

RESOLUTION NO. 152

A RESOLUTION TO ALLOW ATTACHMENT OF LANDS
FROM A LEGAL NONCONFORMING LOT OF RECORD
TO A LEGAL NONCONFORMING LOT OF RECORD
PURSUANT TO SECTION 18.14(2)
OF THE VILLAGE OF OCONOMOWOC LAKE VILLAGE CODE

WHEREAS, the Village received a Petition for Determination dated March 15, 2013 regarding a proposed land transfer (the "Proposed Land Transfer") from the property of 4523 N. Sawyer Road owned by Andrea V.H. Clarkson Trust to the property at 4539 N. Sawyer Road owned by the Paul L. Clarkson Trust, pursuant to Section 18.14(2)(A)(1) of the Village of Oconomowoc Lake Village Code; and

WHEREAS, such Petition was referred to the Village of Oconomowoc Lake Village Administrator who prepared a report for the Village Plan Commission for use in making a recommendation to the Village Board, pursuant to Section 18.14(2)(A)(2) of the Village Code and such report states in part the following:

The conveyance of lands between the two legal nonconforming lots will remain in compliance with the Village of Oconomowoc Zoning Code, and allows highway access to the north lot and will have no negative impact on the Village; and

WHEREAS, such Petition was submitted to the Village Plan Commission, the Village Plan Commission considered the objective and subjective criteria of the Village ordinance and made a recommendation to the Village Board, pursuant to Section 18.14(2)(A)(3) of the Village Code; and

WHEREAS, upon careful consider of the Village Plan Commission's recommendation, as well as the objective and subjective criteria described in Section 18.14(2)(A)(4) of the Village Code, the Village Board hereby makes the following findings:

- A. The Proposed Land Transfer will be compatible to the size, quality, and character of the existing lots and building development in the immediate area based on a review of the surrounding properties finding that the surrounding properties are of similar size and use to the subject lots, and the existing property values will be protected for the reasons set forth below;
- B. The Proposed Land Transfer is not impractical, from an engineering and economic perspective for reasons set forth below;
- C. All newly created parcels will have a building site location which complies with the location requirements of the Village of Oconomowoc Lake Zoning Code in that both of the lots are currently developed with a principal residence;
- D. All newly created lots shall meet the minimum standards for right-of-way

access, and will enhance ingress and egress to a public road and eliminate an easement;

- E. All newly created lots will comply with the zoning district regulations for the district in which the lots are located pursuant to the Village of Oconomowoc Lake Zoning Code, to the extent that can be done and as determined necessary by the Village Board;
- F. The proposed conveyance will create a value to the Village in that both lots will now have direct access to a public road;
- G. The proposed conveyance will bring the legal nonconforming lot more into compliance with the Village of Oconomowoc Lake codes in that both lots will now have direct access to a public road;
- H. The impact on the lot from which the lands are proposed to be detached will be de minimis and in fact will result in better use of the both lots;
- I. No additional lots will be created by this procedure in that prior to the transfer there were two lots and after the transfer there will be two lots;
- J. There will be no material negative impact on the subject lots or adjoining properties and the Proposed Land Transfer may eliminate or minimize potential conflicts between neighbors since the easement will be eliminated and both lots will have direct access to a public road;
- K. There are no material negative impacts on the principal structures on the subject lots or the adjoining properties created by the Proposed Land Transfer, and the Proposed Land Transfer does not create a nonconforming principal structure;
- L. There will be no material negative impact on the accessory structures on the subject lots or on any adjoining properties, and the Proposed Land Transfer does not create a nonconforming accessory structure;
- M. The Proposed Land Transfer will not result in increased use of the subject lots in that each of the lots are already developed;
- N. The Proposed Land Transfer will not result in an increase in the total number and/or size of structures on the lots other than a transfer of one existing structure from one lot to the other which is in the best interest of the Village;
- O. The Proposed Land Transfer will meet the spirit of the Village of Oconomowoc Lake Zoning Code, including the purpose and intent of the same as set forth in Sections 17.02 and 17.03 of the Village of Oconomowoc Lake Zoning Code because the newly configured lots and use of the same will result in a better configuration of the existing structures, will eliminate an easement, and will allow each lot to have direct access to a public road; and

WHEREAS, the Applicant has submitted a certified survey map for the consideration of the Village pursuant to ordinary certified survey map review

procedures; and

WHEREAS, the Proposed Land Transfer will not result in a legal conforming lot being made nonconforming; and

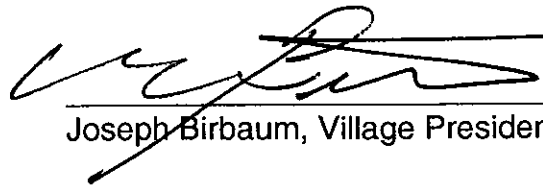
WHEREAS, the property subject to the Proposed Land Transfer petition are adjoining and are not separated in any way by right-of-way or navigable water.

NOW, THEREFORE, upon careful consideration of the recommendation of the Village Plan Commission, and the findings which have been made as set forth above and which are incorporated herein, BE IT HEREBY RESOLVED by the Village of Oconomowoc Lake Village Board, that the Proposed Land Transfer from the property of 4523 N. Sawyer Road owned by Andrea V.H. Clarkson Trust to the property at 4539 N. Sawyer Road owned by the Paul L. Clarkson Trust depicted in the certified survey map filed by Mr. and Mrs. Paul Clarkson dated October 10, 2012, is hereby approved for purposes of Section 18.14(2) of the Village Code, subject to the following conditions:

1. This approval is subject to the certified survey map being approved by all necessary approving and objecting persons and entities, and being recorded in the office of the Waukesha County Register of Deeds.
2. The Village of Oconomowoc Lake reserves all rights in its review of said certified survey map, and nothing herein shall be deemed to waive the Village's authority or to grant any vested rights with regard to the certified survey map, except as to the determination required by Section 18.14(2) of the Village Code.
3. The 30 foot wide ingress-egress easement depicted in the certified survey map shall be released by the benefitted party, by recorded document filed in the office of Waukesha County Register of Deeds.
4. The foregoing conditions of approval must be satisfied within one (1) year of the date of this approval, or this approval is void and the Proposed Land Transfer shall be deemed not to have been approved.

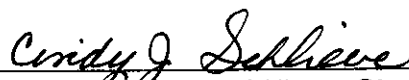
Dated this 20th day of May, 2013.

VILLAGE OF OCONOMOWOC LAKE



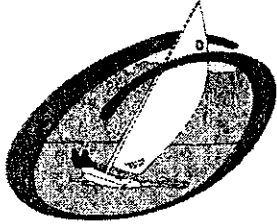
Joseph Birbaum, Village President

ATTEST:



Cindy J. Schlieve, Village Clerk/Treasurer

Published and/or posted this 28th day of may, 2013.



VILLAGE OF OCONOMOWOC LAKE
35328 W. Pabst Road, Oconomowoc, Wisconsin 53066

May 28, 2013

COPY

Mr. and Mrs. Paul Clarkson
4523 N. Sawyer Road
Oconomowoc, WI 53066

Re: Resolution No. 152 regarding properties owned by Andrea V.H. Clarkson Trust and Paul L. Clarkson Trust; Tax Key Numbers OCLV 0578-994-001 and OCLV 0578-995

Dear Paul:

Enclosed are two (2) copies of Resolution No. 152 which allows attachment of lands from a legal nonconforming lot of record to a legal nonconforming lot of record relating to the properties owned by the Trusts for Andrea and you located at 4523 and 4539 N. Sawyer Road. The original resolution will be on file at the Village Hall, with copies placed in the tax key files for the two properties. The resolution was approved at the May 20, 2013 Village Board meeting.

Please feel free to contact me or Don Wiemer if you have any questions regarding this matter.

Sincerely yours,

Cindy J. Schlieve
Village Clerk/Treasurer

Enclosures (2)

**VILLAGE OF OCONOMOWOC LAKE
35328 W. PABST ROAD
OCONOMOWOC, WI 53066**

STATE OF WISCONSIN)
)
COUNTY OF WAUKESHA)

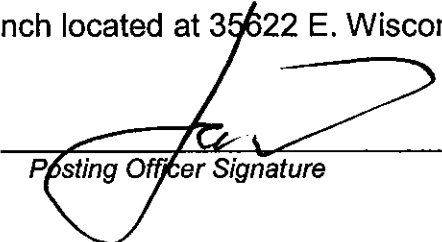
AFFIDAVIT OF POSTING

Resolution No. 152 approved at a
meeting held on 05/20/2013

The undersigned, being first duly sworn, on oath deposes and states that on May 28, 2013, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board in the following public places in said Village:

To-wit:


- (1) Opposite the entrance to the Oconomowoc Lake Club on the Northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the Village Boat Launch located at 35622 E. Wisconsin Avenue.



Posting Officer Signature 177

Subscribed and sworn to before me

This 28th day of May 2013



Notary Public, Waukesha County, Wisconsin
My Commission expires: June 7, 2015