

ORDINANCE NO. 2016-01

**TOWN OF YORKVILLE
RACINE COUNTY, WISCONSIN**

**AN ORDINANCE TO AMEND CERTAIN SECTIONS OF CHAPTER 28, “LAND
DIVISION,” OF THE CODE OF ORDINANCES FOR THE TOWN OF YORKVILLE TO
REFLECT RECENT STATUTORY CHANGES**

**THE TOWN BOARD OF THE TOWN OF YORKVILLE, RACINE COUNTY,
WISCONSIN, DO ORDAIN AS FOLLOWS:**

1. That Section 28-48 (a) of the Code of Ordinances be, and hereby is, amended to read as follows:

“(a) As a condition of final approval of any plat, the subdivider shall enter into an agreement with the town, whereby the subdivider shall agree to install all such improvements required to be installed under the terms of this chapter. Such agreement shall be guaranteed by, at the subdivider’s option, a surety bond or a letter of credit running to the town in the amount of 120% of the estimated total cost of the public improvements to ensure performance by the subdivider in accord with such development agreement within a reasonable period of time. The security shall be posted with the town as far before the commencement of the public improvements as the town board determines reasonably necessary, shall be reduced, upon substantial completion of the public improvements, to no more than estimated remaining construction costs plus 10%, and shall be released no more than 14 months after substantial completion of the public improvements. For purposes of this subsection, “substantial completion” shall mean the installation of the final road binder course or, for other than roadways, upon 90% completion. The development agreement shall include, but is not limited to, the following terms and conditions: ”

2. That Section 28-152 (e) of the Code of Ordinances be, and hereby is, amended to read as follows:

“(e) *Effect of approval.* Approval of a preliminary plat shall be valid for 36 months from the date of approval or conditional approval. Subject to Wis. Stats. § 236.11(1)(b), approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the plan commission and town board at the time of its submission.”

3. That Section 28-182 of the Code of Ordinances be, and hereby is, amended to read as follows:

“Sec. 28-182. Filing of plat, letter of application; evidence of ownership.

The subdivider shall prepare a final plat, a checklist, and a letter of application in accordance with this chapter and shall file 18 copies of the plat and the application with the clerk-treasurer at least 21 days prior to the meeting of the plan commission at which action is desired. Copies of the final plat shall also be filed with the town attorney, the proposed conservation easement holder, and with the county planning and development department in accordance with the county code. The owner or subdivider shall file the final plat not later than 36 months after the date of approval of the preliminary plat; otherwise, the preliminary plat and final plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the town. The subdivider shall also submit at this time a current certified abstract of title or such other evidence as the town may require showing ownership or control in the applicant. Preparation of the final plat shall be in accordance with applicable state statutes, the county code and this chapter, provided, however, that the final plat need only comply with town or county ordinances in effect as of the date the preliminary plat (if any) was submitted. If the final plat is not complete or is not submitted in accordance with applicable statutes or ordinances, it shall not be considered filed.”

4. That Section 28-188 (intro) of the Code of Ordinances be, and hereby is, amended to read as follows:

“Sec. 28-188. Town board review and approval.

The clerk-treasurer shall provide a copy of the final plat, the recommendation of the plan commission, a draft of the proposed conservation easement and the stewardship plan to the town board for its review, consideration and possible approval. The town engineer shall also give an opinion, orally or in writing, to the town board regarding whether the final plat conforms substantially to the preliminary plat, along with a recommendation as to approval of the final plat. The town engineer’s opinion and recommendation shall become part of the record of the town board’s proceedings with respect to the final plat. The town board shall, within 60 days of the date of filing the original final plat, approve or reject such plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. The town board may not inscribe its approval on the final plat unless the clerk-treasurer certifies on the face of the plat that the copies were forwarded to objecting agencies as required in section 28-183, in the date thereof, and that no objections have been filed within 20 days or, if filed, have been met.”

5. That Section 28-188 (3) of the Code of Ordinances be, and hereby is, amended to read as follows:

“(3) After the final plat has been approved by the town board and required improvements either installed or a contract and sureties ensuring their installation is filed, the clerk-treasurer shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the county register of deeds, along with all

conservation easements and deed restrictions. The final plat can be recorded when it has received all required approvals pursuant to applicable state statutes, the county Code and this chapter. The register of deeds cannot record the plat unless it is offered within 12 months from the date of the town board's final approval and within 36 months after the first approval."

6. That Section 28-230 of the Code of Ordinances be, and hereby is, amended to read as follows:

"Sec. 28-230. Board action.

After receipt of the town plan commission's recommendation, the town board shall, within 90 days of the date the proposed final certified survey map was filed with the town engineer, approve, approve conditionally, or reject such certified survey map and shall state, in writing, conditions of approval or reasons for rejection. Unless the time is extended by agreement with the subdivider, failure of the town board to act within 90 days or extension thereof shall constitute an approval of the proposed final certified survey map. The clerk-treasurer shall communicate to the subdivider the action of the town board. If the certified survey map is approved, the town engineer shall endorse it for the town board. The certified survey map shall be recorded with the register of deeds office for the county within 12 months after final town board approval and within 36 months after the first approval of the map."

7. That a duly-noticed public hearing was held, and a plan commission recommendation as to this ordinance was obtained, on May 9, 2016, as required by state law.

8. That this ordinance shall become effective upon adoption and publication as provided by law.

Adopted by the Town Board of the Town of Yorkville, Racine County, Wisconsin, this 9th day of May, 2016.

Ayes: 3

Nays: 0

Abstentions: 0

TOWN OF YORKVILLE

By: 
Peter L. Hansen, Chairperson

Attest: 
Michael McKinney, Clerk-Treasurer