



Wisconsin Department of Transportation

TO: Prospective Bidders
For Surplus State Highway Land

DEPARTMENT OF TRANSPORTATION
DTDS – SW Region
2101 Wright Street
Madison, WI 53704
Telephone: (608) 246-5357
FAX: (608) 242-8027

Sealed Bid Sale of Surplus State-Owned Land **Bid Opening of July 10, 2018**

The location of the parcel is at the southeast corner of US Highway 61 and County Highway T being part of the NW ¼ of the SW ¼ of Section 31, T7N, R2W, Town of Hickory Grove, Grant County, Wisconsin, Tax ID number 024-00685-0000.

The Department of Transportation solicits your sealed bid for the purchase of the above-mentioned parcel of surplus real estate. The parcel measures approximately 0.50 acres being square in shape with about 147 feet of frontage along CTH T. The property is currently zoned Farmland Preservation. It is assumed access would be allowed off of CTH T; however permitting would have to be confirmed with the Town and County. The Purchaser will be responsible for any necessary rezoning. A map is attached depicting the property.

If you are interested in bidding on this land, carefully read the instructions in the enclosed bulletin. In addition to terms of sale, the bulletin also contains a sample deed, sample language and legal description of the parcel with deed restrictions, a copy of the plat of survey, information on zoning, and the official forms on which your bid must be recorded.

The appraised value of this property is \$15,000.00. This is based on the review of an appraisal report completed by Randy Schwarz of the Wisconsin Department of Transportation. There is no minimum bid; however, the Department of Transportation reserves the right to reject any and all bids. **A bid deposit in the form of a certified check or cashier's check in the amount of ten percent (10%) of the bid amount must accompany the bid. The check should be made payable to the Wisconsin Department of Transportation.** The deposit of the high bidder will be applied towards the purchase price. The bid deposits of unsuccessful bidders will be returned within 10 days of the bid opening.

No verbal statements or representations made by, for, or on behalf of either party shall be a part of such contract. **It shall be the responsibility of the prospective buyer to be fully informed as to zoning ordinances, real estate tax rates, utility service, building codes, local municipal assessments, etc.** The seller will furnish no title insurance or abstract. Final sale is subject to the approval of the Wisconsin Department of Transportation Regional Approval.

All bids must be received no later than 2:00 p.m., July 10, 2018, at the Wisconsin Dept. of Transportation, Transportation Systems Development, Southwest Region – Madison Office, Real Estate Unit, 2101 Wright Street, Madison, WI 53704 Attention: Teri Weil. The bid opening will occur at 2:00 p.m. July 10, 2018.

Your attendance at the bid opening is welcome but is not a requirement.

If you need directions to locate our office or clarification of the bid instructions, I will be happy to assist you. Please contact me at (608) 246-5357.

Sincerely,

Teri Weil
Real Estate Specialist



WISCONSIN DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION SYSTEM DEVELOPMENT – REAL ESTATE
SOUTHWEST REGION, MADISON OFFICE

SEALED BID SALE OF SURPLUS LAND

BIDDERS BULLETIN
(Contains Official Special Bid Form)

Project ID 1651-01-62; Parcel No. 1

Subject Property Location: Parcel is located at the southeast corner of US Highway 61 and County Highway T being part of the NW ¼ of the SW ¼ of Section 31, T7N, R2W, Town of Hickory Grove, Grant County, Wisconsin, Tax ID 024-00685-0000

BIDS MUST BE RECEIVED BEFORE:

2:00 PM, Tuesday, July 10, 2018

at the
**WISCONSIN DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION SYSTEM DEVELOPMENT – REAL ESTATE
SOUTHWEST REGION, MADISON OFFICE
2101 WRIGHT STREET
MADISON, WI 53704
ATTN: TERI WEIL, WISDOT PROPERTY MANAGER**

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GENERAL INFORMATION APPLYING TO ALL SURPLUS LAND SALES

The Wisconsin Department of Transportation (also referred to as the "Department") urges you to visit and inspect the surplus parcel you are interested in before you bid. All lands will be conveyed on an "as is" basis. Ignorance of any condition of the site will not allow you to withdraw or adjust a bid after it is opened.

We urge you to secure firsthand information about the local real estate tax rate, utility services, zoning ordinances and building codes. With that information, you will be in a position to accurately determine the utility of the land and to prepare a bid reflective of that utility.

GENERAL INFORMATION ABOUT PROPERTY OFFERED FOR SALE

1. Subject Property Location: Parcel is located at Southeast corner of USH 61 and CTH T
2. Project ID 1651-01-62; Parcel No. 1.
3. Site Area: ± 0.50 acres of vacant land.
4. Present Zoning: Farmland Preservation
5. Quit Claim Deed with legal description and restrictions.
6. Taxes or Assessments Levied Against Site: None known. Any taxes or assessments will be the responsibility of buyer.
7. Other: Parcel was once used as a salt storage facility.

GENERAL TERMS OF SALE

1. **Deadline for Bid Opening:**
It shall be your duty as a bidder to see that your bid is delivered within the time and at the place prescribed in this bulletin. No bid received after the time fixed in this invitation for the opening of bids will be considered and those bids will be returned unopened. Bidders are welcome to attend the bid opening but attendance is not mandatory.
2. **Award of Bid:**
After payment of the full bid price, the Department will award title of the subject property to the bidder whose bid conforms to the terms and conditions stated in this bulletin and who has the highest dollar value bid acceptable to the Department. The appraised value is \$15,000.00 based on the review of an appraisal report completed by Randy Schwarz of the Wisconsin Department of Transportation. There is no minimum bid required. The Department reserves the right to reject all bids if no bid is received that would be in the best interest of the Department to accept. In the event two or more acceptable high bids are received that are equal in all respects, the selection will be made by a lottery limited to the tied bidders.
3. **Modification or Withdrawal of Bids:**
The Department will not entertain claims from bidders for withdrawal or modification of bids after the bid opening because of ignorance of the condition of the subject property offered for sale or misinterpretation of the terms and conditions of the sale.
4. **Notice of Acceptance or Rejection of Bids:**
You will be notified by mail of acceptance or rejection of your bid within ten (10) business days after the day of bid opening.
5. **Contract for Sale:**
After the high bid has been accepted by the Department and the sale approved by the Wisconsin Department of Transportation Region Office, a sale agreement between the successful bidder and the state shall exist. Such agreement shall constitute the whole contract to be succeeded only by the formal conveyance instrument unless modified in writing and signed by both parties.

Neither oral statements nor representations made by or for, or on behalf of either party shall become part of such contract; nor shall the contract or any interest therein be transferred or assigned by the successful bidder without written consent of the Department. Any assignment transaction without such consent shall negate the sale. See Item 7 below.

6. **Grounds for Rejection of Bids:**
The Department expressly reserves the right to reject any and all bids when deemed as irregular or when not in the best interest of the Department to accept. Bids containing any qualifying or contingent clauses not mentioned in this bulletin will be declared irregular and rejected. Minor irregularities in the bid form such as misspelled words, may be waived and the bid accepted.
7. **Forfeiture of Bid Deposit:**
In the event of a default by the winning bidder in the performance of the contract of sale created by the Department accepting that bid, the bid deposit shall be forfeited. The Department shall take such actions, as it deems necessary and appropriate, to enforce the contract. Those actions may include legal redress, awarding title to the second acceptable high bidder or re-advertising the site for sale.
8. **Transfer of Title:**
Transfer of title to the subject property to the successful bidder will be via a Quit Claim Deed. The deed will be executed by the Department on behalf of the State of Wisconsin and will recite approval of the Wisconsin Department of Transportation Region Office. A sample Quit Claim Deed, which includes the legal description and deed restrictions, is included on pages 6 and 7.
9. **Final Payment to Seller and Recording of Deed:**
In the event the Department accepts the highest bid, the winning bidder shall, on a mutually agreeable date not later than 60 days after acceptance of the bid or Wisconsin Department of Transportation Region Office's approval of the sale, whichever is later, tender to the Department the balance of the purchase price. Upon receipt of that payment, the Wisconsin Department of Transportation will record the Quit Claim Deed at the Grant County Register of Deeds Office.
10. **Delivery of Deed:**
Once the deed has been recorded, the Department will send a recorded deed copy to the buyer.
11. **Title Evidence:**
Buyer will assume the expense of procuring any abstracts or title insurance as may be required.
12. **Certified Surveys:**
No CSM was prepared for this parcel. A Plat of Survey was prepared and the parcel. The purchaser assumes any and all costs of rezoning, if necessary.
13. **Special Assessments:**
The buyer will assume the payment of any unpaid deferred charges or special assessments for public improvements levied against the subject property at the time of sale. Amounts of these outstanding charges will be disclosed in the bulletin if known. None are known to exist.
14. **Real Estate Taxes:**
The buyer will be liable for all general real estate taxes levied against the subject property after title is transferred. Property is currently tax exempt.
15. **Inspections:**
Any qualified prospective bidder may physically inspect the property. The property is being sold "as is" with no warranties as to condition or use. It is advised that all bidders research thoroughly, exercise due diligence, and seek professional advice if necessary regarding the property for sale.

INSTRUCTIONS TO BIDDERS

1. Special Bid Form:
You must submit your bid on one of the two copies of the Special Bid Form provided with this bulletin (Pages 9 and 10) and furnish all information requested; the second copy is provided for your records. If your bid is submitted on forms other than those supplied in this bulletin, or if the bid fails to furnish all information required, the bid might be rejected at the sole option of the Department. Your bid should be filled out legibly with all erasures, strikeouts and corrections initialed by the person signing it. The bid must be signed in ink by you or your agent.
2. Special Bid Envelope:
Your bid form should be placed in **an envelope clearly marked: "Sealed Bid 7/10/18. Project ID 1651-01-62, Parcel No. 1,"** with your name and address placed in the upper left hand corner of this envelope. No responsibility will be implied to any employee of the Department for the premature opening of, or failure to open a bid, which is not properly marked.
3. Bids Executed by Agents of Bidder:
A bid executed by an attorney or agent on behalf of the bidder, shall be accompanied by an authenticated copy of his Power of Attorney or other written evidence of his authority to act on behalf of the bidder.
4. Deposit Must Accompany Bid:
The bid submitted must be accompanied by a bid deposit in the form of a certified check, cashier's check or money order payable to the "Wisconsin Department of Transportation" in the amount of ten percent (10%) of the amount bid for the subject property. Failure to provide such bid deposit shall require rejection of the bid. Upon acceptance of a bid, the appropriate bid deposit of the high bidder shall be applied toward payment of the bidder's obligation to the state. Bid deposits of unsuccessful bidders will be returned to bidders at the close of the bid opening or by certified mail without interest, as promptly as possible after the bid opening. **No personal checks or cash will be accepted.** Bids containing those items will be summarily rejected.
5. No Minimum Bid Required:
There is no minimum bid required. The Department retains the right to reject any and all bids that are not in the best interest of the Department to accept. Title to the subject property will be awarded to the party making the highest bid in acceptable form once approved by the Department.
6. Bid **Must** be Delivered by Deadline:
Bids **must** be in the hands of WisDOT; Division of Transportation Systems Development – Real Estate, Southwest Region, Madison Office, Madison, WI 53704, Attn: Teri Weil, **before 2:00, July 10, 2018.** There are no exceptions to this deadline. Bids, whether hand delivered or mailed, that are received after the above stated deadline will not be opened and will be returned to the bidder.

QUIT CLAIM DEED – STATE GRANTOR

Wisconsin Department of Transportation
Exempt from fee s. 77.25(2) Wis. Stats.
RE1563 09/2017

THIS DEED, made by the **State of Wisconsin, Department of Transportation**, GRANTOR, quit claims to GRANTEE(s), for the sum of (\$) pursuant to Section 84.09(5) Wisconsin Statutes, the property described below.

LEGAL DESCRIPTION IS ATTACHED AND MADE A PART OF THIS DOCUMENT BY REFERENCE.

It is expressly intended and agreed by and between the parties hereto that the following conditions apply:

No advertising signs or billboards of any type shall be located, erected or maintained on the above-described lands, except for on-premise signs.

All existing public and private utilities and public recreational trails located upon, over or under the above-described lands, whether by permit or easement, shall have the continued right of occupancy and the continued right of ingress and egress for personnel and equipment for the purpose of maintaining or improving their existing transmission and/or distribution facilities located wholly or partially within the above-described lands as of the date of this instrument.

In the event facilities are constructed, maintained, or otherwise operated on the property described in this deed for the purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the GRANTEE will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

These covenants, burdens and restrictions shall run with the land and shall forever bind the grantee, its successors and assigns; and, upon breach or failure of all or any part thereof, the state of Wisconsin, Department of Transportation may bring an action in the courts of this state to enforce said restriction, and shall recover in any such action its costs and expenses of enforcing the restriction, including actual attorneys fees, from the owner of the property, his/her successors, assigns, trustees, personal representatives or administrators. Furthermore, in the event of breach of any of the above non-discrimination covenants, the Wisconsin Department of Transportation will have the right to enter or re-enter the lands and facilities thereon, and the above-described lands and facilities will there upon revert to, vest in, and become the absolute property of the Wisconsin Department of Transportation and its assigns.

This space is reserved for recording data
Return to
Parcel Identification Number/Tax Key Number

Date

Real Estate Manager Signature

Print Name

Date

State of)
County) ss.

On the above date, this instrument was acknowledged before me by the named person(s).

Signature, Notary Public, State of Wisconsin

Print Name, Notary Public, State of Wisconsin

Date Commission Expires



This instrument was drafted by:
Wisconsin Department of Transportation

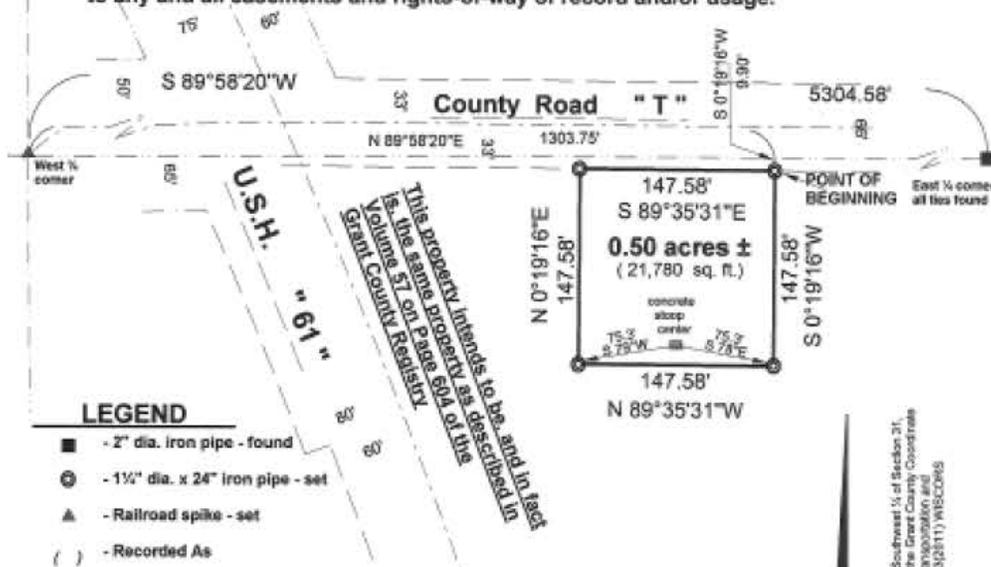
Project ID

Parcel No.:

PLAT OF SURVEY

Plat of Survey for WI Dept of Transportation
of part of the Northwest ¼ of the Southwest ¼ of Section 31,
Town 7 North, Range 2 West, Hickory Grove Township,
Grant County, Wisconsin, more fully described as:

Commencing at the Northwest corner of the aforesaid Southwest quarter;
 thence N 89°58'20"E along the North line thereof, 1303.75';
 thence S 0°19'16"W, 9.90' to a 1½" pipe on the South line
 of County Road T and the point of beginning;
 thence continuing S 0°19'16"W, 147.58' to a 1½" pipe;
 thence N 89°35'31"W, 147.58' to 1½" pipe;
 thence N 0°19'16"E, 147.58' to a 1½" pipe on the South line of said County Road T;
 thence S 89°35'31"E, 147.58' to the point of beginning.
 Parcel contains 0.50 acres (21,780 square feet), more or less and is subject
 to any and all easements and rights-of-way of record and/or usage.



LEGEND

- - 2" dia. iron pipe - found
- ⊙ - 1½" dia. x 24" iron pipe - set
- ▲ - Railroad spike - set
- () - Recorded As

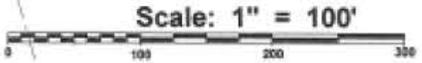
Property determined from State
 Highway Commission of Wisconsin,
 Project F 08-1(17) last dated Aug 3, 1953.

I, Bruce D. Bowden, Professional Wisconsin Land Surveyor - 1250, agent of Bowden Surveying, Ltd., do hereby certify that I have surveyed, described, mapped and monumented the property shown hereon in accordance with the instructions of Mr. Robert A. Talarczyk, Survey Coordinator, and that this map is a correct representation thereof to the best of my knowledge and belief.

Bruce D. Bowden, P.L.S. - 1250
 Agent of Bowden Surveying, Ltd. December 7, 2017



If this stamp is not red colored and the surveyor's signature is not in blue ink, the map should be assumed to be a copy and may contain unauthorized alterations. The certificate shown hereon shall not apply to any copies.



Bowden Surveying, Ltd.
 3970 Esch Road
 Dodgeville, WI 53533
 Phone (608)935-6513

Job No. 30141

Note: Bearings are referenced to the North line of the Southwest ¼ of Section 31, T 7 N, R 2 W, which lies in the property boundary system of the Wisconsin Department of Transportation and is determined by GPS observation. Datum: NAD 83(2011) WISCONSIN

RESTRICTIONS

It is expressly intended and agreed by and between the parties hereto that the above-described lands shall be subject to all applicable zoning laws and/or ordinances.

No advertising signs or billboards of any type shall be located, erected or maintained on the above-described lands, except for on-premise signs.

All existing public and private utilities and public recreational trails located upon, over or under the above-described lands, whether by permit or easement, shall have the continued right of occupancy and the continued right of ingress and egress for personnel and equipment for the purpose of maintaining or improving their existing transmission and/or distribution facilities located wholly or partially within the above-described lands as of the date of this instrument. Cropping in this area shall be coordinated with the utility companies and moving any facilities will be at the owner's expense.

These covenants, burdens and restrictions shall run with the land and shall forever bind the grantee, its successors and assigns; and, upon breach or failure of all or any part thereof, the State of Wisconsin, Department of Transportation may bring an action in the courts of this state to enforce said restriction, and shall recover in any such action its costs and expenses of enforcing the restriction, including actual attorney's fees, from the owner of the property, his/her successors, assigns, trustees, personal representatives or administrators.



SPECIAL BID FORM

WISCONSIN DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION SYSTEM DEVELOPMENT – REAL ESTATE
SOUTHWEST REGION, MADISON OFFICE

OFFICIAL BID FOR PURCHASE OF STATE-OWNED SURPLUS LAND

Bid Opening: 2:00 PM, Tuesday, July 10, 2018

At the
Wisconsin Department of Transportation, Southwest Region, Madison Office
2101 Wright Street
Madison, WI 53704

Subject Property Location: ± 0.50 Acres, Town of Hickory Grove, Grant County, WI
Project ID 1651-01-62; Parcel No. 1

I hereby submit a bid of _____ Dollars (\$) for the above-described tract of land subject to the terms and conditions previously described in the bulletin.

Payment Schedule:

This bid is accompanied by a bid deposit in the form of a certified check, cashier's check or money order in the amount of _____ Dollars (\$_____). Make check payable to: "**Wisconsin Department of Transportation.**" In the event of any default by successful bidder in the performance of the contract sale created by acceptance of the bid and the approval of the sale by the Wisconsin Department of Transportation Region Office of the State of Wisconsin, the deposit shall be forfeited and the Department shall take such action as it deems necessary and appropriate to enforce the contract.

In the event this bid is accepted, the Quit Claim Deed should name the following as grantee(s). Note: Please print clearly and spell name(s) exactly as you wish it appear (include middle initial, etc. if appropriate):

Bidder's signature

Date

Bidder's printed or typed name

Phone

Street address

City, State Zip

All blanks on this bid form must be filled out completely and legibly, with any corrections initialed by person signing as bidder. Bidder's signature must be you or your agent, appear in ink and include a printed or typed name, as well as phone and mailing address. Keep one copy for your records.

Place in envelope clearly marked: "Sealed Bid, 7/10/18. Project ID 1651-01-62, Parcel No. 1"



SPECIAL BID FORM

WISCONSIN DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION SYSTEM DEVELOPMENT – REAL ESTATE
SOUTHWEST REGION, MADISON OFFICE

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Bidder's signature

Date

Bidder's printed or typed name

Phone

Street address

City, State Zip

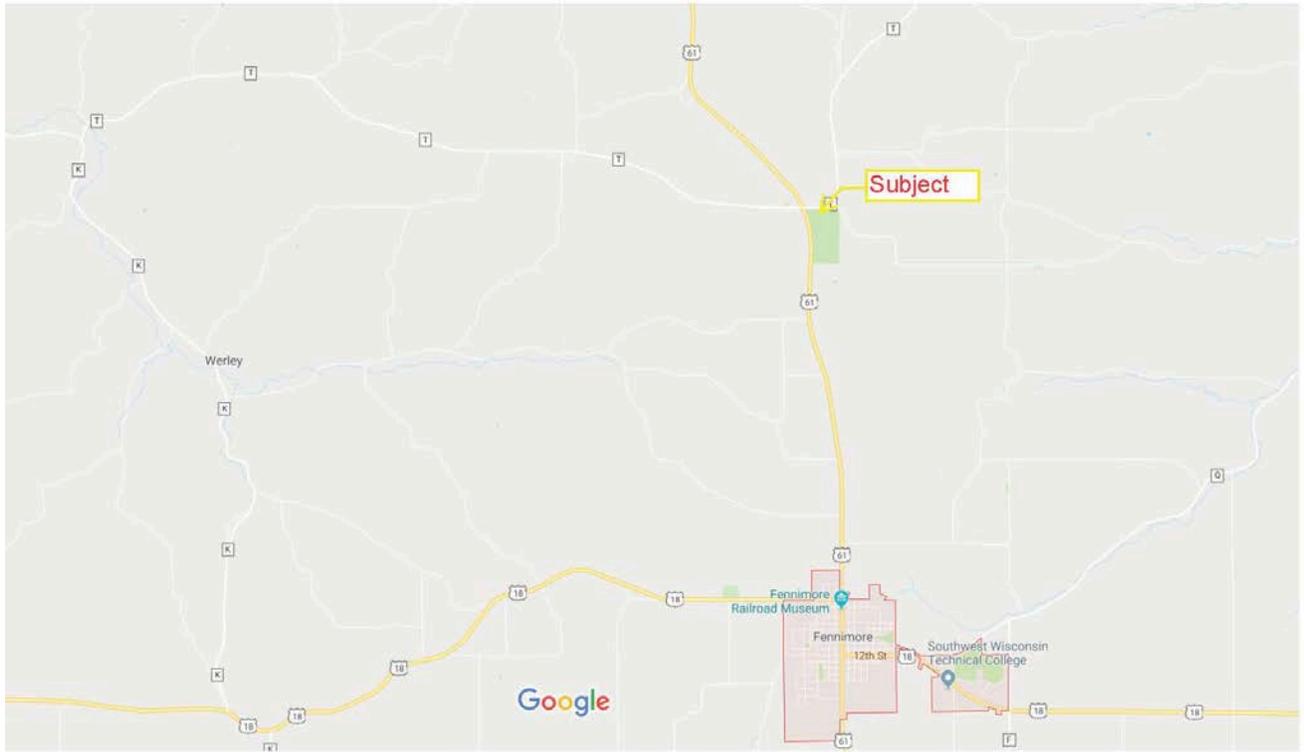
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Place in envelope clearly marked: "Sealed Bid, 7/10/18. Project ID 1651-01-62, Parcel No. 1"

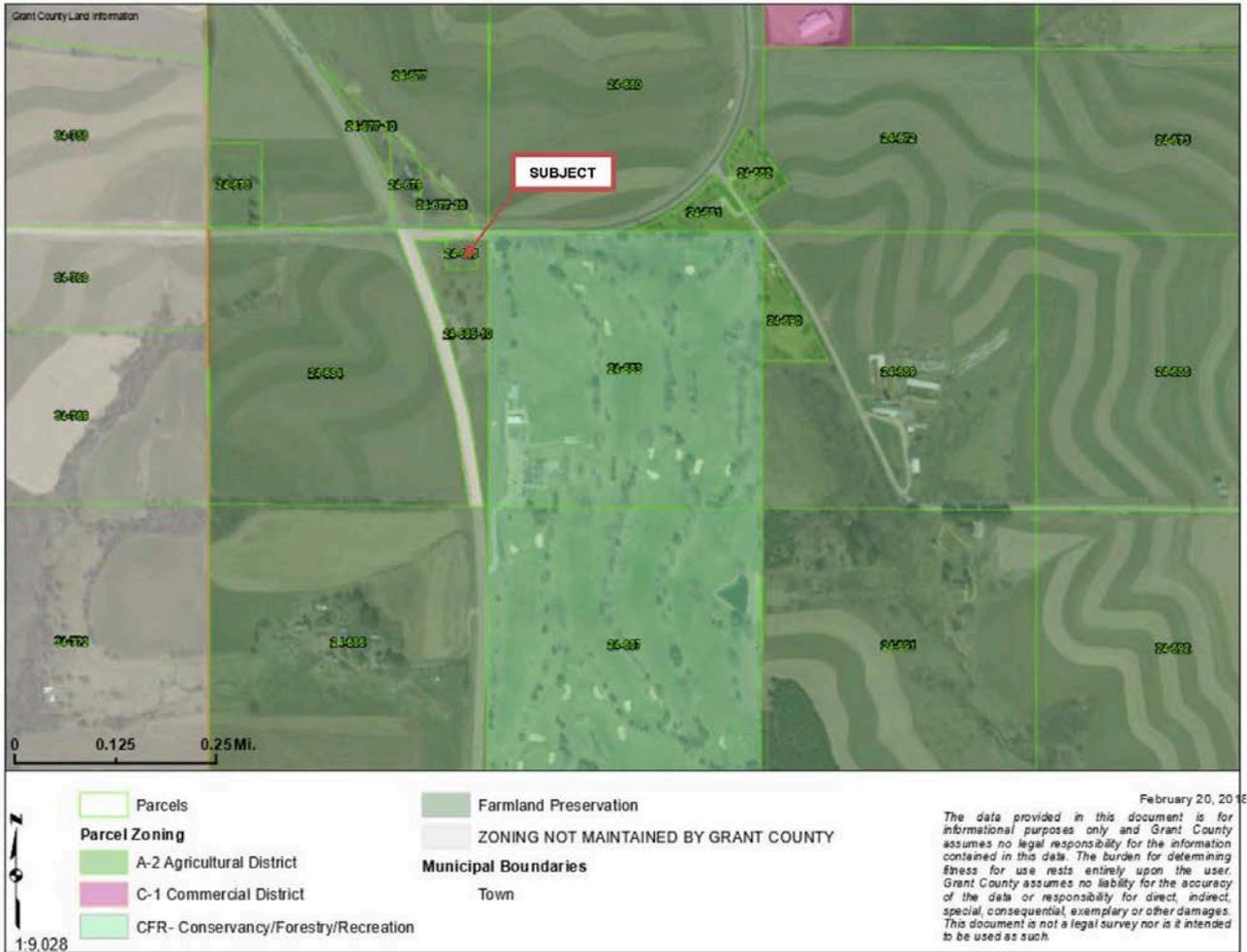
PROPERTY AERIAL



PROPERTY LOCATION MAP



ZONING INFORMATION



ZONING INFORMATION

3.05 FARMLAND PRESERVATION DISTRICT

The intent of this district is to maintain highly productive agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural development and minimizing land use conflicts among incompatible uses and including meeting tax credit eligibility.

A. DEFINITIONS The following definitions are specific to the farmland preservation zoning district:

- (1) **ACCESSORY USE:** Any of the following land uses on a farm:
 - (a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
 - (b) An activity, or a business operation that is an integral part of, or incidental to, an agricultural use.
 - (c) A farm residence.
 - (d) A business, activity, or enterprise, whether, or not associated with an agricultural use, that is conducted by the owner, or operator of a farm, that requires no buildings, structures, or improvements other than those described in paragraphs (a), or (c), that employs no more than 4 full-time employees annually, and that does not impair, or limit the current, or future agricultural use of the farm, or of other protected farmland.
 - (e) Or any other use that the DATCP, by rule, identifies as an agricultural use.
- (2) **AGRICULTURAL USE:** Any of the following activities conducted for the purpose of producing an income, or livelihood:
 - (a) Crop, or forage production
 - (b) Keeping livestock
 - (c) Beekeeping
 - (d) Nursery, sod, or Christmas tree production
 - (e) Floriculture
 - (f) Aquaculture
 - (g) Fur farming
 - (h) Forest management
 - (i) Enrolling land in a federal agricultural commodity payment program, or a federal, or state agricultural land conservation payment program.
 - (j) Or any other use that the DATCP, by rule, identifies as an agricultural use.
- (3) **AGRICULTURE-RELATED USE:** Any of the following:
 - (a) An agricultural equipment dealership, facility providing agricultural supplies, facility for storing, or processing agricultural products, or facility for processing agricultural wastes.
 - (b) Or any other use that the DATCP, by rule, identifies as an agriculture-related use.
- (4) **CONTIGUOUS:** Adjacent to, or sharing a common boundary.
 - (a) Contiguous land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation, or transmission right-of-way. Parcels are not "contiguous" if they meet only at a single point.
- (5) **CONDITIONAL USE:** A use allowed under a conditional use permit pursuant to this section.
- (6) **FARM:** All land under common ownership that is primarily devoted to agricultural use.
- (7) **FARM ACREAGE:** Size of a farm in acres.

ZONING INFORMATION

- (8) FARMLAND PRESERVATION AGREEMENT: Any of the following agreements between an owner of land and the DATCP under which the owner agrees to restrict the use of land in return for tax credits:
- (a) A farmland preservation agreement, or transition area agreement entered into under s. 91.13, 2007, or s. 91.14, 2007 Wis. Stats.
 - (b) An agreement entered into under s. 91.60(1), Wis. Stats.
- (9) FARMLAND PRESERVATION AREA: An area that is planned primarily for agricultural use, or agriculture-related use, or both, and that is one of the following:
- (a) Identified as an agricultural preservation area, or transition area in a farmland preservation plan described in s. 91.12(1), Wis. Stats.
 - (b) Identified under s. 91.10(1) (d) in a farmland preservation plan described in s. 91.12(2), Wis. Stats.
- (10) FARMLAND PRESERVATION PLAN: A plan for the preservation of farmland in a county, including an agricultural preservation plan under sub ch. IV of ch. 91, 2007 Wis. Stats.
- (11) FARM RESIDENCE: Any of the following structures located on a farm:
- (a) A single-family residence that is the only residential structure on the farm.
 - (b) A single-family residence that is occupied by any of the following:
 - 1 - An owner, or operator of the farm
 - 2 - A parent, or child of an owner, or operator of the farm
 - 3 - An individual who earns > 50 percent of his, or her gross income from the farm
 - (c) A migrant labor camp that is certified under s. 103.92 Wis. Stats.
- (12) GROSS FARM REVENUE: Gross receipts from agricultural uses, less the cost, or other basis of livestock, or other agricultural items purchased for resale which are sold, or otherwise disposed of during the taxable year.
- (a) Gross farm revenue includes receipts accruing to a renter, but does not include rent paid to the land owner.
- (13) LIVESTOCK: Includes the following; bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.
- (14) NONFARM RESIDENCE: A single family, or multi family residence other than a farm residence.
- (15) NONFARM RESIDENTIAL ACREAGE: The total number of acres, of all parcels on which nonfarm residences are located.
- (16) OWNER: A person who has an ownership interest in land.
- (17) OPEN SPACE PARCEL: A parcel on which no buildings, other than hunting blinds, or small sheds, have been constructed, or approved for construction.
- (18) PERSON: An individual, corporation, partnership, limited liability company (LLC), trust, estate, or other legal entity.
- (19) PERMITTED USE: A use that is allowed without a conditional use permit, special exception, or other special zoning permission.
- (20) PRIME FARMLAND: Includes all of the following:
- (a) An area with a class I, or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
 - (b) Land, other than land described in par (a), which is identified as prime farmland in the county's certified Farmland Preservation Plan.
- (21) PRIOR NONCONFORMING USE: A land use that does not comply with the Farmland Preservation Zoning Ordinance, but which lawfully existed prior to the application of this Ordinance.

ZONING INFORMATION

- (22) **PROTECTED FARMLAND:** Land that is located in the farmland preservation zoning district, is covered by a farmland preservation agreement, or is otherwise legally protected from nonagricultural development.

B. GENERAL LAND USE IN FARMLAND PRESERVATION ZONING DISTRICT

Only the following land uses are allowed in a farmland preservation zoning district:

- (1) Uses allowed under Section C without a conditional use permit.
- (2) Uses allowed under Section D with a conditional use permit.
- (3) Prior nonconforming uses, subject to [choose s. 59.69(10), 60.61(5), or 62.23(7) (h), Wis. Stats. as applicable]

C. PERMITTED USES

The following land uses are allowed without a conditional use permit in a Farmland Preservation zoning district:

- (1) Agricultural Uses
- (2) Accessory Uses
- (3) Agriculture-related Uses
- (4) Undeveloped natural resource and open space areas
- (5) Transportation, utility, communication, or other uses that are required under state, or federal law to be located in a specific place, or that is authorized to be located in a specific place under a state, or federal law that preempts the requirement of a special use permit for that use.
- (6) Other uses identified by DATCP rule

D. PROHIBITED USES

The following uses are not allowed in a Farmland Preservation FP District.

- (1) Any use not listed as a permitted or conditional use in this district.

E. CONDITIONAL USES

The Grant County CSZ Committee may issue a conditional use permit for a proposed land use identified in this section and shall determine in writing that the proposed land use will meet the applicable conditions under this section. The Grant County CSZ Committee may issue the permit subject to any additional conditions which the Grant County CSZ Committee deems necessary to carry out the purposes of this Ordinance.

- (1) Transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:
 - (a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - (b) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state, or federal law.
 - (c) The use is reasonably designed to minimize conversion of land at and around the site of the use from agricultural use, or open space use.
 - (d) The use does not substantially impair, or limit the current, or future agricultural use of surrounding parcels of land that are zoned for, or legally restricted to agricultural use.
 - (e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

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- (2) Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:
 - (a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - (b) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state, or federal law.
 - (c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use from agricultural use, or open space use.
 - (d) The use does not substantially impair, or limit the current, or future agricultural use of surrounding parcels of land that are zoned for, or legally restricted to agricultural use.
 - (e) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- (3) Nonmetallic mineral extraction, if all of the following apply:
 - (a) The operation complies with Subchapter I of Chapter 295, Wisconsin Statutes, and rules promulgated under that subchapter, with applicable provisions of local Ordinances under Wis. Stat. § 295.13, or Wis. Stat. § 295.14 (including all applicable provisions of this Ordinance), and with any applicable requirements of the department of transportation concerning the restoration of nonmetallic mining sites.
 - (b) The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - (c) The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state, or federal law.
 - (d) The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use, or open space use.
 - (e) The operation does not substantially impair, or limit the current, or future agricultural use of surrounding parcels of land that are zoned for, or legally restricted to agricultural use.
 - (f) The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.
- (4) Oil and gas exploration, or production that is licensed by the department of natural resources under Subchapter II of Chapter 295, Wisconsin Statutes.

F. REZONING LAND OUT OF A FARMLAND PRESERVATION ZONING DISTRICT

Except as provided in subsection (2), the Grant County CSZ Committee may not rezone land out of a Farmland Preservation district unless the Grant Co. CSZ Committee finds all of the following in writing, after public hearing, as part of the rezoning official record:

- (1) Principles guiding the Grant Co. CSZ Committee rezoning decisions.
 - (a) The rezoned land is better suited for a use not allowed in the Farmland Preservation district.
 - (b) The rezoning is consistent with the Grant County Comprehensive Plan.
 - (c) If the request to rezone the land is not consistent with the Grant County Comprehensive Plan does the Town approve of amending the Comprehensive Plan Map to allow the rezoning?
 - (d) The rezoning is substantially consistent with the Grant County Farmland Preservation Plan, which is in effect at the time of the rezoning.
 - (e) If the rezoning is not consistent with the Grant County Farmland Preservation Plan, does the county approve of amending the plan to allow the land to be rezoned?
 - (f) The rezoning will not substantially impair, or limit current, or future agricultural use of other protected farmland.
- (2) Subsection (1) does not apply to any of the following:
 - (a) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Ch. 91, Wis. Stats.
 - (b) A rezoning that makes the Farmland Preservation Zoning Ordinance Map more consistent with the Grant County Farmland Preservation Plan Map, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
- (3) By March 1st of each year the Grant County Conservation, Sanitation & Zoning Dept. shall provide to the Wisconsin Department of Agriculture, Trade and Consumer Protection a report of the number of acres that Grant County has rezoned out of the farmland preservation zoning district under subsection (1) during the previous year and a map that clearly shows the location of those acres.

ZONING INFORMATION

Section 3.08 RESIDENTIAL R-1 DISTRICT

This district is intended to accommodate low-density residential development. As such, the primarily permitted use is single family residential (multi-family residential is excluded). Parcels or lots contained in this district can be divided into two or more lots only if public sewer and water utilities have been extended to this area and a only if each of the lots created by the division can meet the minimum lot area for this district as required by the zoning ordinance. In addition, any structures which are constructed on the lots created by the division after obtaining a zoning permit must meet the minimum floor area, minimum dwelling width, minimum lot width, minimum front yard, minimum rear yard, minimum side yard, maximum structure height, and minimum highway setback requirements for this district as contained in the zoning ordinance.

Moreover, if the lot or parcel proposed to be divided is subject to Grant County's Subdivision Ordinance, the owner or developer must first comply with Grant County's Subdivision Ordinance and obtain the necessary approvals required by said Subdivision Ordinance before any division can occur.

(1) Permitted Uses: The following uses shall be permitted in the R-1 District.

- (a) Single family dwellings.
- (b) Accessory structures, including private garages and other structures clearly incidental to an existing residential use of the particular property, provided there is a principal structure present and no such accessory structure shall be used as a separate dwelling unit.
- (c) Parks, playgrounds and recreation areas, including swimming pools, golf courses, athletic fields, bathing beaches and the like on public lands, and neighborhood parks and playgrounds on lands in common ownership.
- (d) Governmental and cultural structures and uses except sewage treatment or disposal plants, garbage incinerators, storage yards, and structures, or yards for the repair or storage of construction or maintenance equipment and machinery.
- (e) Gardening and farming of plants, grains and the like, provided such activity does not involve any animals or fowl.
- (f) Grazing or pasturage of farm animals, provided such activity is an extension of an abutting permitted use; does not penetrate the perimeter of any existing residential development; is separated from such residential development by stock proof fencing; and the concentration of such activity does not exceed four (4) animals per acre of land so used.
- (g) Home occupation, provided such occupation is incidental to the residential use of the premise; does not occupy more than twenty (20) percent of the floor area; does not involve any external alteration that would significantly change the residential character of the structure; and no article is sold or offered for sale that is not produced on the premises by such home occupation.
- (h) Professional offices, provided such office is conducted solely by a member or members of the resident family entirely within and incidental to the resident use of the premise; and further provided such office does not occupy more than twenty (20) percent of the floor area of the principal structure.

(2) Conditional Uses: The following uses may be permitted upon issuance of a conditional use permit as provided in Section 3.27 of this ordinance provided all conditions set forth or specified are complied with:

- (a) Churches; public, private and parochial elementary or secondary schools; provided the area of the particular lot is not less than two (2) acres and all principal structures are not less than fifty (50) feet from any lot line.
- (b) Utilities and essential services such as telephone exchanges, unit substations, pumping or lift stations, and the like including appurtenant equipment, structures and housing, provided all principal structures are not less than fifty (50) feet from any lot line.
- (c) Underground mine workings provided all such operations are governed by written agreements, which insure the maintenance of all water supplies, waste disposal systems, and the structural support of all structures so undermined.
- (d) Planned unit developments as set forth in Section 3.21 of this ordinance
- (e) Accessory structures, including private garages and other structures clearly incidental to an existing residential use of the particular property, provided there is currently not a principal structure present on the tract of land and no such accessory structure shall be used as a separate dwelling unit.

(4) Area and Dimensional Requirements: Except as heretofore provided, no lot or parcel of land shall be used, nor shall any structure be constructed, erected or installed in this district unless the same complies with the following provisions in sections 3.04 and 3.23