

Date: June 25, 2020

To: Town of Mukwonago Plan Commission and Town Board

From: Tim Schwecke, AICP, Town Planner

Subject: Two-lot certified survey map to modify the common lot line located at W304S10581 Lakeview Drive and W304S10544 Lakeview Drive (MUKT2005213001 and MUKT2005213002); Sean and Lisa Momsen; George Shields and Ronald LaRue, applicant

Application: 2020-20; <https://s.zoninghub.com/HX8NDA7323>

Meeting: July 1, 2020 Plan Commission-Town Board meeting

The applicant has submitted a two-lot certified survey map to modify the common lot line between the lots located at W304S10581 Lakeview Drive and W304S10544 Lakeview Drive. As you may recall, the applicant previously submitted a similar CSM in 2018, which was subsequently withdrawn.

Since that time, the two property owners have come to terms regarding the septic easement, which was a point of dispute. In addition, Waukesha County approved the conditional use permit (SCU-0455) for Lot 1 owing to the fact that it is being made smaller by the lot line adjustment.

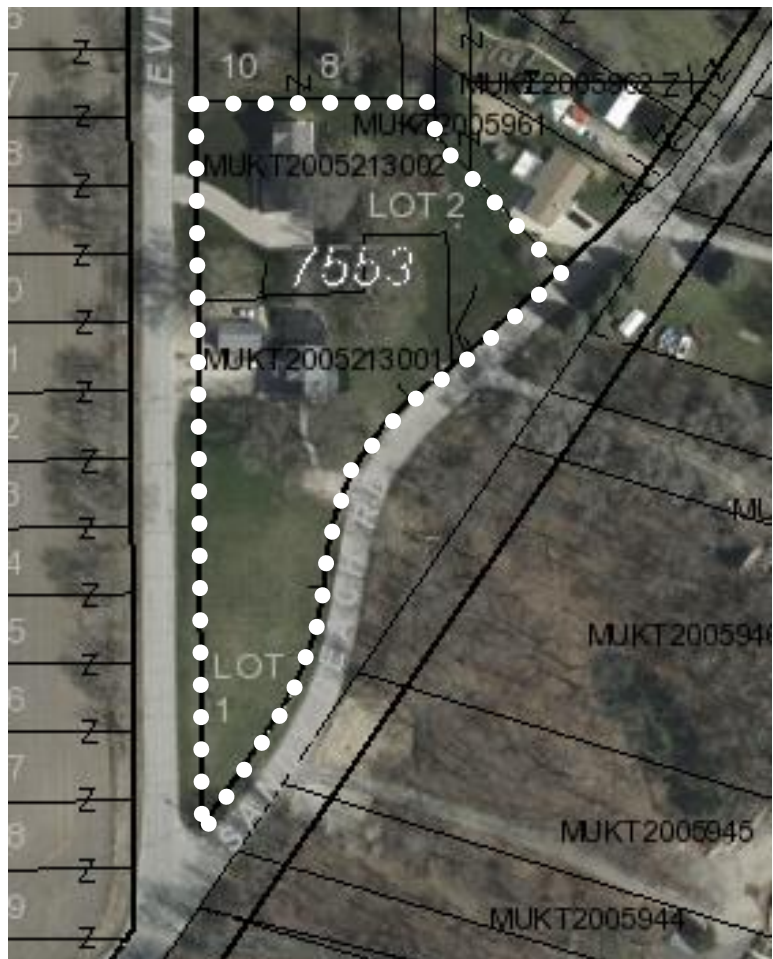
Jurisdiction The subject properties are located in County shoreland, so county zoning requirements control.

The county has reviewed the CSM and has approved the same (attached).

Review procedure As set forth in s. 34-48 of the municipal code, the Plan Commission is advisory to the Town Board with respect to final CSMs. The Town Board makes the final decision.

Notice requirements Aside from being shown on the meeting agenda, no other public notice is required.

Proposed motion for Plan Commission Recommend to the Town Board the approval of the final CSM, subject to the following conditions of approval:



General conditions

1. **Staff and Governmental Approval.** Prior to the Town signing the final plat/CSM, the commencement of any construction of any improvement, whether public or private, or any site development, the developer shall satisfy all comments, conditions and concerns of the Town Engineer, the Town Planner and all reviewing, objecting and approving bodies, including,

but not limited to, the Wisconsin Department of Administration per ch. 236, Wisconsin Statutes and ch. Comm. 85, Wisconsin Administrative Code; Wisconsin Department of Administration per ch. 236, Wisconsin Statutes; and Waukesha County Parks and Land Use Department.

2. **Professional Fees.** Petitioner shall, on demand, reimburse the Town for all costs and expenses of any type that the Town incurs in connection with this development, including the cost of professional services incurred by the Town (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
3. **Payment of Charges.** Any unpaid bills owed to the Town by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Town; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Town, including possible cause for termination of the conditional approval.
4. **Surveyor's responsibility.** Although the Town of Mukwonago has reviewed the subdivision plat/certified survey map, the surveyor is entirely responsible for the thoroughness and accuracy of the survey and related matters and compliance with all state and local codes, ordinances, and procedures. Modifications to the survey may be required should errors or changed conditions be found at a future date.

Specific conditions:

1. Waukesha County verifies the proposed CSM is consistent with the county's conditional use approval for Lot 1.
2. The petitioner must obtain the approval of the Town Engineer.
3. The Town Engineer should determine if land along Sandy Beach Road should be dedicated to the town for right-of-way purposes.
4. The Town Engineer should determine if there should be a vision corner easement at the intersection of Lakeview Drive and Sandy Beach Road.
5. On various sheets, it shows "unplatted lands" to the north and northeast of Lot 2. Those properties are in a platted subdivision and should be noted as such.
6. On Sheet 5, remove the reference to "approved by the Plan Commission" from the signature block for the Town of Mukwonago. The Plan Commission is advisory.
7. Following recording of the CSM, the petitioner must record easements for the septic and patio as generally depicted on this CSM. In this regard, see the third note on Sheet 3.
8. Include the following note on the face of the CSM substantially as follows:
 - This certified survey map is located within a State Designated Groundwater Management Area.

Attachments:

1. Certified survey map dated June 2, 2020

CERTIFIED SURVEY MAP NO. _____

A redivision of Lot 1 and Lot 2 of Certified Survey Map No. 7553, being a part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 34, Town 5 North, Range 18 East, Town of Mukwonago, County of Waukesha, State of Wisconsin.

North $\frac{1}{4}$ Corner
Section 34-5-18
concrete monument with
brass cap found

Owners:

Sean & Lisa Momsen
W304S10544 Lakeview Dr.
Mukwonago, WI

George Shields
Ronald LaRue
S105W30790 Phantom View Dr.

Surveyor:
Kevin A. Slottke
704 Summit Avenue
Oconomowoc, WI

Center
Section 34-5-18
concrete monument with
brass cap found

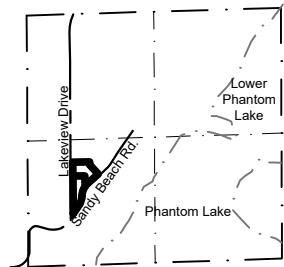
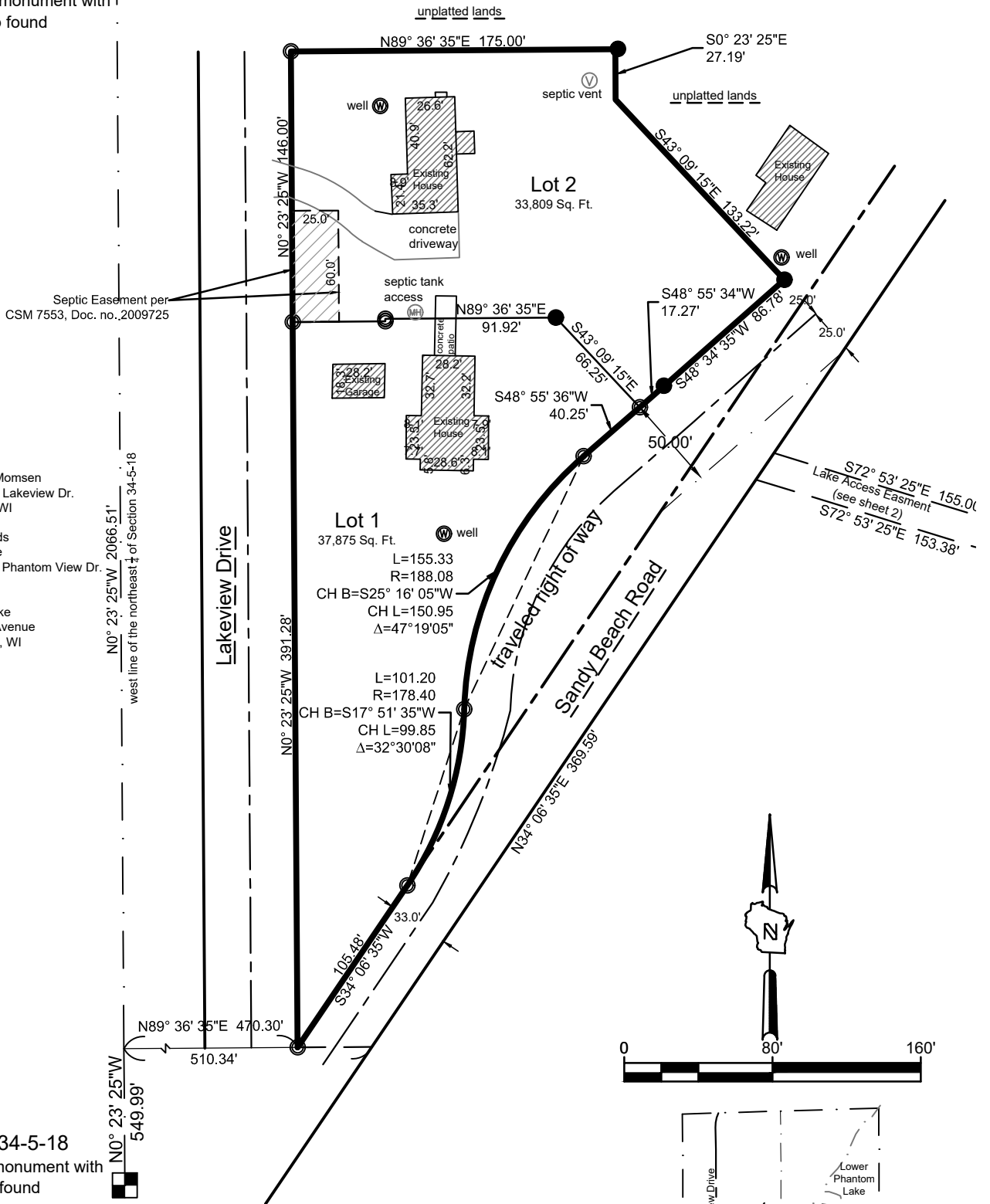
LEGEND & NOTES:

- INDICATES 1" IRON PIPE FOUND
- INDICATES SET 3/4" DIAM. REBAR, 18" LONG WEIGHING 1.50 LBS/LIN. FT.

COORDINATES & BEARINGS REFERENCED THE WISCONSIN STATE PLANE COORDINATE SYSTEM WITH THE WEST LINE OF THE NE 1/4 OF SEC. 34-5-18, ASSUMED TO BEAR N 00°23'25" W

NOTES:

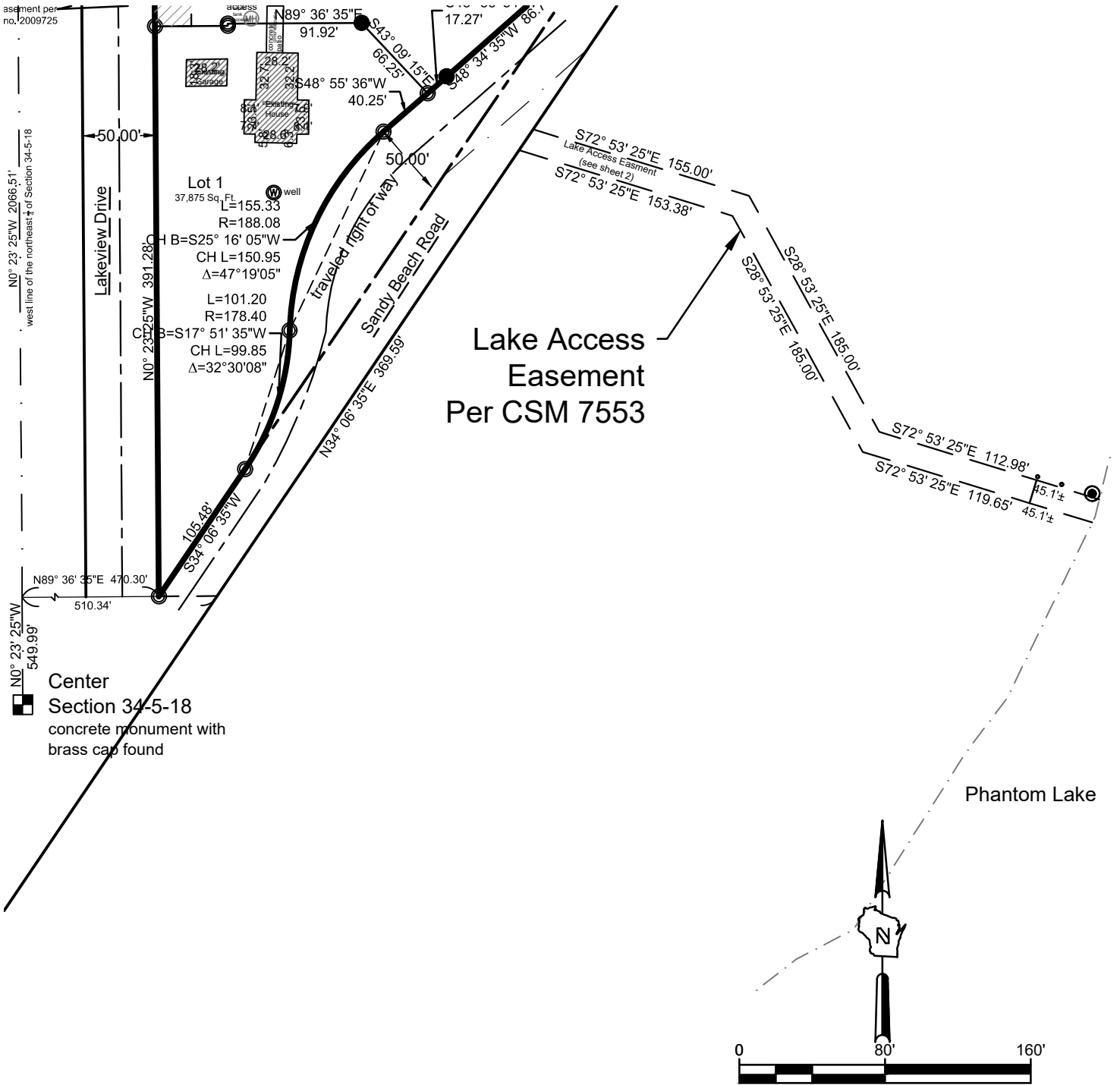
1. Entire property falls within the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance.
2. Lot 1 is subject to conditions of a Conditional Use Permit (SCU-0455 Series) as part of a legal non-conforming Conditional Use for three residential units.



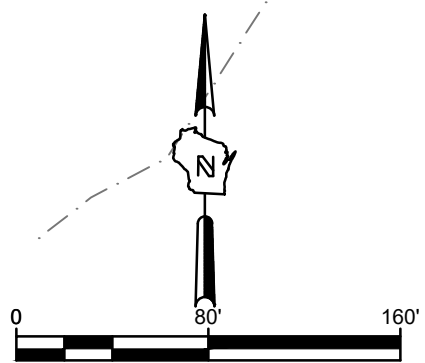
Vicinity Map
1" = 2000'

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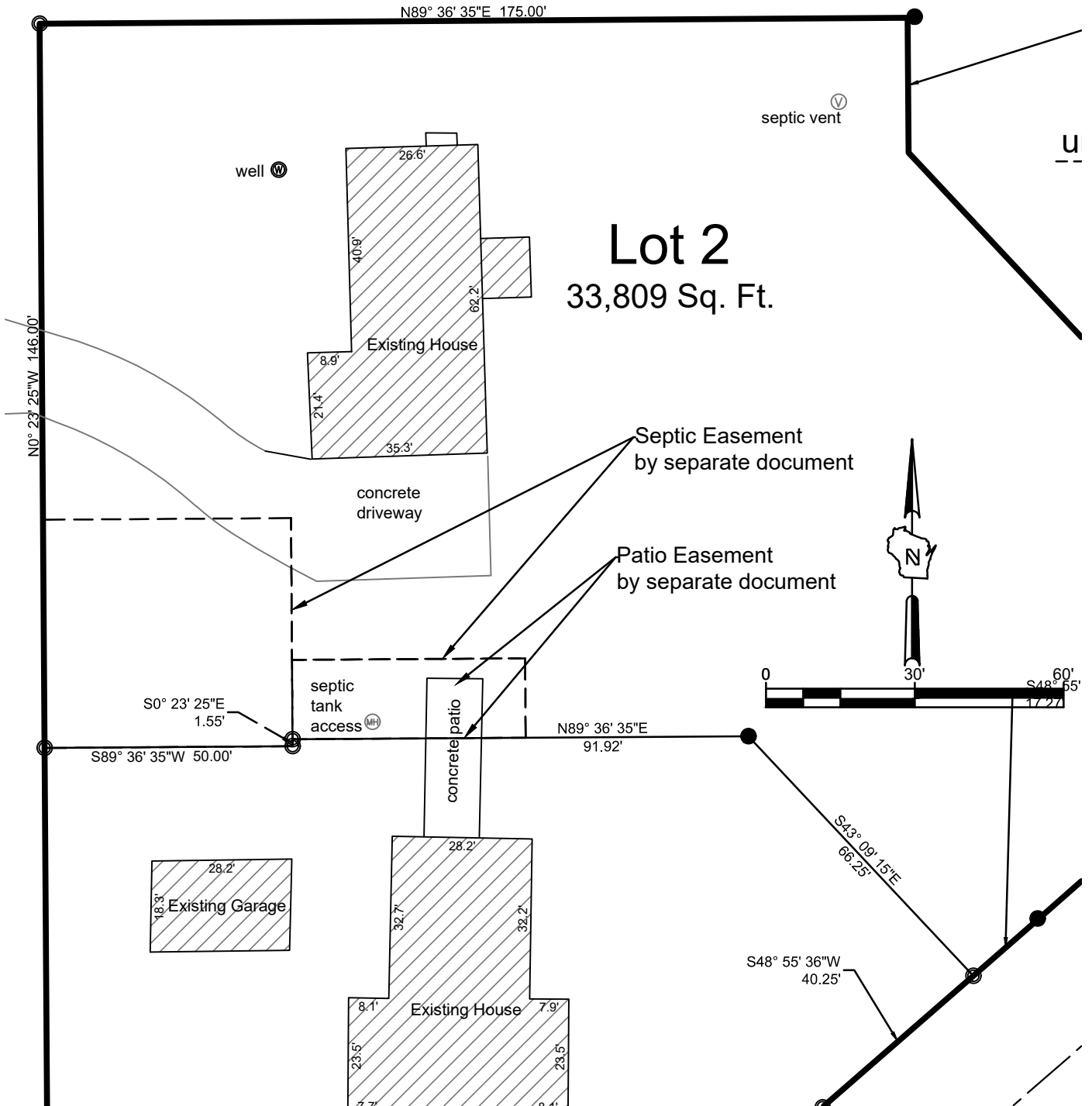


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unplatted lands



NOTES:

1. Entire property falls within the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance.
2. Lot 1 is subject to conditions of a Conditional Use Permit (SCU-0455 Series) as part of a legal non-conforming Conditional Use for three residential units.
3. Proposed easements shown on this page are not expressly created by recording of this map. Separate documents containing easement language must be recorded with the register of deeds to create the easements.

CERTIFIED SURVEY MAP NO. _____

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OWNER'S CERTIFICATE

Ronald LaRue, as owner, certifies that I have caused the land described on this map to be surveyed, divided and mapped as represented on this map in accordance with Chapter 236 Wis. Stats, Waukesha County Land Division Ordinances, and the Town of Mukwonago Code of Ordinances.

Witness the hand and seal of said owner, this _____ day of _____, 2020

Ronald LaRue

State of Wisconsin)

_____)ss
_____ County)

Personally came before me this _____ day of _____, 2020, Ronald LaRue, to me known to be the person who executed the foregoing instrument

(SEAL) Notary public, State of Wisconsin

my commission expires _____.

TOWN OF MUKWONAGO BOARD APPROVAL

Resolved that the Certified Survey Map of Sean and Lisa Momsen, George Shields, Ronald LaRue, owners of said lands, being a part of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 34, Town 5 North, Range 18 East, Town Of Mukwonago, Waukesha County, Wisconsin, having been approved by the Plan Commission and the same is hereby approved by the Mukwonago Town Board on _____, 2020

Peter Topczewski, Chairman

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

The above, which has been filed for approval as required by Chapter 236 of the Wisconsin State Statutes, is hereby approved on this _____ day of _____, 2020.

Dale R. Shaver, Director

VILLAGE OF MUKWONAGO APPROVAL

The above, which has been filed for approval as required by Chapter 236 of the Wisconsin State Statutes, is hereby approved on this _____ day of _____, 2020

Fred Winchowky, Village President