WAIVER OF LIABILITY OF FOUNDATION SURVEY

In Re: Zoning Permit Application of:

Owner(s)	(Permit Applicants[s])				
To be locate	d on Parcel No				
In the Village	e of				
Section	,Town	N, Range	E		
Legal Desci	ription of said Parcel:				
				RETURN TO:	
				Parcel ID Number	
Subdivision	Name				
Lot	Block _		Ce	ertified Survey Map #	
WHEREAS,	the above owner has applied	ed for a Zoning Perr	mit for the al	pove premises to construct:	

- WHEREAS, the permit applicant(s) desire(s) to waive the foundation survey requirements at this time as provided by Section 490-3.4(C) of the Village of Salem Lakes Zoning and Shoreland/Floodplain Zoning Ordinance, and
- WHEREAS, the permit applicant(s) is (are) aware of and understand(s) Section 490-3.4 of the Village of Salem Lakes 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 Villlage of Salem Lakes 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 VILLAGE OF SALEM LAKES 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 VILLAGE OF SALEM LAKES 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;
 - THAT ANY STATUTE OF LIMITATIONS APPLICABLE TO ACTIONS INVOLVING ILLEGAL LOCATION OF STRUCTURES SHALL NOT BEGIN TO RUN UNTIL A CERTIFIED SURVEY IF 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 VILLAGE OF SALEM LAKES OFFICE OF PLANNING AND DEVELOPMENT.

Property Owner	Date	Property Owner	Date	
Subscribed and sworn before me thisday of, 20		VILLAGE OF SALEM LAKES DEPARTMENT OF PLANNING & DEVELOPMENT		
·		BY		
Notary Public,,	.			
My commission expires		TITLE 		
This document was prepared by: Village of Salem Lakes Department of Pla	anning & Develo	pment		

THE VILLAGE OF SALEM LAKES ZONING AND SHORELAND/FLOODPLAIN ZONING ORDINANCE REQUIRES THE FOLLOWING PROCEDURES BE FOLLOWED PRIOR TO THE ISSUANCE OF A ZONING PERMIT:

490-3.4 FOUNDATION SURVEY REQUIREMENTS

- A. Except as provided for in Subsections B and C, any person erecting, moving, enlarging or reconstructing a structure which, under this chapter, requires a zoning permit shall, upon completion of the construction of footings, concrete slab or other foundations, submit to the Planning and Development Administrator either i) a survey prepared by a professional 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 or ii) other map drawn to scale and approved by the Planning and Development Administrator containing such information together with an executed waiver of liability of foundation survey as provided in Subsection C. The Planning and Development Administrator 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 Planning and Development Administrator shall find, based upon the information submitted on behalf of the permit holder, that the foundation location is consistent with the permit as issued. Failure to comply with the requirements of this section shall be grounds for the issuance of a citation pursuant to § 490-36.3 of this chapter 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 <u>B</u> 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 Planning and Development Administrator and with the Kenosha County Register of Deeds a "Waiver of Liability of Foundation Survey," 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 with this chapter 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 this chapter. 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 Planning and Development Administrator and the Register of Deeds, indicating the location of the structures on the parcel.