

OFFICE OF
Town of New Glarus

6/29/10

John and Arlene Marty
N8436 Marty Road
New Glarus, WI 53574

Dear John and Arlene,

Per the request of the Town of New Glarus Plan Commission I am sending you examples of accepted ways of recording the open space for your property from further residential development as required by Chapter 110 of the Town Code of Ordinances.

Enclosed are five examples which are based upon two basic methods, variations of those methods, and combinations of the two methods. One method is to define the area restricted to open space by exclusion affidavit. The enclosed example created for Ron Roesslein by Dale Hustad employs the original description of the property as it existed at the date of Ordinance (October 13, 1997) and identifies the subsequent building sites not included in the deed restriction. The other example was prepared by Al Lienhardt for his cluster division of property described by Certified Survey Map 4347. His approach was to start with the land contained within the Certified Survey Map and to subsequently exclude it from the restriction that applied to the remainder of the original acreage.

The next option is to record the restricted open space as an exhibit filed with a Certified Survey Map. The enclosed example was prepared for Dorene Disch by Hasse Surveying. The exhibit shows where the building envelopes are located within the lots defined by the Certified Survey Maps and the size of those envelopes; the balance of the property outside the building envelopes is restricted from residential development.

The enclosed example submitted by John and Joy Freitag as prepared by R. Scott Jacobson is a hybrid of an affidavit and exhibit; it uses the affidavit to describe the amount of open space restricted in each parcel and references an exhibit to define the parcels themselves through the appropriate legal description (i.e. Certified Survey Map, Plat of Survey, or Metes and Bounds). Likewise the enclosed example prepared for Rebecca Hauser by Rex Ewald and Hasse Surveying uses a combined method. Hauser's Development Rights Covenant acts as an affidavit that acknowledges what the current requirements are for open space as defined by Chapter 110; the covenant refers to a Certified Survey Map that defines those areas restricted from further residential development.

We hope these examples are useful in preparing your document(s) needed to identify those areas of your property that will be restricted from further residential development. Please feel free to contact our office if you have any further questions.

Respectfully,

John Wright
Town of New Glarus Deputy Clerk-Plan Administrator