seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
- B. All Street, Block and Lot Dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the plat greater than the ratio of one part in 5,000, or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.
- C. The Town Board shall receive the results of the Review Specialist's examination prior to approving the final plat.

6.05 SURVEYING AND MONUMENTING

All final plats shall meet all surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.

6.06 STATE PLANE COORDINATE SYSTEM

Where the Plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Town of Wayne, Washington County or the Southeastern Wisconsin Regional Planning Commission, the plat shall be tied directly to two of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin State Plane Coordinate System, South Zone, and adjusted to the Town's control survey. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.

6.07 CERTIFICATES

All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Ordinance and all other applicable Town Zoning regulations.

6.08 RECORDATION

The final plat shall be recorded with the Washington County Register of Deeds only after the certificates required above are placed on the face of the plat. Such recordation shall take place in accordance with Section 236.25(2)b of the Wisconsin Statutes.

SECTION 7.00 CERTIFIED SURVEY MAP (Land Division)**7.01 GENERAL**

A certified survey map prepared by a registered land surveyor shall be required for all land divisions of 10 acres or less plus recorded easements to said land division. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The land division shall comply with the design standards and improvement requirements set forth in Sections 8.00 and 9.00 of this Ordinance.

7.02 REQUIRED INFORMATION

The map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

- A. All Existing structures, watercourses, drainage ditches and other features pertinent to proper division.
- B. Setbacks or building lines if required by the Town Board in accordance with the guidelines set forth in Section 8.07 of this Ordinance.
- C. All Lands reserved for future acquisition.
- D. Date of the map.
- E. Graphic scale.
- F. Name and address of the owner, subdivider and surveyor.
- G. Floodplain limits and the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five feet above the elevation of the maximum flood of record.
- H. Utility and drainage easements.
- I. All Proposed Streets, roads or highways within or adjacent to the boundaries of the parcels created by the land division and the location of access to such streets, roads or highways as approved by the state, county or town.
- J. Wetlands as delineated on the official Washington County wetlands mapping.

7.03 ADDITIONAL INFORMATION

The Town Board may require that the following additional information be provided when necessary for the proper review and consideration of the map

- A. Existing Contours at vertical intervals of not more than two feet where the slope of the ground surface is less 10 percent, and of not more than five feet where the slopes of the ground surface is 10 percent or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (NGVD) of 1929 (mean sea level). The requirement to provide topographic data may be waived if the parcel(s) created are fully developed.
- B. Soil Type, Slope, and Boundaries as shown on the detailed operational soft survey maps prepared by the U.S. Soil Conservation Service.
- C. Location of Soil Boring Tests, where required by Section Comm 85.06 of the Wisconsin Administrative Code, made to a minimum depth of six feet or to bedrock, whichever is greater. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one test per three acres shall be made initially. The results of such tests shall be submitted along with the certified survey map.
- D. Location of Soil Analysis Tests where required by Section Comm 85.06 of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one test per three acres or one test per lot, whichever is greater. The results of such tests shall be submitted along with the certified survey map.
- E. The Town Board may require that the entire area contiguous to the land outlined in the proposed certified survey owned or controlled by the subdivider be included on the certified survey map even though only a portion of said area is proposed for immediate development. If the Town determines that such a survey is not required, a sketch drawn to scale shall be submitted showing the developers entire contiguous holdings.

7.04 STATE PLANE COORDINATE SYSTEM

Where the map is located within a U.S. Public Land Survey quarter section the corners of which have been relocated, monumented and coordinated by the Town of Wayne, Washington County, or the Southeastern Wisconsin Regional Planning Commission, the map shall be tied directly to two of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the section or quarter corner to which the Map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin State Plane Coordinate System, South Zone, and adjusted to the Town's control survey.

7.05 CERTIFICATES

All certified survey maps shall provide all of the certificates required for final plats by Section

236.21 of the Wisconsin Statutes. The Town Board shall certify its approval on the face of the map. In addition, the surveyor shall certify that s/he has fully complied with all of the provisions of this Ordinance.

7.06 RECORDATION

The certified survey map shall be recorded with the County Register of Deeds only after the certificates of the Town Board, Town Planning Commission Chairperson and Zoning Secretary, and the surveyor are placed on the face of the map.

SECTION 8.00 **DESIGN STANDARDS****8.01** **STREET ARRANGEMENT**

In any new subdivision the street layout shall conform to the arrangement, width and location indicated on any applicable official map, Washington County jurisdictional highway system plan, comprehensive plan or plan component, or neighborhood unit development plan of the Town. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with at least 66 feet of frontage on a public street.

- A. Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
- B. Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the arterial streets to which they connect.
- C. Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- D. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts. Examples of where the Town would not require a street to extend to the property boundary would be when the subdivision abuts a wetland or other unsuitable lands, or where a sewered subdivision abuts lands not included in a sanitary sewer service area.
- E. Arterial Street and Highway Protection. Whenever the proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access, and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a 30-foot nonaccess reservation along the rear property line, or by the use of frontage streets.
- F. Stream or Lake Shores shall have 60 feet of public access platted to the low water mark at intervals of not more than one-half mile as required by Section 236.16(3) of the

Wisconsin Statutes.

- G. Reserve Strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Town under conditions approved by the Town Board.
- H. Access shall be provided in commercial and industrial districts for off-street loading and service unless otherwise required by the Town Board.
- I. Street names shall not duplicate or be similar to existing street names elsewhere in the Town, and existing street names shall be projected wherever possible.

8.02 LIMITED ACCESS HIGHWAY TREATMENT

Whenever the proposed subdivision contains or is adjacent to a limited access highway the design shall provide the following treatment:

- A. When Lots within the Proposed Subdivision back upon the right-of-way of an existing or proposed limited access highway, a planting strip at least 30 feet in depth shall be provided adjacent to the highway in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat- "This strip reserved for the planting of trees and shrubs, the building of structures, except public or private utility structures, hereon is prohibited."
- B. Commercial and Industrial Districts shall have provided, on each side of a limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
- C. Streets Parallel to a Limited Access Highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said highway shall be located at a minimum distance of 250 feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- D. Minor Streets immediately adjacent to and parallel to railroad rights-of-way shall be avoided, and location of minor streets adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

8.03 STREET DESIGN STANDARDS

The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component, official map, neighborhood unit development, or County jurisdictional highway system plan. If no width is specified therein, the minimum width for arterial, collector, and minor streets shall be as shown on Table 1. Cross-sections for freeways, expressways, and parkways should be based on detailed engineering studies.

**TABLE 1
REQUIRED STREET CROSS SECTIONS IN THE TOWN OF WAYNE**

STREET			
Type of Street	Minimum Right-of-Way Width to be Dedicated	Minimum Surface Width	Minimum Shoulder Width
Arterial Street	80 feet ^①	24 feet	8 feet
Collector Street	66 feet	24 feet	3-6 feet
Minor Street	66 feet	24 feet	3-5 feet
Cul-de-sac Street	66 feet	24 feet	3 feet
Cul-de-sac Bulb	60 foot radius	45 foot radius	3 feet

Table 1 may be modified in Clustered or PUD developments by the Town Board

^①Or as shown on the adopted "Jurisdictional Highway Plan for Washington county."

- A. Cul-de-sac streets designed to have one end permanently closed shall not exceed 1000 feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way radius of 66 feet and a minimum outside curb radius of 45 feet.
- B. Temporary termination of streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth above, or by construction of a temporary "I" intersection 33 feet in width and 33 feet in length abutting the right-of-way lines of the access street on either side, at the discretion of the Town Board.
- C. Street Grades. Unless necessitated by exceptional topography, subject to the approval of the Town Board, the maximum centerline grade of any street or public way shall not exceed the following:
 - 1. Aerial streets: six percent.
 - 2. Collector streets: eight percent.
 - 3. Minor streets and frontage streets: 10 percent.
 - 4. The grade of any street shall in no case exceed 12 percent or be less than one-half of one percent.

Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for major streets, and one-half this minimum for all other streets.

D. Radii of Curvature. When a continuous street center line deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

1. Arterial streets and highways: 500 feet
2. Collector streets: 300 feet
3. Minor streets: 150 feet

A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

E. Elevations of roadways passing through floodplain areas shall be designed in the following manner:

1. Arterial streets shall be designed so that they will not be overtopped by the 50-year recurrence interval flood.
2. Collector and minor streets shall be designed so that they will not be overtopped by the 10-year recurrence interval flood.

F. New and Replacement Bridges and Culverts. All new and replacement bridges and culverts over perennial waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements, shall be designed so as to accommodate the 100-year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than 0.01 foot above the peak stage for the 100-year recurrence interval flood, as established in the applicable federal flood insurance study. Larger permissible flood stage increases may be acceptable for reaches having topographic land use conditions which could accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure providing that flood easements or other appropriate legal measures have been secured from all property owners affected by the excess stage increases. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris.

All new and replacement bridges shall be constructed in accordance with all applicable State Statutes and Codes and plans shall be submitted to the Wisconsin Department of Natural Resources (DNR) to assure compliance therewith.

G. Half-Streets. Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The streets shall not be permitted.

8.04 STREET INTERSECTIONS

Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:

- A. The Number of Streets converging at one intersection shall be reduced to a minimum, preferably not more than two.
- B. Number of Intersections along arterial streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than 1,200 feet.
- C. Minor or Collector Streets shall not necessarily continue across arterial streets- but if the center lines of such minor or collector streets approach the major streets @rom opposite sides within 300 feet of each other, measured along the center line of the arterial or collector streets, then the location shall be so adjusted that the adjoinment across the major street is continuous, and a jog is avoided.

8.05 BLOCKS

The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access, control and safety of street traffic; and the limitations and opportunities of topography. In addition:

- A. The Length of Blocks in residential areas shall not as a general rule be less than 600 feet nor more than 1,500 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.
- B. The Width of Blocks shall be sufficient to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic and railroad rights-of-way. The width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.
- C. Utility Easements for electric power and telephone service shall be located as determined by the applicable utility company. All lines, pipes, cables and similar equipment shall be installed underground within all newly platted subdivisions except and unless the Town Board, upon recommendation of the Town Planning Commission after study, finds that the locations, topography, soil, stands of trees, or other physical barriers would make underground installation unreasonable or impractical or that the lot to be served by said facilities can be served directly from existing over-head facilities and the requiring of underground installation would constitute an undue hardship upon the subdivider. Associated equipment and facilities which are appurtenant to underground electric

communications and gas facility systems, including, but not limited to, substations, pad-mounted transformer, pad-mounted sectionalizing switches, above-grade pedestal-mounted terminal boxes, junction boxes, meter points, and similar equipment may be installed on the ground surface. Any landscape screening plan required for such aboveground equipment shall be submitted to the affected utilities and the Town Board for approval.

8.06 LOTS

The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site, and a proper architectural setting for the buildings contemplated. In addition:

- A. Side Lot Lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
- B. Double Frontage and Reverse Frontage Lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation. Such permitted double frontage and reverse frontage lots shall provide an extra lot depth of 20 feet for landscaped buffering.
- C. Access. Every lot shall front or abut for a distance of at least 66 feet on a public street.
- D. Area and Dimensions of Lots shall conform to the requirements of the Town Zoning Ordinance. Wherever a tract is subdivided into parcels that are more than twice the minimum lot area required for the zoning district in which the parcel is located, the Town Board may require such parcels shall be arranged and dimensioned as to allow re-subdivision of any such parcels into normal lots in accordance with the provisions of this Ordinance.
- E. Depth. Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.
- F. The Width of Lots shall conform to the requirements of the Town of Wayne Zoning Ordinance.
- G. Corner Lots shall have an extra width of 15 feet to permit adequate building setbacks from side streets.

- H. Lands Lying between the Meander Line and the Water's Edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.
- I. Back Lot Development or navigable water lot pyramiding is prohibited. Lots abutting such water which are zoned for single-family residential development shall be used on a continuing basis for only one family. The purchase of a single lot or outlot abutting said water shall not be used as access for lots, subdivisions or other developments located away from the referenced water.
- J. Flag Lot is a lot not fronting on or abutting a public street and where access to the public street system is by a narrow strip of land, easement, or private right-of-way. Flag lots are not generally considered to conform to sound urban design principles, and it is the Town Board's policy not to create a flag.

8.07 BUILDING AND SETBACK LINES

Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning district in which the plat is located, may be required by the Town Board and shall be shown on the final plat or certified survey map. Examples of the application of this provision would include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development, or setting special yard requirements to protect natural resource elements.

8.08 EASEMENTS

- A. Utility Easements. The Town Board may require utility easements of widths deemed adequate for the intended purpose of each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication poles, wires, conduits, storm and sanitary sewers; and gas, water and other utility lines. All easements shall be noted on the final plat followed by reference to the use or uses for which they are intended.
- B. Drainage Easements. Where a subdivision is traversed by a drainage way or stream, an adequate easement shall be provided as may be required by the Town Board. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the approval of the Town Engineer; and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Town Engineer.

8.09 PUBLIC SITES AND OPEN SPACES

- A. In the design of the plat or certified survey map, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways, and other public purposes. If designated on the comprehensive plan, comprehensive plan component, official map, or neighborhood unit development plan, such areas shall be made a part of the plat or certified survey map as stipulated in Section 3.03 of this Ordinance. If not so designated, consideration shall be given to preserving open space sites such as primary environmental corridors, scenic and historic sites, woodlands, wetlands, lakes, ponds, watercourses, and ravines within the proposed plat or certified survey map.
- B. If the Proposed Subdivision or certified survey map does not encompass park lands or lands designated for trails proposed for acquisition and/or development, a fee in lieu of dedication called the Park Fund shall be paid to the Town Treasurer at the time of first application for approval of a final plat or certified survey map.
- C. Park Fund Fees collected by the Town Clerk under the provisions of this Ordinance shall be placed in a special, nonlapsing fund for Town recreation and parks and shall be separate from the General Fund of the Town.

8.10 PRIVATE ACCESS POINTS TO NAVIGABLE WATER.

All points of access to any Town navigable water shall conform to the applicable provisions of the Town of Wayne Zoning Ordinance and the Washington County Shoreland Zoning Ordinance. The purpose of this section is to promote the comfort, health and safety of the Town and its citizens and to preserve and protect the environmental and water quality of all such waters.

- A. All Points Providing Access whether by easement, deed or plat reservation to any Town navigable waters from more than one dwelling unit on lots, which do not front directly on the water, shall have a minimum width of seventy-five feet at the normal high water line.
- B. In Order to Carry Out the intent and purpose of these regulations, the Town Board may require the subdivider to install such improvements in the access area as may be necessary to further the maintenance of safe and healthful conditions and prevent and control water pollution. When appropriate, the Town Board may require the subdivider to record restrictions pursuant to Section 236.293 of the Wisconsin Statutes, to provide for the continued maintenance of the required improvements and/or to prohibit the subsequent grant of access to navigable waters following an approval of a plat of subdivision which has not incorporated access as part of its final plat,
- C. The Town Board may specify additional conditions, such as landscaping architectural

design, type of construction, construction commencement and completion dates, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, flood-proofing, ground cover, diversions, silting basins, terraces, stream bank protection, planting screens, operational control, hours of operation, or increased yards, upon a finding that these are necessary to fulfill the purpose and intent of this section.

- D. The Town Board when applying the provisions of this Section shall afford the subdivider and any other interested party an opportunity to present evidence and be heard at a public hearing.

SECTION 9.00 REQUIRED IMPROVEMENTS**9.01 SURVEY MONUMENTS**

The subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required by the Review Specialist .

9.02 GRADING

- A. After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the Town Board, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town Board, upon recommendation of the Town Engineer. The subdivider shall grade the roadbeds in the street rights-of-way to sub-grade.
- B. Cut and filled land shall be graded to a maximum slope of one on four or the soil's angle of repose, whichever is the lesser, and covered with permanent vegetation.

9.03 SURFACING

After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations, the Town comprehensive plan or comprehensive plan components, and any other applicable regulations. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town Engineer.

9.04 CURB AND GUTTER

The Town Board may require the subdivider to construct concrete curb and gutters in accordance with plans and standard specifications approved by the Town Board, upon recommendation of the Town Engineer.

9.05 RURAL STREET SECTIONS

When permanent rural street sections have been approved by the Town Board, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town Planning Commission, upon recommendation by the Town Engineer, and as set forth in Sections 9.08.A and 9.14 of this Ordinance.

9.06 SIDEWALKS

In all subdivisions the Town may require the subdivider to construct a concrete sidewalk on both sides of all streets within the subdivision. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Town Board upon recommendation of the Town Engineer.

9.07 PUBLIC SANITARY SEWERAGE

When public sewer facilities are available, or when it is proposed to establish a private sanitary sewerage system to serve one lot, the subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. In addition:

- A. The Town Board may, for residential lots, require the installation of sewer laterals to the street lot line.
- B. The Size, Type, and Installation of all sanitary sewers and sanitary laterals proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town Board, upon recommendation of the Town Engineer. The latest revision of the "Standard Specifications for Sewer and Water Construction in Wisconsin" shall govern all work. All sanitary sewer and sanitary sewer lateral trenches within proposed streets shall be backfilled with granular material meeting the requirements of the "Standard Specifications"; however, upon written approval of the Town Engineer, the trenches may be backfilled with excavated material meeting the requirements of the "Standard Specifications." If excavated material is allowed for backfill, it shall be compacted by mechanical methods, meeting the approval of the Town Board, upon the recommendation of the Town Engineer.
- C. Where a Town Sanitary District has been created pursuant to Section 60.71 or Section 60.72 of the Wisconsin Statutes for the purpose of providing and constructing sanitary sewers, such plans and standard specifications shall further be subject to review and approval by the Town Sanitary District Commission.
- D. The Subdivider Shall Assume the cost of installing all sanitary sewers, sewer laterals, and sewer appurtenances within the proposed subdivision, except for the added cost of installing sewers greater than eight inches in diameter which are necessary to serve tributary drainage areas lying outside the proposed subdivision. In addition, the subdivider shall pay to the Town or Town Sanitary District a sanitary sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the same ratio as exists between the total area of the proposed plat and the total drainage area to be served by the larger sewers.

9.08 STORM WATER DRAINAGE FACILITIES

The subdivider shall construct storm water drainage facilities in accordance to the Town of Wayne Zoning Ordinance, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, and open channels, water retention structures, and settling basins adequate to serve the proposed subdivision. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be designed so as to prevent and control soil erosion and sedimentation and all storm water drainage facilities

must meet the requirements of the Town of Wayne Erosion Control and Storm Water Management Ordinance. In addition:

- A. Unpaved Road Ditches and Street Gutters shall be shaped and seeded and/or sodded as grassed waterways. Where the velocity of flow exceeds four feet per second on soils having a severe or very severe erosion hazard, or exceeds six feet per second on soils having moderate, slight, or very slight erosion hazard, the subdivider shall install a paved invert or check dams, flumes, or other energy dissipating devices approved by the Town Board, upon the recommendation of the Town Engineer.
- B. Shoreland Drainage Facilities shall, if required, include water retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, and the size, type, grades and installation of all storm water drains and sewers and other cross-section, invert and erosion control paving check dams, flumes or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications of all applicable Washington County Ordinances and approved by the Town Board, upon the recommendation of the Town Engineer.
- C. Where a Town Sanitary District has been created pursuant to Section 60.71 or Section 60.72 of the Wisconsin Statutes for the purpose of providing and constructing surface drainage facilities, storm sewers or other drainage improvements, such plans and standard specifications shall further be subject to review and approval by the Town Sanitary District Commission.
- D. The Subdivider Shall Assume the cost of installing all storm sewers within the proposed subdivision, except for the added cost of installing storm sewers greater than 24 inches in diameter, which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, the subdivider shall pay to the Town or Town Sanitary District a storm sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the same ratio as exists between the total area of the proposed plat and the total drainage area to be served by the larger sewers.

9.09 WATER SUPPLY FACILITIES

When public water supply and distribution facilities are available to the subdivision plat, or when it is proposed to establish a private water supply and distribution system to serve one lot, the subdivider shall cause water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision. Private water systems, when required by the Town, shall be provided by the subdivider in accordance with the standards of the Wisconsin Department of Health and Social Services. In addition:

- A. The Town Board may require the installation of water laterals to the street lot line.
- B. The Size, Type, and Installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town

Board. The latest revision of the "Standard Specifications for Sewer and Water Construction in Wisconsin" shall govern all work.

- C. Where a Town Sanitary District has been created pursuant to Section 60.71 or Section 60.72 of the Wisconsin Statutes for the purpose of providing a system, or systems, of water works, such plans and standard specifications shall also be subject to review and approval by the Town Sanitary District Commission.
- D. The Subdivider Shall Assume the cost of installing all water mains, water laterals, and water system appurtenances within the proposed subdivision except for the added cost of installing water mains greater than eight inches in diameter.

9.10 OTHER UTILITIES

- A. The Subdivider shall cause gas, electric power, telephone, and cable television facilities to be installed, where available, in such a manner as to make adequate service available to each lot in the subdivision. All electrical, or telephone, or cable television service shall be located in underground conducts. Where such services are not available at the time the land division is approved, a restrictive covenant shall be recorded with the plat requiring the underground installation of utilities when they become available.
- B. Plans indicating the proposed locations of all gas, electrical power, telephone distribution, cable television and transmission lines required to service the plat shall be approved by the Town Board.

9.11 STREET LAMPS

The Town Board may require the subdivider to install street lamps along all streets to be dedicated, of a design approved by the Town Engineer. Such lamps shall be placed at each street intersection and at such mid-block intervals as may be required by the Town .

9.12 STREET NAME SIGNS

The subdivider shall install at the intersection of all public and private streets to be dedicated a street sign of a design specified by the Town Board.

9.13 STREET TREES

The Town Board may require the subdivider to plant at least one tree of a species acceptable to the Town Board and at least 2 ½ inches in diameter at breast height (dbh) for each 50 feet of frontage on both sides of all streets to be dedicated. The required trees shall be planted in the lawn area of the right-of-way in accordance with plans and standard specifications approved by the Town Board. In lieu of planting street trees, the subdivider may, at the time of final plat approval or certified survey map approval, pay a tree fee to the Town Treasurer of \$100.00 for each tree to be planted. Monies collected for tree planting shall be kept in a special tree planting fund for that purpose,

9.14 SEDIMENT CONTROL

In accordance with the Town of Wayne Erosion Control and Stormwater Management Ordinance, the subdivider shall plant those grasses, trees, and vines, of species and size specified by the Town Board, necessary to prevent soil erosion and sedimentation. Planting

shall be consistent with said Town of Wayne Erosion Control and Stormwater Management Ordinance standards. In addition:

- A. The Town Board may require the subdivider to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures.
- B. Tree Cutting and Shrubbery Clearing shall not exceed 50 percent of the lot or tract and shall be so conducted as to prevent erosion and sedimentation, and to preserve and improve scenic qualities. (See Sections 10.04 and 10.05 of this Ordinance.)
- C. Paths and Trails in wooded and wetland areas shall not exceed 10 feet in width unless otherwise approved by the Town Board, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs, and the minimum impairment of natural beauty.
- D. Earth Moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channeling, clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to minimize disturbance of the natural fauna, flora, watercourse, water regimen, and topography. (See Section 10.04 of this Ordinance.)
- E. The Town Engineer or Town Board may request that the Washington County Land Use and Park Department, the State District Fish and Game Manager, or the State District Forester, as appropriate, review any vegetation cutting, clearing, or earth moving associated with the subdivision.

SECTION 10.00 CONSTRUCTION

10.01 COMMENCEMENT

No construction or installation of improvements shall commence in a proposed land division until the final plat or certified survey map has been approved by the Town Board and the Town Review Specialist has given written authorization and the developer has entered a subdivider (developer) agreement with the Town Board. The developer must also provide a letter of credit or bond sufficient to insure his performance of work.

10.02 BUILDING PERMITS

No building permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until all the requirements of this Ordinance have been met.

10.03 PLANS

The following plans and accompanying construction specifications shall be required by the Town Board and reviewed by the Town Engineer before installation of improvements is authorized:

- A. Street Plans and Profiles showing existing and proposed grades, elevations, and cross sections of required improvements.
- B. Sanitary Sewer Plans and profiles showing the locations, grades, sizes, elevations, and materials of required facilities.
- C. Storm Sewer and Open Channel Plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
- D. Water Main Plans and profiles showing the locations, sizes, elevations and materials of required facilities.
- E. Erosion and Sedimentation Control Plans showing those structures necessary to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. The erosion and sedimentation control plan shall include information on the length of time that soil will be exposed, and plans and structures, such as fences and tree wells, intended to protect existing vegetation. Such plans shall meet the requirements set forth in the Town of Wayne Erosion Control and Stormwater Management Ordinance.
- F. Planting Plans showing the locations, diameter at breast height (dbh), and species of any required street trees.
- G. Additional Special Plans or information as required.

10.04 EROSION AND SEDIMENTATION CONTROL

The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented, in accordance with the plans and specifications approved by the Town Board, upon recommendation of the Town Engineer. In addition:

- A. All Erosion and Sedimentation Control Plans shall incorporate best management practices to reduce soil loss during construction to 10 percent of the gross soil loss as estimated by the universal soil loss equation.
- B. Sod Shall Be Laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
- C. Temporary Vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
- D. Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
- E. Sediment Basins shall be installed and maintained at all drainage ways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.

10.05 EXISTING FLORA

The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainage ways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Trees shall be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls, whenever abutting grades are altered.

10.06 INSPECTION

The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Town Engineer to provide for inspection. The Town Engineer shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.

SECTION 11.00 FEES**11.01 GENERAL**

No application filed pursuant to this Ordinance shall be considered complete until all fees due pursuant to this Ordinance shall have been paid. Every approval granted and every permit issued pursuant to this Ordinance, whether or not expressly so conditioned, shall be deemed to be conditioned upon payment of the required fees. The failure to fully pay such fee when due shall be grounds for the Town of Wayne to refuse to process, or to continue to process, an application and for denying or revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee relates.

In no event shall such unpaid fees remain unpaid at the time any approval granted by the Town of Wayne is recorded, as and in such case, the Town of Wayne shall charge a fee double to that which remains unpaid at the time of recording. In addition, the violation of this Section regarding prompt payment of fees shall also entitle the Town to recover actual attorney's fees and other costs of prosecution.

Before being entitled to record a plat or certified survey map, the subdivider shall pay all fees to the Town Clerk in accordance with the "Town of Wayne Fee Schedule," available in the office of the Town Clerk.

SECTION 12.00 ADOPTION AND EFFECTIVE DATE

12.01 VILLAGE POWERS

The electors of the Town of Wayne, Washington County, Wisconsin authorized the Town Board to exercise all powers relating to villages and conferred on villages by Chapter 61 of the Wisconsin Statutes at an Annual Meeting held on April 2, 1983.

12.02 PLANNING COMMISSION RECOMMENDATION

The Planning Commission of the Town recommended the adoption of Title XI at a meeting held on the _____ day of _____, 2002.

12.03 PUBLIC HEARING

Pursuant to and in accordance with the Laws of the State of Wisconsin, the Town Board of the Town of Wayne held a public hearing on Title XI on the _____ day of _____, 2002.

12.04 TOWN BOARD APPROVAL

The Town Board of Supervisors concurred with the recommendations of the Town Planning Commission and proceeded to adopt the Land Division Ordinance at a meeting held on the _____ day of _____, 2002.

12.05 EFFECTIVE DATE

Title XI shall take effect upon adoption by the Town Board and the filing of proof of posting or publication in the office of the Town Clerk.

Date of Publication or Posting:

Effective Date:

Leander Herriges, Chairman

Carl Klemme, Supervisor

Keith Kriewaldt, Supervisor

ATTEST:

Chris Kuehn, Town Clerk

APPENDICES

Appendix A-1

**TOWN OF WAYNE
WASHINGTON COUNTY, WISCONSIN**

**TOWN OF WAYNE CHECK LIST FOR DISTRIBUTION OF
PRELIMINARY PLATS**

(Numbered items of this form to be filled out by the subdivider or his agent.)

1. _____
(Name of Subdivision)

2. The subdivision is located within the Town of Wayne. Yes () No ()

3. The subdivision abuts or adjoins a state trunk highway. Yes () No ()

4. The subdivision is served by private waste disposal systems. Yes () No ()

5. The subdivision abuts a county park or parkway. Yes () No ()

6. _____
Submitted by: (Signature)

Address: _____

Plat copies required by the Town of Wayne	Number of Copies	To be Sent by Town Clerk to:
All Plats	12	Town of Wayne Planning Commission
All Plats	-	Commissions and Departments (2 copies for each jurisdiction)

Total number of copies required
for Town of Wayne review:

Appendix A-1 p.2

Plat Copies Required by Objecting Agencies	Number of Copies	To be Sent by Town Clerk to:
All Plats	2	Wisconsin Department of Administration (WisDOA)
Subdivision abuts or adjoins a state trunk highway or connecting street	2	Wisconsin Department of Transportation (WisDOT)
Subdivision not served by public sewer and no provision has been made	2	Wisconsin Department of Commerce (WisDOC)
Subdivision lies within the shoreland floodplain jurisdictional area	2	Wisconsin Department of Natural Resources (WisDNR)
Subdivision abuts a lake or stream	2	Wisconsin Department of Natural Resources (WisDNR)

Total number of copies required for objecting agency review _____.

Plat Copies Required by Advisory Agencies	Number of Copies	To be Sent by Town Clerk to:
All Plats	3	Washington County Land Use and Park Department
All Plats	1	_____ Gas Company
All Plats	1	_____ Electric Power Company
All Plats	1	_____ Telephone Company
All Plats	1	_____ School District

Total number of copies required for advisory agency review _____.

Appendix A-1 p.3

Number of copies received _____

Date copies received _____

Date copies transmitted _____

I hereby certify that I received _____ copies of the Preliminary Plat of

_____ and transmitted
(Name of Subdivision)

the required copies as indicated above.

Dated this _____ day of _____, _____.

Town of Wayne Clerk

Appendix A-2

**TOWN OF WAYNE
WASHINGTON COUNTY, WISCONSIN**

TOWN OF WAYNE CHECKLIST FOR DISTRIBUTION OF FINAL PLATS

(Numbered items of this form to be filled out by the subdivider or his agent)

1. _____

Name of Subdivision)

2. The subdivision is located within the Town of Wayne. Yes () No ()

3. The subdivision abuts or adjoins a state trunk highway. Yes () No ()

4. The subdivision is served by private waste disposal systems. Yes () No ()

5. The subdivision abuts a county park or parkway. Yes () No ()

6. _____

Submitted by: (Signature)

Address _____

Plat Copies Required By Town of Wayne	Number of Copies	To be Sent by Town Clerk to
All Plats	12	Wayne Planning Commission
All Plats	3	Washington Co. Land Use & Park

Total number of copies required for Town of Wayne Review _____

Appendix A-2 p. 2

Plat copies required by Objecting Agencies	Number of Copies	To be Sent by Town Clerk To
All Plats	2	Wisconsin Department of Agriculture, Trade, and Consumer
Subdivision abuts or adjoins a state trunk highway or connecting street	2	Wisconsin Department of Transportation
Subdivision not proposed to be served by public sewer	2	Wisconsin Department of Commerce
Subdivision lies within the shore land/floodplain jurisdictional area	2	Wisconsin Department of Natural Resources
Subdivision abuts a lake or stream	2	Wisconsin Department of Natural Resources

Total number of copies required for objecting agency review. _____

Number of copies received _____

Date copies received _____

Date copies transmitted _____

I hereby certify that I received _____ copies of the Final Plat of _____

(Name of Subdivision)

and transmitted the required copies as indicated above.

Wayne Town Clerk

Date

Appendix A-3

**TOWN OF WAYNE
WASHINGTON COUNTY, WISCONSIN**

PRELIMINARY PLAT AND/OR CERTIFIED SURVEY MAP CHECKLIST

Owner _____

Address _____

City, State _____

Location _____ 1/4 of the _____ 1/4; Section _____, T _____ N, R _____ E, _____

Date Fees Paid to this Office _____ Date of Inspection _____

Check or fill in all information that applies to the plat or map:

1. Map Review Fee Paid, if applicable _____

2. Maps Transmitted to Required Parties _____

3. Adequate Drainage _____

4. No Flooding Potential _____

5. Minor Erosion Potential _____

6. No Adverse Soil Type(s) _____

7. No Bedrock Problem _____

8. No Groundwater Problem _____

9. Public Water Supply _____

10. Monuments Installed _____

11. Percent of Slope: 0-10% _____ 11-15% _____ 16-20% _____ Over 20% _____

12. Proposed Lot Sizes _____

Appendix A-3 p.2

- 13. Zoning Districts(s): _____; Minimum Area Required: _____.
Minimum Lot Width: _____.
- 14. Name and address of owner(s), seller, purchaser (if known), subdivider and surveyor, including his registration number, shown. _____
- 15. Location and size of lands reserved for future dedication shown. _____
- 16. Graphic scale-not more than 100 feet to an inch for plats or 500 feet to an inch for Certified Survey Maps. _____
- 17. All lands owned by the subdivider and contiguous to the proposed plat are shown. _____
- 18. General location sketch shown. _____
- 19. Location of all existing buildings, watercourses, drainage ditches, percolation test sites, boring holes, and other significant site characteristics shown. _____
- 20. Existing and proposed contours shown. _____
- 21. Water elevations of adjoining lakes and streams (if applicable) shown. _____
- 22. Floodplain limits (if applicable) shown. _____
- 23. Location, width and names of existing rights-of-way shown. _____
- 24. Type, width and elevation of any existing street pavements within the plat or certified survey map shown. _____
- 25. Location and names of any adjacent subdivisions shown. _____
- 26. Location, size and invert elevations of existing sanitary or storm sewers shown. _____
- 27. Location of all existing property boundary lines shown. _____

Appendix A-3 p.3

- 28. Location, width and names of all proposed streets and public rights-of-way shown. _____
- 29. Approximate dimensions of all lots shown. _____
- 30. Approximate radii of all curves shown. _____
- 31. Existing zoning on and adjacent to land division shown. _____
- 32. Any proposed lake and stream improvement or access shown. _____
- 33. Exact length and bearing of the centerline of all streets shown. _____
- 34. Setbacks or building lines shown. _____
- 35. Utility and drainage easements shown. _____
- 36. Erosion control measures shown. _____
- 37. Certification by surveyor of his compliance with all provisions of the Town Land Division Ordinance and Section 236.34 of the Wisconsin Statutes. _____
- 38. Owner's and mortgagee's certificate of dedication of streets and other public areas in the form required by Section 236.21(2)(a) of the Wisconsin Statutes. _____
- 39. Certification of taxes paid in both Town and County. _____
- 40. Lot corners monumented in accordance with Section 236.15(1)(c)and(d). _____
- 41. Comments _____

Appendix B-1

**SAMPLE LETTER OF TRANSMITTAL OF
PRELIMINARY PLAT TO OBJECTING STATE AGENCIES**

Date

Ms. Jeanne A Storm, Supervisor
Plat Review Unit
Wisconsin Department of Commerce
801 W. Badger Road
Madison, WI 53708-8911

Dear Ms. Storm:

Enclosed please find _____ copies of the preliminary plat of _____, located in U.S. Public Land Survey Section ____ in T ____ N, R ____ E, Town of Wayne, Wisconsin. The preliminary plat is being transmitted to you for your review and comment, as well as the review and comments of other state agencies, prior to action by the Town of Wayne Planning Commission. Please note that the Commission is scheduled to meet to review objections and comments, and to discuss the preliminary plat, on _____, _____.

Should you have any questions or comments regarding this matter, please do not hesitate to contact me or the Town Engineer.

Sincerely,

Town Clerk

Enclosures

Appendix B-2

**SAMPLE LETTER OF TRANSMITTAL OF
PRELIMINARY PLAT TO ADVISORY AGENCIES**

Date

Dear

Enclosed please find ____ copies of the preliminary plat of _____, located in U.S. Public Land Survey Section _____ in T ____ N, R ____ E, Town of Wayne, Wisconsin. The preliminary plat is being transmitted to you for your review and comment, as well as the review and comments of other state agencies, prior to action by the Town of Wayne Planning Commission. Please note that the Commission is scheduled to meet to review objections and comments, and to discuss the preliminary plat, on _____, _____. It is assumed that if no correspondence regarding the plat is received in this office within 30 days of your receipt of the plat, that you have no comments regarding the plat.

Should you have any questions or comments regarding this matter, please do not hesitate to contact me or the Town Engineer.

Sincerely,

Town Clerk

Enclosures

Appendix B-3

**SAMPLE LETTER OF TRANSMITTAL OF
FINAL PLAT TO OBJECTING STATE AGENCIES**

Date

Ms. Jeanne A Storm, Supervisor
Plat Review Unit
Wisconsin Department of Agriculture,
Trade, and Consumer Protection
801 W. Badger Road
Madison, WI 53708-8911

Dear Ms. Storm:

Enclosed please find ____ copies of the final plat of _____,
located in U.S. Public Land Survey Section ____ in T____ N, R____ E, Town of Wayne,
Wisconsin. The final plat is being transmitted to you for your review and comment, as well as the
review and comments of other state agencies, prior to action by the Town of Wayne Planning
Commission. Please note that the Commission is scheduled to meet to review objections and
comments, and to discuss the final plat, on _____, _____.

Should you have any questions or comments regarding this matter, please do not hesitate to
contact me or the Town Engineer.

Sincerely,

Town Clerk

Enclosures

Appendix C-1
SAMPLE DEVELOPER'S AGREEMENT

=====

DEVELOPER'S AGREEMENT
FOR

TOWN OF WAYNE, WASHINGTON COUNTY, WISCONSIN
=====

THIS AGREEMENT made this ____ day of _____, 19____, between _____, a _____, __ (Address) _____, hereinafter called "DEVELOPER", and the TOWN of WAYNE in the County of Washington and the State of Wisconsin, hereinafter called the "TOWN".

WITNESSETH:

WHEREAS, the DEVELOPER is the owner of approximately _____ acres of land in the TOWN, said land being described on **EXHIBIT A** attached hereto and incorporated herein, hereinafter called "SUBJECT LANDS"; and

WHEREAS, the DEVELOPER desires to divide and develop SUBJECT LANDS for residential purposes by use of the standard regulations as set forth in Chapter 236 of the Wisconsin Statutes and the municipal ordinance regulating land division and development; and

WHEREAS, Section 236.13 of the Wisconsin Statutes provides that as a condition of approval, the governing body of a municipality within which the subject lands lie may require that the DEVELOPER make and install any public improvements reasonably necessary and/or that the DEVELOPER provide financial security to ensure that the DEVELOPER will make these improvements within reasonable time; and

WHEREAS, said SUBJECT LANDS are presently zoned _____, which allows the above development; and

WHEREAS, the DEVELOPER and TOWN desire to enter into this agreement in order to ensure that the DEVELOPER will make and install all public improvements which are reasonably necessary and further that the DEVELOPER shall dedicate the public improvements to the TOWN, provided that said public improvements are constructed to municipal specifications, all applicable government regulations, this agreement and as required by the TOWN Engineer, without cost to the TOWN; and

WHEREAS, this agreement is necessary to implement the TOWN zoning and land division ordinances; and

WHEREAS, the DEVELOPER agrees to develop SUBJECT LANDS as herein described in accordance with this agreement, conditions approved by the TOWN Plan Commission and TOWN Board, conditions of certain agencies and individuals in the County, all TOWN ordinances and all laws and regulations governing said development; and

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the DEVELOPER does hereby agree to develop SUBJECT LANDS as follows and as otherwise regulated by TOWN ordinances and all laws and regulations governing said development, the parties hereto agree as follows:

DEVELOPER’S COVENANTS

SECTION I. IMPROVEMENTS

A. Public Streets: The DEVELOPER hereby agrees that:

1. Prior to the start of construction of improvements, the DEVELOPER shall provide to the TOWN written proof from the TOWN Engineer evidencing review and approval of said plans.
2. The DEVELOPER shall grade and install all planned public streets in accordance with the preliminary plat, approved development plan of said development or subdivision, or final plat as the
3. Construction of the public streets providing access to and fronting a specific lot will be completed, presented and accepted by the TOWN Board through the first lift of asphalt before any build
4. The first lift of the public streets will be completed and presented to the TOWN Board no later than _____, or as extended by the TOWN Board. If the public street pl _____, or as extended by the TOWN Board.
5. The final lift of asphalt shall be placed on all public streets after at least one winter season, but not the public streets after at least one winter season, but no later than _____, unless extended by the TOWN Board.
6. The DEVELOPER shall maintain public streets, including snow plowing, until accepted by res
7. The DEVELOPER shall furnish “as built” plans showing changes from the construction pl
8. The DEVELOPER shall have ultimate responsibility for cleaning up any and all mud, dirt, stone or debris who is responsible for placing the mud, dirt, stone or debris on the street, to clean up the same or to hold the subject property owner who hired the contractor responsible. The DEVELOPER and/or subject property owner shall clean up the streets within twenty-four (24) hours after receiving a notice from the TOWN. If said mud, dirt, stone or debris are not cleaned up after notification, the TOWN Board will do so at the DEVELOPER’S and/or subject property owner’s expense, at the option of the TOWN.

B. SURFACE AND STORM WATER DRAINAGE: The DEVELOPER hereby agrees that:

1. Prior to the start of construction of improvements, the DEVELOPER shall provide to the TOWN written regulations, guidelines, specifications, laws and ordinances, and written proof that the TOWN Engineer and the County Department of Land Conservation, have reviewed and approved said plans.
2. The DEVELOPER shall construct, install, furnish and provide adequate facilities for surface and storm water drainage throughout the development with adequate capacity to transmit the anticipated flow from the development and adjacent property, in accordance with all plans and specifications, and all applicable federal, state, county and TOWN regulations, guidelines, specifications, laws and ordinances, as reviewed and approved by the TOWN Engineer and the County Department of Land Conservation, on file in the TOWN Clerk's office dated the _____ of _____, 2000, including where necessary as determined by the TOWN Engineer, curb, gutter, storm sewers, catch basin and infiltration/retention/detention basins.
3. The DEVELOPER agrees that the site grading and construction of surface and storm water drainage
4. The TOWN Board will not accept the surface and storm water drainage system until the entire system
5. The DEVELOPER shall clean all storm sewers, if any, prior to issuance of building permits and acc
6. The TOWN retains the right to require DEVELOPER to install additional surface and storm water drainage development and surrounding area.
7. To furnish "as built" plans of the entire drainage system, pursuant to specifications approved by the

C. GRADING, EROSION AND SILT CONTROL: The DEVELOPER hereby agrees that:

1. Prior to commencing site grading and execution, the DEVELOPER shall provide to the TOWN written certification from the DEVELOPER'S Engineer or Surveyor that said plan, once implemented, shall meet all federal, state, county and local regulations, guidelines, specifications of Land Conservation, and the Army Corps of Engineers, if applicable, have approved said plans.
2. The DEVELOPER shall cause all grading, excavation, open cuts, side slopes and other land surface disturbances to be so seeded and mulched, sodded or otherwise protected that erosion, silt of Engineers, if applicable.
3. All disturbed areas shall be restored to the satisfaction of the TOWN Engineer. Said cash or letter of

D. LANDSCAPING AND SITE WORK: The DEVELOPER hereby agrees that:

1. The DEVELOPER shall preserve to the maximum extent possible existing trees, shrubbery, vine

building foundation sites, private driveways, soil absorption waste disposal areas, paths and trails by us

2. The DEVELOPER, as required by the TOWN, shall remove and lawfully dispose of buildings, destr

3. Landscaping and removal of unwanted items, including buildings, will be completed and certified as

4. The TOWN of Wayne has the right to trim and remove any features which would interfere with s

E. STREET SIGNS AND TRAFFIC CONTROL SIGNS: The DEVELOPER hereby agrees that:

1. Street signs, traffic control signs, culverts, posts and guard rails as required by the TOWN shall b

2. All traffic control signs and street signs, as required by the TOWN will be installed within five (5)

F. ADDITIONAL IMPROVEMENTS:

The DEVELOPER hereby agrees that if, at any time after plan approval and during construction, the TOWN Engineer determines that modifications to the plans including additional improvements such as additional drainage ways, erosion control measures, and surface and storm water management measures are necessary in the interest of public safety, are necessary in order to comply with current laws or are necessary for implementation of the original intent of the improvement plans, the TOWN is authorized to order DEVELOPER, at DEVELOPER'S expense, to implement the same. If DEVELOPER fails to construct the additional improvement within a reasonable time under the circumstances, the TOWN may cause such work to be carried out and shall charge against the financial guarantee held by the TOWN pursuant to this agreement.

SECTION II. TIME OF COMPLETION OF IMPROVEMENTS:

The improvements set forth in Section I above shall be completed by the DEVELOPER in total within twelve (12) months of the date of this agreement being signed except as otherwise provided for in this agreement.

SECTION III. FINAL ACCEPTANCE. Throughout this agreement, various stages of the development will require approval by the TOWN. It is understood that building permits may be issued by the TOWN prior to the time of Final Acceptance of all of the improvements in the development. The one-year correction period provided for in this agreement shall not commence to run until Final Acceptance by the TOWN Board of all improvements is granted. The issuance of building permits and approval of various items of development shall not commence the one-year correction period.

SECTION IV. DEDICATION OF IMPROVEMENTS:

Subject to all of the other provisions of this agreement, the DEVELOPER shall, without charge to the TOWN, upon completion of the above described improvements, unconditionally give,

grant, convey and fully dedicate the public improvements to the TOWN, its successors and assigns, forever, free and clear of all encumbrances whatever, together with and including, without limitation because of enumeration, any and all land, buildings, structures, mains, conduits, pipes, lines, plant machinery, equipment, appurtenances and hereditaments which may in any way be a part of or pertain to such improvements and together with any and all necessary easements for access thereto. After such dedication, the TOWN shall have the right to connect or integrate other improvements as the TOWN decides, with no payment or award to, or consent required of, the DEVELOPER.

Dedication shall not constitute acceptance of any improvement by the TOWN Board of the TOWN of Wayne. All improvements will be accepted by the TOWN Board of the TOWN of Wayne by separate resolution at such time as such improvements are in acceptable form and according to the TOWN specifications. Said resolution shall be recorded, if needed, with the Washington County Register of Deeds. DEVELOPER will furnish proof to the TOWN, prior to the dedication required, that the public land and improvements proposed for dedication are free of all liens, claims and encumbrances, including mortgages.

SECTION V. ACCEPTANCE OF WORK AND DEDICATION:

When the DEVELOPER shall have completed the improvements herein required and shall have dedicated the same to the TOWN as set forth herein, the same shall be accepted by the TOWN Board if said improvements have been completed as required by this agreement and as required by all federal, state, county or TOWN guidelines, specifications, regulations, laws and ordinances and approved by the TOWN Engineer.

SECTION VI. APPROVAL BY TOWN NOT TO BE DEEMED A WAIVER.

The ultimate responsibility for the proper design and installation of streets, water facilities, drainage facilities, ditches, landscaping and all other improvements are upon the DEVELOPER. The fact that the TOWN or its engineer, or its attorney, or its staff may approve a specific project

shall not constitute a waiver, or relieve the DEVELOPER from the ultimate responsibility for the design, performance and function of the development and related infrastructure.

SECTION VII. GUARANTEES OF IMPROVEMENTS:

A. Guarantee. The DEVELOPER shall guarantee after Final Acceptance, the public improvements and all other improvements described in Section I hereof, against defects due to faulty materials or workmanship, provided that such defects appear within a period of one year from the date of Final Acceptance, by providing the TOWN with cash or a letter of credit in a form acceptable to the TOWN Attorney in an aggregate amount of fifteen (15%) percent of the total cost of all improvements. The DEVELOPER shall pay for any damages to TOWN property and/or improvements resulting from such faulty materials or workmanship. This guarantee shall not be a bar to any action the TOWN might have for negligent workmanship or materials. Wisconsin law on negligence shall govern such situations. If the DEVELOPER fails to pay for any damages or defects to TOWN property and/or improvements, and the TOWN is required to

draw against the cash or letter of credit on file with the TOWN, the DEVELOPER is required to replenish said monies up to the aggregate amount of fifteen (15%) percent of the total cost of all improvements.

B. Obligation TO Repair. The DEVELOPER shall make or cause to be made, at its own expense, any and all repairs which may become necessary under and by virtue of the DEVELOPER’S guarantee and shall leave the improvements in good and sound condition, satisfactory to the TOWN Board at the expiration of the guarantee period.

C. Notice of Repair. If during said guarantee period, the improvements shall, in the reasonable opinion of the TOWN Staff, require any repair or replacement which, in their judgment, is necessitated by reason of settlement of foundation, structure of backfill, or other defective materials or workmanship, the DEVELOPER shall, upon notification by the TOWN of the necessity for such repair or replacement, make such repair or replacement, at its own cost and expense. Should the DEVELOPER fail to make such repair or replacement within the time specified by the TOWN in the aforementioned notification, after notice has been sent as provided herein, the TOWN Board may cause such work to be done, but has no obligation to do so, either by contract or otherwise, and the TOWN Board may draw upon such guarantee security to pay any costs or expenses incurred in connection with such repairs or replacements. Should the costs or expenses incurred by the TOWN Board in repairing or replacing any portion of the improvements covered by this guarantee exceed the amount of the guarantee security, then the DEVELOPER shall immediately pay any excess cost or expense incurred in the correction process.

D. Maintenance Prior to Acceptance.

1. All improvements shall be maintained by the DEVELOPER so they conform to the approved plans. If maintenance is required, the TOWN Board retains the right to complete the required emergency maintenance in a timely fashion and bill the DEVELOPER for all such associated costs. Said bill shall be paid immediately by the DEVELOPER. The DEVELOPER’S obligation to maintain all improvements shall expire at the expiration of the guarantee period.

2. Street sweeping and dust suppression shall be done by the DEVELOPER upon a regular basis as to be done and will bill the DEVELOPER on a time and material basis. Said bill shall be paid immediately by the DEVELOPER.

3. In the event drainage problems arise within the subject property or related activities on the subject property, the DEVELOPER shall correct such problems to the satisfaction of the TOWN Staff of siltation or retention ponds; replacing of siltation fences; sodding and seeding; construction of diversion ditches, ponds and siltation traps; and restoration of all disturbed areas. This responsibility shall continue until such time as the roads, ditches, and other disturbed areas have become adequately vegetated and the TOWN Board is satisfied that the DEVELOPER has restored all areas which were disturbed because of this development.

SECTION VIII. TOWN RESPONSIBILITY FOR IMPROVEMENTS:

The TOWN shall not be responsible to perform repair, maintenance, or snow plowing on any improvements until accepted by the TOWN Board.

SECTION IX. RISK OF PROCEEDING WITH IMPROVEMENTS PRIOR TO APPROVALS OF FINAL PLAT:

If a DEVELOPER proceeds with the installation of public improvements or other work on the site prior to approval of the final plat, it proceeds at its own risk as to whether or not the final plat will receive all necessary approvals. The DEVELOPER, prior to commencement of the installation of public improvements or other work on site, shall notify the TOWN of the DEVELOPER'S intention to proceed with the installation of public improvements or other work on site, prior to approval of the final plat. Additionally, DEVELOPER shall make arrangements TO have any public improvements and/or other work on site inspected by the TOWN Engineer.

SECTION X. FINANCIAL GUARANTEE:

Prior to the execution of this agreement by the TOWN Board, the DEVELOPER shall file with the TOWN cash or letter of credit setting forth terms and conditions in a form approved by the TOWN Attorney in the amount as approved by the TOWN Engineer as a guarantee that the DEVELOPER will perform all terms of this agreement no later than one year from the signing of this agreement except as otherwise set forth in this agreement. If at any time:

- A. The DEVELOPER is in default of any aspect of this agreement, or
 - B. The DEVELOPER does not complete the installation of the improvements within one (1) year from the
 - C. The letter of credit on file with the TOWN is dated to expire sixty (60) days prior to the expiration of
 - D. The DEVELOPER fails to maintain a cash deposit or letter of credit in the amount approved by the TOWN
- the DEVELOPER shall be deemed in violation of this agreement and the TOWN Board shall have the a

The amount of the cash or letter of credit may be reduced by resolution of the TOWN Board as the in

The lending institution providing the irrevocable letter of credit shall pay to the TOWN Board all sums empowered in addition to its other remedies, without notice or hearing, TO impose a special charge for the amount of said completion costs, upon each and every lot in the development payable with the next succeeding tax roll.

SECTION XI. BUILDING AND OCCUPANCY PERMITS:

It is expressly understood and agreed that no building or occupancy permits shall be issued for any homes, including model homes, until the TOWN Engineer had determined that:

- A. The installation of the first lift of asphalt of the public street(s) providing access to and fronting a s

- B. The site grading and construction of surface and storm water drainage facilities required to serv
- C. All landscaping and removal of unwanted items, including buildings, has been certified as com
- D. All required grading plans have been submitted to, reviewed by and approved by the TOWN Engine
- E. The DEVELOPER has paid in full all permit fees and reimbursement of administrative
- F. The DEVELOPER has prepared appropriate deed restrictions which are approved by the TOWN, fil
- G. All destroyed trees, brush, tree trunks, shrubs and other natural growth and all rubbish are removed from the development and disposed of lawfully.
- H. The DEVELOPER is not in default of any aspect of this agreement.
- I. There is no default of any aspect of this agreement.

SECTION XII. RESERVATION OF RIGHTS AS TO ISSUANCE OF BUILDING PERMIT:

The TOWN reserves the right to withhold issuance of any and all building permits if DEVELOPER is in violation of this agreement.

SECTION XIII. MISCELLANEOUS REQUIREMENTS: The DEVELOPER shall:

A. EASEMENTS:

Provide any easements including vision easements on SUBJECT LANDS deemed necessary by the TOWN Engineer before the final plat is signed or on the final plat and such easements shall be along lot lines if at all possible.

B. MANNER OF PERFORMANCE:

Cause all construction called for by this agreement to be carried out and performed in a good and workerlike manner.

C. SURVEY MONUMENTS:

Properly place and install any lot, block or other monuments required by State Statute, TOWN Ordinance or the TOWN Engineer.

D. DEED RESTRICTIONS:

Execute and record deed restrictions and provide proof of recording prior to sale of lots for the SUBJECT LANDS in the form attached hereto, made a part hereof and marked Exhibit B. The deed restrictions shall also contain the following language:

“Each lot owner must strictly adhere to and finish grade its lot in accordance with the Master Lot Grading Plan or any amendment thereto approved by the TOWN Engineer on file in the office of the TOWN Clerk. The DEVELOPER and/or the TOWN and/or their agents, employees or independent contractors shall have the right to enter upon any lot, at any time, for the purpose of inspection, maintenance, correction of any drainage condition, and the property owner is responsible for cost of the same.”

E. GRADES:

Prior to the issuance of a building permit for a specific lot, the DEVELOPER and/or lot owner and/or their agent shall furnish to the Building Inspector of the TOWN a copy of the stake out survey showing the street grade in front of the lot, the finished yard grade. The grade of all four corners of the lot, and the lot corner grades of the buildings on adjoining lots where applicable, as existing and as proposed.

F. UNDERGROUND UTILITIES:

Install all electrical, telephone, cable and gas utilities underground. Coordination of installation and all costs shall be the responsibility of the DEVELOPER.

G. PERMITS:

Provide and submit to the TOWN requesting the same, valid copies of any and all governmental agency permits.

H. REMOVAL OF TOPSOIL:

The DEVELOPER agrees that no topsoil shall be removed from the SUBJECT LANDS without approval from the TOWN Engineer.

I. PARK AND PUBLIC SITE DEDICATION FEES:

To pay as provided in the TOWN’S Ordinances, a fee per lot developed in lieu of dedication of lands for park and public sites. The fee for the entire development shall be paid prior to final approval of the final plat.

J. NOISE:

Make every effort to minimize noise, dust and similar disturbances, recognizing that the SUBJECT LANDS are located near existing residences. Construction of improvements shall not begin before 7:00 A.M. during weekdays and Saturdays, and 9:00 A.M. on Sundays.

K. DEBRIS:

Have ultimate responsibility for cleaning up debris that has blown from buildings under construction within the SUBJECT LANDS until such time as all improvements have been

installed and accepted by the TOWN Board. The TOWN shall make a reasonable effort to require the contractor, who is responsible for the debris, to clean up the same or to hold the subject property owner who hired the contractor responsible. The DEVELOPER and/or subject property owner shall clean up the debris within forty-eight (48) hours after receiving a notice from the TOWN Engineer. If said debris is not cleaned up after notification, the TOWN will do so at the DEVELOPER'S and/or subject property owner's expense.

L. PUBLIC CONSTRUCTION PROJECTS:

If any aspect of the development involves a public construction project subject to the State law, all requirements of the State Public Construction Bidding Law must be satisfied, including but not limited to, providing a performance bond.

SECTION XIV. PAYMENT OF COSTS, INSPECTION & ADMINISTRATIVE FEES:

The DEVELOPER shall pay and reimburse the TOWN promptly upon billing for all fees, expenses, costs and disbursements which shall be incurred by the TOWN in connection with this subdivision or relative to the construction, installation, dedication and acceptance of the subdivision improvements covered by this agreement, including without limitation by reason of enumeration, design, engineering, review, supervision, inspection and legal, administrative and fiscal work. Any such charge not paid by DEVELOPER within thirty (30) days of being invoiced may be charged against the financial guarantee held by the TOWN pursuant to this agreement, or assessed against the subdivision land as a special charge pursuant to Sec. 66.60(16), Wis. Stats.

SECTION XV. GENERAL INDEMNITY:

In addition to, and not to the exclusion or prejudice of, any provisions of this agreement or documents incorporated herein by reference, the DEVELOPER shall indemnify and save harmless and agrees to accept tender of defense and to defend and pay any and all legal, accounting, consulting, engineering and other expenses relating to the defense of any claim asserted or imposed upon the TOWN, its officers, agents, employees and independent contractors growing out of this agreement as stated above by any party or parties. The DEVELOPER shall also name as additional insurers on its general liability insurance the TOWN, its officers, agents, employees and any independent contractors hired by the TOWN to perform services as to this subdivision and give the TOWN evidence of the same upon request by the TOWN.

SECTION XVI. INSURANCE:

The DEVELOPER, its contractors, suppliers and any other individual working on the SUBJECT PROPERTY shall maintain at all times until the expiration of the guarantee period, insurance coverage in the forms and in the amounts as required by the TOWN.

SECTION XVII. EXCULPATION OF TOWN CORPORATE AUTHORITIES:

The parties mutually agree that the TOWN Chair of the TOWN Board, and/or the TOWN Clerk, entered into and are signatory to this agreement solely in their official capacity and not individually, and shall have no personal liability or responsibility hereunder; and personal liability as may otherwise exist, being expressly released and/or waived.

SECTION XVIII. GENERAL CONDITIONS AND REGULATIONS:

All provisions of the TOWN Ordinances are incorporated herein by reference, and all such provisions shall bind the parties hereto and be a part of this agreement as fully as if set forth at length herein. This agreement and all work and improvements required hereunder shall be performed and carried out in strict accordance with and subject to the provisions of said Ordinances.

SECTION XIX. ZONING:

The TOWN does not guarantee or warrant that the subject lands of this agreement will not at some later date be rezoned, nor does the TOWN herewith agree to rezone the lands into a different zoning district. It is further understood that any rezoning that may take place shall not void this agreement.

SECTION XX. COMPLIANCE WITH CODES AND STATUTES:

The DEVELOPER shall comply with all current and future applicable codes of the TOWN, County, State and federal government and, further, DEVELOPER shall follow all current and future lawful orders of any and all duly authorized employees and/or representatives of the TOWN, County, State or federal government.

SECTION XXI. PRELIMINARY PLAT AND FINAL PLAT CONDITIONS:

The DEVELOPER acknowledges that the subject land is subject to a conditional preliminary plat approval and a conditional final plat approval by the TOWN of Wayne. The DEVELOPER further agrees that it is bound by these conditions. A copy of the conditional preliminary plat approval for the subject property is attached hereto and incorporated herein as **EXHIBIT B**, and the conditional final plat approval for the subject property is incorporated herein as **EXHIBIT C**. If there is a conflict between the conditions as forth in said conditional approvals and the Developer's Agreement, the more restrictive shall apply.

SECTION XXII. AGREEMENT FOR BENEFIT OF PURCHASERS:

The DEVELOPER agrees that in addition to the TOWN'S rights herein, the provisions of this agreement shall be for the benefit of the purchaser of any lot or any interest in any lot or parcel of land in the subdivision.

SECTION XXIII. ASSIGNMENT:

The DEVELOPER shall not assign this agreement without the written consent of the TOWN. The assignee must agree to all terms and conditions of this document in writing.

SECTION XXIV. PARTIES BOUND:

The DEVELOPER or its assignees shall be bound by the terms of this agreement or any part herein as it applies to any phase of the development of the subdivision.

SECTION XXV. HEIRS AND ASSIGNS:

This agreement is binding upon the DEVELOPER, owners, their heirs, their assigns, and any and all futures owners of the subject lands.

SECTION XXVI. AMENDMENTS:

The TOWN and the DEVELOPER, by mutual consent, may amend this Developer's Agreement at any meeting of the TOWN Board. The TOWN shall not, however, consent to an amendment until after first having received a recommendation from the TOWN'S Planning Commission.

IN WITNESS WHEREOF, the DEVELOPER and the TOWN have caused this agreement to be signed by their appropriate officers and their corporate seals to be hereunto affixed in three original counterparts the day and year first above written.

(Developer's Name)

By: _____
Authorized Signatory

STATE OF WISCONSIN)
) SS.
COUNTY OF WASHINGTON)

Personally came before me this ___ day of _____, 19___, the above named _____, and _____, Town Clerk, of the above-named municipal corporation, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC, STATE OF WI
My Commission expires: _____
Town of Wayne
Washington County, Wisconsin

TOWN OF WAYNE

Chairman

Clerk

STATE OF WISCONSIN)
)SS.
COUNTY OF WASHINGTON)

Personally came before me this _____ day of _____, _____, the above named Chairman, _____, and Town Clerk, _____, of the Town of Wayne, to me known to be the persons who executed the foregoing instrument and to me known to be such individual and Town Clerk of said municipal corporation and acknowledged that they executed the foregoing instrument as such officers as the deed of said municipal corporation by its authority and pursuant to the authorization by the TOWN Board from their meeting on the ____ day of _____, 2000.

Notary Public, State of Wisconsin
My commission expires: _____

APPROVED AS TO FORM:

TOWN ATTORNEY

Appendix C-2

SAMPLE IRREVOCABLE LETTER OF CREDIT
(On bank or savings and loan letterhead)

Issued in favor of the Town of Wayne
Washington County, Wisconsin

NAME OF SUBDIVIDER:

_____.

We hereby establish our irrevocable credit in your favor up to the aggregate amount of \$ (*insert cost of improvements*) available by your drafts drawn at site, for the account of (*subdivider's account name.*) This letter of credit is issued to guarantee the payments for improvements by (*name of subdivider*) under the provision of the Town of Wayne Land Division Ordinance, and the Subdivider's Agreement between (*name of subdivider*) and the Town of Wayne, executed on _____, _____. Issuer agrees that in the event the facilities subject to this letter of credit and all work to be performed by (*name of subdivider*) pursuant to the Subdivider's Agreement with the Town are not completed according to the terms of that agreement to the satisfaction of the Town that the Town may, after ten (10) days notice in writing to issuer and (*name of subdivider*) cause such improvements to be completed.

Issuer shall cause to be paid thereafter, up to the aggregate amount set forth above, upon presentation by the Town of Wayne of sight drafts, for the completion of such improvements.

Issuer agrees that all such drafts shall be honored on presentation without notice to or subject to confirmation by (*name of subdivider*)

Drafts under this letter must be drawn and negotiated not later than *(date by which improvements must be completed.)* The Town Clerk, as agent for the Town of Wayne, shall be notified sixty(60)days prior to maturity of this letter.

Dated this ____ day of _____, _____.

Issuer (*name of leader*)

By: _____

Signature and Title

Approved as to form:

Town Attorney

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Approved as to aggregate amount:

Town Clerk

Accepted by the Town of Wayne, Washington County, Wisconsin:

Town Chairman