



COUNTY OF KENOSHA

Department of Planning and Development

George E. Melcher, Director

Department of Planning and Development

PROCEDURES FOR RECORDING A WAIVER OF LIABILITY OF FOUNDATION SURVEY DOCUMENT

- BLACK INK MUST BE USED TO FILL OUT WAIVER OF LIABILITY.**
- The owner(s) on the deed must sign and have signature notarized.
- The Department of Planning & Development has notaries at no charge.
- The recording fee is \$30.00 cash or check. If mailing a check is required, check must be payable to "Register of Deeds."
- Return the Waiver of Liability by the Waiver of Liability (WL) Due Date specified on your zoning permit.
- The Waiver of Liability can be submitted in person or by mail at the following address:

KENOSHA COUNTY DEPT. OF PLANNING & DEVELOPMENT
 19600 – 75TH STREET
 PO BOX 520
 BRISTOL WI 53104

IMPORTANT TELEPHONE NUMBERS

Kenosha County Center	
Department of Planning & Development	
19600 - 75 th Street, Post Office Box 520	
Bristol, Wisconsin 53104-0520	
Division of County Development (including Sanitation & Land Conservation)	857-1895
Facsimile #	857-1920
Public Works Division of Highways	857-1870
Administration Building	
Division of Land Information	653-2622
Brighton, Town of	878-2218
Paris, Town of	859-3006
Randall, Town of	877-2165
Salem, Town of	843-2313
Utility District	862-2371
Somers Town of	859-2822
Wheatland, Town of	537-4340
Wisconsin Department of Natural Resources - Sturtevant Office	884-2300
Wisconsin Department of Transportation - Waukesha Office	548-8722

**WAIVER OF LIABILITY OF
FOUNDATION SURVEY**

In Re: Zoning Permit Application of:

Owner(s) (Permit Applicants[s])

To be located on Parcel No. _____

In the Town of _____

Section _____, Town _____ N, Range _____ E

Legal Description of said Parcel:

RETURN TO:
Kenosha County Department
of Planning and Development
PO Box 520
Bristol WI 53104

Parcel ID Number

Subdivision Name _____

Lot _____ Block _____ Certified Survey Map # _____

WHEREAS, the above owner has applied for a Zoning Permit for the above premises to construct:

WHEREAS, the permit applicant(s) desire(s) to waive the foundation survey requirements at this time as provided by Section 12.05-4(a) of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance, and

WHEREAS, the permit applicant(s) is (are) aware of and understand(s) Section 12.05-4 of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance, (a copy of which appears on the reverse side of this document);and

WHEREAS, the permit applicant(s) guarantee(s) that all requirements of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance have been complied with as of this date.

NOW, THEREFORE, THE PERMIT APPLICANT(S) DOES (DO) AGREE THAT IN CONSIDERATION OF KENOSHA COUNTY WAIVING THE REQUIREMENT FOR A FOUNDATION SURVEY TO BE PAID FOR BY THE OWNER(S) THE PERMIT APPLICANT AGREES, GUARANTEES, WARRANTS, ACKNOWLEDGES, AND REPRESENTS:

1. THAT IF THE STRUCTURE(S) INVOLVED HEREIN IS (ARE) EVER FOUND TO VIOLATE THE REQUIREMENTS OF THE KENOSHA COUNTY GENERAL ZONING AND SHORELAND/FLOODPLAIN ZONING ORDINANCE THE PERMIT APPLICANT(S), HIS/HER ESTATE, AND/OR ASSIGNS HEREBY AGREE TO CAUSE THE STRUCTURE TO COMPLY WITH SAID ORDINANCE BY REMOVAL OF AND RELOCATION OF SAID STRUCTURE AND PAY ALL ASSOCIATED AND CONSEQUENT COSTS AND DAMAGES, WITH SUCH LIABILITY TO BE JOINT AND SEVERAL;
2. THAT ANY STATUTE OF LIMITATIONS APPLICABLE TO ACTIONS INVOLVING ILLEGAL LOCATION OF STRUCTURES SHALL NOT BEGIN TO RUN UNTIL A CERTIFIED SURVEY IS FILED WITH THE KENOSHA COUNTY REGISTER OF DEEDS, AND THE OFFICE OF PLANNING AND DEVELOPMENT AS PER SECTION 12.05-4;
3. THAT A COPY OF THIS WAIVER SHALL BE FILED WITH THE KENOSHA COUNTY REGISTER OF DEEDS AND THAT THE TERMS AND CONDITIONS HEREIN SET FORTH SHALL RUN WITH THE LAND UNTIL SUCH TIME AS A RELEASE IS FILED BY THE KENOSHA COUNTY OFFICE OF PLANNING AND DEVELOPMENT.

Property Owner Date

Subscribed and sworn before me this _____ day of _____, 20____.

Notary Public, Kenosha County, WI.
My commission expires _____

*This document was prepared by:
Kenosha County Department of Planning & Development
Division of Planning Operations*

Property Owner Date

KENOSHA COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT

BY

TITLE

**THE KENOSHA COUNTY GENERAL ZONING AND SHORELAND/FLOODPLAIN ZONING
ORDINANCE REQUIRES THE FOLLOWING PROCEDURES BE FOLLOWED PRIOR TO THE
ISSUANCE OF A ZONING PERMIT:**

12.05-4 FOUNDATION SURVEY REQUIREMENTS

(a) Except as provided for in subsection (b), any person erecting, moving, enlarging or reconstructing a structure, which, under this ordinance, requires a zoning permit shall upon completion of the construction of footings, concrete slab or other foundations, submit to the Office of Planning and Zoning Administration a survey prepared by a registered land surveyor showing the locations, boundaries, dimensions, elevations and size of the following: The boundaries of the lot, all existing structures (including foundations) and their relationship to the lot lines. The County Director of Planning and Zoning shall compare the location of all new or extended foundations with the location of all proposed construction activity reported on the permit application. No further construction may commence unless the Director of Planning and Zoning shall find that the foundation location is consistent with the permit as issued and shall so certify. Failure to comply with the requirements of this section shall be grounds for the issuance of a citation pursuant to section 12.32-3 of this Ordinance, and attendant penalties.

(b) A foundation survey shall not be required for the construction of any structure located at least 200 feet from any property line or 200 feet from any navigable body of water.

(c) In addition to the exception provided for in subsection (b) above, the foundation survey requirements may be waived at the option of the permit applicant, for any construction, except for construction of a principal structure and for the construction of a new foundation under an existing principal structure, provided that the permit applicant shall file and record with the Office of Planning and Zoning Administration and with the Kenosha County Register of Deeds an "Assumption of Liability" which shall be binding on the permit applicant and his estate and which shall forewarn future owners of said parcel of the lack of a certified foundation survey verifying that structures located on the parcel are in conformity to the ordinance and further, that if any error is made on the placement of any construction or structure, or if a zoning violation is later discovered, the applicant and his estate shall move the construction or structure so as to conform with the zoning regulations effective on the date the permit was issued and shall further pay all consequent damages. Structures illegally located on a parcel are in violation of the Kenosha County Zoning Ordinance. Applicable statute of limitations for prosecution of such violations shall not begin to run until such time as a certified survey has been filed with the Office of Planning and Zoning Administration and the Register of Deeds indicating the location of the structures on the parcel.