

58.



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
-------------	-------	--------

2007-0472 Request In Committee

David Jorgensen of VJS Development Group, LLC communication requesting a 150 day extension of time in accordance with Chapter 236 of the Wisconsin State Statutes to record the Certified Survey Map for proposed lot split of 9.12 acres of land from the southeast corner of the State Fair Park property at 7722 W. Greenfield Ave. (Tax Key No. 441-0105-001)

Introduced: 8/7/2007 Controlling Body: Safety & Development Committee

### COMMITTEE RECOMMENDATION

*APPROVE & FILE*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>8/7/07</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barczak				<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Czaplewski				
	<input type="checkbox"/>	<input type="checkbox"/>	Dobrowski				
	<input type="checkbox"/>	<input type="checkbox"/>	Kopplin				
	<input type="checkbox"/>	<input type="checkbox"/>	Lajsic				
	<input type="checkbox"/>	<input type="checkbox"/>	Narlock				
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Reinke				
	<input type="checkbox"/>	<input type="checkbox"/>	Sengstock				
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale				
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Weigel				
			TOTAL	<u>4</u>	<u>0</u>		<u>1</u>

### SIGNATURE OF COMMITTEE MEMBER

*[Signature]* Chair      Vice-Chair      Member

### COMMON COUNCIL ACTION **APPROVAL** + PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>AUG - 7 2007</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barczak				<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Czaplewski	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Dobrowski	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Kopplin	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lajsic	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Narlock	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Sengstock	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>9</u>			<u>1</u>



July 9, 2007

Ms. Kristi Johnson  
Planner II  
City of West Allis  
7525 W. Greenfield  
West Allis, WI 53214

Re: Milwaukee Mile Holdings at State Fair Park (the "Project")

Dear Ms. Johnson:

As required by the City of West Allis in accordance with the Chapter XII Zoning and City Planning Section 12.80(1)(d), a Certified Survey Map (CSM) needs to be recorded with the County Register of Deeds within thirty (30) days of approval by the Common Council. The CSM for the referenced project was approved on July 3, 2007 therefore the CSM would be required to be recorded by August 3, 2007.

This letter shall serve as a formal request for an extension of one hundred and fifty (150) days due to not yet exercising the option to purchase the land from the state of Wisconsin. The new date to have the CSM recorded would be no later than December 30, 2007.

If the above extension period is acceptable to the City of West Allis please acknowledge your acceptance and this notice by signing below and returning the signed copy to VJS Development Group, LLC. If you have any questions or concerns please feel free to contact me. Thank you for your time.

Sincerely,

Milwaukee Mile Holdings, LLC  
By: VJS DEVELOPMENT GROUP, LLC

A handwritten signature in blue ink, appearing to read "D. Jorgensen", is written over a horizontal line.

David Jorgensen  
President/Principal

bmc

\_\_\_\_\_  
City of West Allis  
By: Kristi Johnson

\_\_\_\_\_  
Date



## 236.34 PLATTING LAND

tified survey map may be used to change the boundaries of lots and outlots within a recorded plat, recorded assessor's plat under s. 70.27 or recorded, certified survey map if the reconfiguration does not result in a subdivision or violate a local subdivision regulation. A certified survey map may not alter areas previously dedicated to the public or a restriction placed on the platted land by covenant, by grant of an easement, or by any other manner. A certified survey map that crosses the exterior boundary of a recorded plat or assessor's plat shall apply to the reconfiguration of fewer than 5 parcels by a single owner, or if no additional parcels are created. Such a certified survey map must be approved in the same manner as a final plat of a subdivision must be approved under s. 236.10, must be monumented in accordance with s. 236.15 (1), and shall contain owners' and mortgagees' certificates that are in substantially the same form as required under s. 236.21 (2) (a). A certified survey must meet the following requirements:

(a) The survey shall be performed and the map prepared by a land surveyor registered in this state. The error in the latitude and departure closure of the survey may not exceed the ratio of one in 3,000.

(b) All corners shall be monumented in accordance with s. 236.15 (1) (c), (d), and (g).

(c) The map shall be prepared in accordance with s. 236.20 (2) (a), (b), (c), (e), (f), (g), (h), (i), (j), (k), and (L) and (3) (b), (d), and (e) at a graphic scale of not more than 500 feet to an inch, which shall be shown on each sheet showing layout features. The map shall be prepared with a binding margin 1.5 inches wide and a 0.5 inch margin on all other sides on durable white media that is 8 1/2 inches wide by 14 inches long with a permanent nonfading black image. When more than one sheet is used for any map, each sheet shall be numbered consecutively and shall contain a notation giving the total number of sheets in the map and showing the relationship of that sheet to the other sheets. "CERTIFIED SURVEY MAP" shall be printed on the map in prominent letters with the location of the land by government lot, recorded private claim, quarter-quarter section, section, township, range and county noted. Seals or signatures reproduced on images complying with this paragraph shall be given the force and effect of original signatures and seals.

(d) The map shall include a certificate of the surveyor who surveyed, divided and mapped the land which has the same force and effect as an affidavit and which gives all of the following information:

1. By whose direction the surveyor made the survey, division and map of the land described on the certified survey map.

2. A clear and concise description of the land surveyed, divided, and mapped by government lot, recorded private claim, quarter-quarter section, section, township, range and county; and by metes and bounds commencing with a monument at a section or quarter section corner of the quarter section that is not the center of a section, or commencing with a monument at the end of a boundary line of a recorded private claim or federal reservation in which the land is located; or if the land is located in a recorded subdivision or recorded addition to a recorded subdivision, then by the number or other description of the lot, block or subdivision, which has previously been tied to a corner marked and established by the U.S. public land survey.

3. A statement that the map is a correct representation of all of the exterior boundaries of the land surveyed and the division of that land.

4. A statement that the surveyor has fully complied with the provisions of this section in surveying, dividing and mapping the land.

(e) A certified survey map may be used for dedication of streets and other public areas when owners' certificates and mortgagees' certificates which are in substantially the same form as required by s. 236.21 (2) (a) have been executed and the city council or village or town board involved have approved such dedication.

Approval and recording of such certified surveys shall have the force and effect provided by s. 236.29.

(f) Within 90 days of submitting a certified survey map for approval, the approving authority, or its agent authorized to approve certified survey maps, shall take action to approve, approve conditionally, or reject the certified survey map and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the approving authority or its agent to act within the 90 days, or any extension of that period, constitutes an approval of the certified survey map and, upon demand, a certificate to that effect shall be made on the face of the map by the clerk of the authority that has failed to act.

(2) **RECORDING.** (a) Certified survey maps prepared in accordance with sub. (1) shall be numbered consecutively by the register of deeds and shall be recorded in a bound volume to be kept in the register of deeds' office, known as the "Certified Survey Maps of ... County".

(b) If the certified survey map is approved by a local unit of government, the register of deeds may not accept the certified survey map for record unless all of the following apply:

1. The certified survey map is offered for record within 6 months after the date of the last approval of the map and within 24 months after the first approval of the map.

2. The certified survey map shows on its face all of the certificates and affidavits required under sub. (1).

(3) **USE IN CONVEYANCING.** When a certified survey map has been recorded in accordance with this section, the parcels of land in the map shall be, for all purposes, including assessment, taxation, devise, descent and conveyance, as defined in s. 706.01 (4), described by reference to the number of the survey, lot or outlot number, the volume and page where recorded, and the name of the county.

**History:** 1979 c. 248 ss. 22, 25 (3); 1983 a. 189 s. 329 (26); 1983 a. 473; 1987 a. 390; 1997 a. 99; 1999 a. 96; 2001 a. 16; 2005 a. 9, 41.

**Cross Reference:** See also ch. Trans 233, Wis. adm. code.

Sub. (2) requires that certified survey maps be numbered consecutively without dependent reference to ownership, developer or surveyor. 61 Atty. Gen. 34.

Certified survey maps are corrected by recording corrected survey maps. 66 Atty. Gen. 90.

Certified survey maps under s. 236.34 cannot substitute for subdivision surveys under s. 236.02 (8) [now sub. (12)]. Penalties under s. 236.31 apply to improper use of certified surveys. 67 Atty. Gen. 294.

## SUBCHAPTER VII

## SUPPLEMENTAL PROVISIONS

**236.35 Sale of lands abutting on private way outside corporate limits of municipality.**

(1) No person shall sell any parcel of land of one acre or less in size, located outside the corporate limits of a municipality, if it abuts on a road which has not been accepted as a public road unless the seller informs the purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the town or county.

(2) Any person violating this section may be fined not more than \$200 or imprisoned not more than 30 days or both.

## SUBCHAPTER VIII

## VACATING AND ALTERING PLATS

**236.36 Replats.** Except as provided in s. 70.27 (1), replat of all or any part of a recorded subdivision, if it alters areas dedicated to the public, may not be made or recorded except after proper court action, in the county in which the subdivision is located, has been taken to vacate the original plat or the specific part thereof.

A recorded subdivision may be replatted under 236.36, without undertaking the court proceedings set forth in ss. 236.40, 236.41 and 236.42, if the replat complies with the requirements of ch. 236 applicable to original plats and does not alter areas dedicated to the public. 58 Atty. Gen. 145.