



CITY OF MARSHFIELD

MEETING NOTICE

**JOINT PLAN COMMISSION FOR THE
CITY OF MARSHFIELD-TOWN OF MCMILLAN
COOPERATIVE BOUNDARY PLAN**

Friday, June 3, 2016

Conference Room 108, First Floor, City Hall Plaza

11:00 a.m.

Agenda

1. Call to Order – Secretary, Josh Miller.
2. Election of Chairperson.
3. Election of Vice-Chairperson.
4. Approval of Minutes – January 22, 2016.
5. Citizen Comments.
6. Discussion regarding neighborhood concerns with runoff and drainage along County Road E.
7. Discussion about Mann Road repairs.
8. Draft Town of McMillan/City of Marshfield Joint Planning Area Transportation Plan.
9. Discussion of Hansen Subdivision (corner of Tammy Lane and Mann Street).
10. Update on Comprehensive Planning efforts.
11. Set Next Meeting & Agenda.
12. Adjourn.

Posted this 27th day of May by 5:00 PM by Josh Miller, City Planner.

 It is possible that members of and possibly a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

 Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Deb M. Hall, City Clerk at 630 South Central Avenue or by calling (715) 384-3636.

CITY OF MARSHFIELD/TOWN OF MCMILLAN JOINT PLAN COMMISSION MINUTES
OF JANUARY 22, 2016 MEETING

Meeting called to order at 10:01 AM by Secretary Miller in Conference Room 108 of City Hall Plaza.

PRESENT: John Bujalski, Dave Swenson, Michael Stockheimer, Laura Mazzini, Bill Penker, and Alderman Ed Wagner.

ABSENT:

ALSO PRESENT: Alderman Gordy Earll; Alderman Chris Jockheck; Carolyn Opitz, Town of McMillan Chairperson; Tom Turchi, City Engineer; and, Josh Miller, City Planner.

Election of Chairperson.

Nominations were held for Chairperson.

Penker nominated Mazzini.

There being no further nominations the Secretary declared the nominations closed.

JPC 16-01 Motion by Wagner second by Penker to approve Mazzini as Chairperson unanimously.
Motion Carried

Mazzini was elected Chairperson and took over as Chairperson of the meeting.

Everyone introduced themselves.

Approval of Minutes – August 21, 2014.

Swenson offered a correction to the minutes to change “plan” to “plant” in the second bullet point under Updates on County Road E and bike trail.

JPC 16-02 Motion by Wagner, second by Swenson to approve the minutes of the August 21, 2014 as amended.

Motion Carried

Citizen Comments.

- Mazzini mentioned talking about having the City contribute to assist with Mann Road.
- Opitz said Mann Road is a bypass to the City and it will need to have a major reconstruction. Hoping to figure out some way to get help to make repair the road.
- Turchi said the cost to repair would be \$700,000 - \$1,000,000 per mile. It’s about 2 miles of road. Recommended talking to Marathon County. Board of Public Works and Common Council would have to make that decision.
- Swenson said if there are any grants or other avenues that the City could look at applying to assist with the costs.
- Wagner will be at a joint meeting of the Legislature Exchange in Madison. He will make some effort to talk about it when he’s down there.
- Bujalski said we should talk to the legislatures. Town of McMillan has a new road standard which is very high standard, similar to an interstate standard. Looking for aid from wherever.

- Wagner said we should talk about the transportation plan for the joint plan itself.
- Mazzini suggested temporary closing the road off and redirecting traffic.
- Opitz asked the County if they would take it over and they said no. They have a CIP done by MSA to identify grant. Suggested to go after a TRID (Town Road Discretionary Improvement) program.
- Miller suggested putting this on a future agenda in how the City can work with the Town to address this.
- Jockheck said this problem goes back 20 years.
- Tuchi said he can bring that to the attention of the CIP committee with the City.

Discussion regarding neighborhood concerns with runoff and drainage along County Road E.

- Turchi gave an update. Worked with SES Engineering to see if there could be additional fixes to the stormwater detention basins. Came up with a design to reduce runoff a little bit about 3-4 cfs. Met with design engineer for the ponds. Said some of the stormwater is bypassing the ponds. They came up with recommendations and sent a letter to owners. Hoping it will be fixed this summer.
- When County E was reconstructed, the redesigned ditch caused about 2/3 of the stormwater to bypass the detention basins. That repair was made in October to redirect the stormwater to the ponds. The site met all the requirements when it was developed. We cannot force them to do fix it further. But we can approach them about adding a structure to help reduce stormwater flows
- Turchi will provide drainage calculations for the culverts under Zyg Street when the City receives their new topography maps.
- Marshfield's storm sewer system is designed for a 10 year storm event.
- Bujalski asked if Zyg was curbed instead of ditched if that would help.
- Turchi said ditches actually move stormwater better than curbs.
- Bujalski said the Joint Plan Commission is working to resolve the flooding issues near County Road E.
- Bujalski said the new subdivision ordinance does address stormwater management.
- Mazzini asked if there are other alternatives that are more eco-friendly and affordable? Wondering if you can ask adjacent property owners to turn some of their property into wetlands to take up some of the stormwater.
- Turchi said developers usually try to meet the requirements the most inexpensive as possible. You would have to buy the land to have people turn their land into wetlands.
- Bujalski also mentioned the cost of maintenance of the ponds.
- Opitz asked Turchi to see where the water is going in this area in the spring and report back. Turchi can put something together that he can submit to John and John can share it with the group.

Update on the Draft Marathon County Zoning Code.

- Bujalski gave an update on the Marathon County Zoning Code. The current code is 35 years old. The new code has two zoning plan options for the Towns. One is urban and the other is rural. They want to get it voted on the end of March. Townships in Marathon County have the option to opt out over the course of the first year if they want their own zoning.
- Mazzini asked to be invited to those meetings or keep updated on what was decided.

Discuss Checklist for Subdivisions in the Town of McMillan.

- Bujalski gave a background on the subdivision checklist and gave an overview.
- Town of McMillan wants a thorough document and wants the developer to pay for the costs for development.
- Mazzini asked how much the fees could be.
- Bujalski said it isn't a money maker, but we need to capture the Town's fees for approving the subdivision.
- Does McMillan want major subdivisions? Roads especially cul-de-sacs cost more money to the town to maintain.
- Penker was wondering if some of the terms should be defined for the purposes of someone that maybe doing some monetary support to the developer. Bujalski said they could do a definitions page with the checklist.
- Jockheck asked if there were other land developers that did multiple minor subdivisions together. Bujalski said if they did that it would become a major subdivision.
- Mazzini asked if they have an idea of what land could be subdivided. Bujalski said it would likely be Section 28.
- Miller stated that the Cooperative Boundary Area needs to be addressed on the checklist – Joint Plan Commission is the reviewing authority for the Cooperative Planning Area.

Update on Comprehensive Planning efforts.

- Miller gave an update on the timeline for updating the City's Comprehensive Plan.
- Bujalski each Plan Commission member of the Town of McMillan will have personal computers and everyone will have the same information. They are also updating the demographic information in the Comprehensive Plan.

Set Next Meeting & Agenda

- Next meeting is tentatively scheduled for April 29th at 10:00 am in the 1st Floor Conference Room.
- The agenda should include minutes from January 22, 2016, an update on stormwater runoff from County Road E, discussing the transportation plan, and working together on the future reconstruction of Mann Road.

Motion by Stockheimer, second by Penker to adjourn at 11:21 AM.

Motion Carried

Submitted by, Josh Miller
City Planner



City of Marshfield Memorandum

TO: Joint Plan Commission for the City of Marshfield-Town of McMillan
Cooperative Boundary Plan
FROM: Josh Miller, City Planner
DATE: June 3, 2016

RE: Joint Plan Commission Memo

Discussion regarding neighborhood concerns with runoff and drainage along County Road E.

City Engineer, Tom Turchi, has been invited to attend to give an update on the stormwater issues from the Hilltop Apartment site. If he is unable to attend staff will bring an update to the meeting.

Discussion about Mann Road repairs

At the last meeting the Commission briefly discussed the need for road repairs for Mann Road. The Commission recommended that this item be brought back for further discussion.

Draft Town of McMillan/City of Marshfield Joint Planning Area Transportation Plan.

In 2010 the Town of McMillan/City of Marshfield worked on a draft Transportation Plan which is included in the packet. The Commission should review and recommend updates before formally adopting the plan if they desire. The page after the draft plan is a map with updated traffic counts for the eastern side of Mann and southern portion of County Highway E.

Discussion of Hansen Subdivision (corner of Tammy Lane and Mann Street.

Throughout 2013, the Joint Plan Commission reviewed a proposed subdivision by Jeff Redetzke. The approved subdivision is attached. Please note that the final recorded survey changed Lot 1 to Outlot 1 and Outlot 1 to Outlot 2 (the location of Tammy Lane). Since the City of Marshfield did not have the recorded survey, when we are referring to Outlot 1, it's the one that's shown on the attached Redetzke Subdivision. The Road Maintenance Agreement that is also attached refers the Tammy Lane lot as Outlot 2.

In September of that year, the Joint Plan Commission made the following motion:

Motion by Lee second by Knoeck to grant approval of the proposed subdivision of Jeff Redetzke on Mann Road west of CTH E, subject to the following conditions:

1. Outlot 1 shall be dedicated to the public as road right-of-way.
2. An easement shall be granted to the Subdivider for a private drive on the unopened right-of-way.
3. The Subdivider is responsible for building and maintaining private drive including snow removal.
4. No reimbursement to the Subdivider or successor for costs incurred in constructing or maintaining the private drive if and when the road is constructed.
5. Future road to be constructed to Town Road Standards by Subdivider or successor at a point in time when more than four lots are served by the private drive.

The issue with the original proposed subdivision was that the Outlot 1 does not technically provide access to Lot 2 or 3. The Joint Plan Commission recommended conditions to try to address the lack of access which included the dedication of Outlot 1 to the public. The Town of McMillan entered into a road maintenance agreement with Jeff Redetzke at the time, but did not require that the Outlot 1 be dedicated as road right-of-way. The Joint Plan Commission asked for an addendum to the agreement to get Outlot 1 dedicated but that never happened.

The proposed subdivision by Hansen is requesting to split up Lot 2 into two separate lots. However, neither of those lots will have access to a public street without Outlot 1 being dedicated. Because of the request for a Certified Survey Map (CSM), staff wanted to bring it back before the Commission for review. This CSM falls in the “No Contest Area” of the Cooperative Boundary Plan and therefore does not require the Commission to review or act on the subdivision as it is in the Town of McMillan’s jurisdiction. However, the Commission may choose to make a recommendation to the Town and/or City before it is officially acted upon.

The last attachment is the Road Maintenance Agreement between the Town of McMillan and Jeff Redetzke, the original property owner. According to the agreement, any future owner or future subdivision of lots will also have to sign and be included in the agreement.

City staff is recommending that either the Outlot 1 be dedicated with a cul-de-sac or the proposed lots as shown in the Hansen CSM would not be buildable and be labeled outlots.

Update on Comprehensive Planning Efforts.

The City of Marshfield is nearly finished with the Existing Conditions Report for the Comprehensive Plan update. A survey that was sent out to Marshfield residents is in the process of being tabulated. That information will be made available to the public and presented to the Common Council in June.

Transportation Plan Town of McMillan

GOAL

Develop a transportation plan between the City of Marshfield and the Town of McMillan in order to address the development pressures that the area will be facing over the next 10-15 years. The Transportation Plan will illustrate where to plan for development.

ISSUE IDENTIFICATION

- ❖ County Highway E Expansion – the expansion of the ROW from 66 ft. to 82.5 ft. will be difficult to complete due to a fiber optic cable found on the west side of the road right-of-way and homes residing too close to the east side of the road right-of-way. Its average daily traffic count was 3,400 in 2007.
- ❖ County Highway AAA and State Highway 97 Intersection – the intersection is dangerous and the County does not have any plans for improving County Highway AAA at this time.
- ❖ Increasing Traffic – Mann Road is seeing an increase in traffic which would indicate a need for another connection to McMillan Street to allow for better accessibility to the medical complex.
- ❖ Mann Street and County Highway E Intersection – the intersection is dangerous.
- ❖ Major traffic generators – the major traffic generator near the Town are Wal-Mart, the Community Based Residential Facility (CBRF) on McMillan Street, and Target.
- ❖ Railroad Viaduct – the viaduct at the intersection of State Highway 13 and Lincoln Avenue is a traffic bottleneck; however, the railroad does not intend to replace it, and it would be too significant of a cost and railway traffic inconvenience for the City to move forward with its replacement.

PROPOSED PLANS

Vehicular

- ❖ County Highway E Expansion – major road work is scheduled for 2014 with plans for 12 ft. lanes, 3 ft. shoulders, replacement of culverts, and minor ditching. The work will take place from Ash Street northward to the Sugar Bush area. Part of the highway is located within an Urbanized Area according to the Road Classification map, which could help with funding its reconstruction.
- ❖ County Highway T – the bridge may need to be replaced within the next 4 to 7 years.
- ❖ Mann Street and County Highway E Intersection – accident reports will be investigated and a study completed. This may help in receiving funding for improvements.

Pedestrian

- ❖ County Highway T – Marathon County's Bike Pedestrian Plan states that the shoulders may be paved the next time major road work is done on this highway, but this may not take place for another 10 to 20 years.

POTENTIAL FUTURE PROJECTS

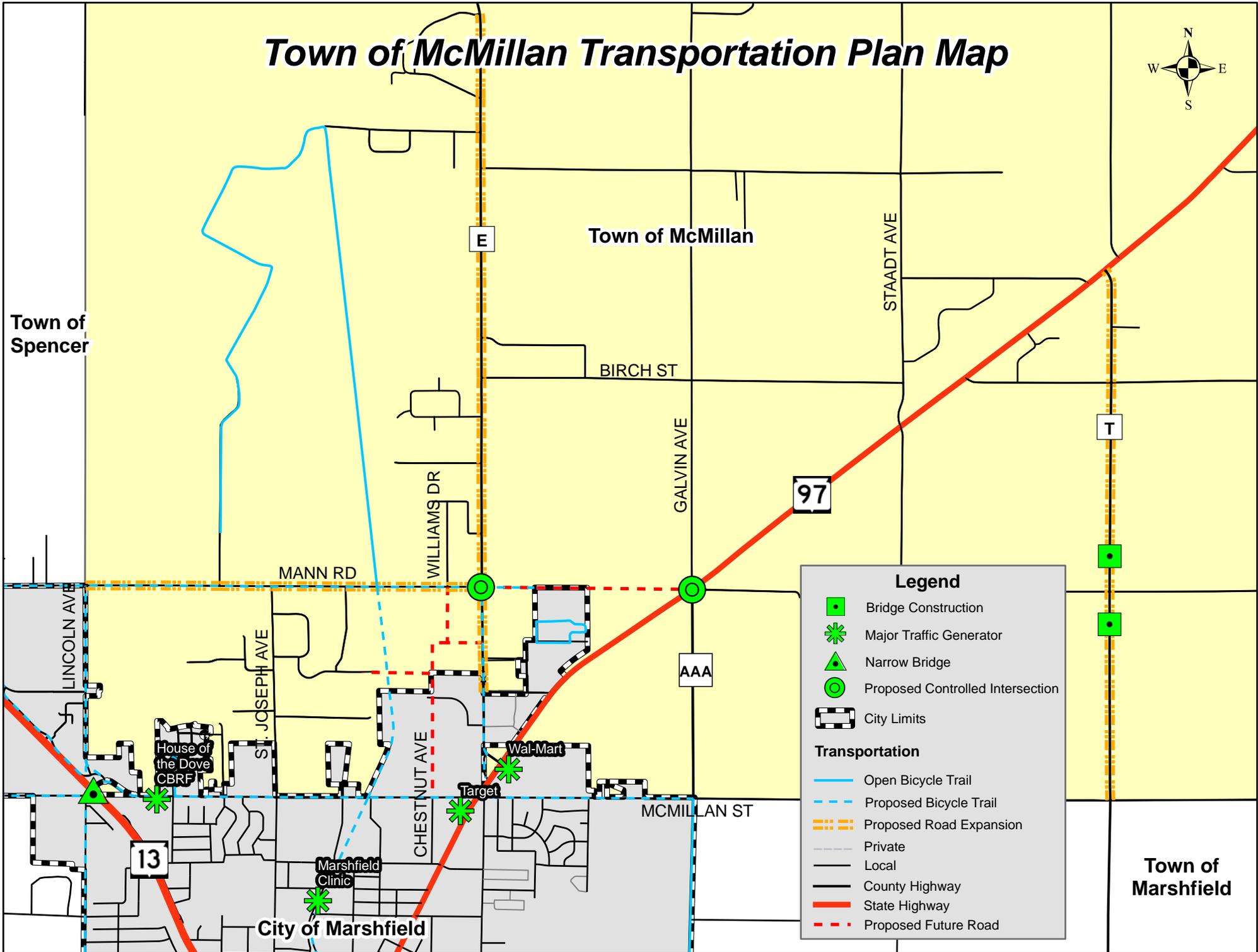
Vehicular

- ❖ County Highway AAA and State Highway 97 Intersection – although the City will not control this intersection for some time because it is far from City Limits, the City should continue to discuss future planning of the intersection with the Wisconsin Department of Transportation. A suggestion for the future development of this intersection is a roundabout.
- ❖ Dedication Requirements – updating the dedication requirements for roadways would require larger road right-of-ways and would allow for easier expansion of existing roads, such as County Highway E.
- ❖ Increasing Traffic – another connection between Mann Road and McMillan Street could lighten the high traffic amounts and would allow for better accessibility to the medical complex.
- ❖ Extension of Mann Road – extending Mann Road to State Highway 97 could alleviate traffic pressure at the intersection of 97 and McMillan Street. The Town should identify a transportation corridor so that it can be preserved when the land is developed. If the land goes up for sale, the Town should be notified and would then have the opportunity to purchase the land for the corridor.
- ❖ State Highway 97 – frontage roads should be considered in order to direct traffic off of the highway and provide better business access.
- ❖ Bike routes – both off-road trails and on-road shoulder routes should be considered within the planning area.
- ❖ Widening of Mann Road – TRIPP funds (a 50/50 cost share program offering \$25,000) could be used for widening Mann Road; however, the Town recently received TRIPP money and will not be eligible for another 6 years.

Pedestrian

- ❖ McMillan Marsh Trails – with the extension of the City trail from Wildwood Park to McMillan Street, the Town trail could connect to the City's trail system. The extension of the trail could take place along the old railroad corridor, which is currently privately owned.
- ❖ Pedestrian Trails – future trails should be off-road rather than along the shoulder. Enhancement grants and DNR Stewardship monies (contact Tom Meyer) are available. Communities could join together to apply for ATC grant money – a 50/50 cost share program. The Village of Stratford is going through the process and the Village Clerk could offer some insight.
- ❖ Pedestrian and Bike Routes – obtaining information on what pedestrian and bike routes are currently being used may be useful when applying for funding.

Town of McMillan Transportation Plan Map



Legend

- Bridge Construction
- Major Traffic Generator
- Narrow Bridge
- Proposed Controlled Intersection
- City Limits

Transportation

- Open Bicycle Trail
- Proposed Bicycle Trail
- Proposed Road Expansion
- Private
- Local
- County Highway
- State Highway
- Proposed Future Road

Town of Marshfield

Traffic Counts Taken The Week of May 24th, 2010



ADT 2220
Mann St
E of Lincoln Ave

ADT 1660
85% 52 MPH
Ave 47 MPH
Mann St
W of St Joseph Ave

ADT 2200
85% 54 MPH
Ave 48 MPH
Mann St
E of St Joseph Ave

ADT 2890
CTH E
N of Mann St

ADT 186
Lincoln Ave
S of Mann St

ADT 900
St Joseph Ave
S of Mann St

ADT 4180
CTH E
S of Mann St



Traffic counts and speed analysis completed by the
City of Marshfield, Engineering Division 6/7/2010

WisDOT TRAFFIC FORECAST REPORT

PROJECT ID(S): 6668-02-00

ROUTE(S): CTH E

Region/COUNTY(IES): NC/Marathon

LOCATION: north of Marshfield

COMPLETED: 8/8/13

Developed by: Karl Buck

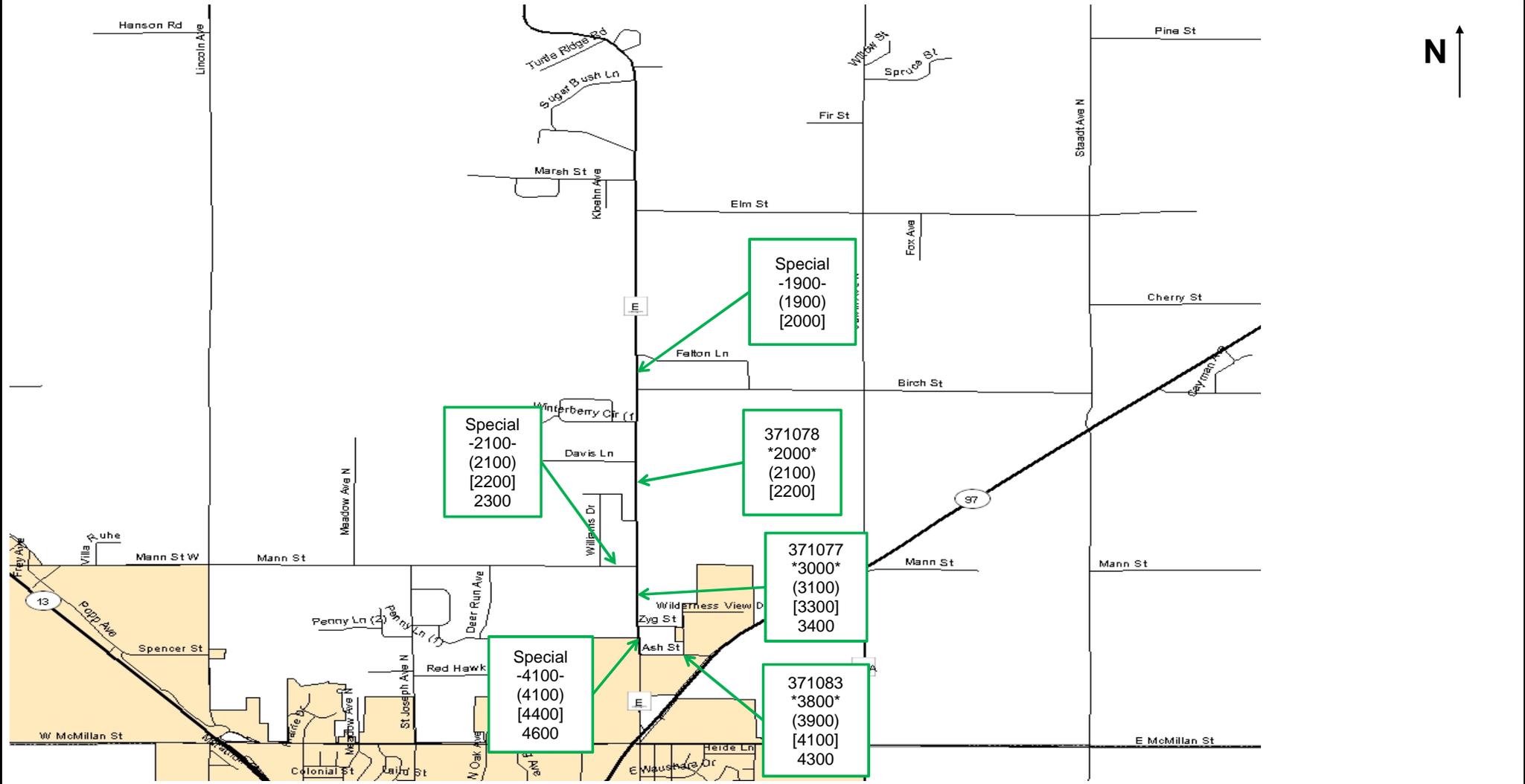
Phone: (608) 266-1379

FAX #: (608) 267-1856

E-Mail: karl.buck@dot.wi.gov



Traffic Forecasting Section; Bureau of Planning and Economic Development; Division of Transportation Investment Management



Design Values (%)	
Sites	Special
Routes	CTH E
Volume(s):	4600
K250	11.5
K100	12.1
K30	12.9
P	14.2
D(Dsgn. Hr.)	58/42
T(DHV)	6.8
T(PHV)	6.0

Truck Class Percents	
Class/Site	Special
2D	6.9
3AX	0.4
2S1+2S2	0.6
3-S2	0.1
DBL-BTM	0.0
TOTAL	8.0%

NOTES ON THE FORECAST:

1. This projection assumes that no major new traffic generators will be added to the development already included in the travel demand model.
2. Truck classification percentages were taken from 2013 special counts on CTH E at the site just north of Ash St. Truck percents are estimated at 8.0%.
3. Special counts were performed on CTH E and Mann St in 2013. The raw counts were factored for seasonal, daily and axle factor adjustments based on factors from the Bureau of State Highway Programs.

MORE NOTES ON THE FORECAST:

4. CTH E is a factor group II (urban-other) highway indicating low to moderate fluctuation in traffic from a seasonal perspective. It is functionally classified as an urban minor arterial (16) for count purposes.
5. The Marathon County Travel Demand Model was used to complete this forecast. Additional outputs were used as a comparison tool to check against the model output. Adjustments were made as needed.

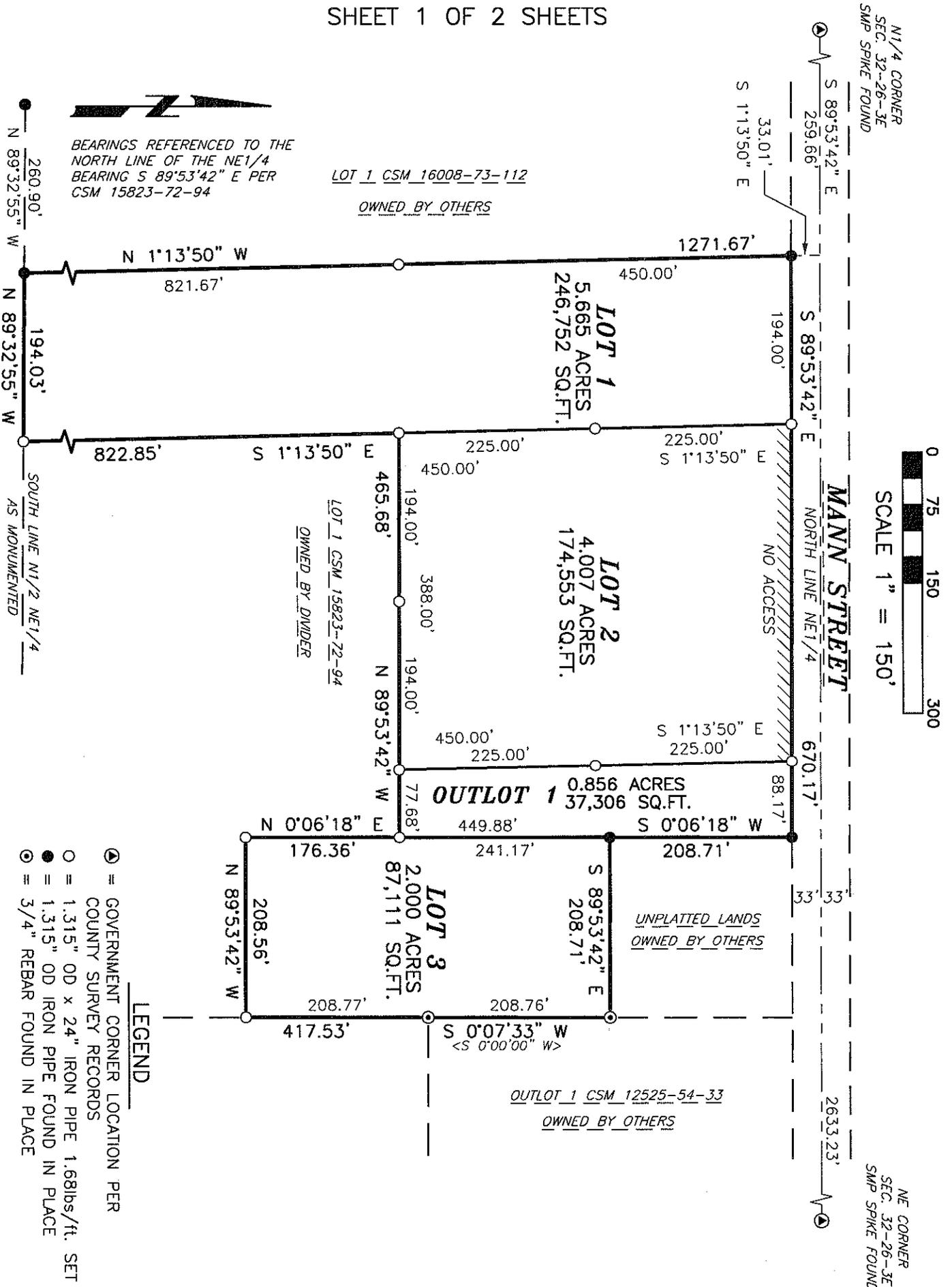
CERTIFIED SURVEY MAP

MARATHON COUNTY NO. _____ **VOL.** _____ **PAGE** _____

PART OF LOT 1 OF CSM 15823-72-94, LOCATED IN THE NW1/4 NE1/4, SECTION 32, TOWNSHIP 26 NORTH, RANGE 3 EAST, TOWN OF MCMILLAN, MARATHON COUNTY, WISCONSIN.

VREELAND ASSOCIATES, INC. 6103 DAWN STREET WESTON, WI. 54476 PH (715) 241-0947 OR TOLL FREE (866) 693-3979 FAX (715) 241-9826 tim@vreelandassociates.us	PREPARED FOR: JOHN WILLIAMS & JEFF REDETZKE
FILE #: B-554 RADETZKE CSM DRAFTED BY: TIMOTHY G. VREELAND DRAWN BY: TIMOTHY G. VREELAND	

SHEET 1 OF 2 SHEETS



BEARINGS REFERENCED TO THE NORTH LINE OF THE NE1/4 BEARING S 89°53'42" E PER CSM 15823-72-94

LEGEND

- ⊙ = GOVERNMENT CORNER LOCATION PER COUNTY SURVEY RECORDS
- = 1.315" OD x 24" IRON PIPE 1.68lbs./ft. SET
- = 1.315" OD IRON PIPE FOUND IN PLACE
- ⊙ = 3/4" REBAR FOUND IN PLACE

CERTIFIED SURVEY MAP

MARATHON COUNTY NO. _____ VOL. _____ PAGE _____

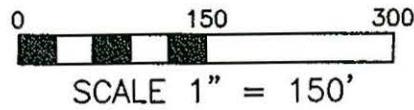
ALL OF LOT 2 OF CSM #16712, LOCATED IN THE NW1/4 NE1/4 OF SECTION 32, TOWNSHIP 26 NORTH, RANGE 3 EAST, TOWN OF MCMILLAN, MARATHON COUNTY, WISCONSIN.

<p style="text-align: center;">VREELAND ASSOCIATES, INC. 6103 DAWN STREET WESTON, WI. 54476 PH (715) 241-0947 OR TOLL FREE (866) 693-3979 FAX (715) 241-9826 tim@vrealandassociates.us</p>	<p style="text-align: center;">PREPARED FOR: ROBERT HANSEN</p>
<p>FILE #: B-554 RADETZKE CSM</p>	<p>DRAFTED BY: TIMOTHY G. VREELAND DRAWN BY: TIMOTHY G. VREELAND</p>

SHEET 1 OF 2 SHEETS

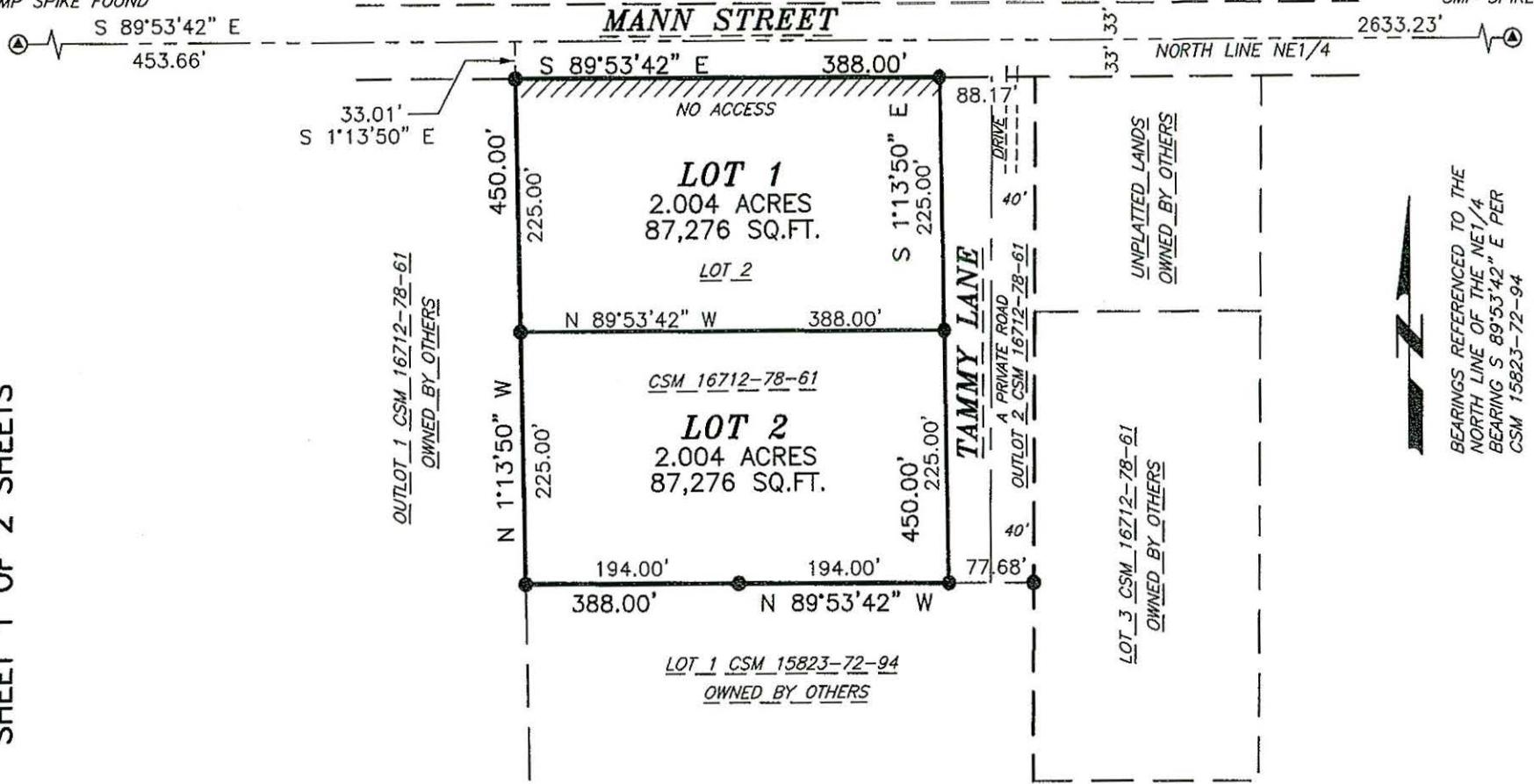
N1/4 CORNER
SEC. 32-26-3E
SMP SPIKE FOUND

NE CORNER
SEC. 32-26-3E
SMP SPIKE FOUND



LEGEND

- ⊙ = GOVERNMENT CORNER LOCATION PER COUNTY SURVEY RECORDS
- = 3/4" REBAR FOUND IN PLACE



BEARINGS REFERENCED TO THE
NORTH LINE OF THE NE1/4
BEARING S 89°53'42" E PER
CSM 15823-72-94

OUTLOT 2 OF CSM 16712 SHOWN HEREON SERVES AS A PRIVATE DRIVE EASEMENT (TAMMY LANE) FOR LOTS 2, 3 OF SAID CSM AND THE LANDS TO THE SOUTH AND BE AN EASEMENT FOR ALL PUBLIC AND PRIVATE UTILITIES SERVING SAID PARCELS.

PRIVATE ROAD MAINTENANCE AGREEMENT

An Agreement made this original date of October 15th, 2013, applicable to the undersigned parcel owners and users,

RECITALS

WHEREAS, Tammy Lane is a private road situated in McMillan Township, County of Marathon, State of Wisconsin, and

WHEREAS, the undersigned parcel owners are the owners or users of the Roadway Property situated in McMillan Township, County of Marathon, State of Wisconsin, commonly known as Tammy Lane, and described as follows:

Outlot 2 of Certified Survey Map Number: Volume: Page:

WHEREAS, the parties desire to enter into an Agreement regarding the costs of maintenance and improvements to Tammy Lane; and

WHEREAS, it is agreed that future parcel owners or users will add their signatures to this document;

NOW THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. Vehicle and Pedestrian Access Easement. The Roadway Property shall be subject to a perpetual, nonexclusive easement for ingress and egress granting access to all the parcel owners and their occupants, agents, employees, guests, services and emergency vehicles, and those individuals appointed by the Town Board to conduct semi-annual road reviews.

2. Utility Easement. The Roadway Property shall be subject to a perpetual, nonexclusive public utility easement for the purpose of permitting above and below ground public utilities to be installed and maintained.

3. Road Commission Agent. A Road Commission Agent shall be elected by a majority of the property owners, will serve a term as agreed to by the property owners, and can be replaced or renewed at any time by a simple majority vote of the parcel owners. The Road Commission Agent shall be responsible for monitoring the condition of the road surface and initiating maintenance activities as needed to maintain the minimum road surface standards.

4. Road Maintenance. Road maintenance and road improvements will be undertaken and made whenever necessary to maintain the road in good operating condition at all times and to insure the provision of safe access by emergency vehicles. A majority vote of parcel owners is required for any road improvements and to accept the bid for any road improvement contract. Before authorizing expenditures for future road improvements, parcel owners will be notified by the Road Commission Agent, cost estimates will be provided, and a majority agreement will be required. If any parcel owner performs improvements, maintenance, repairs or replacements without the approval of the other lot owners prior to performing such work, the lot owner performing such work shall become liable for the entire cost thereof, unless such work is deemed an emergency. However, where emergency repairs are necessary as more particularly noted in Paragraph No. 13 below, neither majority vote nor prior approval is necessary before making such improvements or undertaking such maintenance.

5. Parking. For the safety of the residents, no machinery, trailers, vehicles or other property may be stored or parked upon the Private Road except parking of vehicles for limited periods of time (not to exceed twelve hours).

6. Cost Sharing. Road maintenance, snowplowing and road improvement costs shall be shared on a pro-rata basis between the parcel owners sharing access to the above mentioned road. Each parcel owner's share of costs incurred shall be determined as follows: Pro-rated cost share will be based upon the percentage of roadway extending from the start of the Private Road to the intersection of each driveway where a residence exists, or to the midpoint of a property frontage that is adjacent to the roadway when a residence does not exist. The Road Commission Agent shall provide the Town an updated copy of the cost allocations at any point that changes are made to the cost allocations.

7. Prepayment. Prepayment of maintenance, snowplowing and improvement costs will be made to the road maintenance account by each property owner. Annually, on or before a date as specified by the Road Commission Agent, each parcel owner will contribute their pro-rated share of the estimated annual cost for road maintenance, road improvements, and annual snow removal. The Road Commission Agent shall send each parcel owner a two week notice of the annual payments due.

8. Definition of a Parcel. A parcel is defined as a land entity having a certified survey map (CSM), a platted subdivision lot number, or a parcel identification number in the case of unplatted lands. Each parcel is assessed and granted (1) vote regardless of the number of owners. If a parcel is owned by more than one person, all of the owners of the parcel will collectively be referred to as the "parcel owner" for purposes of this Agreement, and will be entitled to one collective vote (i.e. each parcel represents one vote in the matters covered by this Agreement).

9. Future Parcels. Any additional parcels gaining access to the Private Road by way of splitting existing parcels will be bound by all terms and conditions of this agreement, and will be required to pay that portion of the maintenance, snowplowing and improvement costs incurred after the split as determined using the formula contained in Paragraph No. 6 above. If any additional parcels are created after the original Private Road Maintenance Agreement is signed, the new parcel owners must also sign the agreement. When a parcel is being sold on a land contract, the land contract vendee shall be deemed the owner of record.

10. Snow Plowing. The Private Road shall be snowplowed so as to permit year round access. The cost shall be shared by the parcel owners as indicated in Paragraph No. 6 above. Individual driveway snow plowing, if desired, will be invoiced to the parcel owners directly by the snow plow contractor.

11. Annual Road Reviews by Town. A Private Road serving 3 or more lots or parcels shall be part of the Town's annual road reviews. The adjacent property owners will be notified of any observed improvements needed on Private Roads, and improvements must be made by the residents on the Private Road. If the improvements are not made within 2 months from notification (or within a time frame otherwise agreed to by the Town Board), the Town will make the improvements and bill the work to the property owners. The cost will include both the Town's expenses for staff time and the contractor's expenses for the actual road improvements. The costs must be fully paid within 2 months from the date of the invoice (or within a time frame otherwise agreed to by the Town Board). If the costs are not paid by this time, the Town will certify the costs (including both the construction and administrative costs) to the County tax roll, for all residents living on the Private Road.

12. Emergency Repairs. If the Town is made aware of emergency safety conditions on a Private Road, the Town will attempt to reach the Road Commission Agent and request that the necessary repairs be completed immediately. However, if the Town is not able to reach the Road Commission Agent, the Town has the authority to make emergency repairs as needed without further notification of the residents on the road. In such cases, the property owners will be notified after the repair of the cost and amount due from the residents, as well as the reasons for making the emergency repairs. The schedule and process for reimbursement to the Town will be as described in Paragraph No. 12 above.

13. Effective Term. This Agreement shall be perpetual, and shall encumber and run with the land as long as the road remains private.

14. Binding Agreement. This Agreement shall be binding upon the parties hereto, their respective heirs, executors, administrators and assigns.

15. Amendment. This Agreement may be amended only by a two-thirds majority consent of all parcel owners.

16. Enforcement. This Agreement may be enforced by a majority of parcel owners. If a court action or lawsuit is necessary to enforce this Agreement, the party commencing such action or lawsuit shall be entitled to reasonable attorney fees and costs, if the party prevails.

17. Disputes. If a dispute arises over any aspect of the improvements, maintenance, repair or replacement, a third party arbitrator shall be appointed to resolve the dispute. The decision of the arbitrator shall be final and binding on all of the lot owners. Contact information for local arbitrators can be obtained through the American Arbitration Association. In selecting a third party arbitrator, each lot shall be entitled to one vote, and the nominee receiving a majority of the votes shall be the arbitrator. All parties shall share in the cost of any arbitration.

18. Notices. Parcel owners under the Agreement shall be notified by mail or in person. If an address of a parcel owner is not known, a certified notice will be mailed to the address to which the parcel owner's property tax bills are sent.

19. Invalidity. Should any provision in this Agreement be deemed invalid or unenforceable, the remainder of the Agreement shall not be affected and each term and condition shall be valid and enforceable to the extent permitted by law.

20. Other Agreements. This Private Road Maintenance Agreement replaces all previous Private Road Maintenance Agreements regarding the described Private Road.

21. Town Road and Driveway Ordinance. The Private Road shall be constructed and maintained in accordance with the Town's Road and Driveway Ordinance.

22. Disclaimer by Town. It is understood and agreed that the Town, the Town Board, the Plan Commission and the agents of the Town shall not be liable or responsible in any manner to the developer or the property owners along the road, or to their contractors, subcontractors, agents, or any other person, firm or corporation, for any debt, claim, demand, damages, action or causes of action of any kind or character arising out of or by reason of the activities or improvements being required herein.

23. Recording This Document. Original and amended copies of this document, including added signatures, shall be recorded and provided to the Town Clerk by the Road Commission Agent.

Signed,



Jeff Redetzke

10-16-13
Date

*The Miller
TB*

Approved 11-11-2013

Christy J. O'Leary, Chair

Denise M. Berg, Town Clerk