

STATE OF WISCONSIN

: CITY OF FRANKLIN :
MUNICIPAL COURT

MILWAUKEE COUNTY

CITY OF FRANKLIN,

Complainant,

Case No. 08-001

v.

AFFIDAVIT OF SERVICE

LEONARD A. FOX,

Defendant.

I, PO S. Blaszczyk, hereby certify that I personally served the attached Summons and Complaint on Leonard A. Fox, defendant, on 07/29/08, 2008, at 6²⁰ a.m. (p.m.), at 5510 W. Rawson Ave., in the City of Franklin, County of Milwaukee, State of Wisconsin.

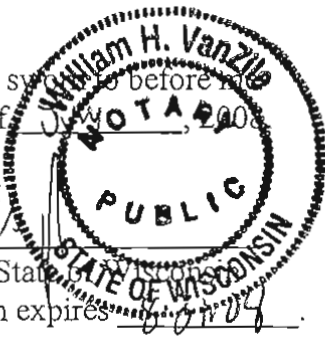
At the time of service, I did know the person served to be the person named in the document served by:

- That person's own admission to me or
- Upon information and belief.

Dated this 29 day of July, 2008.

Officer [Signature]
City of Franklin Police Department
9455 West Loomis Road
Franklin, Wisconsin 53132

Subscribed and sworn to before me
this 29 day of July, 2008.



[Signature]
Notary Public, State of Wisconsin
My commission expires 8/08.

STATE OF WISCONSIN

CITY OF FRANKLIN
MUNICIPAL COURT

MILWAUKEE COUNTY

CITY OF FRANKLIN,
A MUNICIPAL CORPORATION
9299 W. LOOMIS RD.
FRANKLIN, WI 53132,
By Joel Dietl, Planning Manager,

Complainant

v.

SUMMONS

LEONARD A. FOX
5510 WEST RAWSON AVENUE
FRANKLIN, WI 53132,

Case No.

08-001


Defendant

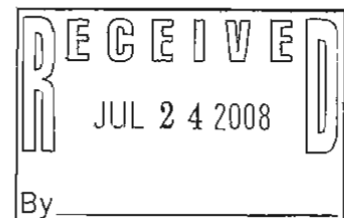
TO: LEONARD A. FOX
5510 WEST RAWSON AVENUE
FRANKLIN, WI 53132

LEONARD A. FOX is hereby commanded to appear before the City of Franklin Municipal Court on the 20th day of August, 2008, at 8:30 o'clock a.m., in the City Franklin Police Department/Municipal Court Facility located at 9455 W. Loomis Rd., Franklin, Wisconsin. You are hereby notified that the City of Franklin has commenced a legal action against you. The complaint, attached, states the nature and basis of the legal action.

This Summons is issued by the City of Franklin. If you fail to appear a default judgment may be taken against you.

Dated this 24th day of July, 2008.


Joel Dietl
Planning Manager



CITY OF FRANKLIN,
A MUNICIPAL CORPORATION
9299 W. LOOMIS RD.
FRANKLIN, WI 53132,
By Joel Dietl, Planning Manager,

Complainant

v.

COMPLAINT

LEONARD A. FOX
5510 WEST RAWSON AVENUE
FRANKLIN, WI 53132,

Case No.

08-001

Defendant

NOW COMES the above named Complainant, the City of Franklin, by Joel Dietl of the City of Franklin Department of City Development, within the scope of his duties as Planning Manager, and as and for a complaint against Leonard A. Fox, states as follows:

1. I am Joel Dietl of the City of Franklin Department of City Development and make this sworn written complaint within the scope of my duties as Planning Manager.
2. That upon information and belief, Leonard A. Fox, is the owner of real property located at 5510 West Rawson Avenue in the City of Franklin.
3. That, in 1972, Leonard A. Fox applied for, and was granted, a special use permit for his real property located at 5510 West Rawson by the City of Franklin.
4. That the special use permit noted at paragraph 3 of this Complaint contained numerous conditions including the following:
 - a. Preparation of a Site Plan to be reviewed and approved by the Plan Commission.

- b. Preparation of a Certified Survey Map to be reviewed by the Plan Commission and approved by the Common Council.
 - c. Preparation of a detailed Site Grading Plan to be reviewed and approved by the Plan Commission.
 - d. Installation of permanent drives and parking lots to be constructed of cement or asphalt; general landscaping to be reviewed and approved by the Architectural Review Board; and lighting.
 - e. Preparation of architectural drawings or sketches to be reviewed and approved by the Architectural Review Board.
 - f. Preparation of a detailed Landscaping Plan to be reviewed and approved by the Architectural Review Board.
 - g. Outdoor parking of trucks and trailers shall not be permitted unless suitable parking surfaces are provided and such areas are screened from view.
 - h. Outside storage of supplies and/or equipment shall not be permitted.
 - i. Preparation of a Lighting Plan to be reviewed and approved by the Plan Commission.
5. That upon information and belief, Leonard A. Fox is in violation of special use approval noted at paragraph 3 of this complaint in that he is violating each of the conditions noted at paragraph 4a-i, above.
6. That, in 1980, Leonard A. Fox applied for, and was granted, a second special use permit by the City of Franklin for his real property located at 5510 West Rawson Avenue.
7. That the Use Approval noted at paragraph 6 of this Complaint contained numerous conditions, including:
 - a. Preparation of architectural drawings or sketches, to be reviewed and approved by the Architectural Review Board.
 - b. Outside storage of materials shall not be permitted.
 - c. The property shall be landscaped and maintained in good aesthetic condition at all times.
 - d. The parking areas and driveways shall be paved.
8. That upon information and belief, Leonard A. Fox is in violation of special use approval noted at paragraph 6 of this complaint in that he is violating each of the conditions noted at paragraph 7a-d, above.

9. That, in 1996, Leonard A. Fox applied for, and was granted, a third special use permit by the City of Franklin for his real property located at 5510 West Rawson Avenue.
10. That the Use Approval noted at paragraph 9 of this Complaint contained numerous conditions, including:
 - a. Preparation of a Site Grading Plan for review and approval by the City Engineer.
 - b. The access easement driveway shall be paved.
11. That upon information and belief, Leonard A. Fox is in violation of special use approval noted at paragraph 9 of this complaint in that he is violating each of the conditions noted at paragraph 10a-b, above.
12. That the City of Franklin has enacted a Uniform Development Ordinance that contains a provision, §15-3.0701D, that authorizes the City of Franklin Common Council to impose limitations and conditions concerning the use of real property benefited by the issuance of a special use permit.
13. That §15-3.0701D of the City of Franklin Uniform Development Ordinance provides that violation of a special use approval is a violation of the Uniform Development Ordinance.
14. That the City of Franklin Municipal Code, at §1-19, provides that any person violating the Code shall be subject to a forfeiture, upon conviction, of not less than \$1.00 nor more than \$2500.00, together with costs for a first offense and not less than \$10.00 nor more than \$2500.00 for a second offense with each violation and each day of a violation constituting a separate offense.

15. That the failure of Defendant Fox to complete each of the items noted at Paragraphs 4a-i, 7a-d and 10a-b of this Complaint. constitutes a separate violation of the City of Franklin Uniform Development Code §15-3.0701D.
16. That the City of Franklin is seeking a forfeiture in the amount of \$100.00 per day plus all mandated State costs for each of the fifteen separate violations detailed at Paragraphs 4a-i, 7a-d and 10a-b of this Complaint until compliance with each condition violation.

Dated at Franklin, Wisconsin this 24th day of July, 2008

STATE OF WISCONSIN)
) SS
COUNTY OF MILWAUKEE)

Joel Dietl, Planning Manager of the City of Franklin, being duly sworn and under oath, states that he has read the foregoing complaint and knows the contents thereof; that the same are true of his knowledge, except as to those matters stated on information and belief, and as to those matters, he believes them to be true.

Joel Dietl
Joel Dietl
Planning Manager

Subscribed and sworn to before me
This 24th day of JULY, 2008

Sandra L. Wesolowski
Notary Public, State of Wisconsin
My Commission expires 2/15/2009.

