

# PROCEDURES FOR COMPLETING WAIVER OF LIABILITY OF FOUNDATION SURVEY REQUIREMENT

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## BLACK INK MUST BE USED TO FILL OUT ANY WAIVER OF LIABILITY FORM

1. One of the owners on the deed must have their signature notarized in the lower-left hand corner of the document. The remaining blank fields in the document can remain blank. Department of Planning & Development staff will fill them in with information relative to your issued zoning permit before recording the document for you.
2. Notaries can typically be found at banks, real estate office and attorney's offices and will provide notary services for a nominal fee. The Department of Planning & Development has notaries available free of charge.
3. Return the signed/notarized waiver of liability form by the "Waiver of Liability Due Date" specified on your zoning permit along with the required 30.00-dollar recording fee (cash or check payable to the "Register of Deeds"). If you do not return the completed form and filing fee by said date, a notice of non-compliance may be sent to the property owner resulting in the property being in violation.
4. The Waiver of Liability of Foundation Survey form and recording fee can be submitted in person or by mail to the following address:

KENOSHA COUNTY DEPT. OF PLANNING & DEVELOPMENT  
19600 – 75<sup>TH</sup> STREET, SUITE 185-3  
BRISTOL WI 53104

### What is a foundation survey requirement?

As per section 12.05-4(a) of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance, 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 Kenosha County Department of Planning and Development 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. The Kenosha County Director of Planning and Development 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 Development 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.

### What is a waiver of liability?

A waiver of liability of foundation survey is a legal document signed by the property owner that states they are waiving the requirement to immediately hire a professional surveyor to complete a foundation survey showing the built location of the structure on the property. The legal document states that the owner is aware of the zoning codes and is building the permitted structure according to those codes (size, height, setbacks etc...). The waiver of liability will act as a temporary lien and remain on the property title until such time that it is removed. Usually when a property owner sells their property is when the waiver will be required to be released.

In order for a waiver of liability document to be valid it must be recorded with the Kenosha County Register of Deeds. A small recording fee is required (payable to the "Register of Deeds"). Waiver of Liability of Foundation Survey Document

### What is a waiver of liability requirement?

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Construction of a principal structure, such as a single-family residence or primary commercial building will require that the property owner hire a professional surveyor to prepare a foundation survey to be submitted to the Department of Planning & Development. In cases where a residential addition or detached accessory structure is built, then the property owner may waive their requirement to have the foundation survey completed immediately by a hired professional surveyor. If the property owner decides to waive the foundation survey requirement, then a Waiver of Liability Due Date will be placed on the issued zoning permit document. This due date is a mutually agreed date that the property owner intends to have a signed/notarized waiver of liability form and recording fee returned to Planning & Development in order to fulfill the paperwork requirement.



