

RESOLUTION NO. 2021-28

**VILLAGE OF YORKVILLE
RACINE COUNTY, WISCONSIN**

A RESOLUTION AUTHORIZING THE RELEASE OF A HIGHWAY SETBACK RESTRICTION AFFECTING THE VACANT PARCEL LOCATED IMMEDIATELY TO THE SOUTH OF 2638 NORTH SYLVANIA AVENUE, SEC. 01, T3N, R21E, VILLAGE OF YORKVILLE, RACINE COUNTY, WISCONSIN (PARCEL ID # 194-03-21-01-002-001); 2626 SYLVANIA, LLC, OWNER

THE VILLAGE BOARD OF THE VILLAGE OF YORKVILLE, RACINE COUNTY, WISCONSIN, RESOLVES AS FOLLOWS:

RECITALS

WHEREAS, a Highway Setback Restriction was incorporated into Certified Survey Map 3273, which was approved by the Town of Yorkville and recorded with the Racine County Register of Deeds Office on January 3, 2018, in Volume 10, Pages 800-803, as Document No. 2483625 (the “**Restriction**”) for the benefit of the property described therein and above (the “**Parcel**”); and

WHEREAS, the Restriction prohibited improvements or structures between the right-of-way line and the highway setback line on this Parcel; and

WHEREAS, the Owner has requested a release of the Restriction assigned to this Parcel; and

WHEREAS, the Owner intends to utilize this Parcel for a development that is consistent with its current zoning designation: B-3 Commercial Service District; and

WHEREAS, removal of the Restriction will address and remedy the situation where improvements or structures between the right-of-way line and the highway setback line are prohibited on this Parcel.

NOW, THEREFORE, BE IT RESOLVED, that the above-described Restriction affecting this Parcel, be, and hereby is, released; and

BE IT FURTHER RESOLVED, that the attached document entitled “Correction Instrument Recission of Trans 233 Restrictions” be executed and forwarded by the Village Administrator/Clerk to the Wisconsin Department of Transportation for consideration and execution.

This Resolution was adopted by the Yorkville Village Board on August 9, 2021.

VILLAGE OF YORKVILLE

Ayes: 5

By: /s/ Douglas Nelson
Douglas Nelson, President

Nays: 0

Attest: /s/ Michael McKinney
Michael McKinney, Administrator/Clerk

Abstentions: 0

Absences: 0

Procedure to Release Setback

Attached is the form to release the highway setback line on your certified survey map. The following steps are needed before the Correction Instrument can be recorded:

1. The originals will be mailed to you for signatures
 - The PLS will need to sign the Correction Instrument and have the signature notarized.
 - The local municipality will need to sign the Correction Instrument and have the signature notarized.
2. The Correction Instrument, the Letter of Release, and the copy of the CSM showing changes will have to be recorded at the Registers of Deeds Office.
3. The recorded copy will be sent to WisDOT and a copy will be emailed to you.

Please feel free to contact me if you have any questions.

Thank You.

Patricia Reikowski

Wisconsin Department of Transportation

SE Region

Land Division Coordinator

patricia.reikowski@dot.wi.gov

262-548-6704

**Correction Instrument
Rescission of Trans 233 Restrictions**

Wisconsin Department of Transportation
DT 1458

Pursuant to s.236.295(1)(a), Wis. Stats., I, Patricia Reikowski, authorized Wisconsin Department of Transportation representative, certify that in the plat of:

Legal Description:

Being a part of the Southeast ¼ of the Northeast ¼ of Section 1, Township 3 North, Range 21 East of the Fourth Principal meridian, in the Town of Yorkville, County of Racine and State of Wisconsin. As recorded on the CSM No. 3273, recorded at the Racine County Register of Deeds Office on January 3, 2018.
See exhibit B.

This correction instrument is for the purpose of modifying the above document as follows:

To rescind the Wisconsin Department of Transportation highway setback and language.

This space is reserved for recording data

Wisconsin Department of Transportation
SE Region
141 NW Barstow St
PO Box 798
Waukesha, WI 53187-0798
Attn: Patricia Reikowski
Parcel Identification Number/Tax Key Number
194-03-21-01-002-001

Patricia Reikowski

(Authorized DOT Signature)

Patricia Reikowski

(Print Name)



State Approval Notary Certificate

State of Wisconsin)
) ss.
Waukesha County)

Subscribed and sworn to before me this date: 7/1/21
Susan M. King

(Signature, Notary Public, State of Wisconsin)

Susan M. King

(Print or Type Name, Notary Public, State of Wisconsin)

September 22, 2021

(Date Commission Expires)

Surveyor Notary Certificate

State of Wisconsin)
) ss.
County)

Subscribed and sworn to before me this date: _____

(Signature, Notary Public, State of Wisconsin)

(Print or Type Name, Notary Public, State of Wisconsin)

(Date Commission Expires)

(Surveyor Signature)

(Print Name)

Approval Certification

(Date)

(Name of Local Government)
Approved for recording by the government identified above

(Authorized Local Government Signature)

(Print or Type Name)

Local Government Notary Certificate

State of Wisconsin)
) ss.
_____ County)

Subscribed and sworn to before me this date: _____

(Signature, Notary Public, State of Wisconsin)

(Print or Type Name, Notary Public, State of Wisconsin)

(Date Commission Expires)

This instrument was drafted by

WisDOT DTSD
Southeast Regional Office
141 NW Barstow St., Suite 218
P.O. Box 798
Waukesha, WI 53187-0798

Governor Tony Evers
Secretary Craig Thompson
wisconsindot.gov
Telephone: (262) 548-5903
FAX: (262) 548-5662
Email: waukesha.dtd@dot.wi.gov



EXHIBIT A

Being a part of the Southeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$ of Section 1, Township 3 North, Range 21 East of the Fourth Principal Meridian in the Town of Yorkville, County of Racine and State of Wisconsin

The Department of Transportation has reviewed your request to release the setback restriction and language on the above referenced property.

The Department hereby releases the above-mentioned restrictions.

It is required that this release be incorporated into a correction document under ss. 236.295 wis.stats., as an Exhibit.



Tony Barth, SE Region Planning Chief

RACINE COUNTY CERTIFIED SURVEY MAP NO. 3273

BEING A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1,
TOWNSHIP 3 NORTH, RANGE 21 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE
TOWN OF YORKVILLE, COUNTY OF RACINE AND STATE OF WISCONSIN.

LEGAL DESCRIPTION

BEING A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1,
TOWNSHIP 3 NORTH, RANGE 21 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE
TOWN OF YORKVILLE, COUNTY OF RACINE, STATE OF WISCONSIN AND BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE EAST 1/4 CORNER OF
SAID SECTION 1; THENCE SOUTH 88°08'50" WEST ALONG THE SOUTH LINE OF SAID
NORTHEAST 1/4 SECTION 283.18 FEET TO A FOUND IRON ROD WITH WISCONSIN
DEPARTMENT OF TRANSPORTATION CAP ON THE WEST RIGHT-OF-WAY LINE OF
INTERSTATE "94"-41"; THENCE NORTH 01°49'05" WEST ALONG SAID WEST LINE 434.20
FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER DESCRIBED;
THENCE SOUTH 88°22'22" WEST 365.00 FEET; THENCE NORTH 01°49'05" WEST 575.50
FEET TO A POINT ON THE SOUTH LINE OF CERTIFIED SURVEY MAP NO. 1930; THENCE
NORTH 88°22'22" EAST ALONG SAID SOUTH LINE 365.00 FEET TO A POINT ON THE
WEST RIGHT-OF-WAY LINE OF INTERSTATE "94"-41"; THENCE SOUTH 01°49'05" EAST
ALONG SAID WEST LINE 575.50 FEET TO THE POINT OF BEGINNING. CONTAINING 4.82
ACRES OF LAND MORE OR LESS.

SURVEYOR'S CERTIFICATE

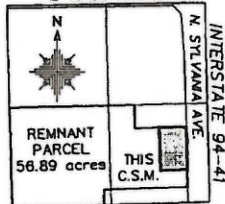
I, THOMAS L. SATTER, WISCONSIN PROFESSIONAL LAND SURVEYOR, DO HEREBY
CERTIFY THAT, AT THE DIRECTION OF TCTS, LLC, I HAVE SURVEYED, DIVIDED AND
MAPPED THE LAND DESCRIBED HEREON AND THAT THE MAP SHOWN IS A CORRECT
REPRESENTATION OF ITS EXTERIOR BOUNDARIES AND THE DIVISION THEREOF, AND
THAT I HAVE FULLY COMPLIED WITH THE REQUIREMENTS OF SECTION 236.34 OF
THE WISCONSIN STATUTES AND WITH THE LAND DIVISION ORDINANCE OF THE TOWN
OF YORKVILLE.

DATED THIS 25TH DAY OF NOVEMBER, 2017.

LOCATION MAP

SCALE: 1" = 2000'

2 MILE ROAD



NE 1/4 SECTION 1-3-21



Thomas L. Satter

THOMAS L. SATTER S-2850
NOVEMBER 25, 2017 JOB NO. 081714


THIS INSTRUMENT DRAFTED BY THOMAS L. SATTER

RACINE COUNTY CERTIFIED SURVEY MAP NO. 3273

BEING A PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 3 NORTH, RANGE 21 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWN OF YORKVILLE, COUNTY OF RACINE AND STATE OF WISCONSIN.

OWNERS' CERTIFICATE

TCTS, LLC, A WISCONSIN LIMITED LIABILITY COMPANY REQUIRED TO FILE AN ANNUAL REPORT UNDER S. 183.0120 OF THE WISCONSIN STATUTES, AS OWNER, DOES HEREBY CERTIFY THAT SAID LIMITED LIABILITY COMPANY CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED HEREON. SAID LIMITED LIABILITY COMPANY ALSO CERTIFIES THAT THIS MAP IS REQUIRED TO BE SUBMITTED TO THE TOWN OF YORKVILLE FOR APPROVAL.


THOMAS OTTO CHAMBERS
REGISTERED AGENT OF TCTS, LLC

DATED THIS 19 DAY OF December, 2017.

STATE OF WISCONSIN)
COUNTY OF RACINE) SS

PERSONALLY CAME BEFORE ME THIS 19th DAY OF December, 2017, THE ABOVE NAMED THOMAS OTTO CHAMBERS, REGISTERED AGENT OF TCTS, LLC, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.


NOTARY PUBLIC, STATE OF WISCONSIN

MY COMMISSION EXPIRES: 4/13/2019



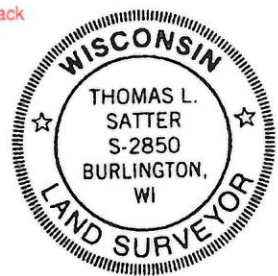
DEPARTMENT OF TRANSPORTATION NOTES

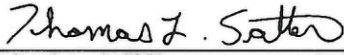
"THE LOT OF THIS LAND DIVISION MAY EXPERIENCE NOISE LEVELS EXCEEDING THE LEVELS IN S. TRANS 405.04, TABLE I. THESE LEVELS ARE BASED ON FEDERAL STANDARDS. THE DEPARTMENT OF TRANSPORTATION IS NOT RESPONSIBLE FOR ABATING NOISE FROM EXISTING STATE TRUNK HIGHWAYS OR CONNECTING HIGHWAYS, IN THE ABSENCE OF ANY INCREASE BY THE DEPARTMENT TO THE HIGHWAY'S THROUGH-LANE CAPACITY."

"THIS LOT IS RESTRICTED SO THAT NO OWNER, POSSESSOR, USER, LICENSEE OR OTHER PERSON MAY HAVE ANY RIGHT OF DIRECT VEHICULAR INGRESS FROM OR EGRESS TO ANY HIGHWAY LYING WITHIN THE RIGHT-OF-WAY OF INTERSTATE "94"-41" OR N. SYLVANIA AVENUE; IT IS EXPRESSLY INTENDED THAT THIS RESTRICTION CONSTITUTE A RESTRICTION FOR THE BENEFIT FOR THE PUBLIC AS PROVIDED IN S. 236.293, STATS., AND SHALL BE ENFORCEABLE BY THE DEPARTMENT OR ITS ASSIGNS. ANY ACCESS SHALL BE ALLOWED ONLY BY SPECIAL EXCEPTION. ANY ACCESS ALLOWED BY SPECIAL EXCEPTION SHALL BE CONFIRMED AND GRANTED ONLY THROUGH THE DRIVEWAY PERMITTING PROCESS AND ALL PERMITS ARE REVOCABLE."

Remove setback language

"NO IMPROVEMENTS OR STRUCTURES ARE ALLOWED BETWEEN THE RIGHT-OF-WAY LINE AND THE HIGHWAY SETBACK LINE. IMPROVEMENTS AND STRUCTURES INCLUDE, BUT ARE NOT LIMITED TO, SIGNS, PARKING AREAS, DRIVEWAYS, WELLS, SEPTIC SYSTEMS, DRAINAGE FACILITIES, BUILDINGS AND RETAINING WALLS. IT IS EXPRESSLY INTENDED THAT THIS RESTRICTION IS FOR THE BENEFIT OF THE PUBLIC AS PROVIDED IN SECTION 236.293, WISCONSIN STATUTES, AND SHALL BE ENFORCEABLE BY THE WISCONSIN DEPARTMENT OF TRANSPORTATION OR ITS ASSIGNS. CONTACT THE WISCONSIN DEPARTMENT OF TRANSPORTATION FOR MORE INFORMATION. THE PHONE NUMBER MAY BE OBTAINED BY CONTACTING THE COUNTY HIGHWAY DEPARTMENT."




THOMAS L. SATTER S-2850
NOVEMBER 25, 2017 JOB NO. 081714
THIS INSTRUMENT DRAFTED BY THOMAS L. SATTER