

RESOLUTION NO. 2022-117

**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA
DENYING A CERTIFIED SURVEY MAP - MICHAEL LEIBER, APPLICANT;
EDWARD PHILLIP, OWNER – NE ¼ OF SECTION 22, T4N, R22E, VILLAGE OF
CALEDONIA, RACINE COUNTY, WI - PARCEL # 104-04-22-22-001-000**

The Village Board for the Village of Caledonia resolves as follows:

WHEREAS, the applicant has submitted a Certified Survey Map attached hereto as **Exhibit A** to create 1 Lot and 1 Outlot at 7521 5 Mile Road and specifically located in the NE ¼ of Section 22, T4N, R22E, in the Village of Caledonia, Racine County, Wisconsin.

WHEREAS, on August 29, 2022, the Plan Commission reviewed and discussed the Certified Survey Map. The Plan Commission directed the item to be laid over until Village Staff could review the CSM with the Village Attorney.

WHEREAS, the applicant proposed to create two lots outside of the sewer service area that did not meet Title 14-1-5 (g)(3)(a) or 14-1-5 (h)(3) as described in the Village Engineer's Memo dated October 26, 2022 and attached hereto as **Exhibit B**.

WHEREAS, on October 31, 2022, the Plan Commission reviewed the CSM again after Village Staff had discussion with the Village Attorney. The Plan Commission denied the Certified Survey Map for the following reasons:

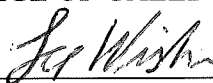
- The CSM does not meet Title 14-1-5 (g)(3)(a) for parcels not being a minimum of 5 acres in size.
- The CSM does not meet Title 14-1-5 (h)(3) for lot averaging not meeting the 5 acres average.

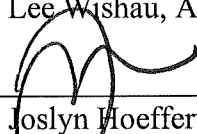
NOW, THEREFORE, BE IT RESOLVED by the Caledonia Village Board that the Certified Survey Map for 7521 5 Mile Road as set forth in **Exhibit A**, which is attached hereto and incorporated herein by reference, be denied for the following reasons:

- The CSM does not meet Title 14-1-5 (g)(3)(a) for parcels not being a minimum of 5 acres in size.
- The CSM does not meet Title 14-1-5 (h)(3) for lot averaging not meeting the 5 acres average.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 21 day of November, 2022.

VILLAGE OF CALEDONIA


By: 
Lee Wishau, Acting Village President

Attest: 
Joslyn Hoeffert, Village Clerk

MEMORANDUM

Date: October 26, 2022

To: Plan Commission
Village Board

From: Ryan Schmidt, P.E.
Village Engineer 

Re: Edward Phillips – Certified Survey Map
Parcel ID: 104-04-22-22-001-000

The Engineering Department has received a Certified Survey Map (CSM) from Michael Lieber on behalf of Edward Phillips. The CSM is for the creation of a single-family home lot (7521 5 Mile Road) and an adjacent Outlot in the Village of Caledonia. The existing property has frontage on both STH 38 and 5 Mile Road. The existing property also is approximately 6.83 acres in size.

The existing parcel contains a single-family home with outbuildings and a farm field.

This CSM creates Lot 1, which would be 2.175 acres with the single-family home and outbuildings and Outlot 1, which would be 4.655 acres and contain strictly farm field. Mr. Leiber is looking to purchase Outlot 1 to remain as a farm field.

The property currently has A-2 Zoning Classification. A-2 Zoning requires a minimum 150' of frontage and a minimum lot size of 40,000 sqft. The Village's 2035 Land Use Plan shows that the recommend use for the land be Agricultural, Rural Residential and Open Land. The CSM meets the intended use. The applicant seeks to divide this land to ensure that Outlot 1 remains agricultural.

The property is not located within the Sanitary Sewer & Water Service Area. Ordinance 14-1-5(g)(3)(a) requires that lots located outside of the Sanitary Sewer & Water Service area shall have an area of not less than five acres. The CSM does not meet this requirement. Lot 1 fall short by 2.825 acres. The Outlot also falls short of 5 acres. If the CSM were to be considered, it would require review and approval of a Waiver/Modification.

The WisDOT has plans for the installation of a roundabout at the intersection of 5 Mile Road and STH 38. The roundabout in its current stage is expected to acquire additional Right-of-Way in order to properly install the infrastructure. This will reduce the future acreage of this parcel by an unknown amount at this time.

This CSM was brought to Plan Commission on August 29, 2022 where the matter was laid over after discussion, so that staff could seek legal counsel for clarification on the intention of the CSM and the allowance of a lot less than 5 acres by use of deed restriction. After consultation with the Village Attorney, she concurred with staff that the CSM does not meet Title 14-1-5 (g)(3)(a) and that a waiver/modification of the Ordinance would be required in addition to a deed restriction.

Lot Averaging was also reviewed as an alternative method to analyzing the CSM. While the Intention is met, the Lot Area is not met for 14-1-5 (h) (3) as the parent parcel remains below 5 acres. The only way that lot averaging would work would be if the existing property was 10.0 acres in size. With the property at 6.83 acres, this is not feasible. This will require another Waiver/Modification of the Ordinance to be reviewed and approved.

There are additional means and methods of achieving the intention of the applicant outside of a CSM. These methods would not include any Village approval.

After discussion with the Village Attorney and review of the information provided with the CSM, staff recommends the following motion:

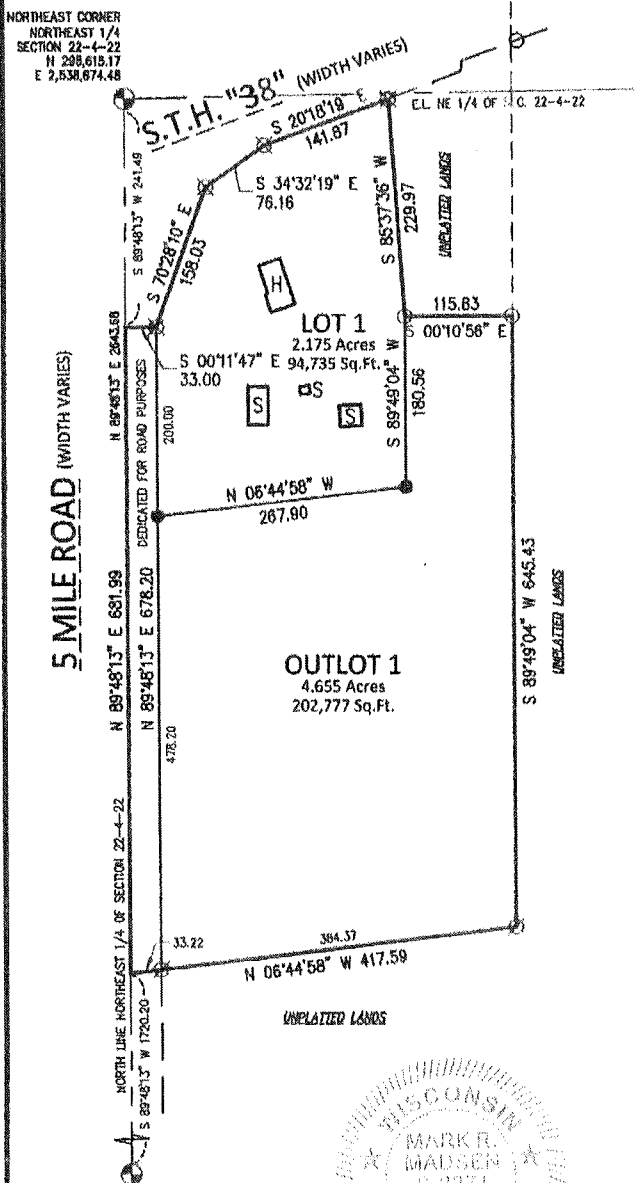
Move to deny the Concept CSM because of the following:

- **The CSM does not meet Title 14-1-5 (g) (3) (a) for parcels not being a minimum of 5 acres in size.**
- **The CSM does not meet Title 14-1-5 (h) (3) for lot averaging not meeting the 5-acre average.**

CERTIFIED SURVEY MAP NO. _____

PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 22 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE VILLAGE OF CALEDONIA, COUNTY OF RACINE, STATE OF WISCONSIN.

NORTHEAST CORNER
NORTHEAST 1/4
SECTION 22-4-22
N 298,618.17
E 2,538,674.48



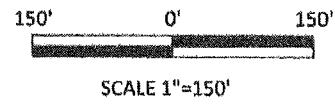
NORTHWEST CORNER
NORTHEAST 1/4
SECTION 22-4-22
N 298,808.11
E 2,930,030.92

WISCONSIN
MARK R. MADSEN
S-2271
RACINE
Mark R. Madsen
7/26/2022

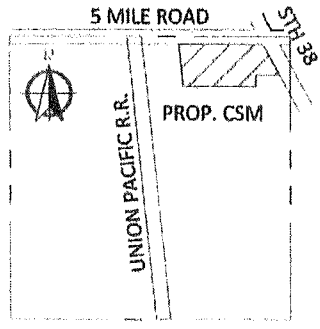
mb Nielsen Madsen + Barber
CIVIL ENGINEERS AND LAND SURVEYORS
1458 Hoffman Blvd. Suite 200, Racine, WI 53406
(262)634-5568 | www.nmbco.net

This Instrument was drafted by Mark R. Madsen July 26, 2022

RECORDING DATA



LOCATION MAP



NOTES:
ZONING OF PARCELS IS A-2

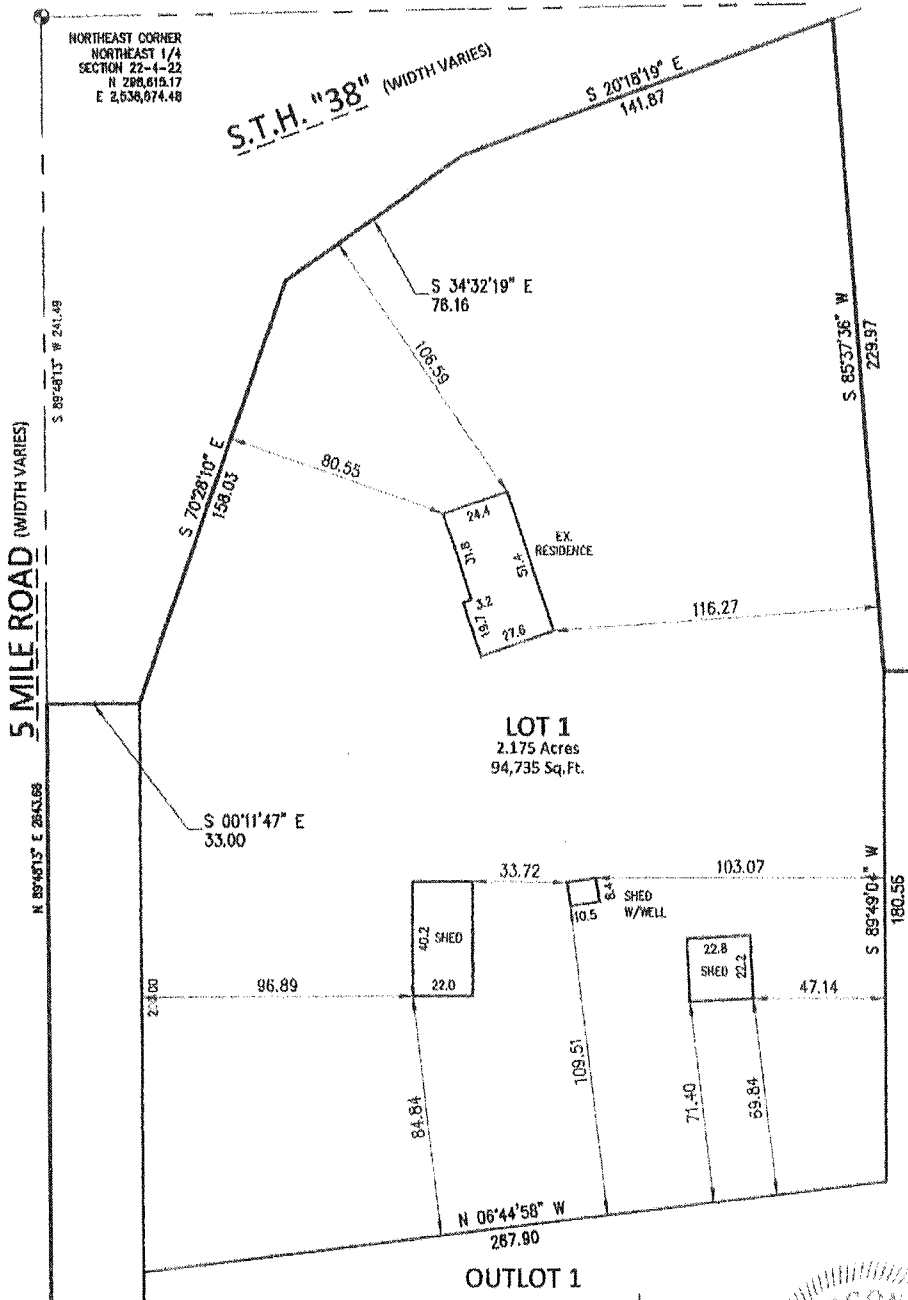
OWNER/LAND SPLITTER: EDWARD PHILLIPS
ADDRESS: 7521 5 MILE ROAD, FRANKSVILLE,
WI 53126.

BEARINGS BASE: GRID NORTH, WISCONSIN
COORDINATE SYSTEM, SOUTH ZONE. BASED
UPON NAD 1983/2011. THE NORTH LINE OF
THE NORTHEAST 1/4 OF SECTION 22-4-22 IS
ASSUMED TO BEAR N 89°48'13" W.

- LEGEND:
- ⊘ 3/4" O.D. REBAR FOUND
 - ⊗ 3/4" O.D. REBAR W/CAP FOUND
 - 1-1/4" O.D. IRON PIPE FOUND
 - 3/4" O.D. REBAR - 1.68LBS/LIN FT. SET
 - ⊙ 6" CAST IRON MON. W / BRASS CAP FOUND

CERTIFIED SURVEY MAP NO. _____

PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 22 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE VILLAGE OF CALEDONIA, COUNTY OF RACINE, STATE OF WISCONSIN.



NORTHEAST CORNER
NORTHEAST 1/4
SECTION 22-4-22
N 288,615.17
E 2,536,074.48

S.T.H. "38" (WIDTH VARIES)

S 20°18'19" E
141.87

S 34°32'19" E
78.16

S 85°37'36" W
229.97

S 70°28'10" E
158.03

80.55

EX. RESIDENCE

116.27

LOT 1
2.175 Acres
94,735 Sq. Ft.

S 00°11'47" E
33.00

33.72

103.07

40.2
SHEED

10.5
SHEED
W/WELL

22.8
SHEED

47.14

S 89°49'04" W
180.55

84.84

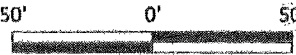
109.51

71.40

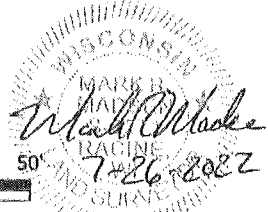
59.84

N 06°44'58" W
287.90

OUTLOT 1



SCALE 1"=50'



Nielsen Madsen + Barber
CIVIL ENGINEERS AND LAND SURVEYORS
1458 Horizon Blvd, Suite 205, Racine, WI 53406
(262)634-5988 | www.nmbc.net

This Instrument was drafted by Mark R. Madsen July 26, 2022

SHEET 2 OF 4
2022.0122.01 CSM.dwg

CERTIFIED SURVEY MAP NO. _____

PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 22 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE VILLAGE OF CALEDONIA, COUNTY OF RACINE, STATE OF WISCONSIN.

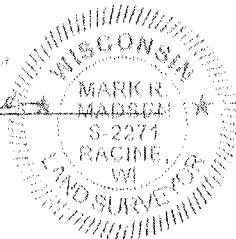
SURVEYOR'S CERTIFICATE

I, Mark R. Madsen, hereby certify: That I have prepared this Certified Survey Map at the direction of Edward Phillips, Owner; THAT such Map is a correct representallon of the exterior boundaries of the land surveyed and are described as: That part of the Northeast 1/4 of the Northeast 1/4 of Section 22, Township 4 North, Range 22 East of the Fourth Principal Meridian in the Village of Caledonia, Racine County, Wisconsin, bounded as follows: Begin at a point on the North line of the Northeast 1/4 of the Northeast 1/4 of said Section 22, located S89°48'13"W 241.49 feet from the Northeast 1/4 of the Northeast 1/4 of said Section 22; run thence S00°11'47"E 33.00 feet to the Southerly right-of-way of 5 Mile Road; thence S70°28'10"E 158.03 feet along the Southerly right-of-way of said 5 Mile Road to the Westerly right-of-way of State Trunk Highway 38; thence S34°32'19"E 78.16 feet along the Westerly right-of-way of said State Trunk Highway 38; thence S20°18'19"E 141.87 feet along the Westerly right-of-way of said State Trunk Highway 38; thence S85°37'36"W 229.97 feet; thence S00°10'56"E 115.83 feet; thence S89°49'04"W 645.43 feet; thence N06°44'58"W 417.59 feet to the North line of the Northeast 1/4 of the Northeast 1/4 of said Section 22; thence N89°48'13"E 681.99 feet along the North line of the Northeast 1/4 of the Northeast 1/4 of said Section 22 to the point of beginning. Containing 7.345 acres. Excluding right-of-way 6.830 acres.

THAT I have fully complied with the provisions of Section 236.34 of the Wisconsin Statutes and Title 14 of the Code of General Ordinances for the Village of Caledonia. THAT such map is a true representation of all exterior boundaries of the land surveyed and the land division thereof made;

July 26, 2022

Mark R. Madsen
Mark R. Madsen, P.E., P.L.S. (S-2271)
Nielsen Madsen & Barber, S.C.
1458 Horizon Blvd. Suite 200
Racine, WI 53406
(262)634-5588



OWNERS' CERTIFICATE

I Edward Phillips as Owner hereby certify that I have caused the lands described on this map to be surveyed, divided, mapped and dedicated as represented on this Certified Survey Map. I also do further certify that this Certified Survey Map is required to be submitted to the the following for approval or objection: Village Board of the Village of Caledonia.

IN WITNESS WHEREOF the said Edward Phillips has caused these presents to be signed as Owner at _____ Wisconsin on this _____ day of _____ 2022.

Edward Phillips
7521 Five Mile Road
Franksville, WI 53126

STATE OF WISCONSIN)
COUNTY OF _____)

Personally came before me this _____ day of _____, 2022, Edward Phillips, to me known to be the person who executed the foregoing instrument, and acknowledged that they executed the foregoing.

Notary Public, _____
My commission expires: _____

CERTIFIED SURVEY MAP NO. _____

PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 22 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE VILLAGE OF CALEDONIA, COUNTY OF RACINE, STATE OF WISCONSIN.

CONSENT OF CORPORATE MORTGAGEE

BMO Harris, a corporation duly organized and existing under and by virtue of the laws of the State of _____, mortgagee of the above-described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this Certified Survey Map, and does hereby consent to the above certificate of Edward Phillips, owner.

IN WITNESS WHEREOF, the said BMO Harris has caused these presents to be signed by _____, its _____, at _____, and its corporate seal to be hereunto affixed this _____ day of _____, 2022.

BMO Harris

STATE OF WISCONSIN)
COUNTY OF _____)

Personally came before me this _____ day of _____, 2022, _____ of the above-named corporation, to me known to be the person who executed the foregoing instrument, and to me known to be such _____ of said corporation, and acknowledged that he executed the foregoing as such officer as the deed of said corporation, by its authority.

Notary Public, _____
My commission expires: _____

VILLAGE CERTIFICATE

APPROVED as a Certified Survey Map this _____ day of _____, 2022.

Joslyn Hoeffert, Clerk
VILLAGE OF CALEDONIA



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