

OFFICIAL MAP

**CITY OF BURLINGTON
RACINE COUNTY
WISCONSIN**

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Special acknowledgement is due Mr. Patrick J. Meehan, AICP, SEWRPC
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MEMORANDUM REPORT NUMBER 26

**OFFICIAL MAP
CITY OF BURLINGTON
RACINE COUNTY, WISCONSIN**

**Prepared by the
Southeastern Wisconsin Regional Planning Commission
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Old Courthouse
916 N. East Avenue
Waukesha, Wisconsin 53187-1607**

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INTRODUCTION

By letter dated December 17, 1986, the City of Burlington requested that the Southeastern Wisconsin Regional Planning Commission prepare an "Official Map" and accompanying official map ordinance for the City, pursuant to Section 62.23(6) of the Wisconsin Statutes. Pursuant to that request, the Regional Planning Commission has prepared an "Official Map" and official map ordinance as described in this memorandum. This memorandum presents information important to a proper understanding of the official map and of its use in guiding and shaping community development in the public interest. The memorandum is organized into the following seven sections: 1) purpose of the official map; 2) history of local planning and the official map in the City of Burlington; 3) the proposed new City of Burlington and environs official map; 4) adoption and amendment; 5) administration; 6) appeals; and 7) intergovernmental coordination and cooperation.

PURPOSE OF THE OFFICIAL MAP

The official map is one of the oldest plan implementation devices at the disposal of local communities. It is also one of the most effective and efficient devices which can be brought to bear on the problem of reserving land for future public use. Section 62.23(6) of the Wisconsin Statutes provides that the governing body of a local municipality may establish an official map for the precise designation of right-of-way lines and site boundaries of streets, highways, waterways and parkways, and the location and extent of railway rights-of-way, public transit facilities, parks, and playgrounds. Such a map has the force of law, and is deemed to be final and conclusive with respect to the location and width of both existing and proposed streets, highways, waterways and parkways, and to the location and extent of existing and proposed railway rights-of-way, public transit facilities, parks, and playgrounds. The Statutes further provide that the official map may be extended to include areas beyond the corporate limit lines, but within the extraterritorial plat approval jurisdiction of the municipality.

The official map is thus intended to constitute a means of implementing the community's master plan--or component thereof--of streets, highways, waterways, parkways, parks, and playgrounds. Its basic purpose is to prohibit the construction of buildings or structures and their associated improvements on land that has been designated for current or future public use. The official map permits the community to protect the beds of future streets, as well as the beds of partially or wholly developed streets which are to be widened, by essentially prohibiting construction of new buildings in such beds. Possible monetary savings which can accrue to the community from such protection are large. The fact that an official map assures the integrity of the community's long-range plan for streets is even more important. The official map has similar functions with respect to implementing the community's plan for parks and parkways. An incidental but important benefit of an official map is that it adequately locates and records existing street lines that constitute the boundaries of the public property, and thereby tends to stabilize the location of real property boundary lines, both private and public.

Unlike subdivision control, which operates on a plat-by-plat basis, the official map can operate over the entire city in advance of development proposals. The official map is a useful device to achieve public acceptance of long-range

plans in that it serves legal notice of the government's intention to all parties concerned well in advance of any actual improvements. It thereby avoids the altogether too common situation of development being undertaken without knowledge of, or regard for, the long-range plan, and thereby can help avoid public resistance when plan implementation becomes imminent.

A certain practical and desirable degree of flexibility is given to the official map by Section 62.23(6)(d) of the Wisconsin Statutes. This section provides that changes or additions to the official map made by duly processed and approved subdivision plats shall not require the public hearings or common council action normally required for such changes or additions provided, however, that the changes or additions do not affect any land outside the platted area in which the changes are proposed.

HISTORY OF LOCAL PLANNING AND THE OFFICIAL MAP IN THE CITY OF BURLINGTON

A master plan was prepared for the City in 1960 by Mead and Hunt, Inc., Consulting Engineers, of Madison, Wisconsin.¹ The plan included information on Burlington's history, economic base, population, and land use, and addressed the areas of traffic circulation, utilities, education, recreation, property identification, municipal functions, as well as land use. The plan was prepared for the design year 1975 and, geographically, did not extend much beyond the then existing City boundaries. This early plan was never adopted by the City.

In August 1968, the City Park Board had a master plan for parks prepared for the City by R. C. Greaves and Associates, Inc., Landscape Architects, Milwaukee, Wisconsin.² The parks master plan included information on population, park facility standards, descriptions of existing City park facilities, and recommendations for future park development in the City. This park master plan, however, also was never adopted by the City.

In March of 1971 the City requested that the Regional Planning Commission assist the City in the delineation of neighborhood units for which detailed development plans were to be prepared. The Commission staff, working with the City Plan Commission, initially identified 13 neighborhood units. These 13 neighborhood units were presented in SEWRPC Community Assistance Planning Report No. 1, Residential, Commercial, and Industrial Neighborhoods--City of Burlington and Environs, in February 1973. The report was adopted by the City on March 28, 1973. The 13 neighborhood units initially delineated in SEWRPC Community Assistance Planning Report No. 1 were later refined and re-delineated by the City into 10 neighborhood units--the White River Neighborhood, the Burlington Industrial Park, the Spring Brook Neighborhood, the Hoosier Creek Neighborhood, the Village Center Neighborhood, the Echo Lake Neighborhood, the Browns Lake West Neighborhood, the Browns Lake North Neighborhood, the Browns Lake East Neighborhood, and the Quarry Ridge Neighborhood. The neighborhood units, as initially identified in 1973, were based upon the first generation

¹ Mead and Hunt, Inc. Burlington Wisconsin Master Plan--1960, Madison, Wisconsin: Mead and Hunt, Inc., September 1960.

² R. C. Greaves and Associates, Inc. Master Plan: Burlington Parks, Milwaukee, Wisconsin: R. C. Greaves and Associates, August 1968.

regional land use, sanitary sewerage, and transportation system plans in effect at that time. Significant changes have been made to these plans as they pertain to the Burlington area, however, since 1973. For example, the previously proposed urban area bypasses for STH 11 and STH 83, which bypasses would have formed logical boundaries for neighborhood units, are no longer included in the current regional transportation system plan. Also, three of the original 13 delineated neighborhoods were dropped from further consideration since the areas in which they were located were no longer proposed to receive public sanitary facility service in the foreseeable future.

In November of 1974, a study of arterial streets was made for the City by Howard, Needles, Tammen & Bergendoff, Inc.--consulting engineers of Milwaukee--to examine alternative locations for a proposed arterial bypass of the City of Burlington.³ The study presented four alternatives for the proposed bypass facility, as shown on Map 1. Alternative B is generally in conformance with the location as shown in SEWRPC Planning Report No. 25, A Regional Land Use Plan and A Regional Transportation Plan for Southeastern Wisconsin--2000. In June 1978, the City of Burlington Plan Commission and the City Engineer further refined Alternative B to the route shown on Map 1 as "Revised Alternative B."

In April of 1974, the City requested that the Regional Planning Commission assist the City in the preparation of a development plan for the delineated Quarry Ridge Neighborhood. The requested plan was completed and adopted by the City Plan Commission in June of 1980. The development plan for that neighborhood unit is documented in SEWRPC Community Assistance Planning Report No. 29, A Development Plan for the Quarry Ridge Neighborhood.

Work began on the preparation of a second neighborhood plan, for the Echo Lake Neighborhood, in the summer of 1979 and was completed in 1982. The Echo Lake Neighborhood plan was adopted by the City Plan Commission on August 8, 1984. The development plan for the Echo Lake Neighborhood is documented in SEWRPC Community Assistance Planning Report No. 63, A Development Plan for the Echo Lake Neighborhood.

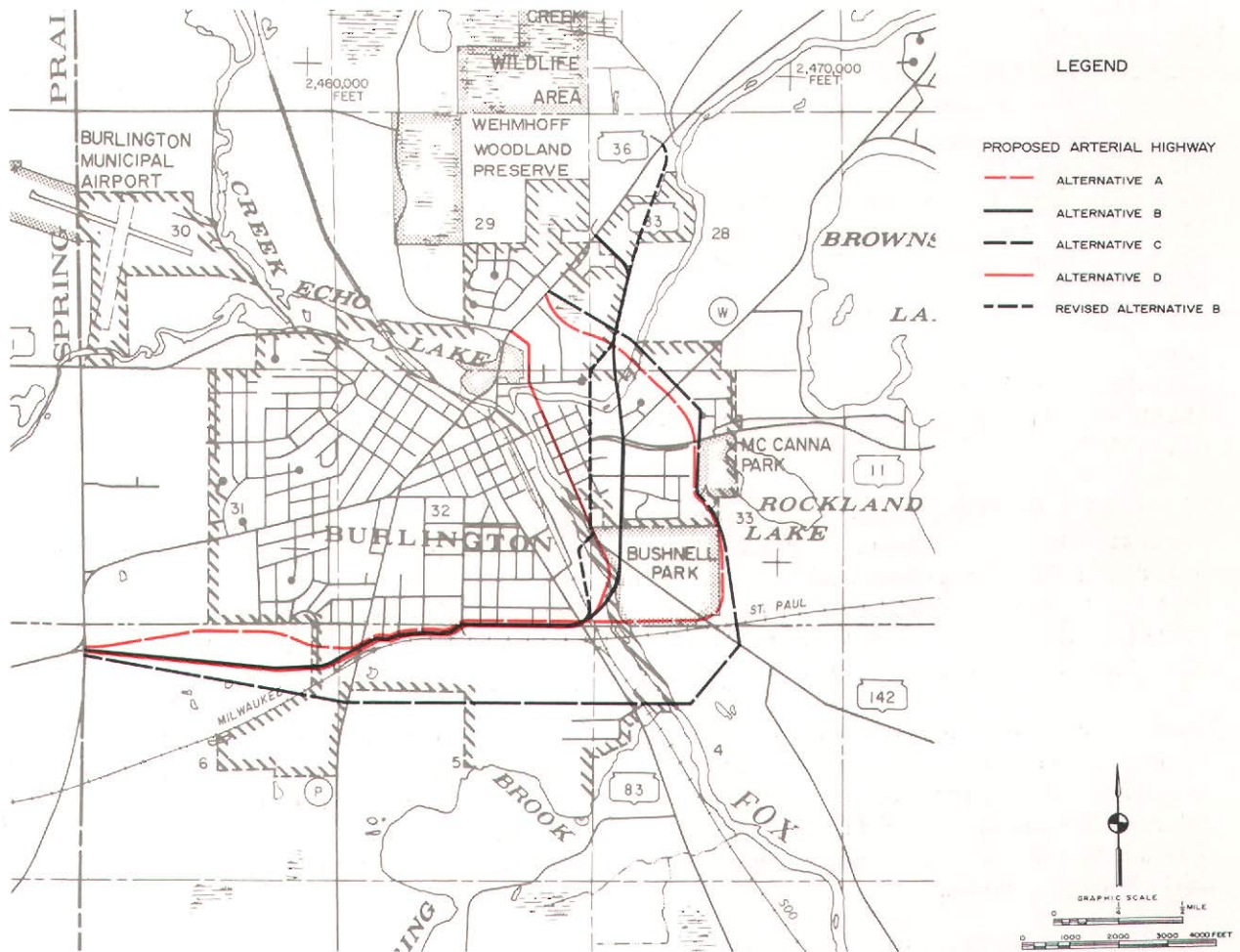
The neighborhood plans suggest future collector and land access street alignments and attendant block configurations, and identify locations within each neighborhood best suited for institutional, recreational, and commercial, as well as for the various kinds of residential development. The neighborhood plans identify areas that should be protected from intensive development for environmental reasons and indicate the need to reserve major drainageway and utility easements.

The City adopted its first Official Map for the City of Burlington and environs by Resolution No. 1509(52) on December 28, 1967. A copy of this map is reproduced herein as Map 2. Because this map was not maintained current, it has become obsolete. Streets have been developed within the City since 1967 which are not in conformance with the proposed streets shown on the 1967 map. The corporate limits of the City have also expanded since 1967 and the areas

³Howard, Needles, Tammen & Bergendoff. Arterial Street Location Study--City of Burlington, Wisconsin, Milwaukee, Wisconsin: Howard, Needles, Tammen & Bergendoff, November 1974.

Map 1

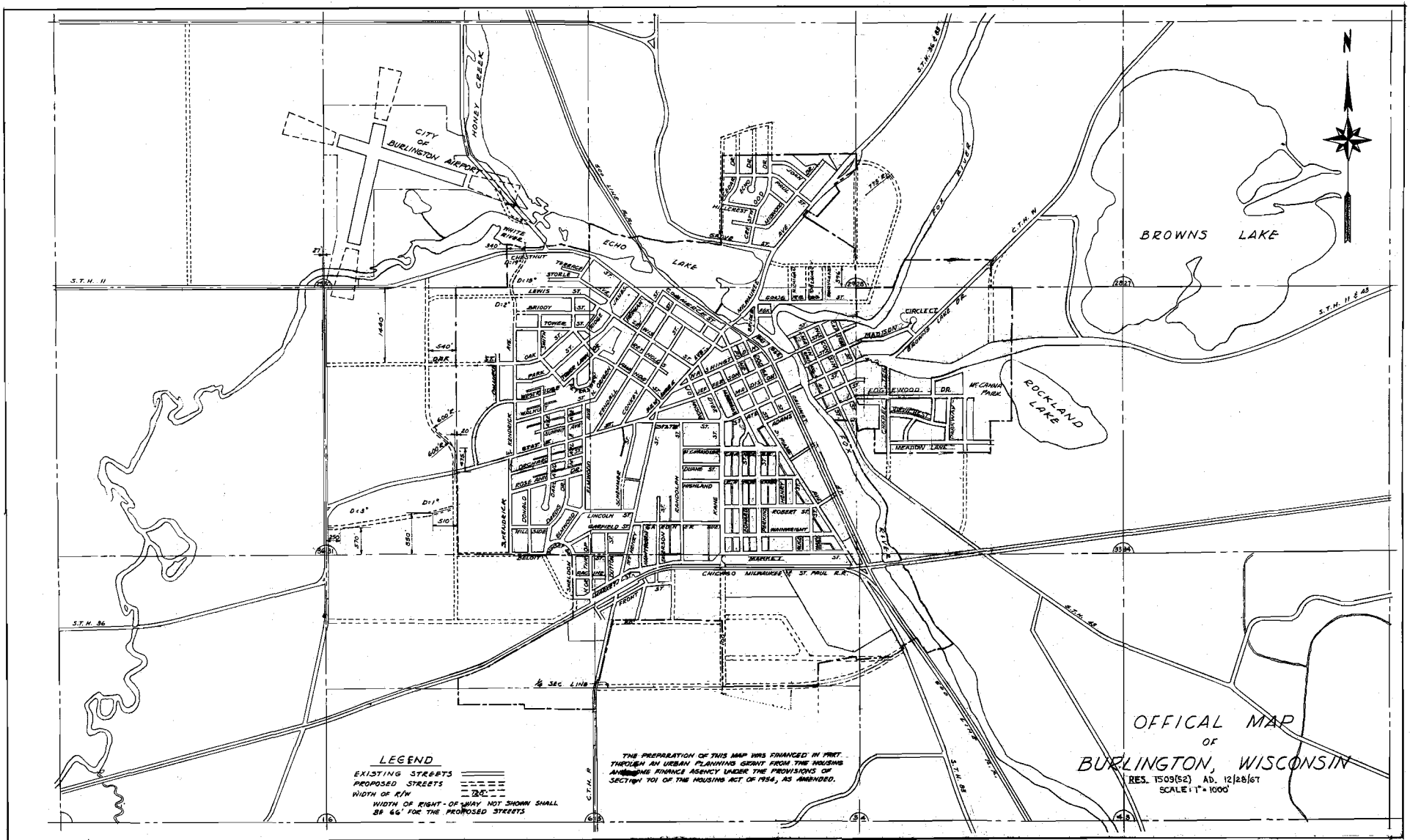
ARTERIAL STREET LOCATION STUDY FOR
THE CITY OF BURLINGTON, WISCONSIN: 1974



Source: Howard, Needles, Tammen & Bergendoff. Arterial Street Location Study--
City of Burlington, Wisconsin, November 1974.

Map 2

OFFICIAL MAP OF THE CITY OF BURLINGTON: 1967



Source: Engineering Department, City of Burlington, Racine County, Wisconsin.

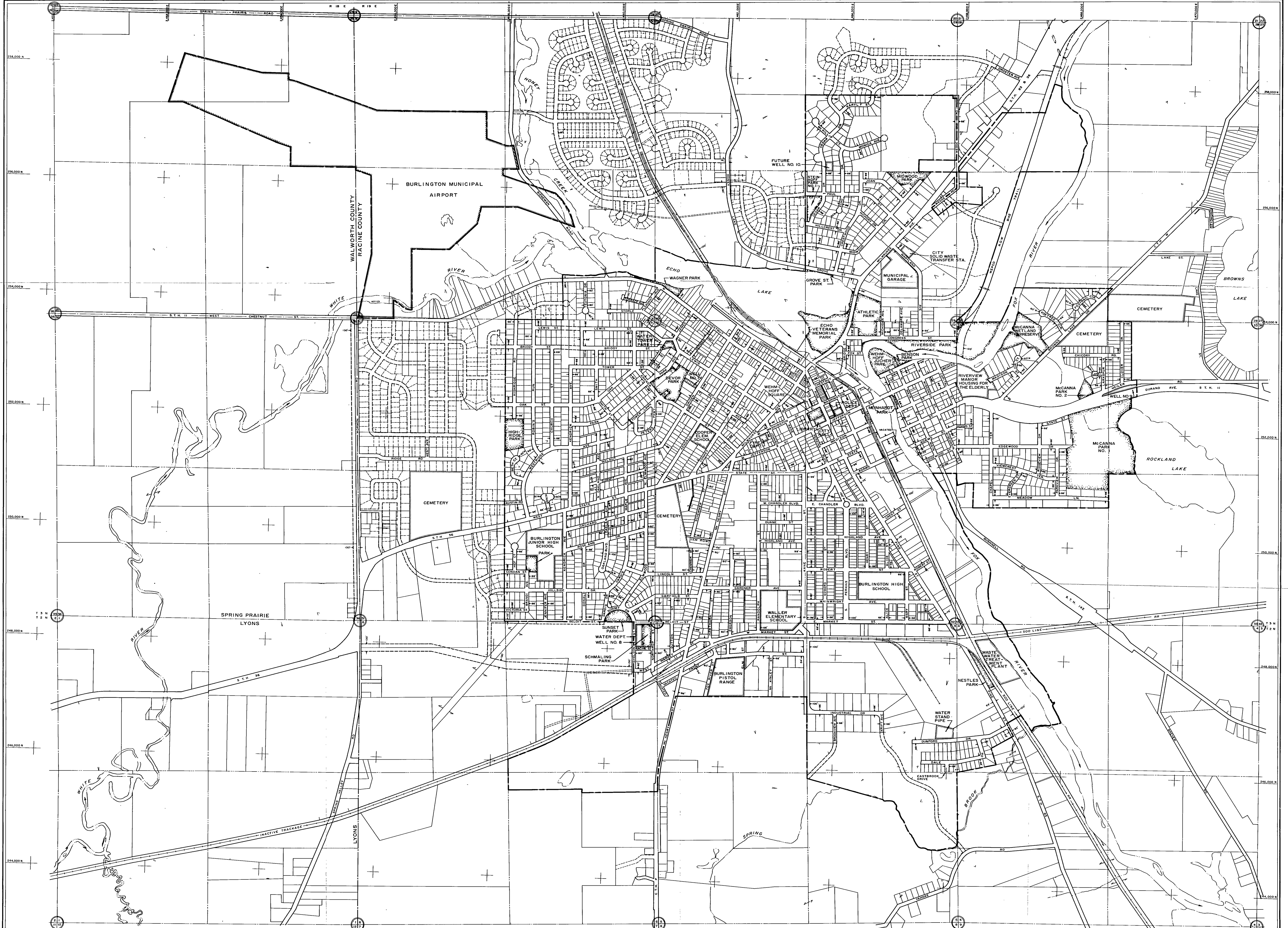
annexed to the City are not shown on the map. Perhaps most importantly, the 1967 Official Map does not reflect the availability of the large-scale topographic mapping that was prepared under the Racine County mapping program and under the Southeastern Wisconsin Regional Planning Commission's Fox River watershed study between 1968 and 1972. Nor does the 1967 Official Map reflect the availability of certain cadastral mapping for portions of the City and surrounding area prepared for the City neighborhood planning program initiated in 1971. Also, the recommendations in both the adopted Quarry Ridge and Echo Lake Neighborhood plans have not been incorporated into the Official Map. Accordingly, the preparation of a new Official Map for the City was timely.

THE NEW CITY OF BURLINGTON AND ENVIRONS OFFICIAL MAP

The new City of Burlington Official Map, which meets the requirements set forth in Section 62.23(6) of the Wisconsin Statutes, is illustrated on Map 3. Preparation of this map involved the drafting of a new base map of the City of Burlington and environs. The base map was prepared at a scale of 1 inch equals 400 feet utilizing the Lambert Conformal Conic Projection of the State Plane Coordinate System as the projection base. The map indicates the location and orientation of all real property lines, all existing streets and alleys, together with their platted widths, and all existing land subdivisions. Real property boundary data were obtained in the spring of 1987 from the Racine County Register of Deeds. The property boundary data were then compiled and graphically tied into the permanently monumented control surveys carried out by Racine County and the Southeastern Wisconsin Regional Planning Commission, which correlate the Wisconsin State Plane Coordinate System, South Zone, and the U. S. Public Land Survey system. The map details were adjusted to control survey stations and checked against the lengths and bearings of the U. S. Public Land Survey System as determined by the control surveys. The control survey net is permanently monumented on the ground, so that ownership and reservation lines on the map may be accurately reestablished in the field when private land development or a public project approaches the construction stage. That is, the new Official Map not only accurately reflects field conditions, but is accurately reproducible on the ground as well. The existing natural features of the Burlington area--such as White River, Fox River, and Echo Lake--were also delineated on the base map using 1 inch equals 400 feet scale ratioed and rectified aerial photographs taken by the Regional Plan Commission in 1985. The initially prepared base map for the Official Map was checked and approved in September 1987 by the City Engineer.

More specifically, the initially prepared base map used to create the Official Map graphically shows the following information:

1. Existing streets, highways, and other dedicated public rights-of-way;
2. Existing parks, parkways, and playgrounds;
3. Existing railway rights-of-way;
4. Existing waterways and bodies of water;
5. Existing property boundary lines, i.e., cadastral data;



LEGEND

- | | |
|---|--|
| — SECTION LINE | — EXISTING PROPERTY LINE |
| — QUARTER SECTION LINE | — PROPOSED PROPERTY LINE (SHOWN FOR ILLUSTRATIVE PURPOSES) |
| — CORPORATE LIMIT LINE | — WATER |
| — PARKWAYS, PARKS, AND PLAYGROUNDS | NOTE: CIRCULAR TURN-AROUNDS AT THE END OF ALL PROPOSED CUL-DE-SACS HAVE A RIGHT-OF-WAY RADIUS OF 60' |
| — EXISTING PUBLIC STREET RIGHT-OF-WAY | |
| — PROPOSED PUBLIC STREET RIGHT-OF-WAY (66' WIDE UNLESS OTHERWISE INDICATED) | |

ESTABLISHED AS THE OFFICIAL MAP FOR THE CITY OF BURLINGTON, RACINE COUNTY, WISCONSIN BY ORDINANCE NO. 198, ADOPTED ON THE DAY OF _____ 1988, UNDER THE AUTHORITY GRANTED BY SECTION 66.25(6) OF THE WISCONSIN STATUTES.

ATTEST	_____ MAYOR	DATE _____
COUNTERSIGNED	_____ CITY CLERK	DATE _____

6. Wisconsin State Plane Coordinate System, South Zone, grid and the U. S. Public Land Survey grid;
7. Corporate limits lines of the City of Burlington, as well as Racine County and Walworth County boundary lines; and
8. Vacated street rights-of-way; and,
9. Existing publicly-owned lands such as public schools, wells, sewage treatment plant, water towers and reservoirs, library, post office, City Hall, police station, and fire station.

The new Official Map for the City of Burlington and environs, as illustrated on Map 3, presents all of the data listed previously for the base map as well as the information pertaining to the location of proposed arterial, collector, and local land access streets; proposed lot lines; and streets to be vacated by the amendment to the Official Map.

ADOPTION AND AMENDMENTS

The Wisconsin Statutes provide that the common council of any city may by ordinance or resolution establish an official map of the city or any part thereof, showing the streets, highways, parkways, parks, and playgrounds laid out, adopted, and established by law. The city may also include the location of railway rights-of-way, waterways, and public transit facilities on its map. However, a city may include a waterway on its map only if the waterway is included in a comprehensive surface water drainage plan. The map is to be deemed to be conclusive with respect to the location and width of streets, highways, waterways, and parkways; and the location and extent of railway rights-of-way, public transit facilities, parks, and playgrounds shown on the map. The official map is declared to be established to conserve and promote the public health, safety, convenience, and general welfare. The ordinance or resolution shall require the city clerk at once to file with the register of deeds of the county or counties in which the city is situated a certificate showing that the city has established an official map. As discussed earlier, the City of Burlington initially adopted an Official Map for the City of Burlington and environs by Resolution No. 1509(52) on December 28, 1967.

The Wisconsin Statutes further provide that the common council may, from time-to-time, amend the official map of the city so as to establish the exterior lines of planned new streets, highways, parkways, railway rights-of-way, public transit facilities, waterways, parks, or playgrounds; or to widen, narrow, extend, or close existing streets, highways, parkways, railway rights-of-way, public transit facilities, waterways, parks, or playgrounds. No such change may become effective until after a public hearing concerning the proposed change is held before the common council or a committee appointed by the common council from its members, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the public hearing shall be published as a Class II notice. Before amending the official map, the council shall refer the matter to the city plan commission for report but, if the city plan commission does not make its report within 60 days of reference, it forfeits the right to further suspend action. When adopted amendments become a part of the official map of the municipality they are conclusive with respect to the location and width of the streets, highways, waterways, and parkways,

and the location and extent of railway rights-of-way, public transit facilities, parks, and playgrounds shown on the map. The placing of any street, highway, waterway, parkway, railway right-of-way, public transit facility, park, or playground line or lines upon the official map does not constitute the opening or establishment of any street, parkway, railway right-of-way, public transit facility, park, or playground; or alteration of any waterway; or the taking or acceptance of any land for these purposes. The locating, widening, or closing, or the approval of the locating, widening, or closing of streets, highways, waterways, parkways, railway rights-of-way, public transit facilities, parks, or playgrounds by the city under provisions of law other than Section 62.23(6) of the Wisconsin Statutes shall be deemed to amend the official map and are subject to this section, except that changes or additions made by a subdivision plat approved by the city under Chapter 236 of the Wisconsin Statutes do not require the public hearing if the changes or additions do not affect any land outside the platted area.

A proposed ordinance for amending the adopted City of Burlington Official Map, as illustrated on Map 3, is set forth in Appendix A of this memorandum. The proposed ordinance is intended to be used as a guide in the formulation of a local legal instrument of this type. Assistance from the City Attorney should be sought in conjunction with its adoption.

ADMINISTRATION

The administration of any plan implementation device is a very important factor in the effectiveness of that device. The finest master plan or neighborhood plan and supporting planning tools are worthless unless they are properly used and applied from day to day by the administrative officials responsible for the physical development of the city. The building permit is the administrative device that is used to enforce and put into effect the aims of the official map; namely, the restriction of construction in mapped areas reserved for public use. The denial of a building permit is the application of the police power authority to an individual case and directly affects the use of an individual's property. For this reason, great care must be taken in the administration of the official map.

There are several references to the use of building permits in the state enabling act. Section 62.23(6) of the Statutes deals with the issuance of building permits within the corporate limits of a community having an official map and provides:

"No permit may be issued to construct or enlarge any building within the limits of any street, highway, waterway, railway right-of-way, public transit facility, or parkway, shown or laid out on the map except as provided in this section."

Section 62.23(6) also deals with the issuance of building permits in the extraterritorial plat approval jurisdiction of cities and villages having an official map and provides:

"The street, highway, waterway, railway right-of-way, public transit facility, or parkway system shown on the official map may be shown on the official map as extending beyond the boundaries of a city or village a distance equal to that within which the approval of land subdivision plats by

the city council or village board is required as provided by s. 236.10(b)2. Any person desiring to construct or enlarge a building within the limits of a street, highway, waterway, railway right-of-way, public transit facility, or parkway so shown as extended may apply to the authorized official of the city or village for a building permit."

These two provisions of the state law relate to the issuance of building permits for buildings proposed to be constructed within the beds of existing or proposed streets, highways, railway rights-of-way, public transit facility, or parkway shown on an official map.

Section 62.23(6) also provides, "No permit for the erection of any building shall be issued unless a street, highway, or parkway giving access to such proposed structure has been duly placed on the official map." This latter provision materially strengthens the powers of a city area to guide its fringe growth and to assure compliance with a comprehensive development or neighborhood plan. It should be noted that the state enabling legislation relating to the issuance of building permits lists only "any street, highway, railway right-of-way, public transit facility, or parkway," and makes no mention of parks and playgrounds, although they may also be placed on the official map.

APPEALS

The state enabling act establishes only one condition under which an appeal may be made to the Board of Zoning Appeals of the local community to permit the placing of a building in a mapped street. There are two appeal procedures specified in the Official Map law. The first (s. 66.23(6)) relates to unfair returns and provides:

"If the land within the mapped street, highway, waterway, railway right-of-way, public transit facility, or parkway is not yielding a fair return, the board of appeals in any municipality which has established such a board having power to make variances or exceptions in zoning regulations may, by the vote of a majority of its members, grant a permit for a building or addition in the path of the street, highway, waterway, railway right-of-way, public transit facility, or parkway, which will as little as practicable increase the cost of opening the street, highway, waterway, railway right-of-way, public transit facility, or parkway or tend to cause a change of the official map. The board may impose reasonable requirements as a condition of granting the permit to promote the health, convenience, safety, or general welfare of the community. The board shall refuse a permit where the applicant will not be substantially affected by not constructing the addition or by placing the building outside the mapped street, highway, waterway, railway right-of-way, public transit facility, or parkway."

The second appeal procedure (s. 66.23(6)) states:

"Where the enforcement of the provisions of this section would entail practical difficulty or unnecessary hardship, and where the circumstances of the case do not require the structure to be related to existing or proposed streets, highways, or parkways, the applicant for such a permit may appeal from the decision of the administrative officer having charge of the issue of permits to the board of appeals in any city which has established a

board having power to make variances or exceptions in zoning regulations, and the same provisions are applied to such appeals and to such boards as are provided in cases of appeals on zoning regulations. The board may, in passing on such appeal, make any reasonable exception and issue the permit subject to conditions that will protect any future street, highway, or parkway layout."

INTERGOVERNMENTAL COOPERATION

The Wisconsin Statutes provide that the official map may be shown as extending beyond the boundaries of a city, a distance equal to that within which the approval of land subdivision plats by the city council is required under Section 236 of the Wisconsin Statutes. Accordingly, the new Official Map for the City, as illustrated on Map 3, has been extended into the extraterritorial plat approval jurisdictional area of the City.

The direct application of official map powers at the local level will, in most instances, require close cooperation of town and city officials. The fact that Wisconsin legislation permits cities to prepare official maps in their extraterritorial plat approval jurisdiction places a burden on both the rural and urban governments concerned to cooperatively adopt and administer any official map which extends into an extraterritorial area. The fact that an official map is adopted by a city may affect property rights in an adjacent town or towns requires, in the interest of fairness, that the towns be consulted during the formulation and adoption of the city official map. Conversely, the cooperation of the town officials is essential to the proper administration of the official map in such extraterritorial areas. If both the town and an adjacent city propose to adopt an official map, close cooperation is essential if conflicting policies are to be avoided. In Wisconsin, local official map powers can also have applicability to state and county highway facilities. The monetary benefits that can accrue to the state, county, and local governments through such a joint exercise of planning implementation powers are considerable. But the pattern and direction that such plan implementation can give to private investment by properly relating it to proposed facilities are of even greater importance. A potential also exists for joint county-local application of the official map power, particularly with respect to highway facilities. With respect to highway facilities, the proper application of the official map requires preparation of precise long-range plans for proposed transportation facilities. While a general plan setting forth the general location and characteristics of proposed major transportation facilities and traffic corridors is necessary as a statement of agreed upon long-range objectives, it is, however, quite ineffective as a sound basis for plan implementation through land reservation or for the extension of technical planning assistance and advice to local governments. Advance reservation of right-of-way and the proper extension of local assistance, as well as the staged construction of facilities, all require the preparation of precise and definitive plans setting forth the ultimate development of each of the major traffic corridors specified on the general plan. Such precise and definitive plans are still necessary for the Burlington area if a bypass highway facility is to be developed as illustrated on Map 1 shown earlier.

SUMMARY AND CONCLUSION

The Official Map is intended to be used as a precise planning tool to implement public plans for streets, highways, waterways and parkways, railways, public transit facilities, parks and playgrounds. One of the basic purposes of the Official Map is to prohibit the construction of buildings or structures and their associated improvements on land that has been designated for public use. The Official Map is a plan implementation device that operates on a communitywide basis in advance of land development, and can thereby effectively assure the integrated development of the street and highway system.

The existing city Official Map, created in 1967, was not maintained current and has since become obsolete. Therefore, the City Official Map should be amended and adopted, as recommended and provided herein, as it relates to both existing and proposed streets, highways, waterways, and parkways, and to the location and extent of railway rights-of-way, and parks and playgrounds. Such amendment and adoption will help the City guide development and redevelopment over time in the public interest; achieving a more economical and efficient as well as beautiful and attractive development pattern.

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APPENDICES

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Appendix A

SUGGESTED OFFICIAL MAP ORDINANCE FOR
THE CITY OF BURLINGTON, RACINE COUNTY, WISCONSIN

Section 1 INTRODUCTION

WHEREAS, the City Plan Commission of the City of Burlington, Racine County, Wisconsin, has:

1. Adopted on _____, 19__, SEWRPC Planning Report No. 25, A Regional Land Use Plan and A Regional Transportation Plan for South-eastern Wisconsin--2000; and
2. Adopted on March 28, 1973, SEWRPC Community Assistance Planning Report No. 1, Residential, Commercial, and Industrial Neighborhoods, City of Burlington and Environs, Racine County, Wisconsin; and
3. Adopted on June 11, 1980, SEWRPC Community Assistance Planning Report No. 29, A Development Plan for the Quarry Ridge Neighborhood, City of Burlington, Racine County, Wisconsin; and
4. Adopted on September 4, 1984, SEWRPC Community Assistance Planning Report No. 63, A Development Plan for the Echo Lake Neighborhood, City of Burlington, Racine County, Wisconsin; and
5. Approved the preliminary street and lot layout of the Burlington Industrial Park on August 10, 1983; and
6. Recommended to the Common Council that the Official Map established for the City of Burlington by Common Council Resolution No. 1509(52) and approved and adopted by the Common Council on December 28, 1967, be updated, revised, and amended pursuant to data gathered and plans adopted since that date; and

WHEREAS, a public hearing was held before the Common Council of the City of Burlington on the _____ day of _____, 1987, on the question of the adoption of an updated, revised, and amended Official Map; and

WHEREAS, the Common Council of the City of Burlington has determined that it is necessary for the proper physical development of the City to update, revise, and amend the Official Map for the City of Burlington;

NOW, THEREFORE, the Common Council of the City of Burlington, Racine County, Wisconsin, do ordain as follows:

Section 2 INTENT

It is the intent of the Common Council to establish an Official Map for the purpose of serving and promoting the public health, safety, convenience, economy, orderliness, and general welfare of the community; to further the orderly layout and use of land; to stabilize the location of real property boundary lines; to ensure proper legal descriptions and proper monumenting of land; to facilitate adequate provision for transportation, parks, playgrounds, and stormwater drainage; and to facilitate the further subdivision of larger tracts into smaller parcels of land.

Section 3 AUTHORITY

This Ordinance is enacted under the authority granted by Section 62.23(6) of the Wisconsin Statutes.

Section 4 OFFICIAL MAP

The Official Map shall show the location and extent of all platted and existing streets, highways, parkways, parks, and playgrounds within the corporate limits of the City of Burlington as heretofore laid out, adopted, and established by law. There is hereby established, as the Official Map which accompanies and is made part of this Ordinance bearing the date of _____, 1987. This map is hereby designated as the "Official Map of the City of Burlington," and all notations, references, and other information shown thereon shall be as much a part of this Ordinance as though the matters and information thereon were fully described herein.

Section 5 CHANGES AND AMENDMENTS

The Common Council may change or add to the Official Map so as to establish the exterior lines of; widen; narrow; extend; or close any platted existing, proposed, or planned streets, highways, parkways, parks, or playgrounds, railway rights-of-way, public transit facilities, or waterway.

The Common Council shall refer any change or addition to the Official Map to the City Plan Commission for review and report thereon prior to adoption. The City Plan Commission shall report their recommendations to the Common Council within sixty (60) days.

A Public Hearing of parties in interest and citizens before the Common Council shall be required before any changes or additions to the Official Map are effective. Parties in interest are those persons owning land which is to be placed on or removed from the Official Map, abutting property owners, and all property owners within one hundred (100) feet. Notice of the public hearing shall be published as a Class II notice, pursuant to Chapter 985 of the Wisconsin Statutes.

Changes and Additions made by duly approved subdivision plats shall not require the public hearing if the changes or additions do not affect any land outside the area being platted.

Section 6 BUILDING PERMITS

For the purpose of preserving the integrity of the Official Map, a building permit shall be required for any structure or part thereof that shall

hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered. No permit shall hereafter be issued for any building in the bed or any existing or proposed street, highway, or parkway shown on the Official Map. No permit for the erection of any building shall be issued unless a street, highway, or parkway giving access to such proposed structure has been duly placed on the Map.

The Building Inspector may require each applicant for a building permit to submit a plan, prepared and certified by a registered land surveyor, showing accurately the location of any proposed building with reference to any street, highway, or parkway shown on the Official Map.

Section 7 MUNICIPAL IMPROVEMENTS

No public sewer or other municipal street utility or improvement shall be constructed in any street, highway, or parkway within the corporate limits of the City of Burlington until such street, highway, or parkway is duly placed on the Official Map.

Section 8 APPEALS

The Board of Zoning Appeals shall have the power to review any administrative decision of the City Building Inspector to deny a permit for the erection of a structure under this Ordinance and to grant relief from the requirements of this Ordinance under the provision of Sections 62.23(6) (e), (f), and (g) of the Wisconsin Statutes.

Section 9 CERTIFIED COPY OF MAP

There shall be a certified copy of the Official Map described in Section 4. The certified copy shall be kept in the office of the City Clerk, and shall be available for inspection by any interested person during regular office hours. The certified copy shall bear on its face a certification that it is a true copy of the Official Map described in and accompanying this Ordinance, and shall show the date of adoption of this Ordinance and shall be signed by the Mayor and countersigned by the City Clerk. Thereafter, no change or addition to such Official Map shall become effective until it shall have been indicated by the appropriate convention on the aforesaid certified copy of the Official Map and a certificate placed thereon or attached thereto bearing the number and date of adoption of the amending ordinance. The certificate shall be signed by the Mayor and countersigned by the City Clerk.

Section 10 MAP TO BE FILED WITH REGISTER OF DEEDS

The City Clerk shall be responsible immediately upon adoption of the Official Map or any amendment thereto for recording a true copy of the amended Official Map with the Register of Deeds of the Counties of Racine and Walworth, Wisconsin.

Section 11 ENFORCEMENT

It shall be the duty of the City Building Inspector and the Chief of Police to enforce the provisions of this Ordinance.

Section 12 PENALTIES

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not more than

two hundred dollars (\$200) and not less than fifty dollars (\$50) and cost of prosecution for each violation and, in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until payment thereof but not exceeding thirty (30) days.

No damages shall be allowed for the taking by any governmental agency, for street, highway, and parkway purposes, any building erected in violation of this Ordinance.

Section 13 SEVERABILITY AND CONFLICT

If any section or part of this Ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. All other ordinances or parts of ordinances of the City inconsistent with this Ordinance to the extent of the inconsistency only are hereby repealed.

Section 14 EFFECTIVE DATE

This Ordinance shall be effective upon adoption by the Common Council and publication or posting as provided by law.

Date of Ordinance Adoption _____

Date of Publication or Posting _____

Effective Date: _____

Mayor

Countersigned:

City Clerk

Approved as to Form

City Attorney