

Date: December 3, 2020

To: Town of Eagle Town Board

From: Tim Schwecke, AICP, Town Planner

Subject: Certified survey map to modify a common lot line between adjoining parcels located off of CTH LO (EGLT183199001 and EGLT183199002); Mark Matuszewski and Salvatore Adornato, applicant

Application: 2020-26; <https://s.zoninghub.com/BS3Z15IJ7P>

Meeting: December 7, 2020 Town Board meeting

The petitioners own adjoining parcels and want to modify the common lot line, by removing about 13 acres from Lot 2 of CSM 12014 (EGLT183199002) and adding that area to Lot 1 (EGLT183199001). No new lots are being created.

Existing Configuration of Lots



The Town of Eagle and Waukesha County previously reviewed and approved the certified survey map (CSM) in 2019, subject to a number of terms and conditions. The CSM was recorded June 2, 2020.

The proposed CSM contains the same notations as were required for CSM 12014.

Both of the lots comply with the zoning requirements for lot area, lot width, and other dimensional requirements.

Potential motion for approval: Motion to approve the certified survey map subject to the general and specific conditions listed below.

General conditions:

1. Staff and Governmental Approval. Prior to the Town signing the final 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 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 Eagle 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. The petitioner must obtain the approval of the Town Engineer.
2. The petitioner must obtain the approval of Waukesha County for the proposed CSM.
3. The petitioner must obtain the approval of the Village of Eagle for the proposed CSM.
4. The surveyor's seal, signature, and date must appear on all sheets of the final CSM. The same revision date must also be noted on each sheet.

Attachments:

1. Application materials including a certified survey map dated November 4, 2020

Land Division Application Town of Eagle (Waukesha County), Wisconsin

Version: January 20, 2020

Town of Eagle
820 E. Main Street
Eagle, WI 53119

Overview: The Town has adopted land divisions regulations to regulate subdivisions, condominiums, and certified survey maps throughout the entire jurisdiction of the town.

Governing regulations. The procedures and standards governing the review of this application are found in Chapter 480 of the municipal code.

General instructions: Complete this application and submit one copy to the Town Clerk along with the application fee noted below. Alternatively, you can submit your application online at <https://townofeagle.zoninghub.com>.

Before you formally submit your application, you may meet with the Town Planner who can answer any questions you may have. The Town Planner can also review your application before it is formally submitted to determine if it is complete and provides enough information to describe the circumstances related to this application. If you have any questions, do not hesitate to contact the Town Planner at (920) 728-2814 or via email at tim.schwecke@civitekconsulting.com.

Application fee for a certified survey map to merge two or more existing parcels: \$200, plus charges for professional services consistent with the Town's chargeback policy; \$500 escrow deposit

Application fee for a certified survey map to create two or more parcels: \$600, plus charges for professional services consistent with the Town's chargeback policy; \$1,200 escrow deposit

Application fee for a preliminary subdivision plat: \$300, plus \$25 per lot, plus charges for professional services consistent with the Town's chargeback policy; \$1,500 escrow deposit

Application fee for a final subdivision plat: \$300, plus \$20 per lot, plus charges for professional services consistent with the Town's chargeback policy; \$1,500 escrow deposit

Application submittal deadline: The Plan Commission and Town Board meet jointly, generally the first Monday of the month, to review certain types of development applications. This application must be submitted and determined to be complete by the Town Planner, no later than 30 days prior to the date established for the Plan Commission-Town Board meeting. Please contact the Town Planner to verify the deadline for a specific month.

1. **Applicant and agent information** Include the names of the agent, if any, that helped prepare this application including the supplemental information. Examples include surveyors, engineers, landscape architects, architects, planners, and attorneys.

	Applicant	Agent
Name	SALVATORE ROCCO ADORNATO	Kettle Moraine Surveying
Street address	PO BOX 305 302 S. STERMAN ST,	PO BOX 357
City, state, zip code	EAGLE WI 53119	EAGLE WI 53119
Daytime telephone	414-349-9394	262-366-0642
Email address	Jarry@chilstrom.com	KMS@NETWORK.NET

2. **Subject property information**

Physical address CTH LO EAGLE WI

Tax key number(s) EGLT- 1831990001 EGLT - EGLT - EGLT -

Note: The tax key number can be found on the tax bill for the property or it may be obtained from the Town Clerk.

3. **Application type** (select one)

- ☒ Certified survey map – Merge two or more adjoining parcels ☐ Subdivision plat – preliminary
- ☐ Certified survey map – Create new lots ☐ Subdivision plat – final
- ☐ Certified survey map – Modify a lot line between two adjoining parcels

4. **Extraterritorial review**

Is the subject property within 1.5 miles of the Village of Mukwonago or the Village of North Prairie?

- ☒ No
- ☐ Yes (If yes, the Village will need to approve the proposed certified survey map or subdivision plat. .

5. Zoning information. The subject property is located in the following zoning district(s). (check all that apply)

- | | | |
|--|--|---|
| <input type="checkbox"/> P-1 Public | <input type="checkbox"/> AP Agricultural land preservation | <input type="checkbox"/> B-2 Local business |
| <input type="checkbox"/> Q-1 Quarry | <input checked="" type="checkbox"/> RR Rural residential | <input type="checkbox"/> B-4 Mixed business |
| <input type="checkbox"/> C-1 Conservancy | <input type="checkbox"/> R-1 Residential | <input type="checkbox"/> M-1 Limited industrial |
| <input type="checkbox"/> UC Upland conservancy | <input type="checkbox"/> B-1 Neighborhood business | <input type="checkbox"/> M-2 General industrial |

6. Existing buildings. If there are any existing buildings on the subject property, describe whether they will comply with all applicable zoning requirements and/or if one or more will be removed.

NO EXISTING BUILDINGS

7. Map. Attach a certified survey map or subdivision plat with the information listed below as appropriate.

	Preliminary Plat	Final Plat	Preliminary Certified Survey Map	Final Certified Survey Map
Name of subdivision	yes	yes	-	-
Location of project by government lot, recorded private claim, quarter-quarter section, section, township, range, and county	yes	yes	-	yes
Location map showing project location	yes	-	-	-
Name and address of property owner and subdivider	yes	-	yes	-
Sheet numbers with revision dates	yes	yes	yes	yes
Certificates for the surveyor, property owner, county treasurer, and clerk or treasurer of municipality pursuant to s. 236.21, Wis. Stats.	unsigned	signed	hand drawn	signed
Certificate for the Town Chairperson to verify Town Board approval of final plat or final certified survey map	unsigned	signed	hand drawn	signed
North arrow and graphic scale	yes	yes	yes	yes
Exterior boundary of the land surveyed and divided	yes	yes	yes	yes
Location and names of any adjacent subdivisions, parks, schools, and cemeteries	yes	-	yes	-
Name of property owners of unplatted lands within 50 feet	yes	-	yes	-
Existing zoning and land uses of properties adjacent to the project	yes	-	yes	-
Existing and proposed zoning	yes	-	yes	-
Survey information for all lines and curves relating to property boundary lines and easements (curve information can be placed by the curve or in a cross-referenced table)	yes	yes	-	yes
Survey monuments as required by s. 236.20, Wis. Stats.	-	yes	-	yes
Lots with area expressed in square feet and lot and block numbers	yes	yes	yes	yes
Outlots with area expressed in square feet, purpose, and statement of dedication to a municipal entity if appropriate	yes	yes	yes	yes
Public street right-of-ways (A statement of dedication to a municipal entity is not required)	yes	yes	yes	yes
Street centerlines	-	yes	-	yes
Shore meander lines for all lakes and streams established by the surveyor in accordance with s. 236.15(1)(d), Wis. Stats.	-	yes	-	yes
Ground contours at 1-foot intervals where the slope is less than 10 percent and 2-foot intervals where the slope is 10 percent or more	yes	-	-	-
Ordinary high-water mark on any navigable waterbody with elevation	approximate	field delineation	approximate	field delineation

	Preliminary Plat	Final Plat	Preliminary Certified Survey Map	Final Certified Survey Map
Wetlands (onsite and within 50 feet)	approximate	field delineation for onsite	approximate	field delineation for onsite
Waterbodies including lakes, streams, channels, and ditches (onsite and within 100 feet)	yes	-	yes	-
Shoreland jurisdiction	yes	yes	yes	yes
Floodplain boundaries (elevation and contour) established by Waukesha County	yes	yes	yes	yes
Watershed divides	yes	-	-	-
Woodlands and other significant vegetative cover types	yes	-	yes	-
Buildings (onsite and within 50 feet) and use of buildings to be retained (onsite only)	yes	-	yes	-
Existing wells and septic systems (onsite and within 50 feet)	yes	-	yes	-
Historic and cultural features including Indian burial mounds	yes	-	yes	-
Areas made, altered, or filled with earth materials and/or non-earth materials (onsite and within 100 feet)	yes	-	yes	-
Landfill, manure or other waste storage facility locations including those in the Registry of Waste Disposal Sites of Wisconsin (onsite and within 100 feet)	yes	-	yes	-
Farm drain tiles, including location, purpose, and current status (onsite and within 300 feet)	yes	-	yes	-
Location of soil borings as may be required with numerical cross-references to data submitted with the application materials	yes	yes	yes	yes
Building or setback lines from state highways when required by ch. Trans 233, Wis. Admin. Code	yes	yes	yes	yes
Street intersection vision corner easements	yes	yes	yes	yes
Building setback lines established by applicable zoning regulations	yes	-	yes	-
Building setback lines exceeding applicable zoning regulations (as proposed or required)	yes	yes	yes	yes
Lot dimensions relating to dimensional standards established in this article and applicable zoning regulations. Examples include street frontage and lot width.	yes	-	yes	-
Limitations on basements due to high groundwater or bedrock	yes	yes	yes	yes
Stormwater management facilities	yes	-	yes	-
Access easements to stormwater management facilities and open space areas	yes	yes	yes	yes
Access easements, limitations, restrictions to adjacent streets	yes	yes	yes	yes
Access easements to waterbodies, if any	yes	yes	yes	yes
Delineation of areas to be developed in phases, if any	yes	-	Phasing is not permissible	-

8. Attachments. List any attachments included with your application.

9. Other information. You may provide any other information you feel is relevant to the review of your application.

10. Applicant certification

- I certify that all of the information in this application, along with any attachments, are true and correct to the best of my knowledge and belief.
- I understand that I may be charged additional fees (above and beyond the initial application fee) consistent with the Town's chargeback policy. The signed chargeback form is attached.
- I understand that submission of this application authorizes town officials, Plan Commission members, Town Board members, employees, and other designated agents to enter the property to conduct whatever site investigations are necessary to review this application. This does not authorize any such individual to enter any building on the subject property, unless such inspection is specifically related to the review of this application and the property owner gives his or her permission to do so.
- I understand that this application and any written materials relating to this application will become a permanent public record and that by submitting this application I acknowledge that I have no right to confidentiality. Any person has the right to obtain copies of such written materials or view it online.
- I understand that the Town Planner will review this application to determine if it contains all of the required information. If he or she determines that the application is incomplete, it will not be scheduled for review until it is deemed to be complete.

Applicant Signature(s):

Date:

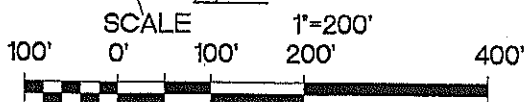
Salvatore Adnet

11-4-2020

CERTIFIED SURVEY MAP NO. _____

Being a redivision of Lots 1 and 2, of Certified Survey Map No. 12014 being a part of the Southwest 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 26, Town 5 North, Range 17 East, in the Town of Eagle, Waukesha County, Wisconsin.

SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 26-5-17
STATE PLANE COORDINATES
NORTHING 316,185.22
EASTING 2,412,024.55



BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE. THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 26-5-17 IS ASSUMED TO BEAR N89°23'35"E, (NAD27).

OWNER
MARK MATUSZEWSKI
S100W35498 C.T.H. LO
EAGLE WI. 53119

SURVEYOR
KETTLE MORaine SURVEYING
PO BOX 357
EAGLE WI 53119
(262)366-0642

OWNER
SALVATORE ADORNATO
302 S. SHERMAN STREET
EAGLE WI 53119

SEE NOTES ON SHEET 4 OF 4

OWNERS: RANDY REDDEMANN
WILLIAM DAVIDSON

PARCEL NO. 1 C.S.M. NO. 6054

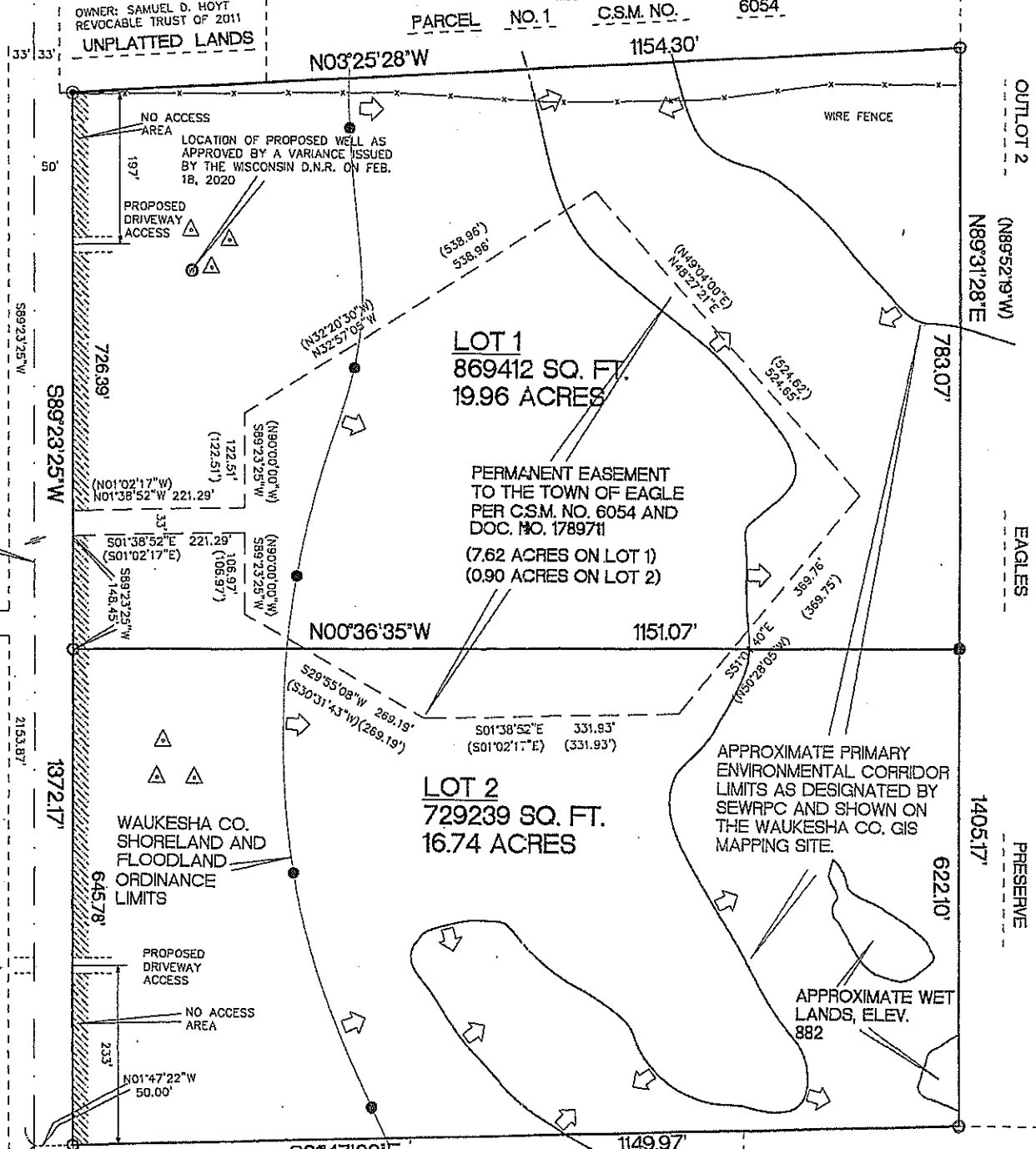
OWNER: SAMUEL D. HOYT
REVOCABLE TRUST OF 2011
UNPLATTED LANDS

C.T.H.

SOUTH LINE OF THE SW 1/4 SEC. 26-5-17

LO

EXISTING DRIVEWAY



OUTLOT 2

EAGLES

PRESERVE

OWNERS: LOT OWNERS OF EAGLES PRESERVE

PARCEL 2 C.S.M. NO. 3070

OWNER: CLIFFORD/SALLY LICHT

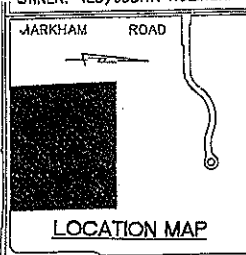
PARCEL 1 C.S.M. NO. 3070

OWNER: TED/JUDITH ROZINSKI

PARCEL A C.S.M. NO. 2790

OWNER: MARK MATUSZEWSKI

- FOUND 6" CONC. MON. W/BRASS CAP
- FOUND 1 1/4" O.D. IRON PIPE
- FOUND 3/4" IRON ROD
- SET 1 1/4" O.D. X 18" IRON PIPE WEIGHING 1.13 LBS./LIN. FT.
- () RECORDED AS DIMENSIONS
- △ SOIL BORINGS



TERRANCE E. PISAREK S-1930
DATED THIS 4TH DAY OF NOVEMBER, 2020

SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 26-5-17
STATE PLANE COORDINATES
NORTHING 316,213.46
EASTING 2,414,678.10

THIS INSTRUMENT WAS DRAFTED BY: TERRANCE E. PISAREK

S.W. 1/4 SEC. 26-5-17
1"=200'

JOB NO. 20121

SHEET 1 OF 4

CERTIFIED SURVEY MAP NO. _____

Being a redivision of Lots 1 and 2, of Certified Survey Map No. 12014 being a part of the Southwest ¼ and the Southeast ¼ of the Southwest ¼ of Section 26, Town 5 North, Range 17 East, in the Town of Eagle, Waukesha County, Wisconsin.

SURVEYORS CERTIFICATE

I Terrance E. Pisarek, Professional land surveyor, do hereby certify: That I have surveyed, divided and mapped a parcel of land being a redivision of Lots 1 and 2, of Certified Survey Map No. 12014 being a part of the Southwest ¼ and the Southeast ¼ of the Southwest ¼ of Section 26, Town 5 North, Range 17 East, in the Town of Eagle, Waukesha County, Wisconsin, described as follows:

Commencing at the Southeast corner of the Southwest ¼ of said Section 26; thence South 89°23'25" West along the South line of the Southwest ¼ of said Section 26, 500.00 feet; thence North 01°47'22" West, 50.00 feet to the Southerly line of said Certified Survey Map and the Point of Beginning; thence South 89°23'25" West along said Southerly line, 1372.17 feet to the Westerly line of said Certified Survey Map; thence; thence North 03°25'28" West along said Westerly line, 1154.30 feet to the Northerly line of said Certified Survey Map; thence North 89°31'28" East along said Northerly line, 1405.17 feet to the Easterly line of said Certified Survey Map; thence South 01°47'22" East along said Easterly line, 1149.97 feet to the Point of Beginning, containing 36.70 acres of land.

That I have made such survey, land division and map by the direction of Mark Matuszewski and Salvatore Adornato, owners of said land.

That such map is a true and correct representation of all exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Section 236 of the Wisconsin State Statutes and the ordinances of the County of Waukesha and the Town of Eagle, in surveying, dividing and mapping the same.

Dated this 4th Day of November, 2020

Terrance E. Pisarek S1930

OWNERS CERTIFICATE

I, Mark Matuszewski, owner, do hereby certify that I, have caused the land described to be surveyed, divided and mapped as represented on this map in accordance with the requirements of Section 236 of the Wisconsin State Statutes.

I also certify that this Certified Survey map is required to be approved by the following: The Town of Eagle and the Waukesha County Department of Parks and Land Use.

Date _____, 20____

Mark Matuszewski, Owner

STATE OF WISCONSIN)
COUNTY OF WAUKESHA)

Personally came before me this _____ day of _____, 20____ the above named person, to me known to be the person who signed the foregoing instrument and acknowledged that he executed the same.

My commission expires _____

Notary Public

OWNERS CERTIFICATE

I, Salvatore Adornato, owner, do hereby certify that I, have caused the land described to be surveyed, divided and mapped as represented on this map in accordance with the requirements of Section 236 of the Wisconsin State Statutes.

I also certify that this Certified Survey map is required to be approved by the following: The Town of Eagle and the Waukesha County Department of Parks and Land Use.

Date _____, 20____

Salvatore Adornato, Owner

STATE OF WISCONSIN)
COUNTY OF WAUKESHA)

Personally came before me this _____ day of _____, 20____ the above named person, to me known to be the person who signed the foregoing instrument and acknowledged that he executed the same.

My commission expires _____

Notary Public

CERTIFIED SURVEY MAP NO. _____

Being a redivision of Lots 1 and 2, of Certified Survey Map No. 12014 being a part of the Southwest ¼ and the Southeast ¼ of the Southwest ¼ of Section 26, Town 5 North, Range 17 East, in the Town of Eagle, Waukesha County, Wisconsin.

TOWN BOARD APPROVAL

Approved by the Town of Eagle Town Board on the _____ day of _____, 20____.

Don Malek, Chairman

Lynn Pepper, Town Clerk

VILLAGE OF EAGLE EXTRATERRITORIAL APPROVAL

Approved by Village of Eagle Board on the _____ day of _____, 20____.

Richard Spurrell, President

Cheri Zindars, Clerk

Approved by Village of Eagle Planning Commission on the _____ day of _____, 20____.

Richard Spurrell, President

Cheri Zindars, Clerk

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE APPROVAL

The above, which has been filed for approval as required by Chapter 236 of the Wisconsin Statutes, is hereby approved on this _____ day of _____, 20____.

Dale Shaver, Director

Dated this 4th Day of November, 2020

CERTIFIED SURVEY MAP NO. _____

Being a redivision of Lots 1 and 2, of Certified Survey Map No. 12014 being a part of the Southwest ¼ and the Southeast ¼ of the Southwest ¼ of Section 26, Town 5 North, Range 17 East, in the Town of Eagle, Waukesha County, Wisconsin.

WETLAND/PRIMARY ENVIRONMENTAL CORRIDOR RESTRICTIONS

Those areas identified, as a Wetland/Primary Environmental Corridor Preservation Area on Page 1 of 4 of this Certified Survey Map shall be subject to the following restrictions:

1. Grading, filling and removal of topsoil or other earthen materials are prohibited, unless specifically authorized by the municipality in which this land is located and, if applicable, the Waukesha County Department of Parks and Land Use, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
2. The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc., is prohibited, with the exception that invasive, dead, diseased, or dying vegetation may be removed, at the discretion of the landowner, and with the approval from the Waukesha County Department of Parks and Land Use-Planning and Zoning Division. Silviculture thinning, upon the recommendation of a forester or naturalist and with approval from the Waukesha County Department of Parks and Land Use-Planning and Zoning Division, shall also be permitted.
3. Grazing by domestic animals, i.e, horses, cows, etc, is prohibited, unless grazing is conducted in order to manage invasive vegetation and approval is obtained by the Waukesha County Department of Parks and Land Use-Planning and Zoning Division.
4. The introduction of plant material not indigenous to the existing environment is prohibited.
5. Ponds are prohibited unless designed to enhance the natural environment. Ponds that may be permitted are subject to the approval of the municipality in which they are located and, if applicable, the Waukesha County Department of Parks and Land Use, the Wisconsin Department of Natural resources and the Army Corps of Engineers.
6. The construction of buildings is prohibited.

Notes:

The land identified as the former landfill was used as a landfill until 1988. Its use is restricted as set forth in NR 506.08 (5) Wis. Adm. Code, as amended from time to time. The DNR may grant exemptions from these restrictions. Additionally, use of the area surrounding the landfill for a water supply well may be restricted by the DNR under NR 504.04(3) (F) Wis. Adm. Code as amended from time to time. The DNR may grant an exemption from the 1200 foot setback requirement for wells.

Permanent easement for equipment and personal to maintain the area designated as former landfill. Easement to Town of Eagle on former landfill to maintain and repair cap, topsoil, grass and such other matter as required by law. Recorded as Document NO. 1789711.

There is a documented Town of Eagle landfill site on Lot 1 and Lot 2 and no investigation related to contamination has been conducted.

Access to C.T.H "LO" is only allowed at the access points approved by Waukesha County Public Works and the easement labeled as permanent easement to the Town of Eagle.

Lot 2 shall not be sold separately from Parcel A, CSM No. 2790, unless a well setback variance is obtained.

A well setback variance for Lot 1 was granted by the Wisconsin DNR in 1991 via Document No. 1688575.

A site Registry was filed by former Town Attorney Adelman as Document No. 1810250.

Lot 2 is unbuildable until such time as the property owner provides satisfactory documentation to the Town of Eagle indicating that a well can be located on the lot for domestic consumption.

The area in the easement shall not be included in any area calculations for building areas, livestock, or any other area-based development standard related to specific land uses in the Town's zoning regulations.

Dated this 4th Day of November, 2020