

Mr. Thomas Hovel,
City Planner/ Zoning Administrator
Mr. Cory Horton,
Director of Public Works/City Engineer
City of Fitchburg
City Hall
5520 Lacy Road
Fitchburg, WI 53711
(Sent Electronically)

To: Mr. Hovel and Mr. Horton

We are requesting a building permit for Lot 56 of the Forth Addition to the Nine Springs Plat prior to the completion and City acceptance of the adjacent Stanley Park Place Public Infrastructure.

We believe this is reasonable as fire truck access will be available on East Cheryl Parkway, Lacy Road, and Outlot 34 of the Forth Addition to Nine Springs. East Cheryl Parkway and Lacy Road are fully improved public roads and Outlot 34 will be improved as a construction entrance by June 12, 2017 with design specifications sufficient to support a fire truck.

Early start permits, which this project has received, typically allow for foundation construction limited to non-combustible materials, but activities such as framing require a full building permit. The developer and general contractor desire to use a specific sub-contractor that is only available to start prior to the planned Council Acceptance of the Stanley Park Place Public Infrastructure.

The City can allow a building permit prior to acceptance of public improvements if:

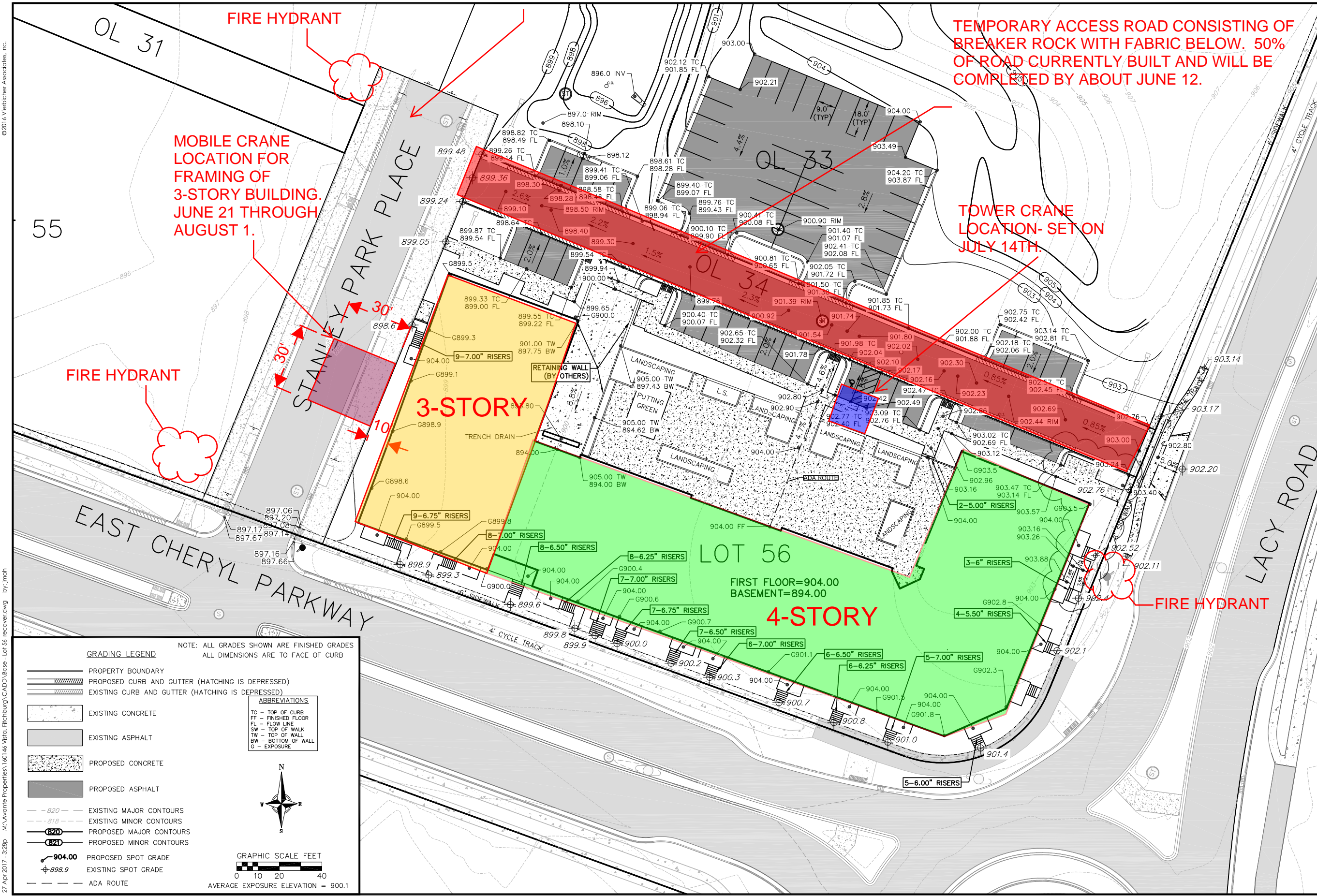
- 1) The Developers Agreement is amended by the Common Council to allow building permits if authorized by the plan commission pursuant to 24-14b; and
- 2) The Developer applies and receives plan commission authorization for the building permit to be issued pursuant to 24-14b

This letter serves as a formal request by the Developer to the City to provide a building permit prior to acceptance of public improvements based on the attached, amended Development Agreement. We have also included a revised City Indemnification Agreement and Site Plan. It is our goal to receive City Council approval of the amended Developers Agreement at the June 13 meeting and Plan Commission authorization for the building permit at the June 20 meeting.

Best regards,

Chris Armstrong
President, Avante Properties

STANLEY PARK PLACE BINDER COURSE TO BE PLACED MAY 24TH.



MOBILE CRANE LOCATION FOR FRAMING OF 3-STORY BUILDING. JUNE 21 THROUGH AUGUST 1.

TEMPORARY ACCESS ROAD CONSISTING OF BREAKER ROCK WITH FABRIC BELOW. 50% OF ROAD CURRENTLY BUILT AND WILL BE COMPLETED BY ABOUT JUNE 12.

TOWER CRANE LOCATION- SET ON JULY 14TH.

FIRE HYDRANT

FIRE HYDRANT

GRADING LEGEND

NOTE: ALL GRADES SHOWN ARE FINISHED GRADES
ALL DIMENSIONS ARE TO FACE OF CURB

- — — — — PROPERTY BOUNDARY
- ▨ PROPOSED CURB AND GUTTER (HATCHING IS DEPRESSED)
- ▨ EXISTING CURB AND GUTTER (HATCHING IS DEPRESSED)
- ▨ EXISTING CONCRETE
- ▨ EXISTING ASPHALT
- ▨ PROPOSED CONCRETE
- ▨ PROPOSED ASPHALT
- 820 — EXISTING MAJOR CONTOURS
- 818 — EXISTING MINOR CONTOURS
- 820 — PROPOSED MAJOR CONTOURS
- 821 — PROPOSED MINOR CONTOURS
- 904.00 PROPOSED SPOT GRADE
- 898.9 EXISTING SPOT GRADE
- — — — — ADA ROUTE

ABBREVIATIONS
 TC - TOP OF CURB
 FF - FINISHED FLOOR
 FL - FLOW LINE
 SW - TOP OF WALK
 TW - TOP OF WALL
 BW - BOTTOM OF WALL
 G - EXPOSURE



GRAPHIC SCALE FEET
 AVERAGE EXPOSURE ELEVATION = 900.1

REVISIONS		REVISIONS	
NO.	DATE	NO.	DATE
01	12/17/16	04	04/25/17
02	02/27/17		
03	03/31/17		

SCALE	AS SHOWN
DATE	10/21/16
DRAFTER	JARC
CHECKED	KJEN
PROJECT NO.	160146
SHEET	4 OF 7
DWG. NO.	C-04

**INDEMNIFICATION AGREEMENT RELATED TO
BUILDING PERMIT FOR VISTA APARTMENTS, CITY OF
FITCHBURG, DANE COUNTY, WISCONSIN**

The undersigned, Vista Apartments, LLC, a Wisconsin limited liability company (the "Owner"), being the Owner of the property described on the attached Exhibit A ("Property") within the City of Fitchburg, Dane County, Wisconsin, on the 15 day of May, 2017, for and in consideration of the agreement of the City of Fitchburg to issue a Building Permit ("Building Permit") so the Owner and its successors and assigns can commence construction of improvements prior to completion of the Required Improvements (the "Required Improvements") under Section 1 of that certain Agreement for Subdivision Improvements in the Plat of Fourth Addition to Nine Springs dated January 31, 2017 and recorded in the Dane County Register of Deeds on February 24, 2017 as Document No. 5308324 (the "Subdivision Agreement") agrees as follows:

For good and valuable consideration, receipt whereof is hereby acknowledged, Owner agrees that Owner shall indemnify, defend and hold harmless the City of Fitchburg from any and all claims, actions, demands, or judgments for personal injuries or property damages, together with the actual expenses incurred in connection therewith, arising out of or in any way related to the issuance of such Building Permit, or construction on or with the Property, including any such claim, action, demand or judgment premised upon the negligence of the City of Fitchburg or any of its officers, agents, servants or employees.

This Agreement shall be and remain in full force and effect until such time as the Required Improvements for the Property have been accepted by the Fitchburg City Council, even if such acceptance is conditional subject to punch list items. The obligations of this Agreement shall survive the termination of the Agreement with respect to any matter arising out of an act or omission occurring prior to the date of termination.

This Agreement shall be binding upon the undersigned and its successors and assigns, and may be amended only in a written instrument signed by the undersigned and the City of Fitchburg. This Agreement shall be governed by and construed under the laws of the State of Wisconsin.

[Signature Page Follows]

Recording Area

Name and Return Address:
Haus, Roman and Banks, LLP
148 E. Wilson St., Ste. 200
Madison, WI 53703
Attn: Michael E. Banks, Esq.

225-0609-114-2716-2

Parcel Identification Number (PIN)

Exhibit A

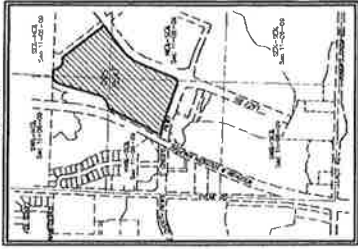
DESCRIPTION

Lot 56, Outlot 33, and Outlot 34, Fourth Addition to Nine Springs, as recorded in Volume 60-070B of Plats, on Pages 376-377, as Document Number 5303444, Dane County Registry, located in the SE $\frac{1}{4}$ - NE $\frac{1}{4}$, the NW $\frac{1}{4}$ - SE $\frac{1}{4}$, and the NE $\frac{1}{4}$ - SE $\frac{1}{4}$ of Section 11, Township 06 North, Range 09 East, City of Fitchburg, Dane County, Wisconsin.

FOURTH ADDITION TO NINE SPRINGS

OUTLOT 7, NINE SPRINGS, AS RECORDED IN VOLUME 60-003A OF PLATS, ON PAGES 8-16, AS DOCUMENT NUMBER 4871633 DANE COUNTY REGISTRY, LOCATED IN THE NW 1/4-SE 1/4, NE 1/4-SE 1/4, SW 1/4-NE 1/4, AND THE SE 1/4-NE 1/4 OF SECTION 11, TOWNSHIP 06 NORTH, RANGE 09 EAST, CITY OF FITCHBURG, DANE COUNTY, WISCONSIN

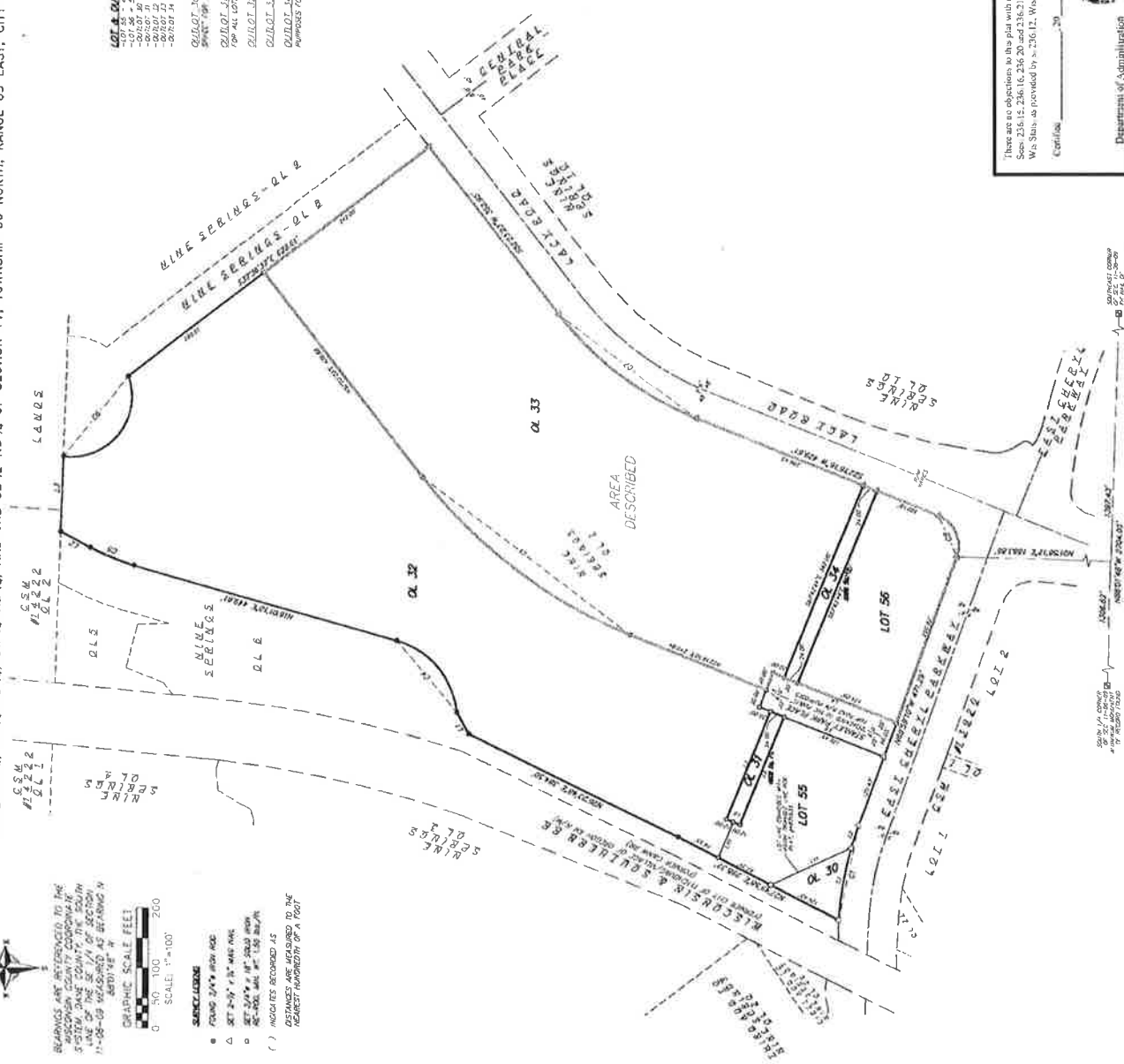
LOCATION MAP
(Not to Scale)



LOT & OUTLOT AREA TABLE

LOT 56	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 55	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 54	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 53	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 52	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 51	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 50	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 49	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 48	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 47	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 46	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 45	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 44	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 43	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 42	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 41	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 40	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 39	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 38	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 37	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 36	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 35	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 34	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 33	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 32	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 31	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 30	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 29	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 28	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 27	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 26	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 25	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 24	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 23	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 22	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 21	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 20	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 19	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 18	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 17	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 16	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 15	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 14	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 13	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 12	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 11	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 10	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 9	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 8	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 7	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 6	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 5	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 4	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 3	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 2	= 36,972.55	SQ. FT.	OR 1.06 ACRES
LOT 1	= 36,972.55	SQ. FT.	OR 1.06 ACRES

- OUTLOT 10: "RESERVED FOR FUTURE DEVELOPMENT"
- OUTLOT 11: "RESERVED FOR FUTURE DEVELOPMENT"
- OUTLOT 12: "RESERVED FOR FUTURE DEVELOPMENT"
- OUTLOT 13: "RESERVED FOR FUTURE DEVELOPMENT"
- OUTLOT 14: "RESERVED FOR FUTURE DEVELOPMENT"
- OUTLOT 15: "RESERVED FOR FUTURE DEVELOPMENT"
- RESERVED FOR ALL LOTS & OUTLOTS OF THIS PLAT.



Line Table

LINE NUMBER	DIRECTION	LENGTH
11	N41°12'12"E	41.65'
12	N82°14'02"E	56.67'
13	S89°00'00"E	174.23'
14	N27°00'00"E	62.00'
15	N42°18'12"E	205.45'
16	S87°43'42"E	122.00'
17	S27°16'10"W	24.00'
18	S67°43'42"E	122.00'
19	S67°43'42"E	63.62'
20	S27°00'00"E	144.88'

Curve Table

CURVE NUMBER	ARC LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	160.55'	548.00'	016°47'10"	N78°22'45"W	159.98'
C2	39.59'	548.00'	00°42'09.7"	N72°03'18"W	39.57'
C3	120.97'	548.00'	012°39'53"	N80°26'33"W	120.71'
C4	163.42'	132.50'	068°06'59"	N50°04'12"E	163.97'
C5	78.46'	369.50'	012°23'30"	S22°12'55"W	78.25'
C6	205.46'	100.00'	117°43'30"	S61°17'30"E	171.16'
C7	268.07'	548.00'	030°07'07"	S37°19'09"W	284.76'
C8	81.83'	63.50'	007°44'54"	N66°08'33"E	74.16'
C9	436.33'	830.00'	030°07'12"	S37°19'46"W	431.32'

DATE: 08/12/2010
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: AS SHOWN

SHEET 1 OF 2

Department of Administration

There are no objections to this plat with respect to Secs. 236.12, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

DATE OF RECORDING: 08/12/2010
RECORD NUMBER: 4871633
RECORD TYPE: SUBDIVISION