NORDIC RIDGE
FINAL PLAT

D'ONOFRIO KOTTKE AND ASSOCIATES, INC.
7530 Westward Way, Madison, WI 53717
Phone: 608.833.7530 • Fax: 608.833.1089
YOUR NATURAL RESOURCE FOR LAND DEVELOPMENT

NordicRidge

Mr.Rodney Scheel,

November 29, 2019

With regards to out Lot 7 in Nordic Ridge Subdivision, I would like to request the City vacate this out lot. The reasons for vacating this are as follows:

1. Eliminate this lot so there is no additional maintenance for City crew.
2. City gains one more taxable residential lot.
3. Nordic Ridge fully improved park is within walking distance of out Lot 7 (No need for tot lot).
4. Developer has met all park land requirements without out Lot 7 (tot lot).

In good faith, the Developer, Harvest Farms LLC, will cover all legal fees incurred with vacating out Lot 7, tot lot, to create 1 additional PUD lot in Nordic Ridge Subdivision.

Sincerely,

Robert H. Dvorak

Harvest Farms LLC

CC: Mr. Tim Swadley, Mayor

Dan Glynn

From: Dan Glynn
Sent: Monday, October 14, 2019 11:03 AM
To: Pat Groom; Brett Hebert
Subject: FW: Nordic tot lot 7

The email from Dregne outlines the procedure to sell the land back to Dvorak. This is what I was talking about at our meeting last week. It was already going to be a hard sell on my committee since we are below the national standard for parkland.

Dan Glynn, CPRP
Parks & Recreation Director
City of Stoughton
207 S. Forrest St
Stoughton, WI 53589
608-873-6746
www.stoughtonrec.com

From: Rodney J. Scheel
Sent: Thursday, September 19, 2019 6:07 AM
To: Dan Glynn <DGlynn@ci.stoughton.wi.us>
Subject: FW: Nordic tot lot 7

FYI

Rodney Scheel
Director of Planning & Development
City of Stoughton
608.873.6619

From: Matthew Dregne [mailto:MDREGNE@staffordlaw.com]
Sent: Wednesday, September 18, 2019 5:18 PM
To: 'Bob Dvorak' <Bob@rhdproperties.com>
Cc: Tim Swadley <TSwadley@ci.stoughton.wi.us>; Rodney J. Scheel <rjscheel@ci.stoughton.wi.us>; Kyle P. Olsen <kolsen@staffordlaw.com>
Subject: RE: Nordic tot lot 7

Bob,

Yes, we have taken a look at this. Our conclusions at this point are as follows:

1. The land that was dedicated as a park on the plat would need to be vacated by action of a circuit court judge. The City would need to apply to the court and request that the park be vacated. This procedure is described in Section 236.43(3) of the Wisconsin Statutes. This procedure is available only if the land has never been developed as a park or playground. If the City wants to proceed with an application to vacate the park, we would recommend following the notice and hearing requirements set forth in Wis. Stat. sections 236.41 and 236.42.

2. We have not been able to nail down exactly how legal title to the vacated park would be determined. Wis. Stat. sec. 66.1005 states as follows: "When any highway or public ground acquired or held for highway purposes is discontinued, the land where the highway or public ground is located shall belong to the owner

or owners of the adjoining lands. If the highway or public ground is located between the lands of different owners, it shall be annexed to the lots to which it originally belonged if that can be ascertained. If the lots to which the land originally belonged cannot be ascertained, the land shall be equally divided between the owners of the lands on each side of the highway or public ground." However, because we are dealing with a park, it is not clear that this statute would apply. We are continuing to look a bit deeper into this title issue, to see if we can find any further guidance.

Matt

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From: Bob Dvorak <Bob@rhdproperties.com>
Sent: Wednesday, September 18, 2019 3:13 PM
To: Matthew Dregne <MDREGNE@staffordlaw.com>
Subject: Nordic tot lot 7

Matt,

How you doing?

Have you had time to look at this tot lot in Nordic Ridge to see if it makes sense to put back within the plat? At some point pending sales that lot will be within our next phase of development in Nordic Ridge. Just would like to get this known one way or another before we go into design.

Take care,
Bob

Robert H Dvorak | 608-712-2048

RHD Properties