

WANASEK, SCHOLZE, LUDWIG, EKES & GORN, S.C.

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May 5, 2021

Julie A. Anderson
Director of Public Works
and Development Services
14200 Washington Avenue
Sturtevant WI 53177-1253

In re: Dale Noble

Dear Julie:

Please be advised I represent the Nobles. Enclosed you will find a Highway Permit Petition signed by my client, and detailing his request.

This matter was previously subject to an advisory opinion at Docket no. 2020-0051-01.

In my reading of the various websites, this may be deemed an appeal of the advisory opinion. The highway permit includes two attachments detailing what the Nobles would like to accomplish.

Their current practice is to park their farm equipment on the side of the road, and slowly take the machinery across the ditch, which takes significantly more time than if they had a culvert/driveway over which to enter. The current practice is certainly more dangerous than having that driveway access.

The particular location of the driveway along Sunnyslope is not as important to my client. It can be constructed at any point along that part of the road.

I believe we have already been scheduled for the May 27th meeting.

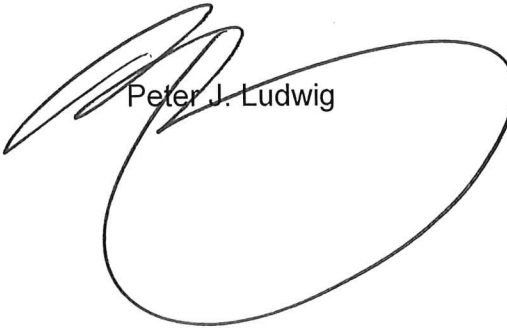
WANASEK, SCHOLZE, LUDWIG EKES & GORN, S.C.

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Thank you for your consideration of this matter. If you have any questions or concerns, please contact me at your convenience.

Sincerely,

WANASEK, SCHOLZE, LUDWIG, EKES & GORN, S.C.


Peter J. Ludwig

PJL:jh
Enclosures

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MAY 10 2021

RACINE COUNTY



County of Racine
 Department of Public Works
 and Development Services
 14200 Washington Avenue
 Sturtevant, WI 53177-1253
 Telephone (262) 886-8440
 Facsimile (262) 886-8480

Highway Permit Petition Form Pg-1 Questionnaire

Wisconsin Statute §86.07(2) provides discretionary jurisdiction to the County of Racine in regard to county highways, certain rustic roads and associated rights-of-way.

Use this form to petition the County of Racine for permission to establish or alter a facility within a highway or right-of-way under the jurisdiction of the County of Racine. Facilities may include but are not limited to the following four categories: (1) public or private utility infrastructure (2) access points such as paths, driveways and intersecting roads (3) structures such as culverts, embankments, fences, and swails (4) vegetation. Before you apply, read all four pages of this form. Legibly print, type or draw information as required.

Complete this section.

Applicant's Name:
Dale A. Noble

Applicant's Address:
1211 S. English Settlement Ave.

Applicant's City, State and Postal Code:
Burlington WI 53105

Applicant's Telephone Number(s):
262-206-2394

Applicant Signature: *Dale A. Noble* Signature Date:

By signing this form you attest that all of the information that you provide (including drawings and attachments) truthfully and completely describes the proposed facility.

If you write this application as an agent for another party (the petitioner) then, complete this section.

Petitioner's Name:
Peter J. Ludwig

Petitioner's Relationship to Applicant:
Attorney

Petitioner's Address:
P.O. Box 717

Petitioner's City, State and Postal Code:
Burlington WI 53105

Petitioner's Telephone Number(s):
262-763-8185

Only authorized agents may apply for permission on behalf of another party. By entering data into this section, you attest to your status as an authorized agent for the petitioner described above.

If another person will supervise the construction of the facility that you propose then, complete this section.

Construction Supervisor Name:

Construction Company Name:

Construction Company Address:

Construction Company City, State and Postal Code:

Construction Supervisor Telephone Number(s):

If another person will supervise the long-term operation of the facility that you propose then, complete this section.

Operation Supervisor Name:

Operation Company Name:

Operation Company Address:

Operation Company City, State and Postal Code:

Operation Supervisor Telephone Number(s):



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Highway Permit Petition Form Pg-2 Indemnification

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INDEMNIFICATION

1. The Petitioner shall save and hold the County of Racine, its officers, employees, agents and all private and governmental contractors and subcontractors with the County of Racine under State of Wisconsin statutes chapter 84, harmless from and against all liability, damage, loss, expense, claims, demands and actions of any nature whatsoever (including any by the Petitioner itself) which arise out of or are connected with, or are claimed to arise out of or be connected with any of the work done by the Petitioner, or the construction or maintenance of facilities by the Petitioner, pursuant to this order or any other order issued by the County of Racine for the location of property, lines or facilities on highway right-of-way; including without limiting the generality of the foregoing, worker's compensation, contractual tort, or other liability of the County of Racine, the Petitioner or any other persons, and whether or not caused or claimed to have been caused by active or inactive negligence or other breach of duty by the County of Racine, its officers, employees, agents, contractors, subcontractors or frequenters; Petitioner, its employees, agents contractors, subcontractors or frequenter; or any other person. Without limiting the generality of the foregoing, the liability, damage, loss, expense, claims, demands and actions indemnified against shall include all liability, damage, loss, expense, claims, demands and actions for damage to any property, lines of facilities placed by or on behalf of the Petitioner pursuant to this order or any other order issued by the County of Racine for the location of property, line or facilities on highway right-of-way in the past or present, or the are located on any highway, property, or right-of-way of the County of Racine with or without an order issued by the County of Racine, for any loss of data, information, or material; for trade-mark, copyright or patent infringement; for unfair competition or infringement of any other so-called "intangible" property right; for defamation, false arrest, malicious prosecution or any other infringement of personal or property rights of any kind whatever. The Petitioner shall at its own expense investigate all such claims and demands, attend to their settlement or other disposition, defend all actions based thereon and pay all charges of attorneys and all other costs and expenses of any kind arising from any such liability, damage, loss, claims, demands and actions.
2. Any transfer, whether voluntary or involuntary, of ownership or control of any property constructed, placed or operated by or on behalf of the Petitioner that remains on the property or right-of-way of the County of Racine pursuant to this order shall not release the Petitioner from any of the indemnification requirements of this order, unless the County of Racine is notified of such transfer in writing. Any acceptance by any other person or entity, whether voluntary or involuntary, or ownership or control of any property constructed, placed or operated by or on behalf of the Petitioner that remains on the property or right-of-way of the County of Racine to this order, shall include acceptance of all of the indemnification requirements of this order by the other person or entity receiving ownership or control.
3. Notwithstanding the foregoing, a private contractor or subcontractor with the County of Racine under State of Wisconsin statutes chapter 84, that fails to comply with sections 66.047 and 182.0175 of the statutes of the State of Wisconsin, remains subject to the payment to the Petitioner of the actual cost of repair of intentional or negligent damage by the contractor or subcontractor to any property, lines or facilities placed by or on behalf of the Petitioner pursuant to this order or any other order issued by the County of Racine for the location of property, lines or facilities on highway right-of-way and remains subject to payment to the Petitioner for losses due to personal injury or death resulting from negligence by the contractor or subcontractor.
4. Notwithstanding the forgoing, if the County of Racine, or its officers, employees and agents, fail to comply with sections 66.047 and 182.0175 of the statutes of the State of Wisconsin, the County of Racine or its officers, employees and agents, remain subject to the payment to the Petitioner of the actual cost of repair of willful and intentional damage by the County of Racine, or its officers, employees and agents, to any property, lines or facilities placed by or on behalf of the Petitioner pursuant to this order or any other order issued by the County of Racine for location of property, lines or facilities on highway right-of-way, and remain subject to payment to the Petitioner for losses due to personal injury or death resulting from negligence by the County of Racine, its officers, employees and agents.
5. No indemnification of private contractors or subcontractors with the County of Racine under section 84 of the statutes of the State of Wisconsin, shall apply in the event of willful and intentional damage by such private contractors or subcontractors to the property, lines and facilities of the Petitioner located on the highway right-of-way pursuant to this order or any other order issued by the County of Racine for the location of property, lines or facilities on highway right-of-way.



County of Racine
Department of Public Works
and Development Services
14200 Washington Avenue
Sturtevant, WI 53177-1253
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Highway Permit Petition Form Pg-3 Drawing

Wisconsin Statute §86.07(2) provides discretionary jurisdiction to the County of Racine in regard to county highways, certain rustic roads and associated rights-of-way.

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See attached.

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RACINE COUNTY

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RACINE COUNTY



County of Racine
Department of Public Works
and Development Services
14200 Washington Avenue
Sturtevant, WI 53177-1253
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Highway Permit Petition Form Pg-1 Directions

Wisconsin Statute §86.07(2) provides discretionary jurisdiction to the County of Racine in regard to county highways, certain rustic roads and associated rights-of-way.

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If you petition in regard to public or private utility infrastructure then, petition according to the directions listed in this section.

- Complete the questionnaire on pg-1 of this form.
- Review the example highway permit petition.
- Create your utility drawing according to the example. (Applicants may attach drawings to this form.)
- Review the highway permit fee list.
- Pay your utility fee according to the fee list.
- Submit the petition to the County of Racine. (Attention: Highway Permit Petition)

Racine County will review your utility petition and usually respond within 5 business days. The response may either: ask for more information, permit the facility, or deny the facility. You may modify your petition and petition again without an additional fee. If the County of Racine denies your facility then, you will receive a fee refund.

If you petition in regard to an access point then, petition according to the directions listed in this section.

- Complete the questionnaire on pg-1 of this application.
- Review the example highway permit petition.
- Create your access drawing according to the example. (Applicants may attach drawings to this form.)
- Review the highway permit fee list.
- Pay your access fee according to the fee list.
- Submit the petition to the County of Racine. (Attention: Highway Permit Petition)

Racine County will review your access petition and usually respond within 10 business days. The response may either: ask for more information, permit the facility, or deny the facility. You may modify your petition and petition again without an additional fee. If the County of Racine denies your facility then, you will receive a fee refund.

If you petition in regard to a structure then, petition according to the directions listed in this section.

- Complete the questionnaire on pg-1 of this form.
- Review the example highway permit petition.
- Create your structure drawing according to the example. (Applicants may attach drawings to this form.)
- Review the highway permit fee list.
- Pay your structure fee according to the fee list.
- Submit the petition to the County of Racine. (Attention: Highway Permit Application)

Racine County will review your structure petition and usually respond within 10 business days. The response may either: ask for more information, permit the facility, or deny the facility. You may modify your petition and petition again without an additional fee. If the County of Racine denies your facility then, you will receive a fee refund.

If you petition in regard to vegetation then, petition according to the directions listed in this section.

- Complete the questionnaire on pg-1 of this form.
- Review the example highway permit petition.
- Create your vegetation drawing according to the example. (Applicants may attach drawings to this form.)
- Review the highway permit fee list.
- Pay your vegetation fee according to the fee list.
- Submit the application to the County of Racine. (Attention: Highway Permit Application)

Racine County will review your vegetation petition and usually respond within 5 business days. The response may either: ask for more information, permit the facility, or deny the facility. You may modify your petition and petition again without an additional fee. If the County of Racine denies your facility then, you will receive a fee refund.

Attachment to Highway Permit Petition

Applicant seeks to construct a driveway on that portion of his real estate which abuts Sunnyslope Drive (Hwy N.). The parcel (see attached) abuts both Sunnyslope and Hwy 11. Applicant would not be able to construct a driveway on Hwy 11, leaving Sunnyslope as the only option.

This request was previously subject to an advisory opinion (Docket No. 2020-0051-01).

Presently, applicant accesses his property over the ditch on Sunnyslope Drive which is a fairly slow process. He believes this is more dangerous than if a culvert were installed in the driveway over it, which would allow him to get in and out of his property much faster and safer than going through the ditch.

Applicant has looked into alternatives, including easements, but they are not viable.

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RACINE COUNTY

Mapped Acres: 126.67
 GreatAg Acres: 2,762.55 #

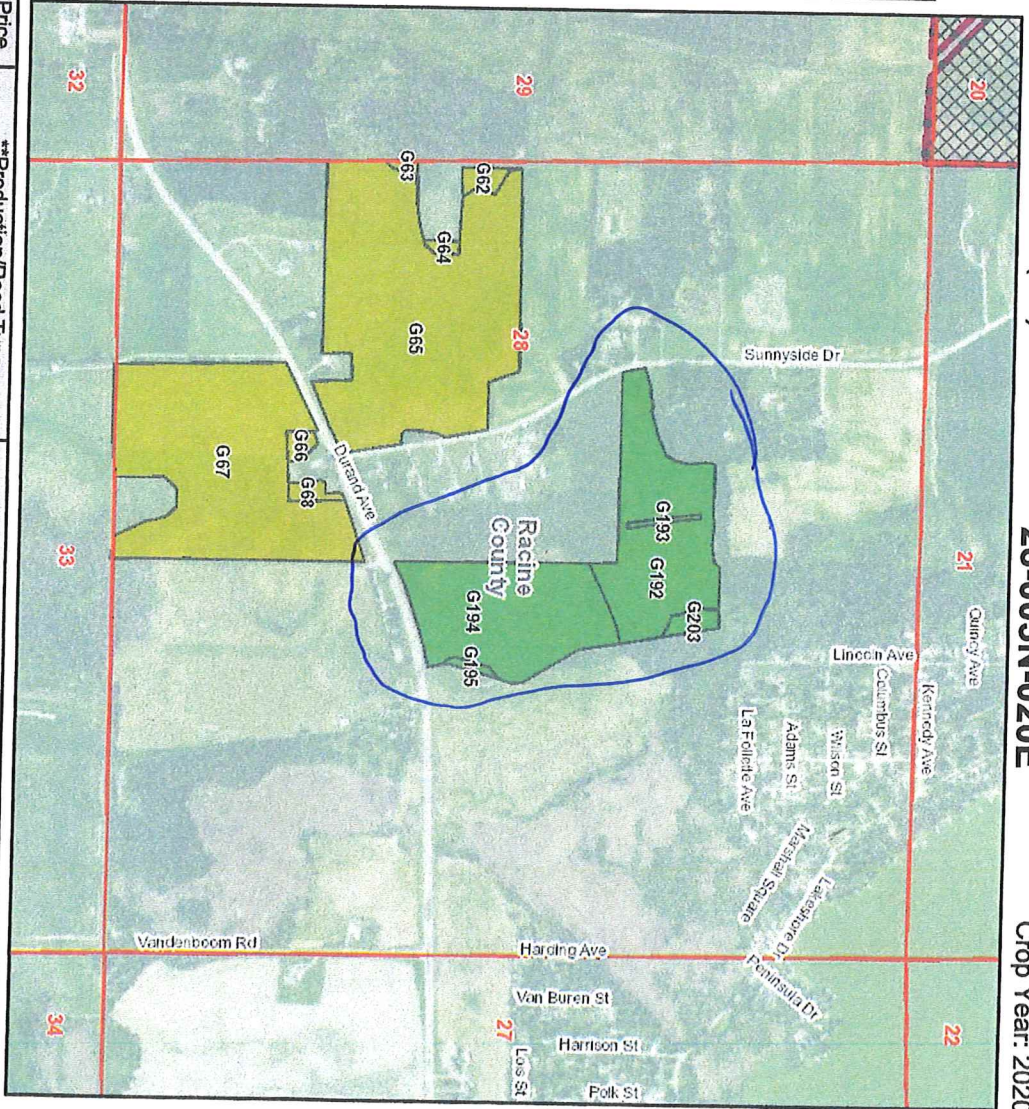
Acreage / Premium Summary	
Com: 1559.95 - \$21021	
Soybeans: 1202.60 - \$6895	

Field Identification	Field Acres	Reported Acres	Production
G62 - 6858 - 3805 - 2 --Corn	1.00	1.00	
G63 - 6858 - 3805 - 4 --Corn	0.31	0.31	
G64 - 6858 - 3805 - 3 --Corn	0.40	0.40	
G65 - 6858 - 3805 - 1 --Corn	46.39	46.39	
G66 - 6858 - 3804 - 3 --Corn	0.72	0.72	
G67 - 6858 - 3805 - 14 --Corn	36.12	36.12	
G68 - 6858 - 3804 - 4 --Corn	0.83	0.83	
G192 - 6857 - 3690 - 3 --Soybeans	19.52	19.52	
G193 - 6857 - 3690 - 10 --Soybeans	0.34	0.34	
G194 - 6857 - 3690 - 6 --Soybeans	19.59	19.59	
G195 - 6857 - 3690 - 8 --Soybeans	0.40	0.40	
G203 - 6857 - 3690 - 7 --Soybeans	1.05	0.70	

Wisconsin, Racine (101)

28-003N-020E

Crop Year: 2020



Line	Crop / Lvl / Practice / Type	Unit / APH / Guar / Opt	Line Note / Plant Date / *Price
1	Corn-41 NON IRR - GSG	00010000-EU# 200 / 191 160.0 BU	PF/TA Planted: 06/27/2020 Days Late: 0
5	Soybeans-81 NON IRR - COMM	00010000-EU# 56 / 54 42.0 BU	PF/TA Planted: 06/04/2020 Days Late: 0

**Production/Reed Type	Share % / Shareholder
Acres: 1,559.95 Production: Type: <input type="checkbox"/> Commingled	1.0000 /
Acres: 1,202.60 Production: Type: <input type="checkbox"/> Commingled	1.0000 /