

STATE OF WISCONSIN

TOWN OF DELAFIELD

WAUKESHA COUNTY

RESOLUTION NO. 12-602

A RESOLUTION TO INTERPRET  
THE TOWN OF DELAFIELD  
MILL TAX ROAD RESOLUTION OF JUNE 12, 1990  
WITH REGARD TO WEST LAKESIDE ROAD

WHEREAS, on or about June 12, 1990, the Town of Delafield Town Board adopted a resolution proclaiming and declaring certain mill tax roads to be public streets; and

WHEREAS, said resolution included a declaration that "West Lakeside Road" was a public street, and that the designated right-of-way was 30 feet in width; and

WHEREAS, the right-of-way once known as West Lakeside Road is now known as West Lakeside Drive; and

WHEREAS, a question has arisen regarding whether the paved way depicted in attached Exhibit A is part of West Lakeside Drive, and whether it was declared by the Town Board as a public street in its resolution of June 12, 1990; and

WHEREAS, Town of Delafield Town Staff have carefully researched this question and have found substantial reason to believe that the property depicted in attached Exhibit A was intended at the time to constitute a portion of the public street that was acquired by the Town in its action of June 12, 1990, including the following circumstances: in 1989 the properties along this way were charged a mill tax, but in 1991 they were not; also, for time immemorial, the Town of Delafield has plowed snow from this portion of right-of-way; and the Town has maintained the pavement along this area depicted in attached Exhibit A; and

WHEREAS, by this resolution the Town Board intends to clarify the June 12, 1990, action of the Town Board with regard to the right-of-way depicted in attached Exhibit A, by determining that said prior resolution accepted said right-of-way as a portion of West Lakeside Road; and

WHEREAS, the Town Board of the Town of Delafield, at the same time, does not intend to take this action if this action is opposed by the abutting property owners, because the abutting property owners may have additional facts that are relevant to this interpretation, and in that event the Town of Delafield Town Board would further consider the matter, so this interpretation will be subject to the prior written approval of all abutting owners of these properties.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Delafield, Waukesha County, Wisconsin, that the Resolution of the Town of Delafield Town Board depicted in attached Exhibit B is hereby interpreted by the Town Board of the Town of Delafield to include as a portion of West Lakeside Road that right-of-way as specifically depicted in attached Exhibit A.

BE IT FURTHER RESOLVED that this Resolution shall not take effect unless and until the owners of the properties depicted in attached Exhibit A sign a written acknowledgement and acceptance of this interpretation hereby adopted by the Town of Delafield Town Board, and the acceptance of all such owners shall be attached hereto and incorporated herein as Exhibit C.

BE IT FURTHER RESOLVED that upon acceptance by all owners of the properties abutting Exhibit A, and attachment of those signatures to this resolution as Exhibit C, this resolution shall be executed and recorded in the office of the Waukesha County Register of Deeds against all of the properties abutting the right-of-way depicted in attached Exhibit A, as the final determination of this issue.


DATED this 13<sup>th</sup> day of November, 2012.

TOWN OF DELAFIELD



Paul L. Kanter, Town Chairman

ATTEST:

  
Mary Elsher, Town ~~Chair~~  
Clerk

L:\Resolutions\Mill Tax Roads Interpretation.Resolution.DLFD.clean.10-11-12



Tax Key No.  
0767-005-004

Tax Key No.  
0767-004  
N30W28935

Tax Key No.  
0767-005-005

S 88-54-52 W  
13.41'

S 00-13-06 W  
154.94'

N 88-54-52 E  
6.86'

N 66-46-52 E  
56.72'

9.43'

S 66-46-52 W  
76.39'

20.57'

N 17-21-52 E  
37.37'

N 10-02-52 E  
39.51'

S 17-21-52 W  
54.59'

S 00-05-08 W  
37.56'





S 79-48-12 E  
23.14'

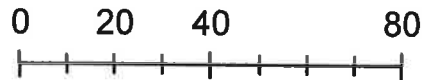
W. LAKESIDE DRIVE

ANNING

NOTE: BEARING AND DISTANCE  
FOR RIGHT - OF - WAY ON THIS  
PROPERTY ARE AS SHOWN  
ON CSM No. 10073, WAUKESHA  
COUNTY REGISTER OF DEEDS.

### Legend

-  Bearing Line
-  W. LAKESIDE DR. RIGHT OF WAY
-  Existing Houses
-  Existing Driveways



1 inch = 40 feet



## R.A. Smith National

*Beyond Surveying  
and Engineering*

October 29, 2012



NW corner of NW 1/4  
Section 13-7-18

S 0-16-35 W  
100.00'

N 89-57-37 E  
198.58'

S 89-09-26 E  
150.92'

Tax Key No.  
0767-001  
N30W28979

Tax Key No.  
0767-003

W. LAKESIDE DR.

POINT OF BEG

N 83-55-59 W  
93.00'

N 88-33-52 W  
173.76'

30'

Tax Key No.  
0767-001-002  
N30W28977

Tax Key No.  
0767-002  
N30W28975

Tax Key No.  
0767-003  
N30W28956

Tax Key No.  
0767-003-001  
N30W28955



Resolution No. 12-602

Document Number

Document Title

3968829

REGISTER OF DEEDS  
WAUKESHA COUNTY, WI  
RECORDED ON

November 26, 2012 01:07 PM  
James R Behrend  
Register of Deeds

15 PGS  
TOTAL FEE: \$30.00  
TRANS FEE: \$0.00  
Book Page -



Recording Area

Name and Return Address

Town of Delafield  
N14W 307th Coiff Rd.  
Delafield, WI 53018

Parcel Identification Number (PIN)

Due  
30/15  
D44

**THIS PAGE IS PART OF THIS LEGAL DOCUMENT - DO NOT REMOVE.**

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clause, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document.

WRDA Rev. 12/22/2010





# W. Lakeside Drive

## Right of Way Description

All that part of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 13, Town 7 North, Range 18 East, Town of Delafield, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of the Northwest  $\frac{1}{4}$  of Section 13, Town 7 North, Range 18 East, Town of Delafield, Waukesha County Wisconsin, thence South  $00^{\circ}16'35''$  West along the west line of the Northwest  $\frac{1}{4}$  of said Section 13, 100.00 feet; thence North  $89^{\circ}57'37''$  East, 198.58 feet; thence South  $89^{\circ}09'26''$  East, 150.92 feet; thence South  $00^{\circ}13'06''$  West, 154.94 to the point of beginning of the West Lakeside Drive right of way; thence North  $88^{\circ}54'52''$  East, 6.86 feet; thence North  $66^{\circ}46'52''$  East, 56.72 feet; thence North  $17^{\circ}21'52''$  East, 37.37 feet; thence North  $10^{\circ}02'52''$  East, 39.51 feet; thence South  $79^{\circ}48'12''$  East, 23.14 feet; thence South  $00^{\circ}05'08''$  West, 37.56 feet; thence South  $17^{\circ}21'52''$  West, 54.59 feet; thence South  $66^{\circ}46'52''$  West, 76.39 feet; thence South  $88^{\circ}54'52''$  West, 13.41 feet; thence North,  $00^{\circ}13'06''$  East, 30.00 feet to the point of beginning;

ALSO, a strip of land 30.00 feet in width centered on a line that begins at a point that is South  $00^{\circ}13'06''$  West, 9.43 feet of the point of beginning of the West Lakeside Drive right of way described above and follows the following courses: North  $88^{\circ}33'52''$  West, 173.76 feet and N $83^{\circ}55'59''$  West, 93.00 feet.

This description prepared by Timothy G. Barbeau, P.E., R.L.S. Town of Delafield Engineer

H:\1121600\Doc\W Lakeside Drive ROW legal description



ARENZ, MOLTER, MACY & RIFFLE, S.C.

720 N. EAST AVENUE

P.O. BOX 1348

WAUKESHA, WISCONSIN 53187-1348

BY THE TOWN CLERK SUPERVISORS  
Town of Delafield

Waukesha County, Wisconsin



WHEREAS, The Town Board of the Town of Delafield held informal hearings on the proposal to assume ownership of certain roads in the Township which have in the past been maintained by the Town and the abutting owners thereon have been assessed a mill tax, and

WHEREAS, Section 80.38 of the Wisconsin Statutes authorizes the Town Board to make an order to be recorded by the Town Clerk declaring any streets and alleys in the Town that they deem necessary for public use to be public highways without the requirement of any other survey or descriptions other than that shown on the recorded plats, and

WHEREAS, the Town Board feels that it is in the Town's best interest and it is most equitable to assume ownership of these roads,

NOW, THEREFORE, the Town Board of the Town of Delafield prescribes as follows:

PART I. The following described roads are hereby declared public streets at their existing right-of-way designation or if no designation is verified, then at the width designated herein centered on the existing travelled way:

STREET NAME	DESIGNATED RIGHT-OF-WAY
Beach Circle	50 feet
Beach Road	60 feet
Beach Drive	60 feet
Angela Lane	60 feet
Elizabeth Court	60 feet
Louis Avenue	40 feet
Stuart Drive	60 feet
Elmhurst Drive	40 feet
West Glen Cove Road	50 feet
East Glen Cove Road	50 feet when designated on the plat of Glen Cove;
Walks Island Road	30 feet on Lots 1-11 30-50 feet as designated on the plat of Glen Cove
Taylor's Woods Road	40 feet
Lakeside Road	25 feet where designated on the plat of E. Lakeside subdivision otherwise 30 feet
West Lakeside Road	30 feet
Lakewood Lane	30 feet
Hillcrest	30 feet as



Shady Lane  
Shorewood Road

designated on  
individual deeds  
otherwise centered  
on the existing road  
33 feet  
24-30 feet as  
designated on the  
plat of Roeses  
Subdivision  
34-46 feet as  
designated on the  
plat of Blatz's  
Oakwood Grove

Oakwood Grove Road

Part II. It is not the intention of the Town to acquire any right-of-way in excess of the existing right-of-way presently designated. If it can be demonstrated that the actual right-of-way is more or less than the right-of-way designated herein, the actual right-of-way shall govern. Should the acquisition of one or more of the aforementioned rights-of-way be determined by a court as being unlawful, illegal or unconstitutional, said determination as to the particular right-of-way shall not void the rest of this resolution and the remainder shall continue in full force and effect.

Part III. This resolution shall take effect and be in force from and after this 12th day of June 1990, and shall be retroactive to January 1, 1990.

BOARD OF SUPERVISORS OF THE  
TOWN OF DELAFIELD

Robert T. Audley  
ROBERT T. AUDLEY - CHAIRMAN

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Supervisors of the Town of Delafield on this 12th day of June 1990

June Nirschl  
JUNE NIRSCHL - TOWN CLERK



EXHIBIT C

(Signatures, which all should be notarized, of all persons having ownership interest in the properties abutting the road right-of-way depicted in attached Exhibit A.)

I have read and I understand the Resolution of the Town of Delafield Town Board which will result in clarifying and interpreting applicable laws and Town records such that the road abutting my property is a public street, and I agree, acknowledge, waive any claims I might have regarding the same, and accept the same.

Dated this 13<sup>th</sup> day of NOVEMBER, 2012.

OWNER OF PROPERTY LOCATED AT:  
W289N3089 Lakeside Drive

Jo Ann Koch Family Trust

By: Jo Ann Koch, Trustee

STATE OF WISCONSIN )  
  ) ss.  
COUNTY OF WAUKESHA)

Personally came before me on this 13<sup>th</sup> day of November, 2012, the above-named Jo Ann Koch executed the foregoing instrument and acknowledged the same.



Mary T. Wilson  
NOTARY PUBLIC, STATE OF WI  
My Commission Expires: 2/21/16





I have read and I understand the Resolution of the Town of Delafield Town Board which will result in clarifying and interpreting applicable laws and Town records such that the road abutting my property is a public street, and I agree, acknowledge, waive any claims I might have regarding the same, and accept the same.

Dated this 13<sup>th</sup> day of November, 2012.

OWNER OF PROPERTY LOCATED AT:  
W30W28955 Lakeside Drive

\_\_\_\_\_  
E&N Mueller Family Trust  
E&N Mueller Survivors Trust  
By: Nancy Mueller, Trustee

STATE OF WISCONSIN )  
                                  ) ss.  
COUNTY OF WAUKESHA)

Personally came before me on this 13<sup>th</sup> day of November, 2012, the above-named Nancy Mueller executed the foregoing instrument and acknowledged the same.

Mary T. Wesner  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WI  
My Commission Expires: 2/21/16





I have read and I understand the Resolution of the Town of Delafield Town Board which will result in clarifying and interpreting applicable laws and Town records such that the road abutting my property is a public street, and I agree, acknowledge, waive any claims I might have regarding the same, and accept the same.

Dated this 13<sup>th</sup> day of November, 2012.

OWNER OF PROPERTY LOCATED AT:  
N30W28956 Lakeside Road

Lawrence & Marilyn Krause Revocable Living Trust  
By: [Signature], Trustee

STATE OF WISCONSIN )  
                                      ) ss.  
COUNTY OF WAUKESHA)

Personally came before me on this 13<sup>th</sup> day of November, 2012, the above-named Lawrence Krause executed the foregoing instrument and acknowledged the same.

[Signature]  
NOTARY PUBLIC, STATE OF WI  
My Commission Expires: 2/21/14





I have read and I understand the Resolution of the Town of Delafield Town Board which will result in clarifying and interpreting applicable laws and Town records such that the road abutting my property is a public street, and I agree, acknowledge, waive any claims I might have regarding the same, and accept the same.

Dated this 13<sup>th</sup> day of November, 2012.

OWNER OF PROPERTY LOCATED AT:  
N30W28975 Lakeside Drive

Jacqueline VanHook  
Jacqueline VanHook Rev Trust  
By: \_\_\_\_\_, Trustee

STATE OF WISCONSIN )  
                                  ) ss.  
COUNTY OF WAUKESHA)

Personally came before me on this 13<sup>th</sup> day of November, 2012, the above-named Jacqueline VanHook executed the foregoing instrument and acknowledged the same.

Mary T. Elmer  
NOTARY PUBLIC, STATE OF WI  
My Commission Expires: 2/21/16

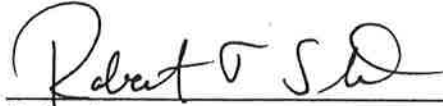




I have read and I understand the Resolution of the Town of Delafield Town Board which will result in clarifying and interpreting applicable laws and Town records such that the road abutting my property is a public street, and I agree, acknowledge, waive any claims I might have regarding the same, and accept the same.

Dated this 31<sup>st</sup> day of October, 2012.

OWNER OF PROPERTY LOCATED AT:  
W30W28977 Lakeside Drive



Robert T. Stoltz

STATE OF WISCONSIN )  
                                  ) ss.  
COUNTY OF WAUKESHA)

Personally came before me on this 31st day of October, 2012, the above-named Robert T. Stoltz executed the foregoing instrument and acknowledged the same.



NOTARY PUBLIC, STATE OF WI

My Commission Expires: 12/28/2014







I have read and I understand the Resolution of the Town of Delafield Town Board which will result in clarifying and interpreting applicable laws and Town records such that the road abutting my property is a public street, and I agree, acknowledge, waive any claims I might have regarding the same, and accept the same.

Dated this 31 day of October, 2012.

OWNER OF PROPERTY LOCATED AT:  
W30W28977 Lakeside Drive

Karen J. Ellenbecker  
Karen J. Ellenbecker

STATE OF WISCONSIN )  
                                  ) ss.  
COUNTY OF WAUKESHA)

Personally came before me on this 31st day of October, 2012, the above-named Karen J. Ellenbecker executed the foregoing instrument and acknowledged the same.

Pamela L. Peterson

NOTARY PUBLIC, STATE OF WI  
My Commission Expires: 12/28/2014

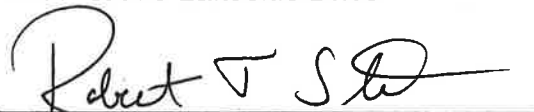




I have read and I understand the Resolution of the Town of Delafield Town Board which will result in clarifying and interpreting applicable laws and Town records such that the road abutting my property is a public street, and I agree, acknowledge, waive any claims I might have regarding the same, and accept the same.

Dated this 31<sup>st</sup> day of October, 2012.

OWNER OF PROPERTY LOCATED AT:  
N30W28979 Lakeside Drive



Robert T. Stoltz

STATE OF WISCONSIN )  
                                  ) ss.  
COUNTY OF WAUKESHA)

Personally came before me on this 31st day of October, 2012, the above-named Robert T. Stoltz executed the foregoing instrument and acknowledged the same.



Pamela K. Peterson  
NOTARY PUBLIC, STATE OF WI

My Commission Expires: 12/28/2014





I have read and I understand the Resolution of the Town of Delafield Town Board which will result in clarifying and interpreting applicable laws and Town records such that the road abutting my property is a public street, and I agree, acknowledge, waive any claims I might have regarding the same, and accept the same.

Dated this 31 day of October, 2012.

OWNER OF PROPERTY LOCATED AT:  
N30W28979 Lakeside Drive

Karen J. Ellenbecker  
Karen J. Ellenbecker

STATE OF WISCONSIN )  
  ) ss.  
COUNTY OF WAUKESHA)

Personally came before me on this 31st day of October, 2012, the above-named Karen J. Ellenbecker executed the foregoing instrument and acknowledged the same.

Pamela K. Peterson  
NOTARY PUBLIC, STATE OF WI  
My Commission Expires: 12/28/2014



