

Date: May 2, 2024

To: Town of Eagle Plan Commission

From: Tim Schwecke, Town Planner

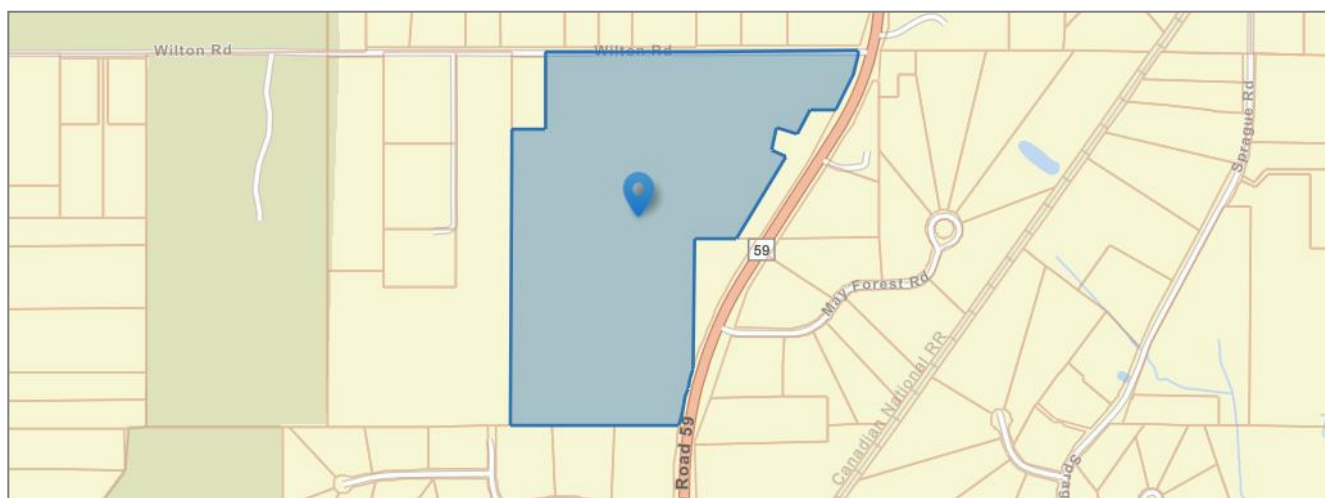
Subject: Two-lot certified survey map (CSM) located at S75W35621 Wilton Road; Daniel & Barbara Riva Trust, applicant

Application: 2024-03; <https://s.zoninghub.com/MZDQFB6GZ1>

Meeting: May 6, 2024 Plan Commission

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**General description** Daniel & Barbara Riva Trust owns a 97-acre parcel off of Wilton Road and have proposed a two-lot CSM. The larger of the proposed lots will be sold to Burbuck Builders for a residential subdivision. The smaller will be retained.



**Jurisdiction** The subject property is not located in Waukesha County's zoning jurisdiction. It is located within 1.5 miles of the Village of Eagle.

**Public notice** Aside from being shown on a published meeting agenda, no other public notice is required.

**Review procedure** The Plan Commission makes a recommendation to the Town Board, which has final review authority.

**Potential motion for Plan Commission:** Motion to recommend to the Town Board the approval of 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. Remove the signature block for the Town Plan Commission on sheet 5.
3. It appears there is no dimension or bearing on the most northerly lot line for Lot 2 (along Wilton Road).
4. The date of the final CSM must be updated on all sheets.
5. Include the following note(s) on the face of the CSM substantially as follows:
  - Various buildings and other improvements existed on Lot 2 on the date of the survey which may or may not comply with the Town's zoning regulations in effect on the date the Town Board approved this certified survey map. Approval of this certified survey map does not waive any zoning requirement. Therefore, all buildings, improvements, and uses are subject to applicable zoning regulations that are in effect.
6. If the property is currently mortgaged, a consent of mortgage certificate with a notary is required because land is being dedicated to the public for road purposes.
7. The **Town of Eagle** will not release the final CSM for recording with Waukesha County until such time as:
  - a. The property owner submits an application to the Town of Eagle for a commercial stable for Lot 2 and obtains approval of the same.
  - b. The property owner submits an application to the Town of Eagle for rural accessory buildings or otherwise addresses the number of accessory buildings on the Lot 2.
  - c. The Waukesha County Environmental Health Division verifies in writing that the existing septic system on Lot 2 is in good operational order and that the system is located entirely on Lot 2 and complies with all applicable requirements, including setbacks.

**Motion for Town Board:** Motion to approve the certified survey map as recommended by the Plan Commission.

**Attachments:**

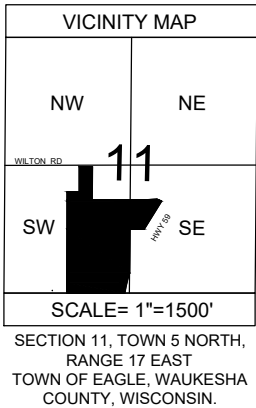
1. Certified survey map, dated March 27, 2024

CERTIFIED SURVEY MAP NO. \_\_\_\_\_











BEING PART OF THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWN 5 NORTH, RANGE 17 EAST, TOWN OF EAGLE, WAUKESHA COUNTY, WISCONSIN.

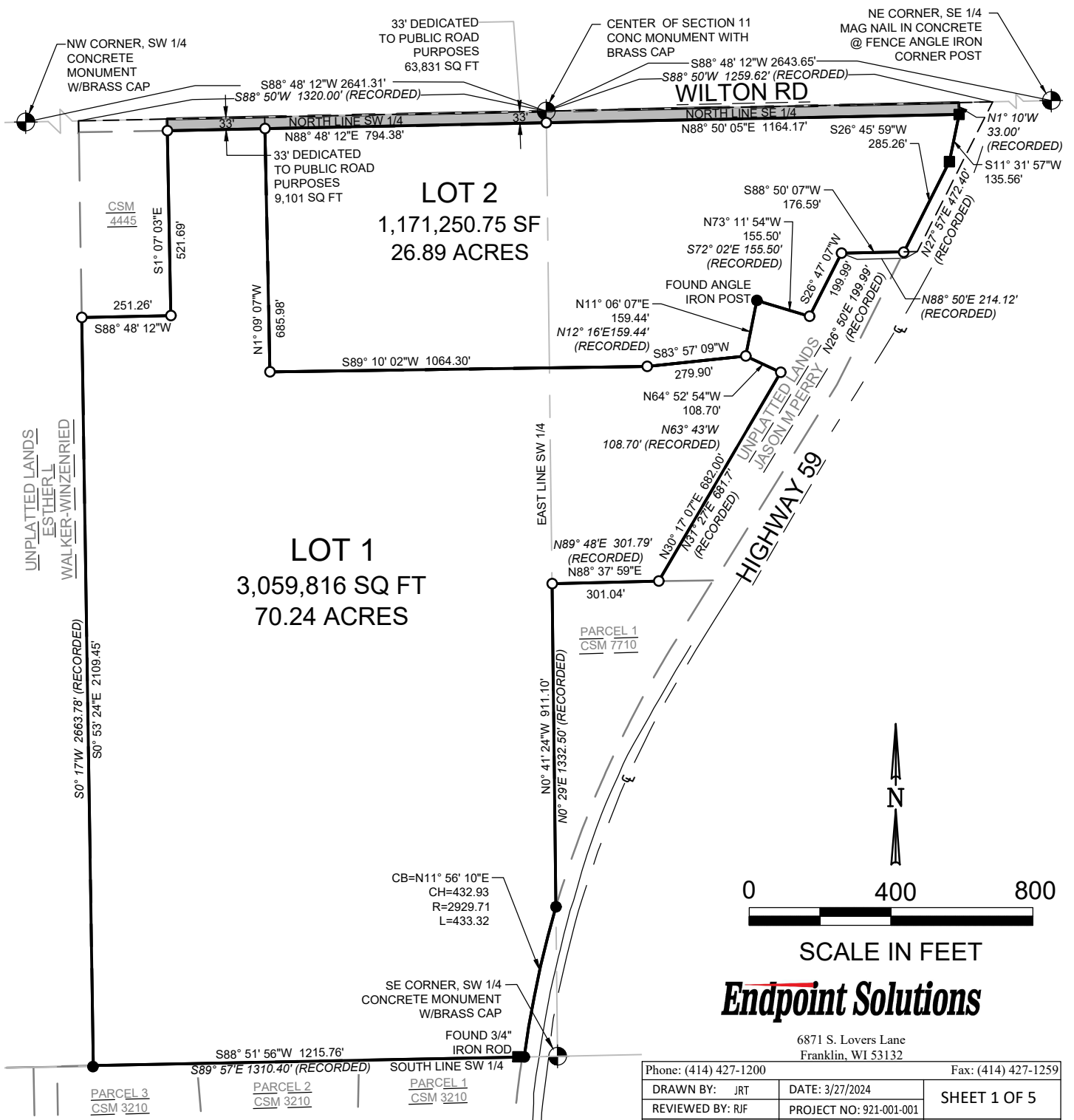
**PREPARED FOR:**  
**BURBACK BUILDERS**  
**W185 S8095 RACINE AVE**  
**MUSKEGO, WI 53150**

PREPARED BY:  
RAY J. FOOTLAND  
4000-8  
ENDPOINT SOLUTIONS CORP.  
6871 S. LOVERS LANE RD.  
FRANKLIN, WI 53132



### LEGEND

- DENOTES 1" X 18" IRON PIPE 1.13 LBS.  
PER LINEAL FOOT SET AT ALL LOT  
CORNERS UNLESS NOTED OTHERWISE.
- DENOTES 1" IRON PIPE FOUND.
- DENOTES RIGHT OF WAY POST
- B-14  SOIL BORING ID.
-  SOIL TYPE
-  RURAL RESIDENTIAL ZONING
-  DECIDUOUS TREE
-  CONIFEROUS TREE
-  PROPERTY LINE
-  SECTION LINE
-  ADJACENT PROPERTY LINES
-  SOIL DELINEATION
-  TREE LINE
-  MAJOR CONTOUR, (5' INTERVAL)
-  MINOR CONTOUR, (1' INTERVAL)



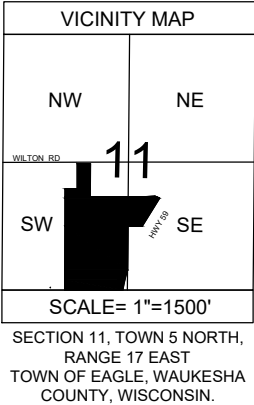
Phone: (414) 427-1200		Fax: (414) 427-1259
DRAWN BY: JRT	DATE: 3/27/2024	SHEET 1 OF 5
REVIEWED BY: RJF	PROJECT NO: 921-001-001	
REVISION:		

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

BEING PART OF THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWN 5 NORTH, RANGE 17 EAST, TOWN OF EAGLE, WAUKESHA COUNTY, WISCONSIN.

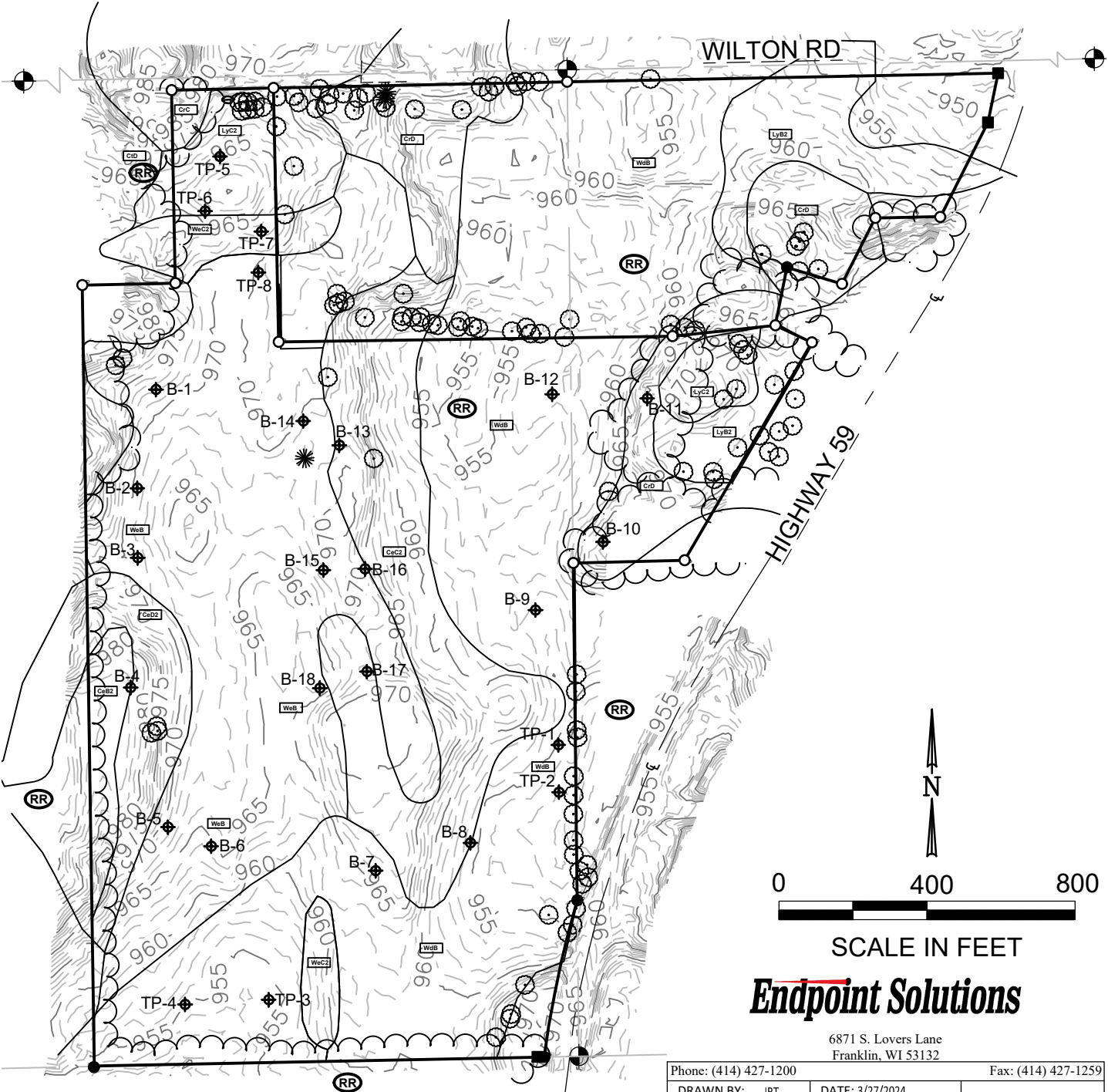
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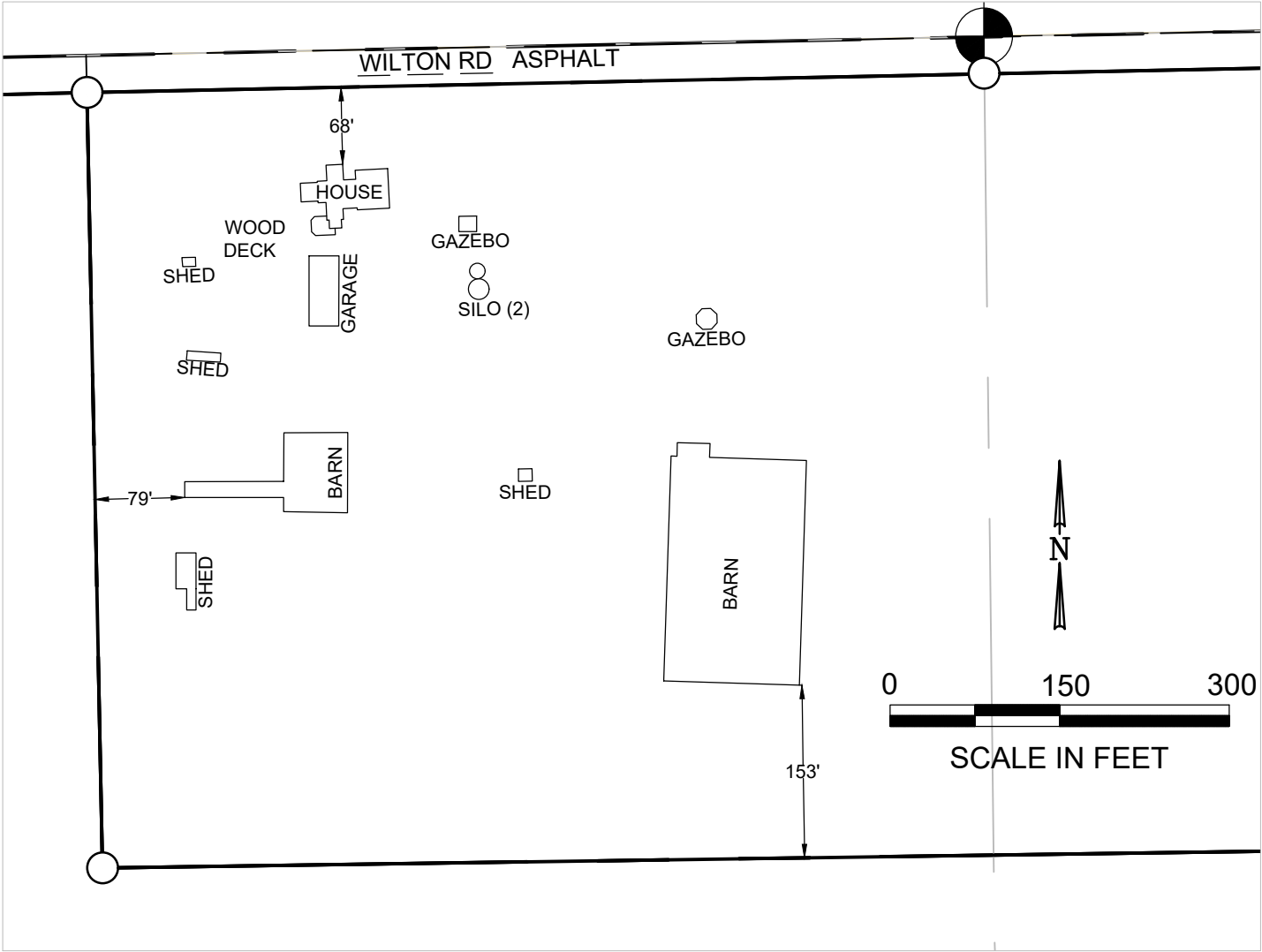
### LEGEND

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- DENOTES 1" IRON PIPE FOUND.
- DENOTES RIGHT OF WAY POST
- B-14 ♦ SOIL BORING ID.
- Web SOIL TYPE
- RR RURAL RESIDENTIAL ZONING
- DECIDUOUS TREE
- ★ CONIFEROUS TREE
- PROPERTY LINE
- SECTION LINE
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- MAJOR COUNTOUR, (5' INTERVAL)
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CERTIFIED SURVEY MAP NO. \_\_\_\_\_

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NOTES:

- 1. TOTAL PARCEL OF LAND INCLUDED IN THIS CSM AND OR SUBDIVISION CONTAINS 97.13 ACRES.
- 2. ALL DIMENSIONS MEASURED AND SHOWN TO THE NEAREST HUNDREDTH OF A FOOT; ALL ANGLES MEASURED TO THE NEAREST FIVE SECONDS AND COMPUTED TO THE NEAREST SECOND.
- 3. DIRECT VEHICULAR ACCESS TO S.T.H. 59 BY ANY LOT WITHIN THIS SUBDIVISION IS PROHIBITED.
- 4. THE SITE DOES NOT CONTAIN ANY HISTORICAL OR CULTURAL BURIED ITEMS PER STATE HISTORICAL SOCIETY OF WISCONSIN, DIVISION OF HISTORIC PRESERVATION ARCHAEOLOGICAL SITE INVENTORY.
- 5. THERE ARE NO LANDFILL FACILITIES WITHIN THE SITE OR 1200' OF THE SITE PER REGISTRY OF WASTE DISPOSAL SITES OF WISCONSIN.
- 6. ALL LOTS TO BE SERVED BY PRIVATE ONSITE SANITARY SEWER.
- 7. SEE SHEET 2 FOR EXISTING TOPOGRAPHY AND SOIL BORINGS.
- 8. SEE SHEET 3 FOR ALL EXISTING IMPROVEMENTS.
- 9. THERE ARE NO NAVIGABLE WATERS LOCATED ON THIS PROPERTY AND IT IS NOT IN ANY SHORELAND JURISDICTION.
- 10. THERE ARE NO WETLANDS, ENVIRONMENTAL CORRIDOR OR ISOLATED NATURAL AREA OR WOODLANDS ON THIS PROPERTY PER WAUKESHA COUNTY GIS MAPPING, MARCH, 2024.
- 11. THIS PROPERTY IS NOT IN A FLOODPLAIN PER FEMA MAP F55133CO290H.
- 12. EXISTING ZONING TAKEN FROM THE WAUKESHA COUNTY GIS MAPPING ZONING MAP, MARCH 2024.
- 13. THIS PROPERTY IS NOT WITHIN 1200' OF A WASTE DISPOSAL SITE PER REGISTRY OF WASTE DISPOSAL SITES OF WISCONSIN.
- 14. THERE ARE NO HYDRIC SOILS OR BEDROCK LIMITATIONS PER WAUKESHA COUNTY GIS MAP, MARCH 2024.
- 15. THERE WAS NO DRAIN TILE OBSERVED.

**Endpoint Solutions**

6871 S. Lovers Lane  
Franklin, WI 53132

Phone: (414) 427-1200		Fax: (414) 427-1259
DRAWN BY: JRT	DATE: 3/27/2024	SHEET 3 of 5
REVIEWED BY: RJF	PROJECT NO:921-001-001	
REVISION:		

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

BEING PART OF THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWN 5 NORTH, RANGE 17 EAST, TOWN OF EAGLE, WAUKESHA COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, RAY J FOOTLAND JR., PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED, DIVIDED, AND MAPPED THE LAND HEREIN DESCRIBED AS BEING PART OF THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWN 5 NORTH, RANGE 17 EAST, TOWN OF EAGLE, WAUKESHA COUNTY, WISCONSIN.

BEGINNING AT THE CENTER OF SECTION 11; THENCE WEST ALONG THE WEST 1/4 LINE OF SECTION, 1320.00 FEET; THENCE SOUTH 00° 17' WEST 2663.78 FEET TO THE SOUTH LINE OF THE SECTION; THENCE SOUTH 89° 57' EAST ALONG THE SOUTH LINE OF SECTION, 1310.40 FEET TO THE SOUTH 1/4 CORNER; THENCE NORTH 00° 29' EAST ALONG SAID 1/4 LINE, 1332.50 FEET; THENCE NORTH 89° 48' EAST 301.79 FEET; THENCE NORTH 31° 27' EAST, PARALLEL TO THE CENTERLINE OF STATE TRUNK HIGHWAY NO. 59, 681.7 FEET; THENCE NORTH 63° 43' WEST 108.70 FEET; THENCE NORTH 12° 16' EAST 159.44 FEET; THENCE SOUTH 72° 02' EAST 155.50 FEET; THENCE NORTH 27° 57' EAST PARALLEL TO THE CENTERLINE OF THE AFOREMENTIONED HIGHWAY NO. 59, 199.99 FEET; THENCE EAST PARALLEL TO THE EAST WEST 1/4 LINE OF SECTION 212.12 FEET TO THE CENTER LINE OF STATE TRUNK HIGHWAY NO. 59; THENCE NORTH 27° 57' EAST ALONG SAID CENTERLINE 472.40 FEET TO THE EAST 1/4 LINE OF SECTION 11; THENCE WEST ALONG SAID EAST 1/4 LINE 1259.62 FEET TO THE PLACE OF BEGINNING, EXCEPTING THEREFROM THAT PART CONVEYED TO WAUKESHA COUNTY BY QUICK CLAIM DEED RECORDED AS DOCUMENT NO. 123398.

ALSO ACCEPTING THEREFROM CERTIFIED SURVEY MAP NO. 4445 RECORDED IN VOLUME 35 OF CERTIFIED SURVEYS AT THE WAUKESHA COUNTY REGISTER DEEDS OFFICE AT PAGES 235 AND 236 AS DOCUMENT NO. 1238943.

FURTHER ACCEPTING FROM THE PARCELS OF LAND CONVEYED TO THE STATE OF WISCONSIN AS RECORDED ON SEPTEMBER 13, 1979 IN THE WAUKESHA COUNTY REGISTER OF DEEDS OFFICE IN REEL 378, IMAGE 31 AND 32 AS DOCUMENT NO. 1106658.

CONTAINING 4,231,066.8 SQUARE FEET, 97.13 ACRES PLUS MINUS.

I FURTHER CERTIFY THAT I HAVE MADE SAID SURVEY, LAND DIVISION, CSM AND OR SUBDIVISION BY THE DIRECTION OF DANIEL & BARBARA RIVA TRUST, OWNER OF SAID LAND.

THAT SUCH CSM AND OR SUBDIVISION IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LANDS SURVEYED AND THE SUBDIVISION THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES AND THE SUBDIVISION REGULATIONS OF THE TOWN OF EAGLE, WISCONSIN IN SURVEYING, DIVIDING, AND MAPPING THE SAME.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
RAY J FOOTLAND JR.  
WISCONSIN PROFESSIONAL LAND SURVEYOR, NO. 4000-8  
(original if signed in red)



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Franklin, WI 53132

Phone: (414) 427-1200		Fax: (414) 427-1259
DRAWN BY: JRT	DATE: 3/27/2024	SHEET 4 of 5
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CERTIFIED SURVEY MAP NO. \_\_\_\_\_

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CERTIFICATE OF PLAN COMMISSION APPROVAL:

APPROVED BY THE PLAN COMMISSION OF THE TOWN OF EAGLE  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
CHRIS MOMMAERTS  
CHAIRPERSON

\_\_\_\_\_  
MERCIA CHRISTIAN  
TOWN CLERK

CERTIFICATE OF TOWN BOARD APPROVAL:

APPROVED BY THE TOWN BOARD OF THE TOWN OF EAGLE  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
CHRIS MOMMAERTS  
CHAIRPERSON

\_\_\_\_\_  
MERCIA CHRISTIAN  
TOWN CLERK

CERTIFICATE OF VILLAGE BOARD APPROVAL:

APPROVED BY THE VILLAGE BOARD OF THE TOWN OF EAGLE, HAVING EXTRA-TERRITORIAL JURISDICTION,  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
RICHARD SPURRELL,  
PRESIDENT

\_\_\_\_\_  
JESSICA WOOD  
VILLAGE CLERK

OWNER'S CERTIFICATE

I, DANIEL & BARBARA RIVA TRUST, HEREBY CERTIFY THAT I HAVE CAUSED  
THE LAND DESCRIBED ON THIS CSM AND OR SUBDIVISION TO BE SURVEYED, DIVIDED, DEDICATED  
AND MAPPED AS REPRESENTED ON THIS CSM AND OR SUBDIVISION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

OWNER DANIEL & BARBARA RIVA TRUST

\_\_\_\_\_  
OWNER

\_\_\_\_\_  
OWNER

**Endpoint Solutions**

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Franklin, WI 53132

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REVIEWED BY: RJF	PROJECT NO:921-001-001	
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