



## **PLANNING & ZONING COMMISSION MEETING**

March 3, 2025, 6:30 PM  
820 E. Main Street, Eagle WI 53119

### **Agenda**

1. Call to Order, Pledge of Allegiance
2. Roll Call
3. Minutes – Consideration/approval of February 3, 2025, meeting minutes
4. Public Comments - Please be advised per Section 19.84(2) Wis. Stats., information will be received from the public on only the items listed on the agenda. This public comment session shall last no longer than 15 minutes and individual presentations are limited to three minutes per speaker. There may be limited discussion on the information received, however, no action will be taken under public comment.
5. Special Exception request on behalf of William Dingle (owner), Attorney John Murphy (agent), to construct an accessory building in front (roadside) of the principal building at W372 S9944 S.T.H. 67. Additional details available online: <https://s.zoninghub.com/BIXIF2JB0V>
  - A. Review and Discussion
  - B. Plan Commission recommendation to Town Board
6. Review and discussion of Conceptual (Preliminary) Certified Survey Map for three properties on South Shore Drive (EGLT1871.017; .018; .019) More details can be found at <https://s.zoninghub.com/385JLVDD0E>
7. Miscellaneous Updates
  - A. Mukwonago River Initiative (MRI) by Commissioner Lewis
  - B. Violation updates
8. Recommendation for future agendas (no packet materials)
9. Set next meeting date
10. Adjournment

Posted by Town Clerk on \_\_\_\_\_

Please note, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Town of Eagle at 262-594-5800. Copies of the agenda and packet materials may be obtained before the start of the meeting by contacting the Town Hall at (262) 594-5800 during regular office hours.

TOWN OF EAGLE  
PLANNING & ZONING HELD JOINTLY WITH THE TOWN BOARD  
February 3, 2025  
Unapproved Minutes

Chairperson Mommaerts called the meeting to order at 6:30pm and led with the Pledge of Allegiance. Roll Call: J. Lewis, J. Blanchard, A. Kinoshian, R. Kugel, S. Shorr, R. Hajewski, D. Knauer, C. Mommaerts, Town Planner Rebekah Leto, and Attorney Remzy Bitar were present.

Consideration and Approval of Minutes: *Motion by Kinoshian, seconded by Lewis to approve the meeting minutes of January 6, 2025. 6 in favor, 1 abstain, motion carried.*

Mommaerts opened the floor for public comments. Justin Warzala states he grew up in a rural environment and wants children to do the same and therefore rejects development. Brian Miner on behalf of The Nature Conservancy wants to protect the Mukwonago River watershed and states that the proposed Kaerek Homes development will alter the natural flow of surface water. Tom Teichen questioned what type of houses will be built and what impact it will have on taxes. Theresa Sayles spoke against rezoning requests from developers and would like it kept Rural Residential. Dawn-Marie Staccia spoke against the Sprague Road potential development as it is located near the headwaters of a tributary and encourages the use of low-consumption water softeners; Staccia further states there is also a tributary on the Doman property west of Markham Road and that it is critical not to disturb the land. Shannon Venegas states she and her husband just bought a farm on South Road; their property abuts the Doman property west of Markham and is opposed to development there. Tim Samuels said that last month's meeting was informative, but recommendations made to Kaerek are not reflected in tonight's materials. (Planner Leto added that a redesign is currently being worked on.) Ted Kucharski is against development stating drainage and density needs to be addressed. Fred Leittermann registered to speak but states his zoning question has been answered. Michael Miller spoke on the 2009 land use plan reporting numbers from the 2000 census, stating it hasn't been updated and also cited the vision statement in the land use plan promoting small town character and rural beauty. The following individuals registered opinions opposed to Doman farms development but did not wish to speak: Scott Bovee and Richard Ladewig. Ken Brostowitz could not attend but emailed an opinion in opposition to development stating there is no upside.

**Land Use Map Discussion** Planner Leto read from the comprehensive plan that it is a long-range guide to physical, social, and economical development of the community. It is used to guide the community over a 20-year planning period. Lands are generally placed in a zoning district consistent with their existing use. Land is not pre-zoned to accommodate development. Leto explained that at this time only conceptual plans have been received. If an application for a rezone comes in, things to consider are if there is anything in the near vicinity zoned similarly, and if the rezone is consistent with the comprehensive plan. Supervisor Kugel added, that in looking at the Land Use Plan Map, it appears that in 2009 there was a vision to set aside some land for transitional development between the Village and 3-acre lots in the Town. Further discussion on the various zoning districts took place.

**Consideration and action of 2025 Residential Development Credits for Kaerek development:** Leto summarized that input from the last meeting was relayed to the developer. They are working on a new plan. Leto recommends tabling the agenda item until the April meeting. *Plan Commission motion by Kinoshian, seconded by Kugel, to table the agenda item until the April Planning and Zoning Commission Meeting. All in favor, motion carried. Town Board motion by Knauer, seconded by Hajewski, to table until the April Planning and Zoning Meeting. All in favor, motion carried.*

**Concept Discussion for residential development on 60-acres Doman Farms Property (Bielinski), Markham Road. No formal action.** Leto summarized that Bielinski Homes has submitted a concept plan for a 40-lot subdivision located east of Markham Road. The proposed zoning district is R-1 Residential with a PUD. John Donovan, Development Manager at Bielinski Homes, was present. Discussion took place regarding wetlands, kettles, and rezone requirements. *Motion by Lewis to recommend to the Town Board that they request an opinion from the Town's attorney or his firm, to confirm whether or not the Land Use Plan having 1.5-acre density requires that we accept a rezone petition down from 3 acres as opposed to at least having the option to turn it down and maintain 3 acre zoning for these properties close to the Village. Second by Kinoshian.* In other discussion, Kugel states he agrees on getting a legal opinion but changing the Land Use Plan now could create a problem and further used the analogy of a store advertising something at one price but then changing it when the shopper is at the register. *All in favor, motion carried. Town Board motion by Kugel, seconded by Hajewski, to accept the recommendation for an opinion from the Town's attorney. All in favor, motion carried.*

**Two-lot Certified Survey Map and any necessary waivers located at S75W35621 Wilton Rd.,; Dan and Barb Riva, owners/applicant; (application 2025-02).** Leto summarized that this is a similar plan to what was approved last year for a subdivision that was later withdrawn. The applicants have applied for a new CSM, with Lot 2 being 70.25 acres and a proposed use of one single family residence. There is consideration for the Town Board to waive the preliminary CSM since it was approved once before. *Motion by Hajewski to approve the waiver for the CSM, seconded by Kugel. All in favor; motion carried. Plan Commission motion by Lewis, seconded by Kugel, to recommend approval of the CSM subject to the staff report and conditions herein. All in favor; motion carried. Town Board motion by Hajewski, seconded by Kugel, to accept the recommendation. All in favor; motion carried.*

**Land Use Plan Inventory exercise for Sections 34-36** The exercise will be continued at a later date.

**Mukwonago River Initiative (MRI)** Lewis reported on the virtual meeting on January 27th. Discussion included potential development impacting waterflow, wake boats, oak barrens tour on June 21st, and Waukesha County Land Conservancy Meeting on March 12<sup>th</sup>.

**Violation updates:** A list for review was provided.

**Recommendation for future agendas** is the FEMA Floodplain Mapping amendments.

**Next meeting is March 3, 2025, at 6:30pm.**

*Motion to adjourn Planning and Zoning Commission made by Kinosian, seconded by Blanchard at 9:04pm. All in favor; motion carried. Motion to adjourn Town Board made by Hajewski, seconded by Shorr at 9:04pm. All in favor; motion carried.*

Respectfully submitted,

Mercia Christian, Clerk

Date: March 3, 2025

To: Town of Eagle Planning and Zoning Commission

From: Rebekah Leto, AICP, Town Planner

Subject: Special Exception for to construct an accessory building in front of the principal residence at W372 S9944 STH 67 (EGLT 1840.999.009); William Dingel (Owner), Attorney John Murphy (applicant)

Application: 2025-01; <https://s.zoninghub.com/E3T8C9EWPW>

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The 8.3-acre subject property is located on S.T.H. 67, in the southwest portion of the town. Across the street is the Kettle Moraine State Forest. To the north and west are rural residential parcels ranging from 3 to 7-acres in size. Directly south is an agricultural field. The subject property is zoned Rural Residential District. Access from S.T.H. 67 is via a shared access easement utilized by two property owners. There is a mature north/south treeline from shields all improvements from the highway. Existing improvements, which are all east of the treeline, include a principal residence with an attached garage and a garden shed north of the house. Along the east lot line is a converted trailer that serves as a chicken coop in the winter. There are multiple trailer beds, including one that stores wood for the house, a horse trailer, boats, tractors and other miscellaneous materials being stored in a fenced area. To the north of the residence are multiple pens for the animals with some lean-tos and a large, fenced garden. The owner has multiple livestock (pets) and chickens, with more livestock anticipated in the summer months for food purposes. West the treeline is a hayfield. There is a row of Black Hill Spruce along STH 67 that were planted 3-4 years ago. Black Hill Spruce are slow-grow (6-12"/year), compact evergreens that can grow up to 40 ft. tall and 20 ft. wide and are not easily damaged by wind or snow.

The site contains variable topography. West of the treeline has a gentle slope to the northwest and southwest portions of the property. The residence sits on the top of a ridge, where topography slopes down to the east and northeast. The ridge continues to rise in elevation to the north, which is approximately 7 ft. higher in elevation than the south side of the residence and approximately 15 ft. higher than the east side of the residence. The topography of the parcel is shown on Exhibit A.

The owner has applied for a Special Exception to construct a 60 ft. x 120 ft. (7,200 sq. ft.) accessory building in between the principal structure and S.T.H. 67. Section 500.565 states that a Special Exception is required if a detached accessory building is proposed to be located in front of the most recessed portion of the front face (i.e. face of the building closest to the street) of the principal building, unless it is used for agricultural purposes. The proposed use of this building is partially agricultural (storage of livestock, chicken coop, tractors and equipment to maintain property) and partially for personal storage (boats, trailers, wood storage, etc.). Therefore, the petitioner is seeking the Special Exception. A site plan showing the approximate location of the proposed accessory building is attached as Exhibit B. Building plans are proposed as Exhibit C. The petitioner has indicated that the garden shed, converted trailer (chicken coop) and all exterior storage of trailers, boats and tractors will be moved into the proposed accessory building. Around the proposed building will remain a hayfield.

It should be noted that the Town Planning and Zoning Commission and Town Board denied a similar request by the petitioner in 2020. The request at that time also include a Special Exception from the (residential) accessory building maximum height provisions. As a part of this request, it was originally thought that the maximum height special exception was no longer needed; however, after further review, the proposed building exceeds the permitted height by approximately 4.5 ft. Staff could not find record of the special exception for the additional height request being denied. However, the denial of either special exception does not prohibit the petitioner from submitting a new request for consideration.

Chapter 500 indicates that the Town Board, following a recommendation from the Planning and Zoning Commission, may approve a Special Exception from this provision provided the parcel is larger than three acres and provided the principal building was constructed prior to October 31, 1990. The property meets these requirements. The specific factors to consider in making a recommendation for a Special Exception from Section 500.565 include:

1. The size of the subject property
2. The character of the surrounding area
3. The size of the proposed accessory building
4. The extent to which the proposed accessory building is visible from the public and private streets and other properties in the area
5. Practical difficulty in placing the proposed accessory building in a permissible location

In addition to the factors noted above specific to this request, the following general factors must also be considered when determining if a special exception is warranted.

1. The size of the property in comparison to other properties in the area.
2. The extent to which the issuance of the special exception permit would be in keeping with the overall intent of this chapter.
3. Whether there are any unique circumstances and the nature of those circumstances that warrant the issuance of the special exception permit.
4. The nature and extent of anticipated impacts to the natural environment that could potentially occur if the special exception permit was granted.
5. The nature and extent of anticipated positive and negative effects on properties in the area.
6. Actions the applicant will undertake to mitigate the negative effects, if any, of the proposed special exception.
7. A factor specifically listed under a section of this chapter authorizing the issuance of a special exception permit.
8. Any other factor that relates to the purposes of this chapter as set forth in s. 500.05 or as allowed by state law.

#### **Staff Recommendation**

It is recommended that the Planning and Zoning Commission recommend to the Town Board **conditional approval** of an accessory building located in front of the most recessed portion of the principal building, subject to the conditions below. The person making this motion should refer to the criteria listed above as discussed by the Plan Commission. The analysis as noted in the staff report may also be used as the justification, in which the Plan Commission may, or may not, expand upon based on the discussion.

#### **Recommended Conditions**

1. The color of the accessory building shall be limited to colors predominantly found in the natural environment (brown, dark green, etc.).
2. The accessory building be located as close as practicable to the existing treeline near the residence.
3. A treeline of arborvitae or similar evergreen tree that has a faster growth rate shall be planted either on/near the north lot line, or between the north lot line and the building, for a section of at least 150 ft. in a location that will shield the proposed building from the adjacent residential home (to the north). Species to consider include American Arborvitae, Norway Spruce and Eastern White Pine. The proposed treeline shall be marked on an updated Plat of Survey with appropriate spacing to allow for full growth of the trees. The trees shall be a minimum of 5 ft. in height at the time of planting. The trees shall be planted

within six months of a Zoning Permit being issued, or within 60 days of Occupancy, whichever occurs first. The trees shall be replaced if they die.

4. An updated Plat of Survey shall be required that shows all existing and proposed improvements on the subject property, prior to the issuance of a Zoning Permit.
5. A Zoning Permit shall be obtained for the approved building within six months of the date of approval of the Town Board.
6. The owner must obtain a Special Exception from the Town Board, after recommendation from the Plan Commission, from the maximum accessory height provisions of the Ordinance or the proposed building must be modified to meet the height requirements (maximum 18 ft. mean height), prior to a Zoning Permit being issued.

### **Analysis**

The subject property is over eight acres, which is one of the larger parcels in the surrounding area. Many of these properties have detached accessory buildings, lean-tos and sheds, although the largest one in the immediate vicinity is likely no more than 1,500 sq. ft. A property to the south on C.T.H. LO has a similar sized pole building, that can be seen from the subject property. However, comparing of building sizes should be done carefully as the Town no longer has accessory building maximums to help limit the overall size of a single accessory building. While the building would be visible from the state highway, the existing row of evergreens would eventually shield it from the view of passing cars. No development will ever occur across the highway as it is state-owned lands. Any development that might occur on the property to the south will have the knowledge of a pole barn being present when buying a lot and/or designing a residence. As conditioned, the neighbor to the north will be screened from view of the accessory building. Requiring the building to be of a more natural color also helps maintain its rural character and helps it to better blend in with the natural environment. Architectural modifications could also be considered, such as the addition of cupolas or doors to break up the façade, to help it fit in more with the surrounding area. Therefore, the proposed location of the building should not negatively impact surrounding properties.

In addition, the proposed location of the building will not impact the natural environment. The topography of the parcel creates challenges in constructing the building in a permitted location. As discussed above, the topography of the lot slopes up as you go north and slopes down to the east. This would require significant earth moving, retaining walls and mature tree removal, including a large, healthy oak tree. It may also require re-locating the animal pens west of the home.

Attachments: Exhibit A – Topography Map  
Exhibit B – Approximate Site Plan  
Exhibit C – Building Plan





### Legend

- Intermediate Contours
- Intermediate Contour
  - Intermediate Depression
- Index Contours
- Index Contour
  - Index Depression
- Municipal Boundary
- Points of Interest
- Parcel\_Dimension\_2K
- Note\_Text\_2K
- Lots\_2K
- Lot
  - Unit
  - General Common Element
  - Outlot
- SimultaneousConveyance
- Assessor Plat
  - CSM
  - Condominium
  - Subdivision
- Cartoline\_2K
- EA-Easement\_Line
  - PL-DA
  - PL-Extended\_Tie\_line
  - PL-Meander\_Line
  - PL-Note
  - PL-Tie
  - PL-Tie\_Line
  - <all other values>
- Road Centerlines\_2K
- Railroad\_2K
- TaxParcel\_2K
- Waterbodies\_2K\_Labels
- Waterlines\_2K\_Labels

0 105.24 Feet

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

**Notes:**

Printed: 2/23/2025





2019 TK  
EOLT 1840 999 009

S89°37'18"W 1523.86'  
NORTHWEST CORNER OF  
THE SOUTHEAST 1/4 OF  
SECTION 28-5-17

S89°37'18"W 1104.19'  
NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 28-5-17

NORTHEAST CORNER OF  
THE SOUTHEAST 1/4 OF  
SECTION 28-5-17

PLAT OF SURVEY

The Northerly, Southerly and Easterly lines of the following described property:

That part of the East 1/2 of Section 28, Town 5 North, Range 17 East, which lies East of the center line of State Trunk Highway 67, excepting therefrom: Certified Survey Map No. 2220, Certified Survey Map No. 3372, Certified Survey Map No. 4222, Certified Survey Map No. 4154 and Certified Survey Map No. 9313, that portion conveyed for Highway purposes by Deed recorded in Volume 237 of Deeds, Page 268, as Document No. 180665 and further excepting therefrom that part conveyed by Deed recorded on December 28, 2009, as Document No. 180665.

Surveyed for: Bill Dingel

Survey address: W372 S9944 State Road 67

FOUND 6" CONC. MON. W/BRASS CAP

FOUND 1 1/4" O.D. IRON PIPE

SET 1 1/4" O.D. IRON PIPE

RECORDED AS DIMENSIONS



99017123  
REGISTER OF DEEDS  
WAUKESHA COUNTY, WI  
RECORDED ON

January 14, 2020 08:15 AM  
James R. Behrend  
Register of Deeds

1 PG  
TOTAL FEE: \$0.00  
TRANS FEE: \$0.00

Book Page -



33' WIDE ACCESS EASEMENT

SCALE 1"=120'  
60' 0' 60' 120' 240'

LOCATION OF IMPROVEMENTS WAS  
WITNESSED BY OWNER.

BEARINGS ARE REFERENCED TO THE NORTH LINE OF  
THE SOUTHEAST 1/4 OF SECTION 28-5-17 AND IS  
ASSUMED TO BEAR S89°37'18"W (NAD27)

47.81 Feet

I hereby certify that I have surveyed the above described property and maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from the third party use of the information and depictions herein, or for use which ignores this warning.

that the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location of all visible structures and dimensions of all principal buildings thereon, boundary fences, apparent easements, roadways and encroachments if any"

"This survey is made for the use of the present owners of the property, and also those who purchase, mortgage or guarantee the title thereto within one year from date hereof."

KETTLE MORAINES SURVEYING, INC. disclaims accuracy in this reproduction.

575 W36245 Wilton Road  
Eagle Wisconsin 53119  
P.O. Box 357

(262) 594-3484

kettlemorainesurvey.com

Terrance E. Pisarek P.L.S.

THIS IS NOT AN ORIGINAL SURVEY UNLESS THE SEAL IS RED.

12/6/19

DATE

TEP

FIELD WORK BY

TEP

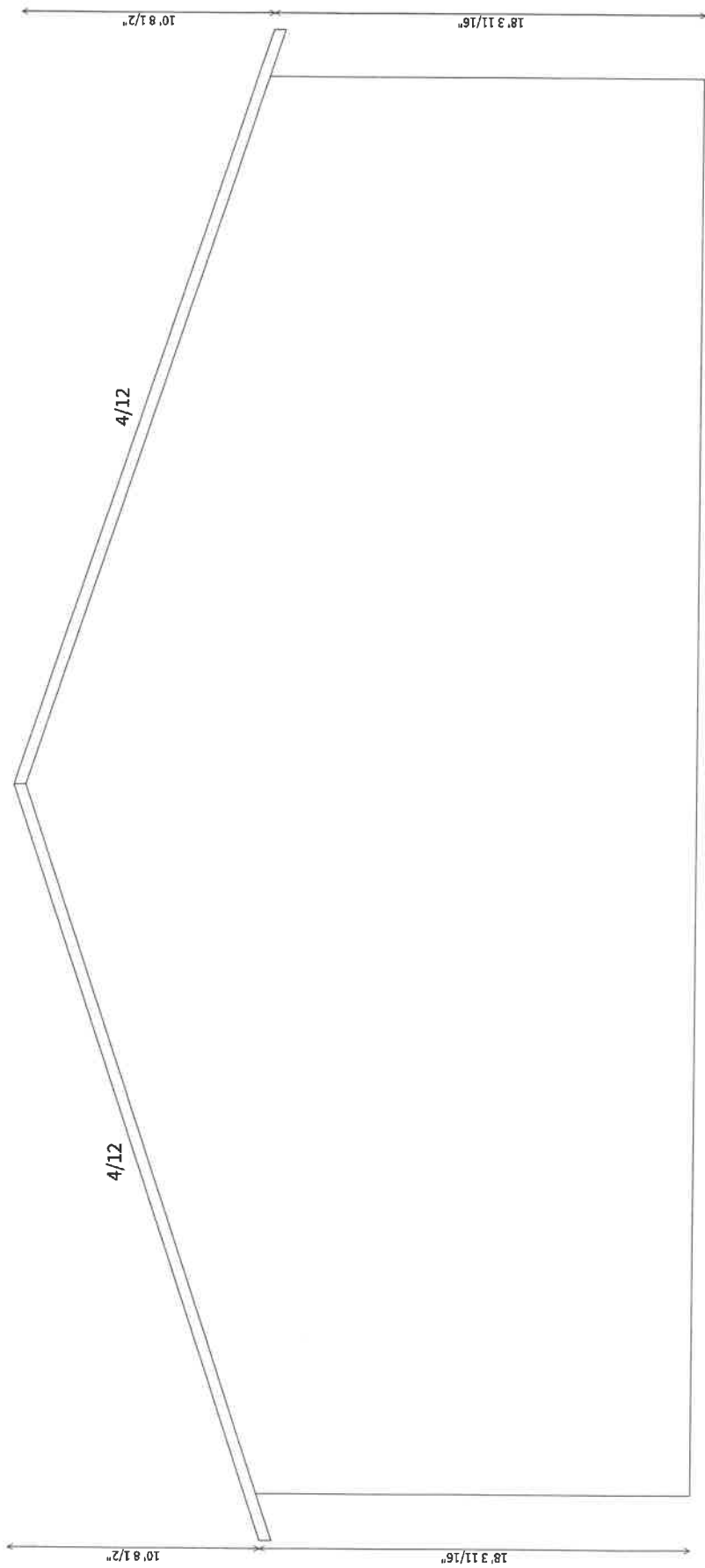
DRAWN BY

19119

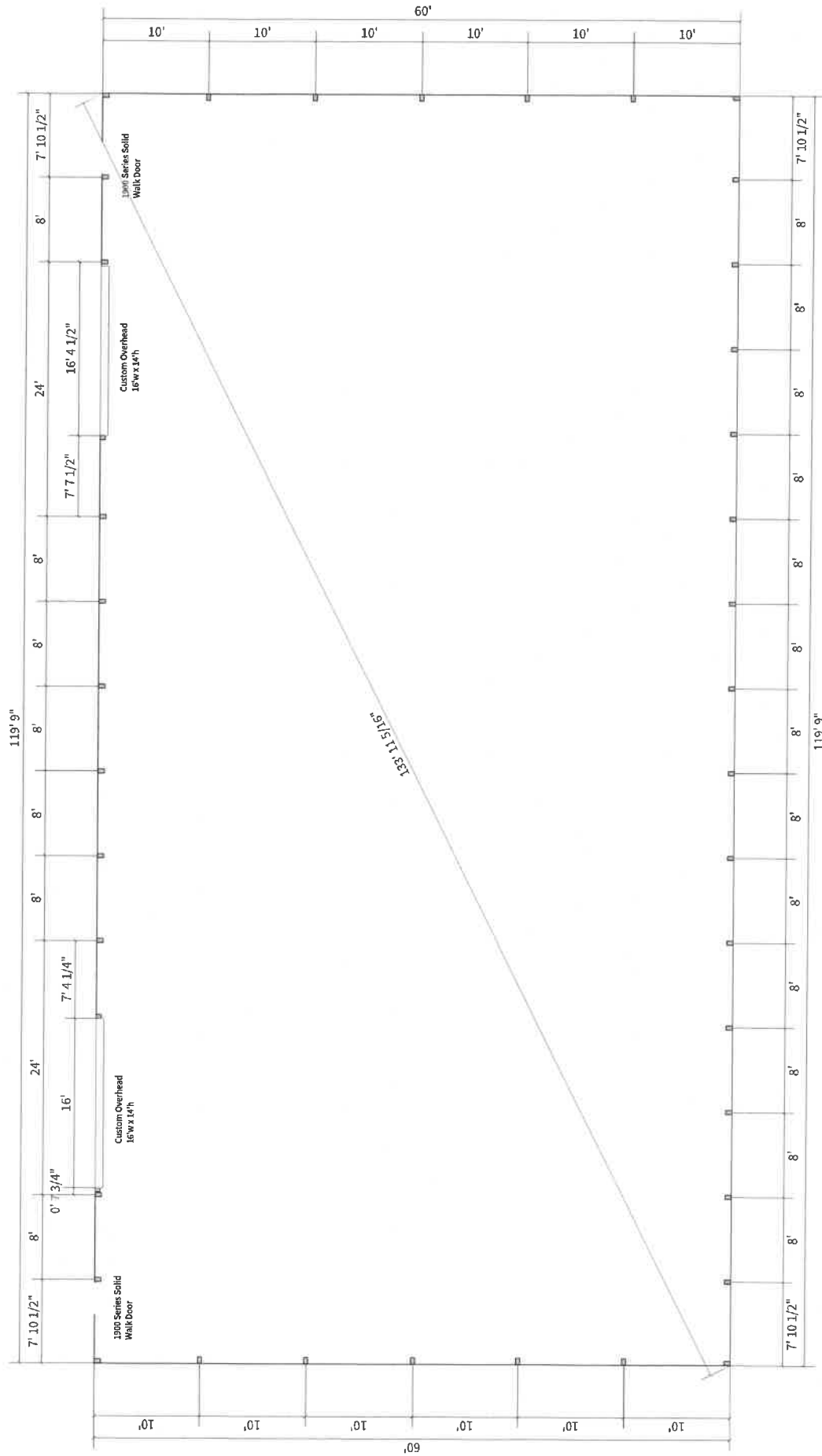
JOB NUMBER



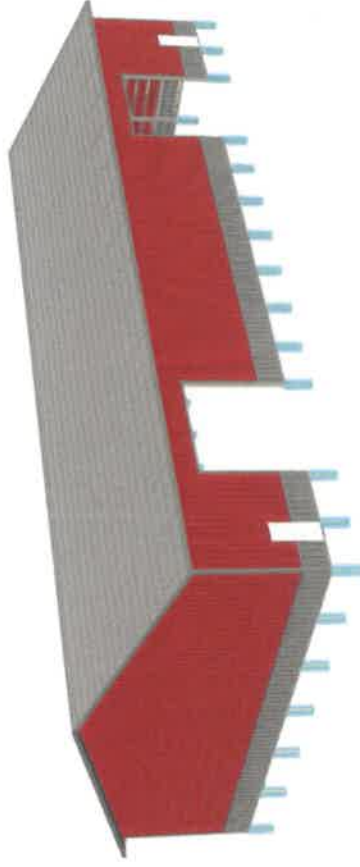
## Back Elevation



## Post Layout

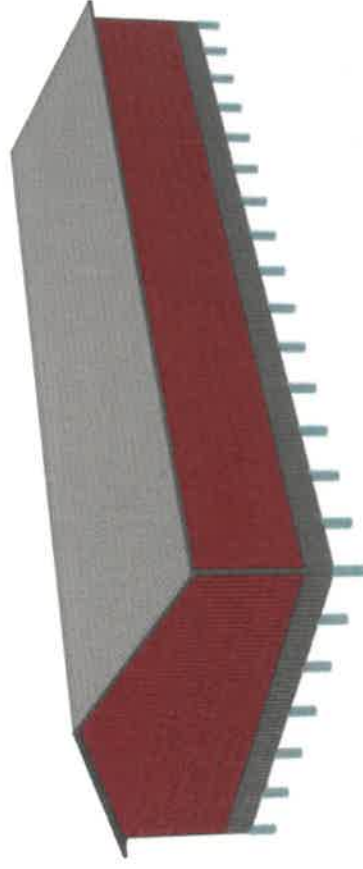


## Iso 1

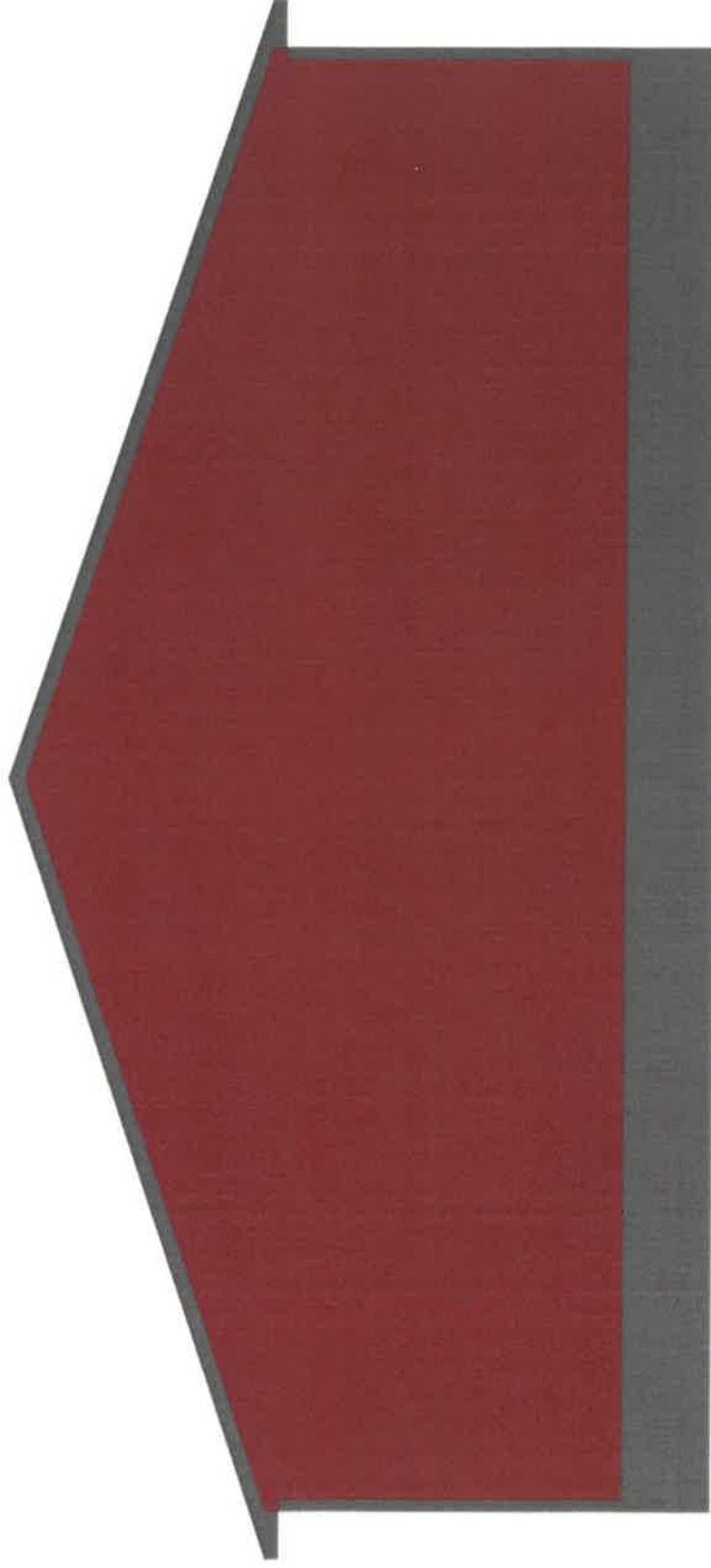




## Iso 2



## Front Elevation

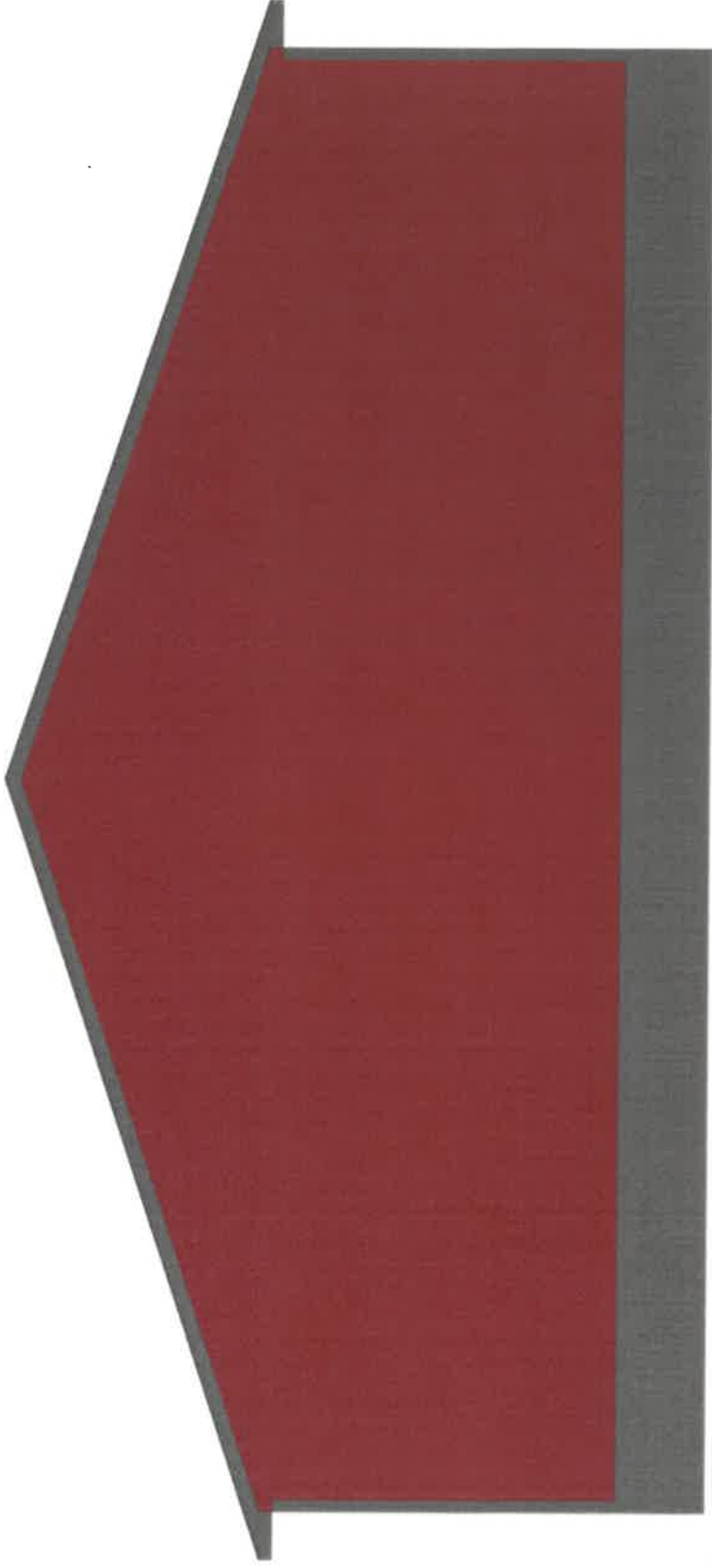


## Left Elevation





## Back Elevation



## Right Elevation



**To:** Town of Eagle Plan Commission

**From:** Rebekah Leto, AICP, Town Planner

**Subject:** Preliminary (Conceptual) three-lot Certified Survey Map (CSM) review on property located on South Shore Drive (EGLT 1871.017; .018; .019)

**Location:** Lots 1, 2 and 3 of High Point Subdivision, SW ¼ of Section 36, T5N, R17E

**Application:** 2025-04 - <https://s.zoninghub.com/385JLVDD0E>

**Owner(s):** John and Patricia Rageth; Julie Archibald; Joseph and Melissa Carmichael

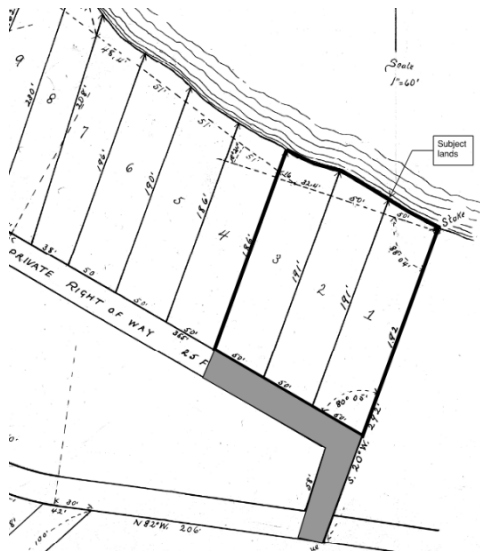
**Date of CSM:** July 23, 2024

**Meeting Date:** March 3, 2025

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The owners listed above own three individual properties on the north side of South Shore Drive, with frontage on Eagle Spring Lake. The properties are under Waukesha County's Shoreland Protection Ordinance jurisdiction and are zoned R-3 Residential. The properties are part of High Point Subdivision, which was platted in 1906, and are at the base of the hill. The owners are proposing a Certified Survey Map to adjust the lot lines to accommodate how the lands are being used and clean up the legal descriptions.

This CSM is unique. High Point subdivision plat shows South Shore Drive as a 25 ft. wide private road right of way that has a right angle in front of the subject lots (refer to the plat map below). The as-built public road, which appears the same in a 1941 aerial, the earliest available, as it does today, is a curved road that bypasses the platted (private) right of way adjacent to the subject parcels (refer to the aerial below). Because of this, these three properties do not technically abut a public road (the as built road), as required by ordinance.



The proposed CSM eliminates the private right of way. It should be noted that, upon recommendation of the town attorney, the applicants will need to provide the information on the legal means to officially vacate the private right of way.

The proposed CSM also includes the addition of lands that are a part of the "center" lot of High Point subdivision (Lot 38) that the Town owns. These lands have apparently been used by the petitioners for some time. The CSM proposes to add these town-owned lands that are between the physical public road and the platted private right of way to the three properties. Each properties' perpendicular lot lines would be extended until they reach South Shore Drive. The land area that the town would detach from Lot 38 is approximately 4,100 sq. ft.



It should be noted that all of South Shore Drive is now a public road which the town maintains. In this scenario, South Shore Dr. currently runs through town-owned land (Lot 38) without a proper easement or public right of way dedication. The CSM would dedicate the proper road right of way width, which for South Shore Drive is 25 ft..

Information about the existing and proposed lots are as follows:

Lot 1 (eastern lot) (Rageth)

	Lot Size (sq. ft.)	Average Depth (ft.)
Existing	10,785+/-	191.5+/-
Proposed	13,675.64	255.28
Existing Improvements	Single family residence, shed, detached garage.	
Notes	The area of land south of the property was deeded to Lot 1 prior to 1946. The shed appears to be partially within the private road ROW.	

Lot 2 (center lot) (Archibald)

	Lot Size (sq. ft.)	Average Depth (ft.)
Existing	9,182+/-	191+/-
Proposed	13,675.64	255.28
Existing Improvements	Single family residence.	

Lot 3 (western lot) (Carmichael)

	Lot Size (sq. ft.)	Average Depth (ft.)
Existing	10,785+/-	188.5+/-
Proposed	13,675.64	255.28
Existing Improvements	Single family residence, detached garage, boathouse	
Notes	The detached garage appears to be partially within the private road ROW.	

The CSM shows a proposed 66 ft. wide right of way being dedicated for South Shore Drive. Since all of South Shore Drive is currently a 25 ft. right of way, the proposed lot sizes will increase slightly in order to connect the lots to the public road with the dedication of a 25 ft. public right of way, unless the town wishes to accept more than a 25 ft. right of way.

**Possible Waivers and Future Actions**

- The owners will need to apply for a Special Exception to exceed the permitted depth to width ratio (2.5:1) for adding additional depth to the subject lots.
- The owners will need to provide the legal means to officially release the private right of way.
- The Town must determine if they want to authorize a divesture of the portion of Lot 38 that is in question. If approved, the legal description of the land area needs to be quit claimed from the town to the owners, prior to the CSM being finalized.

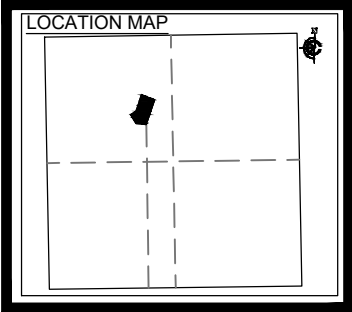
**Staff Recommendation**

This is a preliminary (conceptual) CSM in which the plan commission provides feedback on the proposal. No formal recommendation to the Town Board is made at this stage.

Attachments: CSM dated 7/23/2024, Engineer comments 2/27/25

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

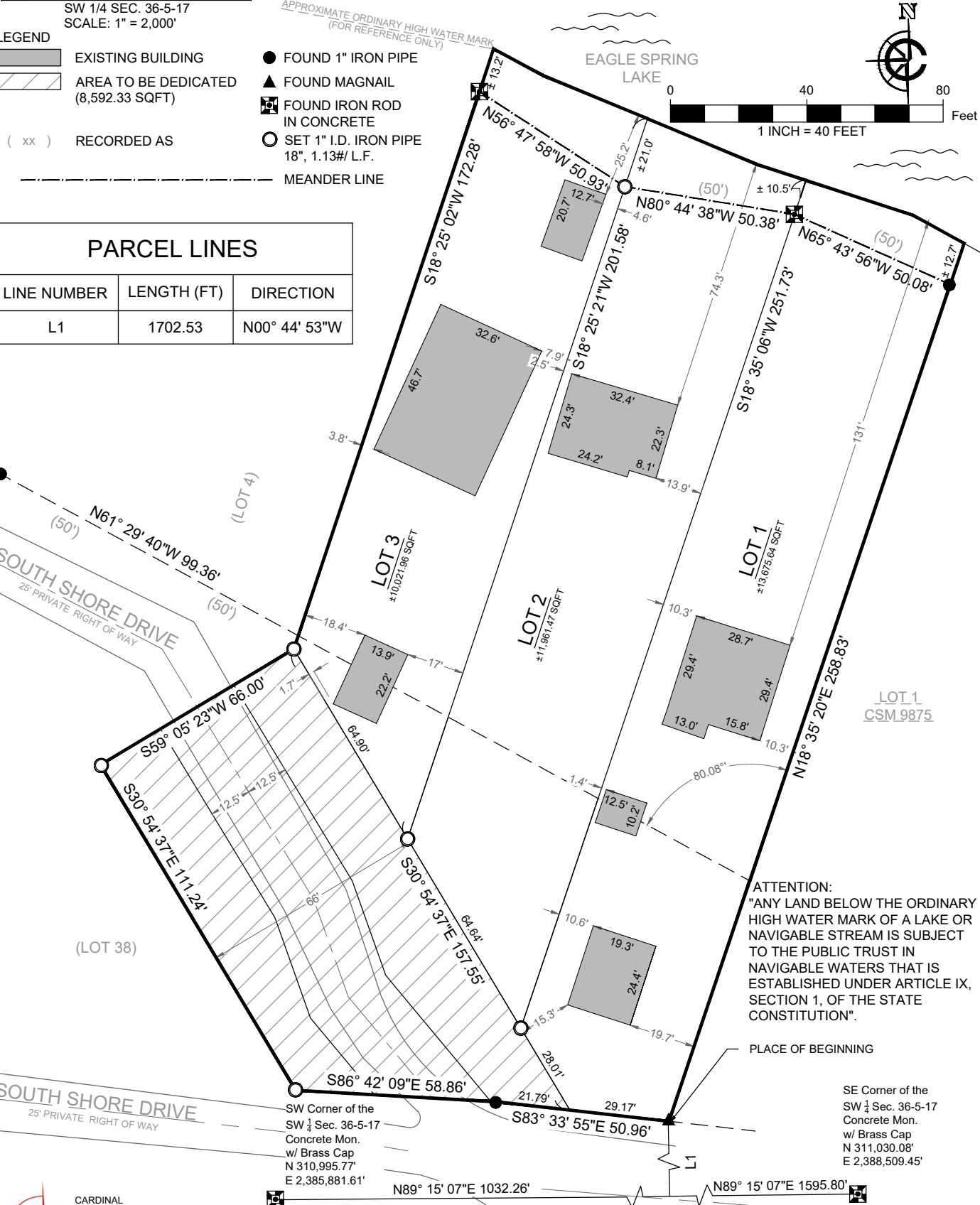
LOTS 1, 2, 3, PART OF LOT 38, AND PART OF PRIVATE ROAD OF HIGHPOINT SUBDIVISION,  
PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 5 NORTH,  
RANGE 17 EAST, TOWN OF EAGLE, WAUKESHA COUNTY, WISCONSIN.



OWNERS/SUBDIVIDERS:  
-JOHN & PATRICIA RAGETH OF PARCEL EGLT 1871017  
-JULIE ARCHIBALD OF EGLT1871018  
-JOSEPH AND MELISSA CARMICHAEL OF EGLT1871019  
-TOWN OF EAGLE, OWNER OF EGLT1871055

SURVEYOR:  
PAUL H. VAN HENKELUM  
1200 LA SALLE STREET  
LAKE GENEVA, WI 53147, 262-757-8776

BASIS OF BEARING:  
ALL BEARINGS REFER TO GRID NORTH OF THE WISCONSIN STATE  
PLANE COORDINATE SYSTEM, SOUTH ZONE. NAD-83.



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

LOTS 1, 2, 3, PART OF LOT 38, AND PART OF PRIVATE ROAD OF HIGHPOINT SUBDIVISION, PART OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 17 EAST, TOWN OF EAGLE, WAUKESHA COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:

I, PAUL H. VAN HENKELUM, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED, DIVIDED, DEDICATED, AND MAPPED THE FOLLOWING LAND HEREIN DESCRIBED:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 17 EAST; THENCE N89°15'07"E, ALONG THE SOUTHERN SECTION LINE OF SAID QUARTER SECTION, 1,032.26'; THENCE N00°44'53"W, 1,702.53' TO THE PLACE OF BEGINNING; THENCE N18°35'20"E 258.83'; THENCE N65°43'56"W, ALONG A MEANDER LINE, 50.08'; THENCE, N80°44'38"W ALONG A MEANDER LINE, 50.38', THENCE N56°47'58"W, ALONG A MEANDER LINE, 50.93'; THENCE S18°25'02"W 172.28'; TO THE NORTHEASTERLY RIGHT OF WAY LINE OF SOUTH SHORE ROAD; THENCE S59°05'23"W 66.00'; THENCE S30°54'37"E, ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID ROAD, 111.24'; THENCE S86°42'09"E, 58.56'; THENCE S83°33'55"E 50.96' TO THE PLACE OF BEGINNING. ALSO INCLUDES ALL LANDS BETWEEN THE MEANDER LINE AND EAGLE SPRING LAKE. CONTAINING 44,489.88 SQUARE FEET, MORE OR LESS. THE SOUTHERN SECTION LINE OF SAID QUARTER SECTION IS ASSUMED TO BEAR N89° 15' 07"E.

I FURTHER CERTIFY THAT I HAVE MADE SAID MAP BY THE DIRECTION OF JOHN RAGETH, PATRICIA RAGETH ,JULIE ARCHIBALD,JOSEPH CARMICHAEL, MELISSA CARMICHAEL, AND THE TOWN OF EAGLE, OWNERS OF SAID LAND. THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LANDS SURVEYED AND THE DIVISION THEREOF.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF SECTION 236.34 OF THE WISCONSIN STATUTES AND OF THE LAND DIVISION ORDINANCES OF THE TOWN OF EAGLE IN SURVEYING, DIVIDING, DEDICATING, AND MAPPING THE SAME.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
PAUL H. VAN HENKELUM,  
PROFESSIONAL LAND SURVEYOR #1931

OWNER'S CERTIFICATE

AS OWNERS, JOHN RAGETH, PATRICIA RAGETH, JULIE ARCHIBALD, JOSEPH CARMICHAEL, MELISSA CARMICHAEL, AND THE TOWN OF EAGLE, WE HEREBY CERTIFY THAT WE HAVE CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, MAPPED, DIVIDED, AND DEDICATED AS REPRESENTED HEREON.

AS OWNERS OF SAID LAND, WE FURTHER CERTIFY THAT THIS MAP IS REQUIRED TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL:

- 1.) TOWN OF EAGLE
- 2.) WAUKESHA COUNTY

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
JOHN RAGETH

\_\_\_\_\_  
PATRICIA RAGETH

\_\_\_\_\_  
JULIE ARCHIBALD

\_\_\_\_\_  
MELISSA CARMICHAEL

\_\_\_\_\_  
JOSEPH CARMICHAEL

STATE OF \_\_\_\_\_ ) ss  
COUNTY OF \_\_\_\_\_ )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_  
THE ABOVE NAMED \_\_\_\_\_ JOHN RAGETH AND PATRICIA RAGETH, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC

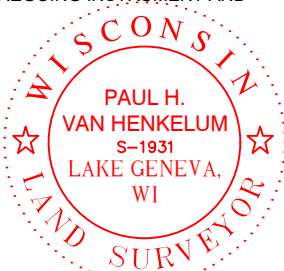
MY COMMISSION EXPIRES: \_\_\_\_\_

STATE OF \_\_\_\_\_ ) ss  
COUNTY OF \_\_\_\_\_ )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_  
THE ABOVE NAMED \_\_\_\_\_ JULIE ARCHIBALD, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

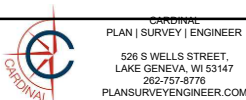
\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_



SHEET 2 OF 3  
DATE 7 / 23 / 2024  
JOB No. 24194

PLOTTED: 7/26/2024 9:15:18 AM



Instrument drafted by Paul H. Van Henkelum,  
P.L.S.#1931

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

LOTS 1, 2, 3, PART OF LOT 38, AND PART OF PRIVATE ROAD OF HIGHPOINT SUBDIVISION, PART OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 17 EAST, TOWN OF EAGLE, WAUKESHA COUNTY, WISCONSIN.

STATE OF \_\_\_\_\_ ) ss  
COUNTY OF \_\_\_\_\_ )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
THE ABOVE NAMED \_\_\_\_\_ JOSEPH CARMICHAEL AND MELISSA CARMICHAEL, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

CERTIFICATE OF THE TOWN BOARD:

RESOLVED, THAT THIS CERTIFIED SURVEY MAP IN THE TOWN OF EAGLE, IS HEREBY APPROVED BY THE TOWN BOARD ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

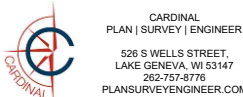
\_\_\_\_\_  
CHRIS MOMMAERTS  
TOWN CHAIRMAN

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

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE APPROVAL:

APPROVED BY THE WAUKESHA COUNTY DEPT. OF PARKS AND LAND USE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
DALE SHAVER  
CHAIRPERSON



Instrument drafted by Paul H. Van Henkelum,  
P.L.S.#1931

SHEET 3 OF 3  
DATE 7 / 23 / 2024  
JOB No. 24194

PLOTTED: 7/26/2024 9:15:19 AM



## MEMORANDUM

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Date: February 27, 2025  
To: Rebekah Leto, Town Planner  
From: Tim Lynch, P.E., Mike Flesch P.E., Town Engineer  
Subject: South Shore Drive Roadway Vacation/dedication, Town of Eagle

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### **Project Background:**

A joint application for the vacation of the unbuilt portion of South Shore Drive right of way was submitted by Julie Archibald (EGLT1871018), Joseph & Melissa Carmichael (EGLT1871019), and John & Patricia Rageth (EGLT1871017). A Certified Survey Map (CSM) dated July 26, 2024, was submitted for review. It was reviewed for conformance to the Town's ordinances and design standards and State of Wisconsin Statutes. Although the material has been reviewed, the surveyor is responsible for the thoroughness and accuracy of the Certified Survey Map and supplemental data for compliance with all applicable state statutes and local ordinances.

### **Staff Comments:**

1. Vacation of unimproved right of way is a process and must follow State Statute 236
2. Vacated right of way reverts to adjacent abutting properties. Therefore, the three applicants and the Town of Eagle would each get half of the dedicated right of way for the length of their parcel's frontage.
3. Additional right-of-way is required to be dedicated from the parcel owned by the Town of Eagle. The Town of Eagle must agree to that dedication prior to or in conjunction with the vacation.
4. Each of the parcels applying for vacation must have frontage on a public roadway. Once the roadway is vacated, a strip of land between the newly dedicated right of way and the applicants' parcels will exist that is owned by the Town. The Town must agree to sell/transfer that land to the applicants to provide for the required roadway frontage. A CSM dividing that strip to each of the applicants will be needed.
5. The Town Planner historically coordinates all of this, and the engineer reviews the needed plats of vacation and dedication, and Certified Survey Maps.

### **Staff Recommendation:**

The staff recommends following the processes in the comments above and as directed by the Town Planner. The CSM as submitted cannot be approved at this time.