

**To:** Town of Eagle Planning and Zoning Commission and Town Board

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

**Subject:** Final Certified Survey Map (CSM) review and approval for 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

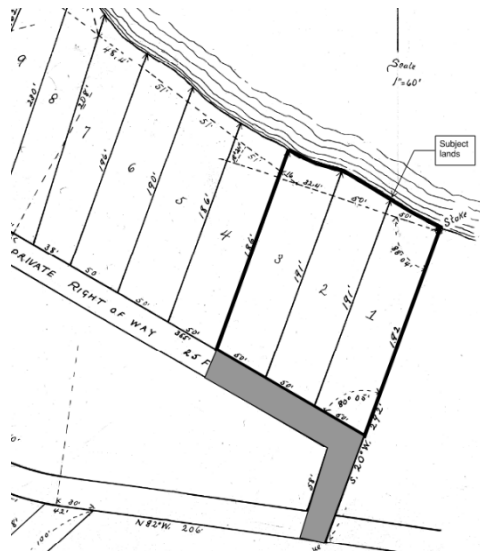
**Meeting Date:** June 4, 2025

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The owners listed above own three individual properties on South Shore Drive, with frontage on the south shore of Eagle Spring Lake. The properties are under Waukesha County's Shoreland Protection Ordinance jurisdiction and are zoned R-3 Residential District. The owners are proposing a Certified Survey Map to reflect how the lands have historically been used. See Exhibit A for a draft CSM.

The Planning and Zoning Commission reviewed a concept Certified Survey Map at their March 3, 2025 meeting to offer insight and direction to the petitioners. As much more information has been presented and guidance from the petitioner and town attorney has been sought, the petitioners are now requesting full review of the Certified Survey Map.

South Shore Dr., as travelled, was not constructed as platted in the 1906 plat of High Point. The road curves at the base of the hill instead of making right angles in the area that abuts these properties, as shown below.



The 1941 historic aerial photograph confirms the road has been in the same location. The 25 ft. wide road right of way was identified on the plat as a private road. At some point, the Town appears to have accepted South Shore Drive as a public road. In accordance with the adopted Waukesha County Street and Highway Width Map, South Shore Drive was identified as a future 66 ft. right of way until it was reduced in 2003 to its platted 25 ft. width.

The 25 ft. unimproved right of way that abuts the subject properties and bisects the portion of Lot 38 has been utilized by the property owners for decades. A 1961 deed sold the portion of the unimproved road that abuts Lot 1 was sold to the Town. In 1983, the Town granted an easement to Lot 2 to construct a sanitary sewer (septic) line beneath the unimproved road to service a septic system on Lot 38, owned by Lot 2. As part of this CSM, the applicants are requesting that the town formally release the private right of way, which allows the Lot owners to formally add the lands to their properties, as used.

The petitioners are also requesting to combine a portion of Lot 38 to Lot 3. In May of 1961, the Town took ownership of Lot 38, which is an unbuildable 2-acre lot in the center of South Shore Drive. The lands that were a portion of Lot 38 that that now belongs to Lots 1 and 2 were legally transferred in 1946. The Waukesha County GIS appears to show Lot 2 inaccurately, as a portion of Lot 38, was legally deeded to Lot 2 in 1946, and is not being reflected as part of the tax parcel on the GIS. There is an approximately 985 sq. ft. portion of Lot 38 that has historically been used by the owners of Lot 3. This is the land that is in between the unimproved right of way and the travelled road. See Exhibit B for a map identifying the unimproved right of way and lands to be divested.

At the April 15, 2025 Town Annual meeting, the Town Board agreed to divest of the remaining lands of Lot 38 that are east of the travelled public road to the Lots, as requested. A resolution was introduced at the Town Board meeting on May 21, 2025, with a public hearing to follow.

The proposed Certified Survey Map, along with release of the town's interest in the unimproved right of way and divestiture of lands will solidify the property boundaries as they have historically been used, allowing the petitioners to maintain their own property, eliminate potential zoning issues, and create lots that abut a public road in accordance with town requirements.

### **Staff Recommendation**

A recommended motion of the Planning and Zoning Commission to for the Town Board to **approve** the Certified Survey Map. A recommended motion is as follows:

*I move to approve the proposed Certified Survey Map, including the release of a septic easement granted to Lot 2 over an unimproved right of way, subject to the conditions being complied with below and verified by the Town Planner and Town Engineer and subject to the land divesture and release of private right of way being approved by the Town.*

### **Conditions:**

1. Subject to the property owners providing the Town of Eagle with a prepared Quit Claim Deed for review, prior to recording in the Waukesha County Register of Deeds, that includes the legal description of the remaining portion of Lot 38 that is to be deeded to Lot 3. Following Town approval of said deed, the property owner at their own expense shall file with the Waukesha County Register of Deeds prior to the Town signing the final Certified Survey Map.
2. If required, subject to the owner of Lot 1 and the Town agreeing to a Quit Claim Deed to deed the unimproved right of way deeded to the Town in 1961 back to the owner of Lot 1 at the owner's expense, prior to the Town signing the final Certified Survey Map.
3. The unimproved platted right of way that is proposed to be vacated shall be identified on the CSM.
4. The unimproved platted right of way that bisects Lot 38 and Lots 1-3 shall be formally released by the Town Board and a note shall be added to the CSM that states, "The Eagle Town Board released the 25 ft. wide unimproved platted right of way on \_\_\_\_ (date) \_\_\_\_ (Resolution \_\_\_\_).

5. The South Shore Drive travelled right of way is 25 ft. and is a public road. Please revise the 66 ft. wide right of way annotation and correct the stated width shown on the CSM. No dedication is required.
6. The Town granted an Easement over the 25 ft. platted right of way to Lot 2 for septic purposes. A note shall be added that states, "The Town of Eagle previously granted an easement to Lot 2 for septic purposes over the 25 ft. unimproved road, which is hereby released following the recording of this CSM."
7. The lot area shall be corrected to reflect the edge of the right of way to the Ordinary High-Water Mark of Eagle Spring Lake.
8. The Ordinary High-Water Mark shall be determined and placed on the CSM. If the surveyor does not want to approximate the OHWM, please contact Waukesha County to mark the OHWM for the surveyor to place on the final CSM. The elevation and source determination shall be noted on the final CSM.
9. The 100-year floodplain (1% chance) shall be shown on the final CSM. The floodplain should be field delineated or an approximation can be done using the FEMA boundary, so long as it is noted as such with the source documentation stating, "Approximate floodplain boundary per the Waukesha County GIS/FEMA".
10. A note shall be added that states, "The lands shown on this Certified Survey Map are located within the jurisdiction of Waukesha County Shoreland Protection Ordinance."
11. The use of all buildings to be retained, wells and septic systems shall be identified on the final CSM.
12. All structures, wells and septic systems on the subject lots and within 50 ft. of the boundary of the CSM shall be identified.
13. In the Town signature certificate, change "Chairman" to "Chairperson".
14. Modify the County signature certificate to read as follows:

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 \_\_\_\_\_, 20\_\_.

Dale R. Shaver, Director

15. The petitioner must obtain approval of the CSM from the Town Engineer. All conditions of the Town Engineer shall be complied with (see enclosed memo). Any conditions related to a revised CSM or resubmittal of the CSM shall also be complied with.
16. All CSM conditions of Waukesha County Department of Parks and Land Use shall be complied with.
17. The surveyor's seal, signature, and date must appear on all sheets of the Final Certified Survey Map. The same revision date must be noted on all sheets of the Final Certified Survey Map.

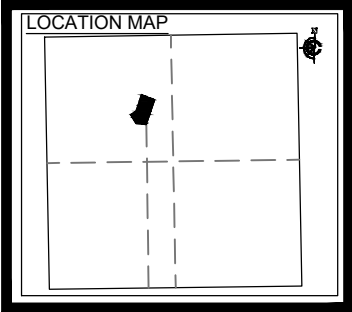
## General Conditions

18. Staff and Governmental Approval. Prior to the Town signing the final CSM, the commencement of any construction or any improvement, whether public or private, or any site development, the Developer shall satisfy all comments, conditions and concerns of the Town Planner, the Town Engineer, and all reviewing, objecting and approving bodies, including, but not limited to, the State of Wisconsin Department of Commerce per Chapter 236, Wisconsin Statutes and Chapter COMM 85, Wisconsin Administrative Code; State of Wisconsin Department of Administration per Chapter 236, Wisconsin Statutes; the Waukesha County Department of Parks and Land Use (including the Planning and Zoning Division, Parks System Division, Land Resources Division, and Environmental Health Division) and the Waukesha County Department of Public Works; as applicable, in regard to the Conveyance, and obtaining all necessary permits and approvals, prior to commencing construction of any improvement, whether public or private, or site development or recordation of the conveyance, whichever is earlier.
19. Professional Fees. The 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 of this review due to a violation of these conditions.
20. 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 billing by the Town, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this review that is subject to all remedies available to the Town, including possible cause for termination of the conveyance.
21. 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 matter 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.

Exhibits: Exhibit A (CSM); Exhibit B (map); Town Engineer memo

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

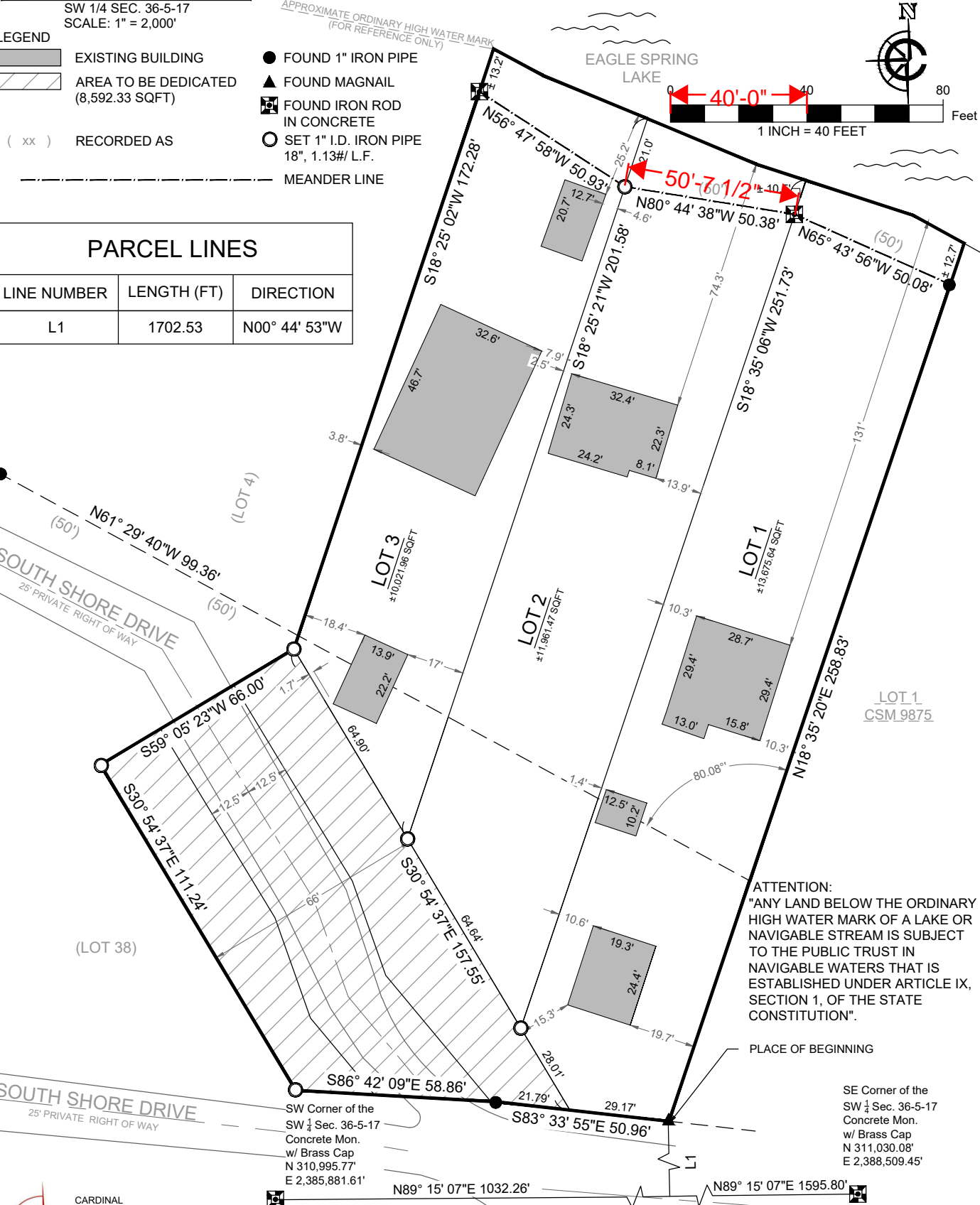
LOTS 1, 2, 3, PART OF LOT 38, AND PART OF PRIVATE ROAD OF HIGHPOINT SUBDIVISION,  
PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 5 NORTH,  
RANGE 17 EAST, TOWN OF EAGLE, WAUKESHA COUNTY, WISCONSIN.



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

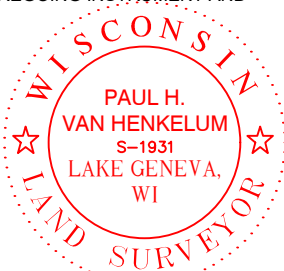
MY COMMISSION EXPIRES: \_\_\_\_\_

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.

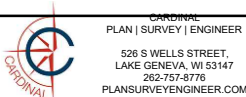
\_\_\_\_\_  
NOTARY PUBLIC

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\_\_\_\_

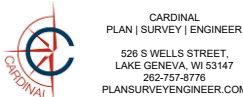
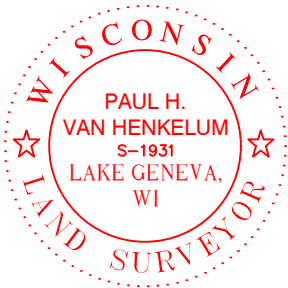
\_\_\_\_\_  
CHRIS MOMMAERTS  
TOWN CHAIRMAN

\_\_\_\_\_  
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





- Legend**
- 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 50.00 Feet

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**Notes:**

Printed: 1/17/2025







## 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.