



Village Hall, 262-567-2757
Fax, 262-567-4115
Highway Dept., 262-567-2422
Police Dept., 262-567-1134
Building Inspector, 262-490-4141
www.summitvillage.org

Summit Village Hall • 37100 Delafield Road • Summit, WI 53066

AGENDA

Village Board - Village of Summit

Thursday, May 8, 2025 at 6:30 p.m.

At the Summit Village Hall, 37100 Delafield Road

1. CALL TO ORDER
2. ROLL CALL AND CONFIRM POSTING
3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

5. CONSENT AGENDA - Items listed under the Consent Agenda are considered in one motion unless a Village Board Member requests that an item be removed from the Consent Agenda
 - A. Minutes of April 10, 2025 regular meeting
 - B. April, 2025 payables

6. PLANNING DEPARTMENT
 - A. Update on Plan Commission matters
 - B. Update on Zoning Code Land Use Project
 - C. Discussion and action on a request by Genesee Lake Road LLC, to amend the Zoning Map of the Village of Summit Zoning and Shoreland Protection Ordinance from the A-1 Agricultural District to the R-1 Estate Residential District in order to accommodate a 19-lot single-family conservation type subdivision on property owned by Mary Alice Eschweiler. The areas designated as wetland, floodplain, and environmental corridor will remain unchanged. The subject property is located on the south side of Genesee Lake Road, south and east of the Ravinia Park Subdivision. The property is part of the NW ¼ and NE ¼ of Section 26, T7N, R17E (SUMT0678996)
 - D. Discussion and action on a request by Genesee Lake Road LLC, for a Preliminary Plat to accommodate a 19-lot single-family conservation type subdivision on property owned by Mary Alice Eschweiler. The areas designated as wetland, floodplain, and environmental corridor will remain unchanged. The subject property is located on the south side of Genesee Lake Road, south and east of the Ravinia Park Subdivision. The property is part of the NW ¼ and NE ¼ of Section 26, T7N, R17E (SUMT0678996)
 - E. Discussion and action on Quit Claim Deed transferring land from Mackenzy Raabe to Village of Summit (SUMT0655992003)

7. PUBLIC WORKS DEPARTMENT
 - A. Monthly Administrative Report
 - B. Discussion and action on Resolution Recognizing the week of May 18 – 24, 2025 as “National Public Works Week” in the Village of Summit
 - C. Discussion and action on On-Street Parking on Genesee Lake Road adjacent to Village Park

8. POLICE DEPARTMENT
 - A. Monthly Report

- B. Discussion and action on acceptance and designation of \$3,000 grant from DAVgiving360
- C. Discussion and action on an Ordinance to create Chapter 2 – Administration Article IV – Departments Sec. 2-74 through 2-80 of the Village of Summit Code of Ordinances

9. WESTERN LAKES FIRE DISTRICT

- A. Monthly Report

10. VILLAGE BOARD

- A. Discussion and action to set items for June 12, 2025 regular Village Board meeting

11. ADJOURN VILLAGE BOARD MEETING

Respectfully Submitted,

Debra J. Michael, WCMC
Village Administrator-Clerk/Treasurer

Next Regular Meeting: June 12, 2025

Posted: May 2, 2025

**** Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service contact the Village Hall at 567-2757.

It is possible that members of and possible a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any other governmental body except by the Village Board noticed above.



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MINUTES
Village Board - Village of Summit
April 10, 2025

CALL TO ORDER

President Riley called to order the Village Board meeting at 6:30 p.m. on Thursday, April 10, 2025 at Summit Village Hall, 37100 Delafield Road, Summit, WI.

ROLL CALL AND CONFIRM POSTING

Administrator Michael took roll call and confirmed that the meeting was noticed to the local media as required and requested and posted to the Village posting board and website. Trustees present were: Jim Petronovich, Kraig Arenz, Sr., Justin Phillips and Jeff Lee. Also present were: President Jack Riley, DPW Director Kamron Nash, Police Chief Mike Hartert and Administrator-Clerk/Treasurer Debbie Michael.

President Riley *ANNOUNCED EXECUTIVE SESSION*, stating that pursuant to Section 19.85(1)(g), Wisconsin State Statutes, “conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved: for the following purpose: *34339 Venice Beach Road Zoning Code Violations*

*The Board will return to open session following this discussion

MOTION: (Lee, Arenz) to enter *EXECUTIVE SESSION*, pursuant to Section 19.85(1)(g), Wisconsin State Statutes, “conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved: for the following purpose: *34339 Venice Beach Road Zoning Code Violations*

ROLL CALL

Trustee Petronovich – aye, Trustee Phillips – aye, Trustee Arenz -aye, Trustee Lee – aye, President Riley – aye.
Carried.

The Village Board members and staff went into the Lobby Conference Room for the closed session.

The Village Board members and staff returned to the Community Room at approximately 6:47 p.m.

PUBLIC COMMENT

Wayne Euclid, Waukesha County Supervisor, gave an update on the tribal road agreement with Waukesha County and Forest County Potawatomi. He read what he provided at the County Board meeting. The County Board's motion was to postpone action to June, 2025. If there are any questions the Village Board would like him to ask of the County they should email him

He also stated that the ATV/UTV Pilot Agreement between the Town and Village of Eagle and Waukesha County was passed unanimously and allows them to operate on certain County Highways.

Mike Nevins, 849 N Pointview Road, stated that on the Noxious Weeds Notice that it listed purple loosestrife and that is an aquatic noxious weed so he was wondering if the Weed Commissioner is going to be in charge of the lakes also. He added that their association has been trying to get rid of these for years and you can't completely get rid of it and doesn't believe people should be getting citations for having that.

CONSENT AGENDA - Items listed under the Consent Agenda are considered in one motion unless a Village Board Member requests that an item be removed from the Consent Agenda

Trustee Petronovich requested to remove payables.

Trustee Arenz requested to remove Weed Commissioner.

Minutes of March 13, 2025 regular meeting

MOTION: (Arenz, Phillips) *to approve the remaining item on the Consent Agenda.* Carried.

March, 2025 payables

Trustee Petronovich questioned some of these costs: Big Jim's Small Engine Service what was that for at \$1,435. Director Nash stated we had a piece of equipment in for service, thinks it was one of the mowers. Trustee Arenz referred to the report stating it was a bunch of little things; chain locker, sharpening. Trustee Petronovich responded that he saw that but questioned don't we do that in house to sharpen the chain saws. Director Nash explained the normally sharpen the chain saws in house, however, they needed a significant amount of them sharpened all at once because they are going to be doing a lot of tree work so it was more economical for them to take them in, when you account for the amount of staff hours that it would have taken and they also had the large and small chainsaws tuned up as they hadn't been looked at for some time and the carburetors were redone on both of them as well. There was some service that they felt was important because of the amount of work that had been deferred for a long time. There also was the purchase of a chain locker and some mixed fuels. Trustee Petronovich replied that seems like a lot of money.

Trustee Petronovich then asked about the \$475 tool mounting bracket for the truck and isn't that something they could've done in house. Director Nash stated no, they had a specialty bracket that was welded up for the chassis of a patrol truck where they can add a box and store tools in so they don't have to drive an additional truck out, everything is loaded on the truck.

Trustee Petronovich asked for an explanation of the membership & chainsaw training. Director Nash explained that the membership and training is one our budget categories which includes chainsaw safety training for this year. There were other entities that participated so we will be sending out bills to them for the cost.

Trustee Petronovich referenced that banging noise in Village Hall, and asked if the DPW try to diagnose that themselves. Director Nash stated we had staff look because it happened two days in a row and they couldn't replicate it. Staff went up in the ceiling, J.F. Ahern came out to look be nobody could figure out what it was.

Trustee Petronovich addressed the lift truck rental and he said he was talking to Scott about and said it was \$1,800 but the report shows \$2,490. Director Nash replied we were initially going to rent it for a shorter period of time and then weather dependent rent it again but then they made the decision to just rent it for the whole month based on the amount of tree work they needed to get done and that we have sufficient budget for tree removal and trimming work.

Trustee Petronovich asked about the MS4 Community education fees of approximately \$3,000. Director Nash explained those are fees that the Village is under contract to pay Waukesha County through our MS4 permit. We have to do required outreach to the community for education on stormwater BMP's and in general how to keep the stormwater clean and what not to put down the sewers. The County does it for many municipalities throughout this area and the Village has had an agreement with them since we were a town.

Trustee Petronovich stated he is worried about this because the punch bowl is getting empty and Lake Country Village is all built up which was 100 homes per year and now, we are down to 15-20 homes per year and he doesn't know where we are going to get all this money from to pay these bills in the future.

MOTION: (Arenz, Lee) *to approve the payables as presented.* Carried.

Appointment of Weed Commissioner and publication of Class II Notice for Noxious Weeds

Trustee Arenz stated we had a comment come up here tonight in regards to a specific species and do we need to clarify that or dig into this further before providing the notice. Director Nash explained the Weed Commission position has historically addressed public and private properties so the Village does not do anything around the lakes. Most of the lake management districts do their own management and the Village is happy to allow them to do that. The biggest trigger for enforcement for folks that just let it go and it spreads onto neighboring properties. There is a list of a thousand invasive plants that make it unreasonable to be able to enforce, like buckthorn as an example. Within reason, we want to be enforcing it.

MOTION: (Arenz, Lee) *to appoint Kamron Nash, Public Works Director, as Weed Commissioner for a 1-year term beginning on May 15, 2025 and to direct the Village Clerk to publish proper notice of destruction of noxious weeds.* Carried.

PLANNING DEPARTMENT

Update on Plan Commission matters

Trustee Petronovich read a statement from Planner Barrows. Park parking lot was approved but some members wanted landscaping on the east side. Phil Zagrodnik, Ole's Certified Survey Map to combine lots was approved

with conditions. Chris Kadow, approved the Conditional Use for Commercial Vehicle parking with some conditions. Genesee Lake Road LLC. is the Eschweiler property subdivision they closed the public hearing and then the action was tabled because they need clarification regarding a pond on the property line and if there would be rights given to the new subdivision and regarding density.

Update on Zoning Code Land Use Project

President Riley provided an update from this evening's meeting. The group discussed Contractor's Yard, Outside Storage of Equipment and Businesses in Accessory Buildings. He asked for availability of the board for a joint meeting of Plan Commission and Village Board on May 29 at 6 p.m. for event venues/agri-business.

PUBLIC WORKS DEPARTMENT

Monthly Administrative Report

The report was reviewed.

Discussion and action on Genesee Lake Road Park Parking Lot bid results and authorization to award contract

MOTION: (Lee, Phillips) *to approve the bid results for the Genesee Lake Road Park Parking Lot and to authorize SEH to proceed with awarding the contract to the lowest responsible bidder, Wolf Paving, Inc., as part of the 2025 Road Paving Program.*

President Riley stated he thought part of this was from Impact Fees. Director Nash replied part of it is Impact Fees and part borrowing. President Riley asked for the breakdown of those costs. Director Nash stated \$268,953 was slated to for Impact Fees and remainder \$160,994 was for borrowing.

Carried.

Discussion and action on 2025 Road Paving Program bid results and authorization to award contract

Public Works Director Nash stated the bids came in a bit more favorably and are approximately \$50,000 under the initial estimate, including the 10% contingency. Roads to be paved are: Delafield Road, N. Dekoven Road and the Alternate Bid for paved shoulders on Delafield Road.

MOTION: (Arenz, Lee) *to approve the recommended paving program option inclusive of the Base Bid and Alternate Bid No. 1 and to authorize SEH to proceed with awarding the 2025 Village of Summit Road Paving Program contract to the lowest responsible bidder, Wolf Paving, Inc. Carried. Petronovich opposed.*

Discussion and action on proposed Resolution Proclaiming April 25, 2025 as Arbor Day in the Village of Summit

MOTION: (Lee, Arenz) *to adopt Resolution 25-470 Proclaiming April 25, 2025 as Arbor Day in the Village of Summit. Carried.*

POLICE DEPARTMENT

Monthly Report

The monthly report was reviewed.

WESTERN LAKES FIRE DISTRICT

Monthly Report

Chief Bowen dropped off the report but did not attend the meeting.

VILLAGE BOARD

Discussion and action on appointments to the following:

- a. Plan Commission: 1 *three year (regular)*
- b. Cemetery Board: 1 *three year & 1 two year (regular)*
- c. Police Commission: 2 *five year (regular)*
- d. Zoning Board of Appeals: 2 *three year (regular)*
- e. Board of Review: 7 *two year (5 regular, 2 alternate)*

MOTION: (Riley, Petronovich) *to appoint Jim Siepmann as a regular member of the Plan Commission for a 3-year term.* Carried.

MOTION: (Arenz, Lee) *to appoint Harold Miller as a regular member of the Cemetery Board for a 3-year term.* Carried.

MOTION: (Riley, Lee) *to appoint Kraig Arenz, Sr. as a regular member of the Cemetery Board for a 2-year term.* Carried.

MOTION: (Riley, Arenz) *to appoint Sean Osborne and Bruce Wickert as regular members of the Police Commission for a 5-year term.* Carried.

MOTION: (Riley, Phillips) *to appoint Stephen Styza, Matt Schmitz, Lisa Mellone, Jodie Wright and Justin Phillips as regular members of the Board of Review for a 2-year term.* Carried.

Discussion on ATV/UTV Ordinance status

Trustee Arenz reported that he recently met with Director Nash and Chief Hartert.

Chief Hartert stated that the issue is that the County is not willing to allow us to use their roads at this time but he thinks there is a very good chance that will open up next year. His concerns are, if we get the signs up and we enact the ordinance now, there is a provision in that ordinance that prohibits cruising around the neighborhood on an ATV. Many of the neighborhoods, you can't get out of if you can't get past a county roadway. He'd hate to set people up for failure going around in circles in a subdivision and then complaints are made and they'd have to issue citations. Or, people going on a county roadway to get where they want to go. Thinks it would be prudent to hold off on this for one more year and do it the right way so we don't put people in the trick bag whether doing it on purpose or on accident.

There was discussion about how this makes sense for Village of Dousman at this time because of how their community is laid out.

Director Nash stated that if we did decide to move forward and just sign the village roads, we'd still have to make amendments to the ordinance as it reads right now. Looking at staff time and enforceability issues, it doesn't make sense to do it twice because ultimately if we make a change now and then have to go back to make additional changes if the County decides to allow their roads to be included. There was some discussion about two additional county sections that may be added which would be: CTH DR from CTH P to the Park and Ride and also CTH P north of the roundabouts to Valley Road.

Trustee Arenz added that Waukesha County has gone out and done site surveys on the segments of roads that the Village has requested and offered Sawyer Road north segment because it already has a clear zone and the bike traffic, because of the bike trail, is already exempt from that segment of the road. Over a half dozen of people in Lake Country Village reached out to Waukesha County about what their steps would be to get access to be able to do that. That's why we would add that segment on to the list. He agreed with Director Nash related to the ordinance and that it doesn't make sense to change it now and then have to do it a third or fourth time. Once Eagle gets their Pilot done, there is the potential for additional requests or comments from the county and he'd rather wait until we have all of those moving pieces to do one ordinance. In June or July a group of municipalities will come forward with the segment of roads they want and then in October or November, Hans would respond back and that would go to the County's DPW Sub-committee for response and then in January based on that recommendation, it would go to the full County Board for implementation.

Discussion and action on 2025/2026 Insurance Renewals

MOTION: (Arenz, Lee) *to approve the renewal for LWMMI 2025/2026 Insurance Renewals.*

Administrator-Clerk/Treasurer stated the package premium overall will increase by 6.3% which is considered below average. This is the group that the Village has been using since it incorporated in 2010.

Trustee Lee stated that with insurance, it seems to make sense that everybody says you should check it every five or so years to see if somebody else is less expensive and if we've been doing this since 2010. Administrator Michael responded that the Village has checked it and thought it was approximately 5-6 years ago. Trustee Arenz agreed that was done and the other proposal didn't come close in comparison.

Trustee Arenz stated he'd like to request that staff ask them to help us figure out where we might be able to impact and lower our renewals. He understands there are certain things we can't control but could they review what we do and see if there is anything within our control that could work on. Additionally, could we save anything by changing deductibles.

Discussion and action on borrowing for 2025 Capital Improvements

Administrator-Clerk/Treasurer Michael reviewed the information provided for the State Trust Fund Loan program with regards to current interest rates and the amount of projected borrowing for the 2025 CIP. She reported that she also sent a message to Bank Five Nine to inquire if they'd be interested in submitting a proposal and received a response that they would take a look and give us a response.

Trustee Arenz stated this is a larger borrowing than normal and is the only reason why we should consider looking at other options.

Administrator Michael will move forward with the process and hope that by the June meeting we will have responses to make the decision.

Update on Assessor 2025 activities

Administrator-Clerk/Treasurer Michael stated that Trustee Arenz requested this update so there was a memo from Shanda at Accurate with a report on the functions they have completed or have in process since their contract start date of January 1 included in the packet.

President Riley asked if there has been any issue with the Building Inspector's access to the new program. Administrator-Clerk/Treasurer Michael responded she has not received any feedback regarding that but that Accurate has reached out to the Building Inspector for copies of permits.

Trustee Arenz stated that he has not had any negative comments regarding the new firm and in the past he has heard complaints related to Ag land.

Discussion and action to set items for May 8, 2025 regular Village Board meeting

Trustee Lee will miss the June meeting. Trustee Phillips might miss the May meeting.

ADJOURN VILLAGE BOARD MEETING

MOTION: (Lee, Phillips) *to adjourn at 7:55 p.m.* Carried.

Respectfully Submitted,

Debra J. Michael, WCMC
Village Administrator-Clerk/Treasurer

Next Regular Meeting: May 8, 2025

VILLAGE OF SUMMIT
 Payables Report for
 May 8, 2025 Meeting
 Prepared by Debbie Michael

Summary of April, 2025 Payables

Paid Check Batches:

\$ Amount	Description
25,690.94	Mid month checks

Total \$ 25,690.94	

Batches For Payment:

\$ Amount	Description
217,220.43	April Payables
4,607.66	Credit Card

Total \$ 221,828.09	

Total April Payables for Approval: \$ 247,519.03

Approved by the Summit Village Board on this the 8th day of May, 2025

Engineering	\$	32,345.75
Village		20,349.60
Billed		11,996.15
Planning		8,160.00
Planner		4,440.00
Special Project		990.00
Billed		2,730.00
Legal	\$	4,790.80
Village		3,567.55
Billed		1,223.25

BANK 59

ALL Checks

Posted From: 4/12/2025 From Account:
Thru: 5/01/2025 Thru Account:

Check Nbr	Check Date	Payee	Amount
409204	4/15/2025	CITY OF OCONOMOWOC - PFJSD	
		FINAL PAYMENT 2024 TAXES	
800-00-24502-000-000		PABST FARMS JOINT STRMWTR DIST	375.36
		FINAL PAYMENT 2024 TAXES	
		2024 TAXES	
		Total	375.36
409205	4/15/2025	KWIK TRIP	
		4.451 GAL	
100-00-53300-370-000		PUBLIC WORKS ROAD MAINTENANCE	16.87
		4.451 GAL	
		00419503 MAR	
		Total	16.87
409206	4/15/2025	PLANNING & ZONING LLC	
		MAR PLANNING	
100-00-56301-290-000		VILLAGE PLANNER O/S SERVICES	4,440.00
		MAR PLANNING	
		112	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	72.00
		KOSCH CSM	
		114	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	450.00
		KADOW CUP	
		114	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	270.00
		ROGERS	
		114	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	330.00
		LURVEY SUB	
		114	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	180.00
		PANGA	
		114	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	120.00
		HANKE	
		114	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	330.00
		OLE CSM	
		114	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	666.00
		EISCHWEILER	
		114	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	90.00
		SCHMIDT	
		114	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	72.00
		FIEBER CSM	
		114	
100-00-56302-290-000		PLANNER SPECIAL PROJECTS	990.00
		ZONING LAND USE PLAN PROJECT FEB 2025	
		113	

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ALL Checks

Posted From: 4/12/2025 From Account:
Thru: 5/01/2025 Thru Account:

Check Nbr	Check Date	Payee	Amount
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	150.00
		WHITE STONE CHURCH 114	
Total			8,160.00
<hr/>			
409207	4/15/2025	SECURIAN LIFE INSURANCE COMPANY	
		ACCIDENT INS	
100-00-21530-000-000		INSURANCE PAYABLE	23.22
		ACCIDENT INS 76038 JAN 2025	
100-00-21530-000-000		INSURANCE PAYABLE	23.22
		ACCIDENT INS 76038 FEB 2025	
100-00-21530-000-000		INSURANCE PAYABLE	23.22
		ACCIDENT INS 76038 MAR 2025	
100-00-21530-000-000		INSURANCE PAYABLE	23.22
		ACCIDENT INS 76038 APR 2025	
Total			92.88
<hr/>			
409208	4/15/2025	SILVER LAKE UTILITY DISTRICT	
		LOTTO CREDITE	
800-00-24508-000-000		SILVER LAKE UD	174.12
		LOTTO CREDITE 2024 TAX LC	
800-00-24508-000-000		SILVER LAKE UD	962.07
		FINAL TAX SETTLEMENT DELINQUENTS ON TAX ROLL	
Total			1,136.19
<hr/>			
409209	4/15/2025	YES EQUIPMENT & SERVICES INC	
		12V STARTER ,PTPR	
100-00-53300-350-000		PUBLIC WORKS EQUIP MAINT	515.64
		12V STARTER ,PTPR INV00478254	
Total			515.64
<hr/>			
409210	4/25/2025	WAUKESHA COUNTY TREASURER	
		TRUNKED RADIO LABOR	
100-00-52100-270-000		POLICE DISPATCH & RADIO	30.99
		TRUNKED RADIO LABOR 2025-24010059	
100-00-52100-390-000		POLICE EXPENSE	62.54
		PRISONER HOUSING - JAN 2025 2025-20040017	
100-00-59100-000-000		UNCLASSIFIED MISCELLANEOUS	2,720.91
		2024 CH 70.114 AIDS PAYMENT CH 70.114	
Total			2,814.44

BANK 59

ALL Checks

Posted From: 4/12/2025 From Account:
Thru: 5/01/2025 Thru Account:

Check Nbr	Check Date	Payee	Amount
409211	4/28/2025	CITY OF OCONOMOWOC POLICE DEPARTMENT SEATBELT GRANT NOV 2022 - APR 2023	
100-00-21100-000-000		VOUCHERS PAYABLE SEATBELT GRANT NOV 2022 - APR 2023	5,624.75
		APR 2023	
		Total	5,624.75
409212	4/28/2025	SECURIAN FINANCIAL GROUP INC 056302 LIFE INS	
100-00-52100-132-000		POLICE INSURANCE 056302 LIFE INS	164.28
		MAY 2025	
100-00-53300-132-000		PUBLIC WORKS INSURANCE 056302 LIFE INS	28.88
		MAY 2025	
100-00-51420-132-000		ADMIN C/T INSURANCE 056302 LIFE INS	30.10
		MAY 2025	
100-00-51422-132-000		VILLAGE OFFICE INSURANCE 056302 LIFE INS	11.09
		MAY 2025	
100-00-13101-000-000		ACCOUNTS RECEIVABLE OTHER 056302 LIFE INS	139.61
		MAY 2025	
		Total	373.96
409213	4/28/2025	VILLAGE OF HARTLAND POLICE DEPARTMENT SEATBELT GRANT NOV 2022 - APR 2023	
100-00-21100-000-000		VOUCHERS PAYABLE SEATBELT GRANT NOV 2022 - APR 2023	4,019.23
		APR 2023	
		Total	4,019.23
409214	4/28/2025	VILLAGE OF OCONOMOWOC LAKE POLICE DEPT SEATBELT GRANT NOV 2022 - APR 2023	
100-00-21100-000-000		VOUCHERS PAYABLE SEATBELT GRANT NOV 2022 - APR 2023	2,561.62
		APR 2023	
		Total	2,561.62
		Grand Total	25,690.94

5/01/2025 12:13 PM

In Progress Checks - Full Report - Regular

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ALL Checks by Payee

ACCT

BANK 59

Dated From: 5/09/2025

From Account:

Thru: 5/09/2025

Thru Account:

Voucher Nbr	Check Date	Payee	Amount
5/09/2025 10-33 VEHICLE SERVICES LLC			
NEW SQUAD SET UP			
400-00-57400-000-000		CAPITAL PURCHASE NEW SQUAD SET UP	9,759.53 3744
100-00-52105-000-000		COMMUNITY OUTREACH PROG SILVER CIRCLE DONATION	828.00 3744
100-00-48503-000-000		POLICE DONATION ARENZ DONATION FOR SQUAD SET UP	500.00 3744
			Total 11,087.53
5/09/2025 ACCURATE APPRAISAL LLC			
MAY 2025			
100-00-51530-290-000		ASSESSOR O/S SERVICES MAY 2025	2,500.00 5417
			Total 2,500.00
5/09/2025 ACCURATE GRAPHICS, INC			
WINDOW ENVELOPES 1000			
100-00-51600-390-000		VILLAGE HALL EXPENSE WINDOW ENVELOPES 1000	199.45 47653
			Total 199.45
5/09/2025 ACE HARDWARE OF OCONOMOWOC			
VILLAGE PARK FAUCET SUPPLY LINE			
100-00-55200-390-000		RECREATION EXPENSE VILLAGE PARK FAUCET SUPPLY LINE	9.99 259936
100-00-53300-390-000		PUBLIC WORKS EXPENSE KEYS, SOCKET SET, CABLE TIES	27.97 260109
100-00-54910-390-000		CEMETERY EXPENSE RAKE	39.98 260109
100-00-53300-390-000		PUBLIC WORKS EXPENSE IMPACT SOCKET	16.99 260156
			Total 94.93
5/09/2025 BIG JIM'S SMALL ENG SERV			
CHAIN TENSIONER KIT			
100-00-53300-370-000		PUBLIC WORKS ROAD MAINTENANCE CHAIN TENSIONER KIT	21.92 152043

5/01/2025 12:13 PM

In Progress Checks - Full Report - Regular
ALL Checks by Payee
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Dated From: 5/09/2025 From Account:
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Voucher Nbr	Check Date	Payee	Amount
100-00-53300-370-000		PUBLIC WORKS ROAD MAINTENANCE	205.99
		BLOWER FOR TREES 152215	
		Total	227.91

5/09/2025 BLUNCK PLUMBING SYSTEMS INC.
GLRP RESTROOM REPL VALVES/REP FAUCETS/WC

100-00-55200-390-000		RECREATION EXPENSE	1,431.00
		GLRP RESTROOM REPL VALVES/REP FAUCETS/WC 6804	
		Total	1,431.00

5/09/2025 COMPASS MINERALS AMERICA INC
ROAD SALT 237.77 TN

100-00-53300-340-000		PUBLIC WORKS ICE & SNOW	19,226.08
		ROAD SALT 237.77 TN 1486041	
		Total	19,226.08

5/09/2025 COREY OIL LTD
301 GAL GAS

100-00-52100-250-000		POLICE FUEL	814.21
		301 GAL GAS 394716	
100-00-52100-250-000		POLICE FUEL	817.73
		297.9 GAL GAS 395929	
100-00-53300-250-000		PUBLIC WORKS FUEL	608.83
		214 GAL DIESEL 394715	
100-00-54910-390-000		CEMETERY EXPENSE	245.50
		FUEL OIL SYSTEM REPAIRS 594255	
		Total	2,486.27

5/09/2025 DAN PLAUTZ CLEANING SERVICE, INC.
APRIL CLEANING

100-00-51600-280-000		VILLAGE HALL CLEANING	780.00
		APRIL CLEANING 8726	
		Total	780.00

5/09/2025 DIVERSIFIED BENEFIT SERVICES INC
APRIL ADMIN

100-00-51600-210-000		VILLAGE HALL 3RD PARTY ADMIN	95.00
		APRIL ADMIN 439920	
		Total	95.00

Dated From: 5/09/2025 From Account:
 Thru: 5/09/2025 Thru Account:

Voucher Nbr	Check Date	Payee	Amount
5/09/2025 EWALD'S HARTFORD FORD LLC			
2025 FORD F550			
400-00-57400-000-000		CAPITAL PURCHASE	68,464.50
2025 FORD F550		49745	
			Total 68,464.50
5/09/2025 FASTENAL COMPANY			
100-00-53300-340-000		PUBLIC WORKS ICE & SNOW	258.70
		WIMI5110634	
			Total 258.70
5/09/2025 FLEMING'S FIRE 1 INC			
ABC FIRE EXT INSPECTION/RECHARGE			
100-00-52100-390-000		POLICE EXPENSE	43.20
		ABC FIRE EXT INSPECTION/RECHARGE	134070
			Total 43.20
5/09/2025 GALLS LLC			
SEHRBROCK PANTS/SHIRTS			
100-00-52100-313-000		POLICE CLOTHING ALLOW	399.93
		SEHRBROCK PANTS/SHIRTS	1002022483
			Total 399.93
5/09/2025 GFL ENVIRONMENTAL			
MAR 2025 2290 HH			
100-00-53620-000-000		GARBAGE & RECYCLING	40,654.91
		MAR 2025 2290 HH	253134
			Total 40,654.91
5/09/2025 GLOBE LIFE			
SUPPLEMENTAL INS			
100-00-21530-000-000		INSURANCE PAYABLE	786.06
		SUPPLEMENTAL INS	MAY 2025 31354
			Total 786.06
5/09/2025 GUETZKE & ASSOCIATES INC			
ANNUAL FIRE ALARM			
100-00-51600-240-000		VILLAGE HALL REPAIRS & MAINT	365.00
		ANNUAL FIRE ALARM	4742

Dated From: 5/09/2025 From Account:
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Voucher Nbr	Check Date	Payee	Amount
Total			365.00
5/09/2025 ITU ABSORB TECH INC			
UNIFORM			
100-00-53300-390-000		PUBLIC WORKS EXPENSE	7.40
		UNIFORM 8513480	
100-00-51600-240-000		VILLAGE HALL REPAIRS & MAINT	140.31
		MATS & TOWELS 8513480	
100-00-53300-390-000		PUBLIC WORKS EXPENSE	7.40
		UNIFORMS 8517098	
100-00-53300-390-000		PUBLIC WORKS EXPENSE	7.40
		UNIFORMS 8520870	
100-00-51600-240-000		VILLAGE HALL REPAIRS & MAINT	18.79
		MATS & TOWELS 8520870	
100-00-53300-390-000		PUBLIC WORKS EXPENSE	7.40
		UNIFORMS 8524624	
Total			188.70
5/09/2025 J.F. AHERN CO			
SPRINKLER INSPECTIONS			
100-00-51600-240-000		VILLAGE HALL REPAIRS & MAINT	720.00
		SPRINKLER INSPECTIONS 724619	
100-00-51600-240-000		VILLAGE HALL REPAIRS & MAINT	735.00
		LEAK ON THE SPRINKLER SYSTEM 726922	
Total			1,455.00
5/09/2025 KIESLER POLICE SUPPLY			
FIREARMS CIP			
100-00-52100-312-000		POLICE TRAINING & SUPPLY	1,479.00
		FIREARMS CIP IN257697	
Total			1,479.00
5/09/2025 KONTNEY COMPUTER GROUP			
CREATE DIAGRAM FOR STATE FOR PROPHOENIX			
100-00-52100-390-000		POLICE EXPENSE	300.00
		CREATE DIAGRAM FOR STATE FOR PROPHOENIX 25815	
100-00-57400-000-000		CAPITAL PURCHASE	349.00
		SET UP OF SQUAD COMPUTER 25854	
Total			649.00

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Thru Account:

Voucher Nbr	Check Date	Payee	Amount
5/09/2025 LANGE ENTERPRISES INC			
JACK JAW PULLER			
100-00-53300-370-000		PUBLIC WORKS ROAD MAINTENANCE	525.00
		JACK JAW PULLER 90809	
100-00-53300-370-000		PUBLIC WORKS ROAD MAINTENANCE	38.70
		ADDRESS SIGN 38600 SUNSET DR 90837	
100-00-53300-370-000		PUBLIC WORKS ROAD MAINTENANCE	38.70
		ADDRESS SIGN 90538	
100-00-13101-000-000		ACCOUNTS RECEIVABLE OTHER	77.40
		419 & 427 S GOLDEN LAKE LN SIGNS 90538	
Total			679.80
5/09/2025 LINCOLN CONTRACTORS SUPPLY INC			
MORTAR MIXER HOE			
100-00-53300-345-000		PUBLIC WORKS MS4	78.99
		MORTAR MIXER HOE J43987	
Total			78.99
5/09/2025 MUNICIPAL LAW & LITIGATION GROUP SC			
MISC LEGAL MAR 2025			
100-00-51300-290-000		LEGAL EXPENSE O/S SERVICES	1,868.25
		MISC LEGAL MAR 2025 14660	
100-00-51300-290-000		LEGAL EXPENSE O/S SERVICES	1,699.30
		TRAFFIC 14660	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	85.25
		PANGA 14660	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	15.00
		KADOW 14660	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	311.00
		ROGERS 14660	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	30.00
		WHITESTONE CHURCH 14660	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	348.90
		LURVEY 14660	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	35.00
		KOSCH 14660	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	35.00
		BERES 14660	

Dated From: 5/09/2025 From Account:
 Thru: 5/09/2025 Thru Account:

Voucher Nbr	Check Date	Payee	Amount
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	60.00
		CEDAR RIDGE/ROGERS 14660	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	44.20
		BRAZELTON 14660	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	258.90
		OLE'S/PHIL ZAGRODNIK 14660	
Total			4,790.80

5/09/2025 PRECISE CONSTRUCTION, LLC
 FASCIA REPAIRS

100-00-51600-240-000		VILLAGE HALL REPAIRS & MAINT	1,950.00
		FASCIA REPAIRS 3349	
Total			1,950.00

5/09/2025 PROHEALTH CARE
 BLOOD DRAWS

100-00-52100-390-000		POLICE EXPENSE	157.56
		BLOOD DRAWS 10006897207	
Total			157.56

5/09/2025 SECURIAN LIFE INSURANCE COMPANY
 ACCIDENT INS

100-00-21530-000-000		INSURANCE PAYABLE	23.22
		ACCIDENT INS 76038 MAY 2025	
Total			23.22

5/09/2025 SHORT ELLIOTT HENDRICKSON INC
 LAKE COUNTRY VILLAGE/NEUMANN

100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	337.75
		LAKE COUNTRY VILLAGE/NEUMANN 486345	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	465.45
		WHITE STONE CHURCH 486345	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	219.20
		PIALA 486345	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	953.75
		OLE'S TAP 486345	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	2,433.75
		PANGA 486345	

Dated From: 5/09/2025 From Account:
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Voucher Nbr	Check Date	Payee	Amount
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	185.00
		KEMP 486345	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	3,557.50
		LURVEY - THE GATHERING 486345	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	427.50
		KOSCH CSM 486345	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	381.25
		MADDEN-FIEBER CSM 486345	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	2,667.50
		ESCHWEILER - BARK RIVER CONSERVANCY 486345	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	157.50
		KADOQ 486345	
100-00-13100-000-000		CUSTOMER ACCOUNTS RECEIVABLE	210.00
		HANKE CONFERENCE CENTER 486345	
400-00-57400-000-000		CAPITAL PURCHASE	11,910.60
		GEN LAKE RD PARK PARKING LOT 486541	
100-00-53300-345-000		PUBLIC WORKS MS4	1,756.25
		MARCH ON CALL ENGINEERING 486346	
100-00-53101-000-000		ENGINEERING O/S SERVICES	277.50
		MARCH ON CALL ENGINEERING 486346	
400-00-57400-000-000		CAPITAL PURCHASE	6,405.25
		ANNUAL PAVING PROGRAM 486540	
Total			32,345.75

5/09/2025 STANDARD INSURANCE COMPANY RC

STD LTD INS

100-00-52100-132-000		POLICE INSURANCE	760.53
		STD LTD INS MAY 2025	
100-00-53300-132-000		PUBLIC WORKS INSURANCE	242.25
		LTD STD INS MAY 2025	
100-00-51422-132-000		VILLAGE OFFICE INSURANCE	31.93
		STD LTD INS MAY 2025	
100-00-51420-132-000		ADMIN C/T INSURANCE	83.49
		STD LTD INS MAY 2025	
Total			1,118.20

5/09/2025 STRAND ASSOCIATES INC

N DOUSMAN RD TRAIL TAP REIMB

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Thru Account:

Voucher Nbr	Check Date	Payee	Amount
400-00-57400-000-000		CAPITAL PURCHASE	13,703.12
		N DOUSMAN RD TRAIL TAP REIMB	0223529
400-00-57400-000-000		CAPITAL PURCHASE	3,425.78
		N DOUSMAN RD TRAIL STEWARDSHIP GRANT	0223529
Total			17,128.90

5/09/2025 STREICHER'S

AMMO

100-00-52100-312-000		POLICE TRAINING & SUPPLY	145.00
		AMMO	I1758982
Total			145.00

5/09/2025 TOP PACK DEFENSE

DUTY PISTOL TACO U MOUNT

100-00-52100-313-000		POLICE CLOTHING ALLOW	36.90
		DUTY PISTOL TACO U MOUNT	15933
Total			36.90

5/09/2025 WAUKESHA COUNTY TREASURER

NET MOTION/CAD MOBILE

100-00-52100-270-000		POLICE DISPATCH & RADIO	2,775.57
		NET MOTION/CAD MOBILE	2025-24030029
100-00-52100-390-000		POLICE EXPENSE	31.27
		INMATE BILLING MAR 2025 (1)	2025-20040042
100-00-51600-290-000		VILLAGE HALL TAX BILLS	2,314.20
		2ND HALF PARCEL CHARGES 2024 TAX BILLING	2024-50030068
Total			5,121.04

5/09/2025 WI DEPT OF JUSTICE - TIME

TIME ACCESS 4/1 - 6/30

100-00-52100-270-000		POLICE DISPATCH & RADIO	358.50
		TIME ACCESS 4/1 - 6/30	455TIME-0000018179
Total			358.50

5/09/2025 WISCONSIN PROFESSIONAL POLICE ASSOCIATION INC

MAY 2025 UNION PAC 8

100-00-21550-000-000		UNION DUES	0.80
		MAY 2025 UNION PAC 8	23875
100-00-21550-000-000		UNION DUES	364.80
		MAY 2025 UNION LEER 8	24519

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Voucher Nbr	Check Date	Payee	Amount
100-00-21550-000-000		UNION DUES	48.00
	MAY 2025	UNION ELPP 8	119948E
			Total 413.60
			Grand Total 217,220.43

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Amount

Total Expenditure from Fund # 100 - GENERAL FUND	103,551.65
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Total Expenditure from Fund # 400 - CAPITAL PROJECTS	113,668.78
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Total Expenditure from all Funds	217,220.43
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Village Hall, 262-567-2757
Fax, 262-567-4115
Highway Dept., 262-567-2422
Police Dept., 262-567-1134
Building Inspector, 262-490-4141
www.summitvillage.org

Summit Village Hall • 37100 Delafield Road • Summit, WI 53066

MEMORANDUM

To: Village Board

From: Amy Barrows, Planner

Date: May 8, 2025

Re: **Zoning Map Amendment from the A-1 Agricultural District to the R-1 Estate Residential District**

Part of the NW ¼ and NE ¼ of Section 26 (SUMT0678996)

BACKGROUND: See 4/17/2024 Plan Commission Staff Report.

At the April meeting, Plan Commission unanimously recommended Village Board approve the amendment to the Zoning Map of the Village of Summit Zoning and Shoreland Protection Ordinance from the A-1 Agricultural District to the R-1 Estate Residential District on the subject property. The Wetland Conservancy District and Environmental Corridor and Floodplain Overlay Districts will remain unchanged. The recommended zoning map amendment is subject to the conditions provided in the enclosed ordinance.

The Public Hearing took place at the March 20th Plan Commission meeting. There were several comments from adjacent property owners. The written public comments are included in the meeting packet and the verbal public comments are provided in the April Plan Commission Staff Report

ATTACHMENTS:

- 4/17/2025 Plan Commission Staff Report
- Draft Ordinance with Exhibits
- Written Public Comments
- Subdivision Plat Exhibit

FISCAL IMPACT: The plat will include the construction of a public road. The developer will pay for the construction costs, but long-term maintenance will be the responsibility of the Village. Additional tax revenue will be provided at such time new residences are constructed on the newly created lots.

RECOMMENDED MOTION:

Adopt the enclosed ordinance, subject to Village Attorney review, to amend the Zoning Map of the Village of Summit Zoning and Shoreland Protection Ordinance from the A-1 Agricultural District to the R-1 Estate Residential District (Conservation Development) on the Subject Property. More specifically, the area to be zoned R-1 Estate Residential District is legally described in Exhibit A and B. The Wetland Conservancy District and Environmental Corridor and Floodplain Overlay Districts will remain unchanged. The zoning map amendment is subject to the following conditions:

1. **COMPLIANCE WITH PLAT:** This rezone is not effective until a Subdivision Plat is reviewed and approved by the Village of Summit and recorded by Waukesha County Register of Deeds in substantial conformance with the Preliminary Plat revised on February 26, 2025 and presented at the March 20, 2025 and April 17, 2025 Plan Commission meetings.
2. **RESIDENTIAL DENSITY/PRESERVATION LANDS:** This rezone is not effective until the Village Board, following a recommendation from Plan Commission, confirms that the density calculations are consistent with the 2045 Comprehensive Plan and comply with the Zoning Ordinance, and that Plan Commission has approved the establishment of “preserved lands” pursuant to the criteria and development goals set forth in subsection 111-129(2)(c) & 3. Compliance with the preservation of lands criteria will be determined as part of the Preliminary Plat review by Plan Commission and Village Board.

Plan Commission determined that this condition has been satisfied.

3. **SUBJECT TO REIMBURSEMENT OF EXPENSES:** As a condition precedent to this conditional rezone approval taking effect, the Petitioner shall pay all fees, costs, and assessments due and owing to the Village of Summit, and for reimbursement of any expenses, costs and disbursements which have been incurred by the Village of Summit in the drafting, review or enforcement of this conditional rezone approval, including without limitation by reason of enumeration, design, engineering, inspection and legal work.
4. **OWNER & APPLICANT ACKNOWLEDGMENT:** The property owner and applicant shall acknowledge and accept all conditions of this approval. This condition will be satisfied upon the property owner and applicant signing the ordinance after adoption by the Village Board.

If approving the rezone, the Village Board will need to include in their motion that they have determined the proposed density of 2.3 acres per unit, as provided in the conservation subdivision criteria of the R-1 Residential Zoning District standards, to be consistent with the Village of Summit’s 2045 Comprehensive Plan SF Residential 2.4-acre per unit density category. The comprehensive plan serves as a guide to future growth and development in the Village of Summit (Section 9.1 of the Village of Summit’s 2045 Comprehensive Plan).

ZONING DISTRICT AMENDMENT REQUEST

3/20/2025 Plan Commission Meeting

REVISED FOR 4/17/2025 Plan Commission Meeting

Revisions made on 4/15/2025 that were not included as part of the meeting packet posted on 4/11/2025 are noted in red

Eschweiler Property (SUMT0678996)

Staff Report

Village of Summit, Wisconsin

Property Location: South side of Genesee Lake Road, east of Ravinia Park

Property Owner: Mary Alice Eschweiler

Applicant: Genesee Lake Road LLC

Possible Motion: *Motion to recommend that Village Board approve the amendment to the Zoning Map of the Village of Summit Zoning and Shoreland Protection Ordinance from the A-1 Agricultural District to the R-1 Estate Residential District – Conservation Development on property located south of Genesee Lake Road and east of Ravinia Park, more specifically described as part of the NW ¼ and NE ¼ of Section 26, T7N, R17E (SUMT0678996). The Wetland Conservancy District and Environmental Corridor and Floodplain Overlay Districts will remain unchanged. The recommended zoning map amendment is subject to the following conditions:*

1. **COMPLIANCE WITH PLAT:** *This rezone is not effective until a Subdivision Plat is reviewed and approved by the Village of Summit and recorded by Waukesha County Register of Deeds in substantial conformance with the Preliminary Plat revised on February 26, 2025 and presented at the March 20, 2025 Plan Commission meeting, with the exception that the layout may be modified to comply with Condition #2: Residential Density.*
2. **RESIDENTIAL DENSITY/PRESERVATION LANDS:** *This rezone is not effective until the Village Board, following a recommendation from Plan Commission, confirms that the density calculations are consistent with the 2045 Comprehensive Plan and comply with the Zoning Ordinance, and that Plan Commission has approved the establishment of “preserved lands” pursuant to the criteria and development goals set forth in subsection 111-129(2)(c) & 3. Compliance with this condition will be determined as part of the Preliminary Plat review by Plan Commission and Village Board.*
3. **SUBJECT TO REIMBURSEMENT OF EXPENSES:** *As a condition precedent to this conditional rezone approval taking effect, the Petitioner shall pay all fees, costs, and assessments due and owing to the Village of Summit, and for reimbursement of any expenses, costs and disbursements which have been incurred by the Village of Summit in the drafting, review or enforcement of this conditional rezone approval, including without limitation by reason of enumeration, design, engineering, inspection and legal work.*

4. ***OWNER & APPLICANT ACKNOWLEDGMENT:*** *The property owner and applicant shall acknowledge and accept all conditions of this approval. This condition will be satisfied upon the property owner and applicant signing the ordinance after adoption by the Village Board.*

Staff is directed to prepare a draft ordinance in accordance with this motion, subject to Village Attorney review, for consideration by Village Board.

Plan Commission Discussion/Action 3/20/2025:

At their meeting on March 20, 2025, Plan Commission held a public hearing for comment on the proposed rezone request. The public hearing was closed. Action was tabled until the April meeting so that staff could adjust recommendations based on density calculations, the possibility of a navigable pond extending into the property boundaries, and potential other changes based on the Plan Commission's discussion.

Written public comments are included in the meeting packet. There were additional written comments provided after the public hearing, which are also included.

Verbal public comments:

- The lot sizes are much smaller than Ravinia Park and the density exceeds Ravinia Park.
- Concern that the outlot providing future access to the adjacent lot to the south will further increase development.
- Concens with lighting associated with an entrance sign.
- The pond should be added adjacent to Ravinia Park to provide for a buffer instead of placing it in the southeast corner of the development, unles topography dictates the location.
- Restoration of the turnaround should include tree plantings to block the new roadway.
- Construction traffic should use the driveway off of Genesee Lake Road only.
- The developer should consider reducing the road setback so that the homes can be placed further from Ravinia Park.
- There were questions about access and easement rights to the Bark River and a navigable pond in the southeast corner of the subdivision.
- Landscaping should be installed to prevent lights from entering adjacent properties.
- The development will change the character of the property.
- Property owners should be able to choose their builder.
- There were questions about whether any public trails would be constructed and whether people would trespass.
- Property values may be decreased because of the size of the lots.
- Traffic and parking for public access to the waterways and/or easement areas will increase.

Summary:

Lot Area: 61.95 acres

Existing Zoning: A-1 Agricultural District (35+ acres) & WL Wetland Conservancy, EC Environmental Corridor Overlay and FO Floodplain Overlay

Proposed Zoning: R-1 Estate Residential District - Conservation Subdivision (100,000 sq. ft. density/40% open space & min. a-acre lot size) & WL Wetland Conservancy, EC Environmental Corridor Overlay and FO Floodplain Overlay

Land Use Plan: SF Residential 2.4-acre density with Wetland & Primary Environmental Corridor

Adjacent Land Uses		Zoning*
North	Residential/Agricultural	R-3 & A-1
South	Residential/Agricultural	A-2 & A-1
East	Residential/Agricultural	R-1 & A-1
West	Residential/Agricultural	R-1 & A-2

*Natural resource zoning districts cover portions of the adjacent lands

The applicant is proposing to rezone the subject property from the A-1 Agricultural District to the R-1 Zoning District to construct a 19-lot single-family residential conservation subdivision. The property owner previously submitted the same request for Plan Staff and Plan Commission conceptual consideration in 2024. A developer is now pursuing development of the property. Plan Commission was in favor of the proposed development moving forward through the application process and recommended that the subdivision restrictions match the adjacent subdivision and that consideration be given to joining the Ravinia Park Homeowner’s Association.

It should be noted that the applicant is not proposing to incorporate the proposed subdivision into the Ravinia Park’s Homeowner’s Association. However, they have prepared draft restrictions that were adapted by a similar subdivision and are inclusive of provisions from the Ravinia Park Subdivision, specifically the provisions related to the maintenance of the outlots. A copy of the draft Declaration of Restrictions is included in the electronic packet only.

Allowable density for a conservation subdivision is calculated based on several factors. Below is a summary of calculations. The land use plan recommends maintaining the current zoning standards for density calculations.

Land Use Plan – 2045 Comprehensive Plan

Land Type	Acres	# of Units/Lots
Upland (no PEC/WL/FP/ROW) (1 unit/2.4-acres)	39.15	16.31 Units/Lots
Upland PEC (1 unit/5 acres)	11.25	2.25 Units/Lots
Wetland/Floodplain (no density credit)	6.95	N/A
Proposed Road ROW	4.6	N/A
Total	61.95	18.56 Units/Lots = 18

Density per R-1 Zoning Conservation Subdivision

Gross Developable Area (Excludes WL/FP and Exterior Road ROW) = 55 acres

Net Developable Area = (GDP – Proposed Road ROW (4.6 acres)) = 50.4 acres

Required Open Space (40%) = 20.16 acres

Developable area = 50.4 acres – Upland PEC (11.25 acres) = 39.15 acres in R-1

Number of units allowed per R-1 = 17.02 units

Number of units allowed per EC = 2.25 units

Total number of units allowed = 19.27 Units/Lots = 19

As part of a conservation design subdivision in the R-1 Zoning District, each lot can be a minimum of 1-acre instead of 2 acres. The minimum lot width can be 180 ft. instead of 220 ft. The applicant is proposing to meet the standards of the conservation subdivision. All lots will be at least 1-acre in size and 180 ft. in width. There must be at least 40% open space based on the acreage of the net developable area. The preliminary plat notes 35.12 acres of open space. However, this calculation includes Outlot 2 (reserved for access), land extending to the center of the Bark River, and wetlands. There are 26.81 acres of upland open space that will be protected from future development in compliance with the preservation of open space requirements of the zoning ordinance. The applicant is proposing 53.2% open space, whereas 40% is required. *Refer to Article V of the Zoning Ordinance for residential density and minimum lot size regulations.*

The subdivision will include a road connection to the Ravinia Park subdivision on Meadow Park Place. A temporary turnaround will need to be removed as part of the road connection. The road connection was anticipated when Ravinia Park was platted. The applicant is also proposing an outlot that will be reserved for a potential road extension to serve the adjacent lot to the south for future development purposes.

Several of the lots will consist of high groundwater conditions. It appears that several of the lots will include 5-7 ft. of fill. There are several stormwater facilities that are intended to capture stormwater runoff.

The properties will be served by private septic systems and wells.

All natural resource areas will be protected in common open space with associated restrictions. The applicant is communicating with the Wisconsin Department of Administration to determine if public access is required to the Bark River, which abuts the west side of the property. The applicant will also need to communicate with the Wisconsin Department of Administration

Eschweiler Rezone – Bark River Conservancy

regarding public access requirements to the pond in the southeast corner of the property. Section 111-94(c) of the Zoning Ordinance requires that the Village not allow lake access to more than one lot or dwelling unit for each 150 ft. of lake frontage. If the Wisconsin Department of Natural Resources classifies the waterway as a public lake and the ordinary high water mark extends onto the subject property, this provision would apply.

The applicant is also communicating with Waukesha County Department of Parks and Land Use and the Waukesha Land Conservancy regarding easements for a trail connection and preservation of natural resources. Waukesha County has an existing trail easement through the property. The developer and County are working together to relocate the easement to a more practical location for accessibility purposes. The new easement location would run parallel to Genesee Lake Road, run along the west property boundary and extend to the river.

Signage: The applicant is proposing entrance signage on both sides of the new road at the entrance from Genesee Lake Road. The details of the signage has not been presented. The applicant is also proposing to plant a combination of trees, shrubs, and grasses along Genesee Lake Road.

Utilities: The area is served by private sewage systems and wells.

Traffic, Access, & Frontage: All lots will have frontage on a public road. The addition of 19 single-family lots should have minimal traffic impacts.

Public Services/Capital Investments: There will be no changes to public services other than emergency services will need to be provided. There are no requirements for capital investments as a result of the rezone request. The public road will need to be maintained in the future.

Environment: There are wetland, floodplain, and primary environmental corridor resources. These areas will be preserved through resource restrictions on the Subdivision Plat.

Adjacent properties: The rezone allows for single-family residential construction while providing a substantial amount of open space. The subdivision is in the same land use and zoning categories as Ravinia Park subdivision to the west. The lots in Ravinia Park are larger than the lots in the proposed subdivision.

Compliance with Comprehensive Plan: The proposed zoning complies with the Comprehensive Plan. Staff will need to verify that the number of lots complies with the density standards of the Comprehensive Plan.

ORDINANCE NO. _____

AN ORDINANCE
TO CONDITIONALLY REZONE CERTAIN LANDS
IN THE VILLAGE OF SUMMIT AS PART OF THE ZONING AND SHORELAND
PROTECTION ORDINANCE FROM THE A-1 AGRICULTURAL DISTRICT (SECTION
111-357) TO THE R-1 ESTATE RESIDENTIAL DISTRICT – CONSERVATION
DEVELOPMENT (SECTION 111-347) ON PROPERTY LOCATED IN PART OF THE NW ¼
AND NE ¼ OF SECTION 26, T7N, R17E (SUMT0678996), LEGALLY DESCRIBED IN
EXHIBIT A; AND TO CONDITIONALLY AMEND THE OFFICIAL ZONING MAP OF THE
VILLAGE OF SUMMIT.

WHEREAS, pursuant to Section 111-386(b)(1) of the Village Code, a petition has been filed by Genesee Lake Road LLC (APPLICANT) on behalf of Mary Alice Eschweiler (PROPERTY OWNER), as the owner of certain lands in the Village of Summit, to rezone certain lands legally described in Exhibit “A” and illustrated in Exhibit “B”, and described as part of the NW ¼ and NE ¼ of Section 26, T7N, R17E (SUMT0678996), which is incorporated herein by reference (the “Subject Lands); and

WHEREAS, said rezoning petition was submitted in order to rezone the Subject Lands from the A-1 Agricultural District (Section 111-357) to the R-1 Estate Residential District – Conservation Development (Section 111-347) of Chapter 111“Zoning and Shoreland Protection Ordinance” of the Village Code; and

WHEREAS, the Petitioner has provided the Village Clerk with the petition in triplicate form and the required fee pursuant to Village Code Section 111-386(b)(2) and all required data pursuant to Chapter 111 of the Village Code; and

WHEREAS, upon publication of the required “Notice of Public Hearing” and mailing of said “Notice of Public Hearing” to all parties-in-interest as required by Section 111-387(b)(1)b. of the Village Code, the Village Plan Commission held a public hearing on March 20, 2025, as required by Section 111-386(b)(4) of the Village Code; and

WHEREAS, following the March 20, 2025 public hearing, the commissioners considered all the information presented at the public hearing and tabled the matter until the April 17, 2025 meeting; and

WHEREAS, at their meeting on April 17, 2025, the Plan Commission recommended approval of the rezoning petition of the Subject Lands and determined that the density of 2.3 acres per unit, as provided in the conservation subdivision criteria of the R-1 Residential Zoning District standards, to be consistent with the Village of Summit’s 2045 Comprehensive Plan SF Residential 2.4-acre per unit density category, subject to certain conditions, to the Village Board; and

WHEREAS, the Village Board finds that this change to the Village Zoning and Shoreland Protection Ordinance is not subject to the super majority requirement of Section 66.10015, Wisconsin Statutes, related to down zoning because the Property Owner affected by this zoning ordinance requested and agreed to this change; and

WHEREAS, having determined that all procedural and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such rezoning on the health, safety, and welfare of the community and the immediate neighborhood in which said rezone will be located, and having given due consideration to the municipal problems involved as well as the impact on the community as to noise, dust, smoke, odor, and others, hereby determines that the rezoning will not violate the spirit or intent of Chapter 111 of the Village Code, will not be contrary to the public health, safety, or general welfare of the Village of Summit, will not be hazardous, harmful, noxious, offensive, or a nuisance by reason of noise, dust, smoke, odor, or other similar factors and will not, for any other reason, cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the rezone is conducted pursuant to the following conditions and in strict compliance with the same and is consistent with the recommendations found in the Village of Summit Comprehensive Plan;

WHEREAS, the Village Board has included several conditions of its approval of the rezoning petition as defined and approved on May 8, 2025.

NOW, THEREFORE, the Village Board of the Village of Summit, Waukesha County Wisconsin, DOES ORDAIN AS FOLLOWS:

SECTION 1: The Zoning Map of the Village of Summit is hereby amended to rezone the Subject Lands from the A-1 Agricultural District (Section 111-357) to the R-1 Estate Residential District – Conservation Development (Section 111-347) on the Subject Property. The wetland conservancy district and environmental corridor and floodplain overlay districts will remain unchanged. This rezoning is subject to the following conditions being met:

1. **COMPLIANCE WITH PLAT:** This rezone is not effective until a Subdivision Plat is reviewed and approved by the Village of Summit and recorded by Waukesha County Register of Deeds in substantial conformance with the Preliminary Plat revised on February 26, 2025 and presented at the March 20, 2025 and April 17, 2025 Plan Commission meetings.
2. **RESIDENTIAL DENSITY/PRESERVATION LANDS:** This rezone is not effective until the Village Board, following a recommendation from Plan Commission, confirms that the density calculations are consistent with the 2045 Comprehensive Plan and comply with the Zoning Ordinance, and that Plan Commission has approved the establishment of “preserved lands” pursuant to the criteria and development goals set forth in subsection 111-129(2)(c) &
3. Compliance with the preservation of lands criteria will be determined as part of the

Preliminary Plat review by Plan Commission and Village Board. *This condition has been satisfied.*

3. **SUBJECT TO REIMBURSEMENT OF EXPENSES:** As a condition precedent to this conditional rezone approval taking effect, the Petitioner shall pay all fees, costs, and assessments due and owing to the Village of Summit, and for reimbursement of any expenses, costs and disbursements which have been incurred by the Village of Summit in the drafting, review or enforcement of this conditional rezone approval, including without limitation by reason of enumeration, design, engineering, inspection and legal work.
4. **OWNER & APPLICANT ACKNOWLEDGMENT:** The property owner and applicant shall acknowledge and accept all conditions of this approval. This condition will be satisfied upon the property owner and applicant signing the ordinance after adoption by the Village Board.

SECTION 2: The Village Planner is hereby authorized and directed to note this rezoning on the Official Zoning Map of the Village of Summit.

SECTION 3: The Property Owner is hereby put on notice that the Village of Summit may rezone the lands or portions thereof subject to this conditional rezoning ordinance to the A-1 Agricultural District (Section 111-357) if the conditions of this ordinance are not fully complied with.

SECTION 3: SEVERABILITY.

The several sections and provisions of this Ordinance are declared to be severable. If any section or provision thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such declaration shall apply only to the specific section(s) or portion(s) thereof directly specified in said declaration, and shall not affect the validity of any other provisions, sections, or portions of the Ordinance, which shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage and publication and subject to the conditions stated in Section 1, and this Ordinance is null and void and the current zoning shall be in effect with no further notice if said conditions are not complied with on the terms and conditions stated herein.

This Ordinance passed this ____ day of _____, 2025.

VILLAGE OF SUMMIT

By: _____
Jack Riley, Village President

Attest: _____
Debra Michael, Village Administrator – Clerk/Treasurer

Published/Posted the ____ day of _____ 2025.

APPROVAL OF SUBJECT PROPERTY OWNER

Dated this ____ day of _____, 2025

SUBJECT PROPERTY OWNER

Mary Alice Eschweiler

By: _____
Authorized Signatory

This instrument drafted by
Amy Barrows, Village Planner

EXHIBIT A

LEGAL DESCRIPTION

UNPLATTED LANDS BEING PART OF THE NORTHWEST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND PART OF THE SOUTHEAST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWN 7 NORTH, RANGE 17 EAST, VILLAGE OF SUMMIT, WAUKESHA COUNTY, WISCONSIN

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 26, TOWN 7 NORTH, RANGE 17 EAST ALSO BEING THE POINT OF BEGINNING; THENCE S 89°28'11" E, ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 26, 652.26 FEET TO AN EXTENSION OF THE WEST LINE OF CSM 811; THENCE S 00°54'48" W, ALONG THE EXTENSION OF THE WEST LINE OF CSM 811, AND CSM 811, AND THE SOUTHERLY EXTENSION OF SAID CSM 811, 2629.09 FEET TO THE SOUTH LINE OF THE NE 1/4 OF SECTION 26; THENCE N 89°11'23" W, ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 26, 656.27 FEET TO THE CENTER OF SECTION 26; THENCE N 01°00'04" E, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 26, 642.05 FEET; THENCE N 88°58'47" W, 1492.05 FEET TO THE BEGINNING OF A MEANDER LINE, SAID POINT LYING S 88°58'47" E, 72.2 FEET MORE OR LESS THE CENTERLINE OF THE BARK RIVER; THENCE N 32°26'30" E, ALONG THE MEANDER LINE OF THE BARK RIVER, 115.42 FEET; THENCE N 01°08'31" W, CONTINUING ALONG THE MEANDER LINE OF THE BARK RIVER, 568.73 FEET TO A POINT LYING ON THE SOUTH LINE OF RAVINIA PARK SUBDIVISION SAID POINT LYING S 89°08'26" E, 86.5 FEET MORE OR LESS THE CENTERLINE OF THE BARK RIVER; THENCE S 89°08'26" E, ALONG THE SOUTH LINE OF RAVINIA PARK SUBDIVISION, 1453.12 FEET TO THE SOUTHEAST CORNER OF RAVINIA PARK SUBDIVISION; THENCE N 01°00'04" E, ALONG THE EAST LINE OF RAVINIA PARK SUBDIVISION, 1312.97 FEET TO THE POINT OF BEGINNING.

DESCRIBED LANDS HAVING AN AREA OF 2,719,914 SQUARE FEET OR 62.441 ACRES MORE OR LESS INCLUDING THE LANDS LYING BETWEEN THE MEANDER LINE AND THE CENTERLINE OF THE BARK RIVER.

Prepared By:



955 LEXINGTON DR.
OCONOMOWOC, WISCONSIN
262-367-7599

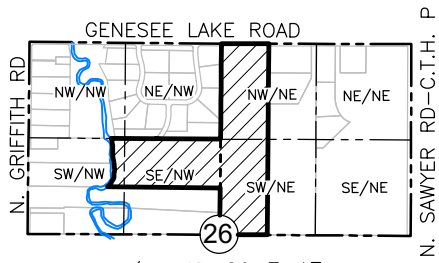
EXHIBIT B

UNPLATTED LANDS BEING PART OF THE NW 1/4 AND PART OF THE SW 1/4 OF THE NE 1/4 AND PART OF THE SE 1/4 AND PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 26, TOWN 7 NORTH, RANGE 17 EAST, VILLAGE OF SUMMIT, WAUKESHA COUNTY, WISCONSIN



BEARINGS BASED ON GRID NORTH OF THE WISCONSIN COUNTY COORDINATE SYSTEM, WAUKESHA COUNTY ZONE (NAD 83 WISCORS 2011) AND REFERENCED TO THE NORTH LINE OF THE NE 1/4 OF SEC. 26-7-17 MEASURED AS N89°28'11"W.

VICINITY MAP

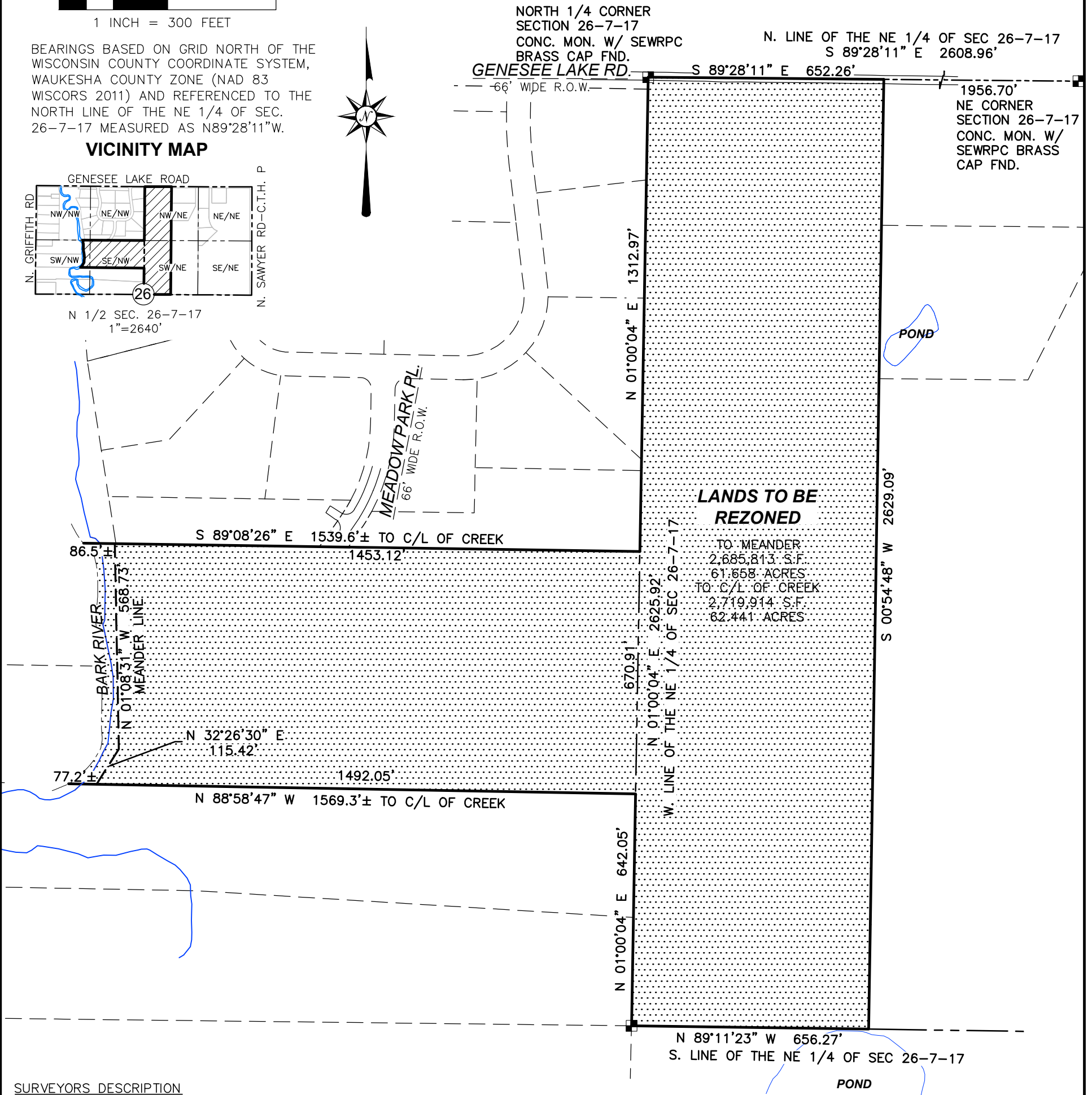


NORTH 1/4 CORNER SECTION 26-7-17
 CONC. MON. W/ SEWRPC BRASS CAP FND.
GENESEE LAKE RD. S 89°28'11" E 652.26'
 -66' WIDE R.O.W.-
 N. LINE OF THE NE 1/4 OF SEC 26-7-17 S 89°28'11" E 2608.96'

1956.70'
 NE CORNER SECTION 26-7-17
 CONC. MON. W/ SEWRPC BRASS CAP FND.

LANDS TO BE REZONED

TO MEANDER 2,685,813 S.F.
 61.658 ACRES
 TO C/L OF CREEK 2,719,914 S.F.
 62.441 ACRES



SURVEYORS DESCRIPTION

UNPLATTED LANDS BEING PART OF THE NORTHWEST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND PART OF THE SOUTHEAST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWN 7 NORTH, RANGE 17 EAST, VILLAGE OF SUMMIT, WAUKESHA COUNTY, WISCONSIN

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 26, TOWN 7 NORTH, RANGE 17 EAST ALSO BEING THE POINT OF BEGINNING; THENCE S 89°28'11" E, ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 26, 652.26 FEET TO AN EXTENSION OF THE WEST LINE OF CSM 811; THENCE S 00°54'48" W, ALONG THE EXTENSION OF THE WEST LINE OF CSM 811, AND CSM 811, AND THE SOUTHERLY EXTENSION OF SAID CSM 811, 2629.09 FEET TO THE SOUTH LINE OF THE NE 1/4 OF SECTION 26; THENCE N 89°11'23" W, ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 26, 656.27 FEET TO THE CENTER OF SECTION 26; THENCE N 01°00'04" E, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 26, 642.05 FEET; THENCE N 88°58'47" W, 1492.05 FEET TO THE BEGINNING OF A MEANDER LINE, SAID POINT LYING S 88°58'47" E, 72.2 FEET MORE OR LESS THE CENTERLINE OF THE BARK RIVER; THENCE N 32°26'30" E, ALONG THE MEANDER LINE OF THE BARK RIVER, 115.42 FEET; THENCE N 01°08'31" W, CONTINUING ALONG THE MEANDER LINE OF THE BARK RIVER, 568.73 FEET TO A POINT LYING ON THE SOUTH LINE OF RAVINIA PARK SUBDIVISION SAID POINT LYING S 89°08'26" E, 86.5 FEET MORE OR LESS THE CENTERLINE OF THE BARK RIVER; THENCE S 89°08'26" E, ALONG THE SOUTH LINE OF RAVINIA PARK SUBDIVISION, 1453.12 FEET TO THE SOUTHEAST CORNER OF RAVINIA PARK SUBDIVISION; THENCE N 01°00'04" E, ALONG THE EAST LINE OF RAVINIA PARK SUBDIVISION, 1312.97 FEET TO THE POINT OF BEGINNING.

DESCRIBED LANDS HAVING AN AREA OF 2,719,914 SQUARE FEET OR 62.441 ACRES MORE OR LESS INCLUDING THE LANDS LYING BETWEEN THE MEANDER LINE AND THE CENTERLINE OF THE BARK RIVER.

*** WETLAND CONSERVANCY DISTRICT, ENVIRONMENTAL CORRIDOR, AND FLOODPLAIN OVERLAY DISTRICTS ZONING REMAIN UNCHANGED***



DATE: 02/18/2025
 JOB # 25026
 TAX KEY: SUMT0678996

THIS INSTRUMENT WAS DRAFTED BY JOHN D. DOWNING, S-2939

Amy Barrows

From: Dean Frederick <trdaf@msn.com>
Sent: Tuesday, April 8, 2025 3:32 PM
To: Amy Barrows
Cc: Mark Ellena; John Stoker; Phil Morgan
Subject: Bark River Conservancy - Lot Density Factor Considerations

Good Afternoon Amy!

Thank for taking time this afternoon to talk through the lot density calculations prepared by Mark Ellena utilizing the updated boundary, wetland, & primary environmental corridor information. Our conversation was based on the table below which compares units allowed using the 2.3 (100,000 sf) density factor/area per dwelling unit and the 2.4 density factor/area per dwelling unit:

PRIOR TO LT SURVEY

SITE DATA TABLE		
PROPERTY AREA:	61.95 ACRES	61.95 AC
REQUIRED OPEN SPACE (40%)	61.95 (0.40) = 24.78 AC.	61.95 (0.40) = 24.78 AC
GREEN SPACE:	35.12 AC (57%)	35.12 AC
TOTAL UPLAND PEC LANDS:	11.14 ACRES	11.25 AC
TOTAL WETLANDS AREA:	7.50 ACRES	6.95 AC
PROPOSED ROADWAY ROW:	4.60 ACRES	4.60 AC
UNITS ALLOWED IN R-1 (1 UNIT/2.3 ACRES)	$61.95 - 11.14 - 7.5 - 4.6 = 38.71 / 2.3 = 16.83$ UNITS	61.95 - 11.14 - 7.5 - 4.6 = 38.71 / 2.3 = 16.83 UNITS
UNITS ALLOWED PER EC (1 UNIT/5.0 ACRES)	$11.14 / 5.0 = 2.23$ UNITS	11.25 / 5.0 = 2.25 UNITS
TOTAL UNITS ALLOWED	$16.83 + 2.23 = 19.06$ UNITS	$17.02 + 2.25 = 19.27$ UNITS

Briefly, the 2.3 density factor is found in Sec. 111-347(e)(3)(a) of the Zoning Code relative to conservation development requirements. The 2.4 density factor is referenced in the Master Plan and generally assumes a 20% reduction in gross area for right-of-way. Additionally, Sec. 109-9(4) of the Subdivision of Land Ordinance requires, among other things, that a proposed subdivision also conform to the Master Plan. We also recognize that the Zoning Code and Master Plan are in conflict. It is the Developer's belief that 2.3 density factor found in the Zoning Code should be utilized to determine the total number of dwelling units for the following reasons:

- Section 3 of the Master Plan – General Goals and Objectives - Regulatory Standard states that "The Conservation Design Standard in the Village of Summit Zoning Code should be used for all new residential developments. Using these standards will connect open spaces from one neighborhood to another, from one part of the village to another, and serve as open space corridors/buffers between developed areas."
 - *This section of the Master Plan directs the use of the Conservation Design Construction Standards in the Zoning Code which in the R-1 Estate Residential zoning district uses a density factor specific to conservation development of 2.3.*
- Section 3 of the Master Plan – General Goals and Objectives – Residential Development – Goals: states "Incorporate conservation planning and other eco-friendly planning techniques that project ecologically sensitive areas, environmental corridors and open space during

subdivision development” and “The location, type, density and quality of development should be based on sound and consistent land use planning”

- *The Village is encouraging conservation design which Bark River Conservancy fulfills sound and consistent land use planning. It is my understanding that previous proposals for a subdivision design in accordance with the Standard Development Requirements was proposed and could have been met with a 17-lot design and far less length of residential streets. As such, the landowner was encouraged to propose a conservation design with longer streets which allows for greater protections of the environmentally sensitive areas.*
- Sec. 111-347(e)(3) of the Zoning Code relative to Conservation Development Requirements clearly states a density factor/area per dwelling unit: 100,000 sf.
 - *This requirement is a clear direction to encourage Conservation Development. Given that the infrastructure necessary (length of streets) for Conservation Development is longer and more expensive than Standard Development, the “small density bonus” can be viewed as incentive to promote Conservation Design & Development consistent with the Master Plan. It would be interesting to get the perspective of the ordinance drafter for the intention of stating a 2.3 dwelling factor.*
- Section 3 of the Master Plan – Land Use Recommendations – Land Use Densities states “The Master Plan as updated recommends maintaining the current zoning standards for density calculations.”
 - *It is my understanding that this section in the Master Plan is relative to how densities are computed relative to “net area”; however, it does make clear reference to “current zoning standards for density calculations” which does extend to the 2.3 density factor prescribed by the Zoning Code for Conservation Development in the R-1 Estate Residential zoning district.*

In summary, understanding that both the Master Plan under the Subdivision of Land Ordinance and the Zoning Code have authority to guide & direct development, the Master Plan repeatedly encourages Conservation Design by making references to the requirements of the Zoning Code. The Zoning Code is the tool used to encourage Conservation Development for reasons stated above and has a plainly stated Conservation Development density factor of 2.3. Although there may be a small conflict in the density factor between the Master Plan and the Zoning Code, there is a stated goal in the Master Plan to incorporate conservation planning which will occur by complying with the conservation development requirements of the Zoning Code that directs a 2.3 density factor. The Zoning Code purposely prescribes a 2.3 density factor as necessary for Conservation Development which is also consistent with the goals of the Master Plan.

I hope that this narrative helps to justify the Developer’s belief that the number of dwelling units should be computed using the 2.3 density factor.

As always, if you should have any questions or need additional information, please feel free to contact me at your earliest convenience. I am open to meeting anytime this week or next week prior to the Plan Commission meeting on April 17th.

Thank you again for your assistance!

Dean

Dean Frederick
Technical Engineering Consultants LLC
(414) 791-5373 Office & Cell
(262) 746-3627 Fax

Technical Engineering Consultants, LLC
622 E Anne Street
Oconomowoc, WI 53066



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If you are not a named recipient, please notify the sender immediately and do not disclose
the contents to another person, use it for any purpose, or store or copy the information
in any medium.

Amy Barrows

G.B.E.C.

From: Sarah LaValliere
Sent: Wednesday, March 12, 2025 2:21 PM
To: Amy Barrows
Subject: Fw: Feedback via the Village of Summit - Contact/Comment Form [#771]



Sarah LaValliere
Deputy Clerk/ Deputy Treasurer
Village of Summit WI
Pop. 5159

37100 Delafield Rd * Summit WI 53066 ☎ 262.567.2757 ✉ deputyclerk@summitvillage.org

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This message originates from the Village of Summit . It contains information that may be confidential or privileged and is intended only for the individual named above. It is prohibited for anyone to disclose, copy, distribute or use the contents of this message without permission, except as allowed by the Wisconsin Public Records Laws. If this message is sent to a quorum of a governmental body, my intent is the same as though it were sent by regular mail and further distribution is prohibited. All personal messages express views solely of the sender, which are not attributed to the municipality I represent, and may not be copied or distributed without this disclaimer. If you receive this message in error, please notify me immediately.

From: burst@emailmeform.com <burst@emailmeform.com> on behalf of Anne Sapienza & Tim Johnson <burst@emailmeform.com>
Sent: Wednesday, March 12, 2025 9:59 AM
To: Sarah LaValliere <deputyclerk@summitvillage.org>
Subject: Feedback via the Village of Summit - Contact/Comment Form [#771]

Name*: Anne Sapienza & Tim Johnson

Email*:

1190 N Griffith Road

Address*:

Oconomowoc, WI 53066

**Contact
Number*:**



Subject*:

3/20/2025 Vote on Genesee Lake Road Proposal

Dear Village of Summit Plan Commission-

I hope this message finds you well. I am writing to express the strong opposition both my husband, Tim Johnson, and I have to the proposed development of Genesee Lake Road, LLC to amend the zoning map for a 19-single family home subdivision owned by Mary Alice Eschweiler which is to be discussed and voted on at this meeting. As residents of this community, we have great concern that this project would irreparably alter the rural character and serenity that define our area.

This region has long been valued for its natural beauty, peaceful atmosphere, and the agricultural and open spaces that contribute to its unique charm. Introducing a large-scale development would not only disrupt this environment but also negatively impact local wildlife, our air quality, and the overall quality of life for residents who chose this area precisely because of its rural nature.

We understand that development is often seen as necessary for growth, but it is important to weigh the long-term costs of sacrificing the land and values that make our village special. We urge you to reconsider this proposal and explore alternative solutions that would respect the delicate balance between development and preserving the rural environment.

Thank you for your time and consideration. We hope you will take the community's concerns into account when making your decision.

Sincerely,
Anne Sapienza & Tim Johnson, owners/residents at:
1190 N. Griffith Road
Summit, WI

Message*:

Visitor IP: 24.106.101.18

Amy Barrows

From: Sarah LaValliere
Sent: Friday, March 7, 2025 8:42 AM
To: Amy Barrows
Subject: Fw: Rezoning Genesee Lake Road SE of Ravina for 19 plot sub

From:
Sent: Thursday, March 6, 2025 2:29 PM
To: Sarah LaValliere <deputyclerk@summitvillage.org>
Subject: Rezoning Genesee Lake Road SE of Ravina for 19 plot sub

Dear Deputy Clerk,

We are writing to express our strong opposition to the proposed rezoning of land South of Genesee Lake Road and East of Ravinia Park for the continual development of a 19-lot subdivision in the Village of Summit.

Our community is unique, and we value its tranquility, natural beauty, and sense of open space. The development of a 19-lot subdivision in this area would not only disrupt the character of our rural environment but also bring several potential negative consequences.

First and foremost, is the infrastructure in this area is not equipped to handle such a significant increase in population? Our roads, the strain on local utilities, such as water, sewer, and waste management systems, could lead to significant issues for current residents. Additionally, the increased demand on emergency services and other municipal resources would put a strain on a system that is already stretched thin and costing taxpayers.

Furthermore, this development will have a detrimental impact on the surrounding natural environment. Our area is home to wildlife, and the introduction of a large residential area could disrupt local ecosystems. It is also important to consider the effect on existing agricultural land, which is crucial for maintaining the rural economy and preserving the open space that defines the area.

The development of this subdivision could set a **concerning precedent** for further urbanization of what should remain a rural area. Such projects would slowly chip away at the unique character of our community, transforming it into something unrecognizable to those of us who chose to live here because of its peaceful, rural nature. We elected not to live in Pabst Farms for a reason.

We urge you to consider the long-term effects of this rezoning decision and prioritize the preservation of our rural landscape and community values.

Thank you for your time and consideration in this matter.

Lisa & Anthony Cortese
35100 Genesee Lake Road - 20+ year resident

Amy Barrows

From: Sarah LaValliere
Sent: Wednesday, March 19, 2025 10:53 AM
To: Amy Barrows
Subject: Fw: Feedback via the Village of Summit - Contact/Comment Form [#778]

Amy,
Here is feedback for the PC PH this week.
Cheers,
S



Sarah LaValliere
Deputy Clerk/ Deputy Treasurer
Village of Summit WI
Pop. 5159

37100 Delafield Rd * Summit WI 53066 ☎ 262.567.2757 ✉ deputyclerk@summitvillage.org

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Elected Officials and Members of Village Committees: in order to comply with the Open Meetings Act requirements, please limit any reply to only the sender of this electronic communication.

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From: burst@emailmeform.com <burst@emailmeform.com> on behalf of Janean Manders <burst@emailmeform.com>
Sent: Wednesday, March 19, 2025 10:35 AM
To: Sarah LaValliere <deputyclerk@summitvillage.org>
Subject: Feedback via the Village of Summit - Contact/Comment Form [#778]

Name*: Janean Manders
Email*: jmanders4@yahoo.com

Address*:

3315 N. Interlaken Dr.

Summit, WI 53066

**Contact
Number*:**

2624248263

Subject*:

Genesee Lake Rd LLC Public Hearing

Regarding the Bark River Subdivision abutting Ravinia Park.

While I realize developments cannot be prevented I believe the lot sizes should be the same as Ravinia Park to maintain the rural feel many people live here for.

Message*:

I have also spoken to Victory Homes and they are only allowing Victory and Allen Bldrs homes on these lots (Their companies). I strongly oppose allowing Builder's to dictate who can and cannot purchase and build on new development lots. There should be diversity and an opportunity for residents to purchase lots and not be mandated to a specific builder.

Thank you

Visitor IP: 172.13.50.45

Amy Barrows

From: Sarah LaValliere
Sent: Wednesday, March 19, 2025 2:58 PM
Subject: Fw: Rezoning Genesee Lake Road SE of Ravina for 19 plot Bark River Conservancy

Plan Commission,
The e mail below is addressed to you.
Many Thanks
Sarah

From:
Sent: Wednesday, March 19, 2025 2:42 PM
To: Sarah LaValliere <deputyclerk@summitvillage.org>
Subject: Rezoning Genesee Lake Road SE of Ravina for 19 plot Bark River Conservancy

Dear Village of Summit Plan Commission

I am sending you this email due to prior commitments that we have tomorrow night and cannot attend the plan commission meeting 3/20/25. We have several concerns and oppose the current development design.

1. The lots are too small at just over 1 ac. Our lots in Ravinia are all over 2ac, with a few over 3ac and one that is 7ac. All the lots to the east of the development are also larger than 2 ac.
2. The housing size minimum requirements are also lower than ours and need to be brought up to at least our minimum restrictions.
3. There does not appear to be planning for traffic safety when entering Ravinia View Ln and Genesee Lake Rd, such as a yield or stop signed.

The major issue is the lot sizes and the minimum housing restrictions. These factors will reduce the value of neighboring properties.

Thank you for your time and consideration.
Craig and Gail Plowman
1068 Ravinia View Ln
Summit, WI

Amy Barrows

From: Sarah LaValliere
Sent: Thursday, March 20, 2025 9:07 AM
Subject: Fw: Feedback via the Village of Summit - Contact/Comment Form [#779]

Good morning Planner & Plan Commission,
I am forwarding to the Plan Commission as addressed.
Feedback # 779

From: burst@emailmeform.com <burst@emailmeform.com> on behalf of Heidi Nunnemacher
<burst@emailmeform.com>
Sent: Wednesday, March 19, 2025 8:54 PM
To: Sarah LaValliere <deputyclerk@summitvillage.org>
Subject: Feedback via the Village of Summit - Contact/Comment Form [#779]

Name*: Heidi Nunnemacher

Email*:

Address*: 35315 Genesee Lake Road
35315 Genesee Lake Road, WI Oconomowoc

**Contact
Number*:** ---

Subject*: Opposition to 19 home development on Genesee Lake Road

Dear Plan Commission:

I am writing to express my concern and opposition to the planned 19 home development on Genesee Lake Road (GLR) as a 35-year Village resident and landowner due east of said development. While the local community is unable to stop development it can request reasonable growth that honors open space, embraces environmental impact and adequately considers additional burden on stakeholders such as the police, fire department and schools. The density of 19 more homes on GLR is extreme and comes with great concern. There is substantial additional traffic on Hwy 67 and presents as a problem to ingress and egress from both directions. There has not been consideration as to further impact of traffic patterns on either Sawyer Road or 67 due to additional development which should be the responsibility of the developer. It must be remembered that a little over a year ago there was a fatality on GLR and Hwy 67 at this dangerous, hazardous intersection.

Message*:

Another concern is the safety of pedestrians on GLR. Many people have found the Bark River for kayaking, water sports and hunting, but there are limited parking spots. Every weekend the recreationalists unwittingly park their cars in the middle of the lane thinking it is a parking lot. There are many anecdotal stories among my neighbors of cars almost hitting unwatched children. Toddlers and children are innocent and the Village must protect them. This concern should be addressed before further development brings more traffic.

Another concern is the public access or conservation easement to the Bark River that is noted in the script, but not noted specifically on the plat. This can create additional parking issues either within the subdivision or on GLR. Additional and specific information should be requested from the developer.

My last concern is the continued fragmentation of wildlife habitat. Additional homes and continued clearing of land around this portion of the Village reduces the ecological connection of wildlife. Please consider the loss of habitat for our deer, birds, and nesting habitat of our turtles to name just a few creatures.

If the Village moves in the direction of approving this subdivision at least consider reducing the number of lots to limit the impact and burden on this road.

Sincerely,

Heidi E Nunnemacher

Submitted post public hearing

Amy Barrows

From: Sarah LaValliere
Sent: Wednesday, March 26, 2025 10:32 AM
To: Amy Barrows
Subject:
Importance: High

From: burst@emailmeform.com <burst@emailmeform.com>
Sent: Tuesday, March 25, 2025 4:23 PM
To: Sarah LaValliere <deputyclerk@summitvillage.org>
Subject: Feedback via the Village of Summit - Contact/Comment Form [#780]

Name*: Heidi Nunnemacher

Email*:

Address*: 35315 Genesee Lake Road
35315 Genesee Lake Road, WI Oconomowoc

**Contact
Number*:**

Subject*: Historical Water Body Report

March 24, 2025

Dear Amy,

Message*:

On Thursday March 20, 2025, at the public meeting concerning the development on Genesee Lake Road the question came from the board if there is a lake on Eschweiler's property and if that impacts the development. I went to the podium and stated my name and address and indicated we have a report from SEH written by Heidi Kennedy in 2022 indicating that it is a public lake. This lake is identified as public lake Waterbody ID 784000 per the DNR.

This lake falls under the Wis. Stat. Chap.30, that is the public water trust doctrine, which is unique to the State of Wisconsin that "protects sovereign lands, such as tide and submerged lands and the beds of navigable waterways, for the benefit, use and enjoyment of the public". "The public trust doctrine arises from language drafted as part of the Northwest Ordinance of 1787 and was incorporated

verbatim into the Wisconsin Constitution in 1848.” This is law, not a guideline.

The lake has public attributes within the meaning of the Doctrine which is a naturally developed lake. It is a Kettle Lake and is navigable and I as the property owner of 35315 Genesee Lake Road and the new address that was recently added I have access to this lake as a riparian owner. All of this is legally documented.

Devin Wolf came to the podium (not stating his name or address) stating that it is not a public lake and slandered me in front of the board indicating that I had built an illegal pier and treehouse on “his property.” Prior to this, in your role as planner, you indicated that it depends on the size of the lake. For these reasons, I am giving you this report and other documentation to support that this lake exceeds the 5-acre minimum as stated in the Wisconsin statute 236.16 (3)(a) pertaining to subdivisions and water and public access requirements. The public access must extend to the low watermark and be connected to public roads.

Please find on the flash drive Heidi Kennedy’s report dated March 14, 2022. In the opening comments she states, “You have retained SEH to review and provide an opinion as to whether or not the lake bordering your property at 35315 Genesee Lake Road, parcel number SUMT 067998001 (the lake) would likely be considered a public waterbody (which is protected by the Public Trust Doctrine and other waterway-related laws in Wisconsin) or if the waterbody is a private waterbody. It is not a private water body since 1890.

The meander lines came up for discussion; meander lines are the high-water mark which means the actual boundary extends into the lake. For purposes of this discussion the access, according to state statute, must extend to the low water mark. In this case it is approximately 60 – 80 feet beyond the witness marker.

The conclusion of her report was the lake has been present since 1890 evidenced by government surveys, photographs and DNR Lake Survey Maps indicating it is a 9-acre unnamed lake assigned Waterbody ID of 784000. This far surpasses the 5-acre minimum.

I am also contacting the DNR and Waukesha County Conserancy.

Please present this to the plan board and the village attorney.

Kindest regards,

Heidi Nunnemacher

PS I will bring you the flashdrive on Thursday March 27, 2025

Visitor IP: 2600:1008:a030:6aa1:41f1:cae4:b9df:4707

Submitted post public hearing

Amy Barrows

From: Sarah LaValliere
Sent: Friday, March 28, 2025 10:24 AM
To: Amy Barrows
Subject: FW: Feedback via the Village of Summit - Contact/Comment Form [#782]

From: burst@emailmeform.com <burst@emailmeform.com>
Sent: Friday, March 28, 2025 9:51 AM
To: Sarah LaValliere <deputyclerk@summitvillage.org>
Subject: Feedback via the Village of Summit - Contact/Comment Form [#782]

Name*: Heath Nunnemacher

Email*:

Address*: 35315 Genesee Lake Road
35315 Genesee Lake Road, WI Oconomowoc

**Contact
Number*:**

Subject*: Bark River Conservancy Feedback

Plan Commission:

Message*:

While the development proposal using the R-1 honors the "letter" of the conservancy statutes it means to truly enhance environmental preservation. Ravinia and, in fact, all immediately surrounding developments without conservancy designation thus requiring a density factor and minimal lot area of 130,000 sq ft. Bark River Conservancy extorts the fact that 18.6 acres are already under 'building restrictions' by Environmental Corridor (11.14 acres...with a minimum lot size of 5 acres) or Wetland (7.5 acres.. requirements (40% of net buildable acreage) is in this case 19.94, and thus the conservancy statute to "count" the environmental corridor and wetland totals of 18.6 towards the 19.94 acre threshold for a single acre and "shoehorning" additional homes into the development. We would ask that the requirements be applied to all other surrounding developments as R-1 requiring a density factor and minimal lot area of 130,000 sq ft of the development. This is consistent with Summit statute Section 111-5 Development goals as fo

Sec. 111-5. - Development goals.

Appropriate relationship of development to the physical character of the site and the surrounding area.

rural character of the village by considering whether the development plan for roads, building sit relationships to existing terrain conditions, preservation of natural vegetation, suitable capacity storm water drainage and retention and to the potential impact upon the surrounding area

Applicable statutes:

(https://library.municode.com/wi/summit,_waukesha_co/codes/code_of_ordinances?nodeId=347ESREDI)

https://library.municode.com/wi/summit,_waukesha_co/codes/code_of_ordinances?nodeId=P

Heath A. Nunnemacher

Visitor IP: 66.188.138.38

PRELIMINARY PLAT BARK RIVER CONSERVANCY

UNPLATTED LANDS BEING PART OF THE NW 1/4 AND THE SW 1/4 OF THE NE 1/4, AND PART OF THE SE 1/4 AND THE SW 1/4 OF THE NW 1/4 OF SECTION 26, TOWN 7 NORTH, RANGE 17 EAST, VILLAGE OF SUMMIT, WAUKESHA COUNTY, WISCONSIN

OWNER/DEVELOPER:
GENESEE LAKE ROAD, LLC
JOHN STOKER
N118W18531 BUNSEN DR.
GERMANTOWN, WI 53022
262-252-7100

ENGINEER:
ELLENA ENGINEERING CONSULTANTS, LLC
MARK ELLENA
700 PILGRIM PARKWAY - SUITE 100
ELM GROVE, WI 53122
262-719-6183

SURVEYOR:
LANDTECH SURVEYING, LLC
JOHN DOWNING
955 LEXINGTON DR.
OCCONGOWOC, WI 53066
262-367-7599

REVIEWING AUTHORITIES:
• VILLAGE OF SUMMIT
• WI DEPARTMENT OF ADMINISTRATION

TOTAL PARCEL AREA
INCLUDING AREA TO BE DEDICATED
62.441 ACRES TO C/L OF RIVER
(2,719,914 S.F.)
61.353 ACRES TO MEANDER LINE
(2,672,532 S.F.)
ROADWAY TO BE DEDICATED
5.093 ACRES (221,856 S.F.)

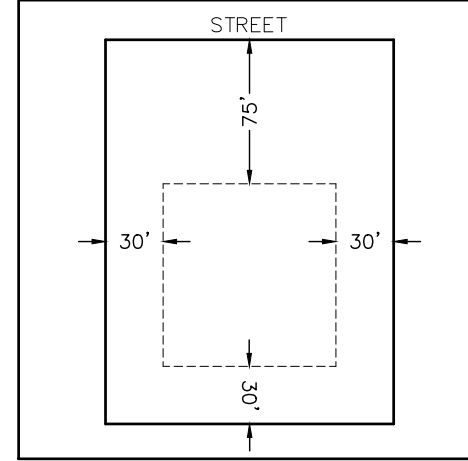
CURRENT ZONING
A-1, WC, EC

PROPOSED ZONING
R-1 RESIDENTIAL

BUILDING LOCATION
• ROAD SETBACK = 75'
• REAR YARD SETBACK = 30'
• SIDE YARD SETBACK = 30'
(SEE LOT 1 FOR DETAIL)

SITE DATA TABLE	
PROPERTY AREA	61.95 ACRES
REQUIRED OPEN SPACE (40%)	61.95 (0.40) = 24.78 AC
GREEN SPACE	35.12 AC (57%)
TOTAL UPLAND RECLANDS	11.14 ACRES
TOTAL WETLANDS AREA	7.50 ACRES
PROPOSED ROADWAY ROW	4.80 ACRES
UNITS ALLOWED IN R-1 (1 UNIT/2.3 ACRES)	61.95 / 2.3 = 26.93 UNITS
UNITS ALLOWED PER EC (1 UNIT/5.0 ACRES)	11.14 / 5.0 = 2.23 UNITS
TOTAL UNITS ALLOWED	16.83 ± 2.23 = 19.06 UNITS

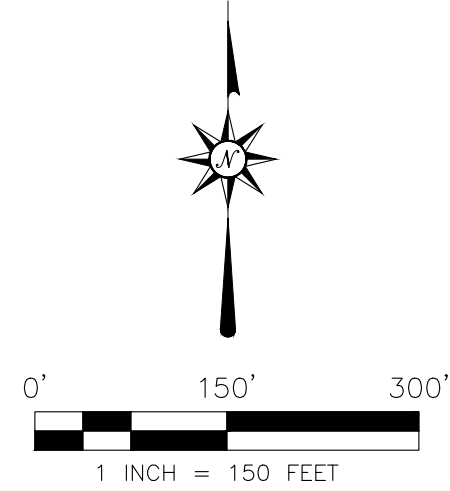
BUILDING SETBACK DETAIL



STREET SETBACK = 75'
SIDE YARD SETBACK = 30'
REAR SETBACK = 30'

NOTES:

- EACH INDIVIDUAL LOT OWNER SHALL HAVE AN UNDIVIDED FRACTIONAL OWNERSHIP IN OUTLOT NO. 1, 2, 3, 4, AND 5.
- VILLAGE OF SUMMIT SHALL NOT BE LIABLE FOR ANY FEES OR SPECIAL CHARGES IN THE EVENT THEY BECOME THE OWNER OF ANY LOT OR OUTLOT IN THE SUBDIVISION BY REASON OF TAX DELINQUENCY. OUTLOT 3 & 4 SHALL BE USED FOR STORM WATER MANAGEMENT FACILITIES.
- THIS DEVELOPMENT WILL BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
- ALL LOTS HAVE AT LEAST A 180' MINIMUM AVERAGE WIDTH.
- ANY LANDS BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION.
- FLOODPLAIN IS PER FEMA FIRM MAP NO. 55133C0162H, MAP REVISED NOVEMBER 5, 2014.
- THE O.H.W.M. (ORDINARY HIGH WATER MARK) IS AN APPROXIMATE LOCATION DETERMINED BY THE SURVEYOR. IT IS RECOMMENDED THAT THE ZONING ADMINISTRATOR FOR THE MUNICIPALITY APPROVE OR SET THE O.H.W.M. ELEVATION.

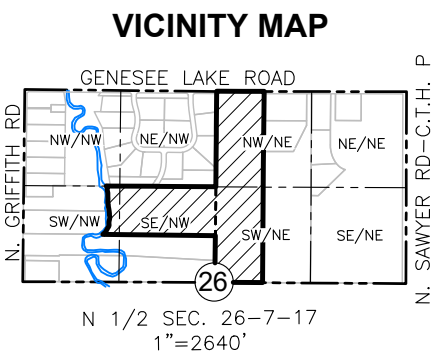


BEARINGS BASED ON GRID NORTH OF THE WISCONSIN COUNTY COORDINATE SYSTEM, WAUKESHA COUNTY ZONE (NAD 83 WISCONSIN 2011) AND REFERENCED TO THE NORTH LINE OF THE NE 1/4 OF SEC. 26-7-17 MEASURED AS N89°28'11" W.

VERTICAL DATUM IS NAVD 88 (GEOID 12A)

RECOMMENDED MINIMUM BASEMENT ELEVATION			
LOT/BK	SH3/ELEV	LOWEST BSMT ELEV (SH3+1)	MIN BSMT ELEV/PERMGP
1	868.5	868.5	869.5
2	868.5	868.5	869.5
3	867.0	868.0	868.0
4	868.7	868.7	869.7
5	868.5	868.5	869.5
6	868.0	868.0	869.5
7	868.0	870.0	870.0
8	868.4	868.4	869.4
9	867.7	868.7	869.6
10	868.8	868.8	869.8
11	867.4	868.4	869.0
12	867.0	868.0	868.0
13	867.0	868.0	868.0
14	868.5	867.5	867.5
15	868.0	870.0	870.0
16	868.8	868.8	869.8
17	868.8	868.8	869.8
18	867.0	868.0	869.0
19	867.8	868.8	869.8

*SH3/ELEV DETERMINED FROM AVAILABLE TESTING BY GLENN ENGINEERING STUDIES BY GEO-TECHNOLOGY INC. DATED OCTOBER 18, 2024. THE REPORTS HAVE BEEN SUBMITTED TO THE VILLAGE ENGINEER.



NW CORNER SECTION 26-7-17
CONC. MON. W/ SEWRPC
BRASS CAP FND.

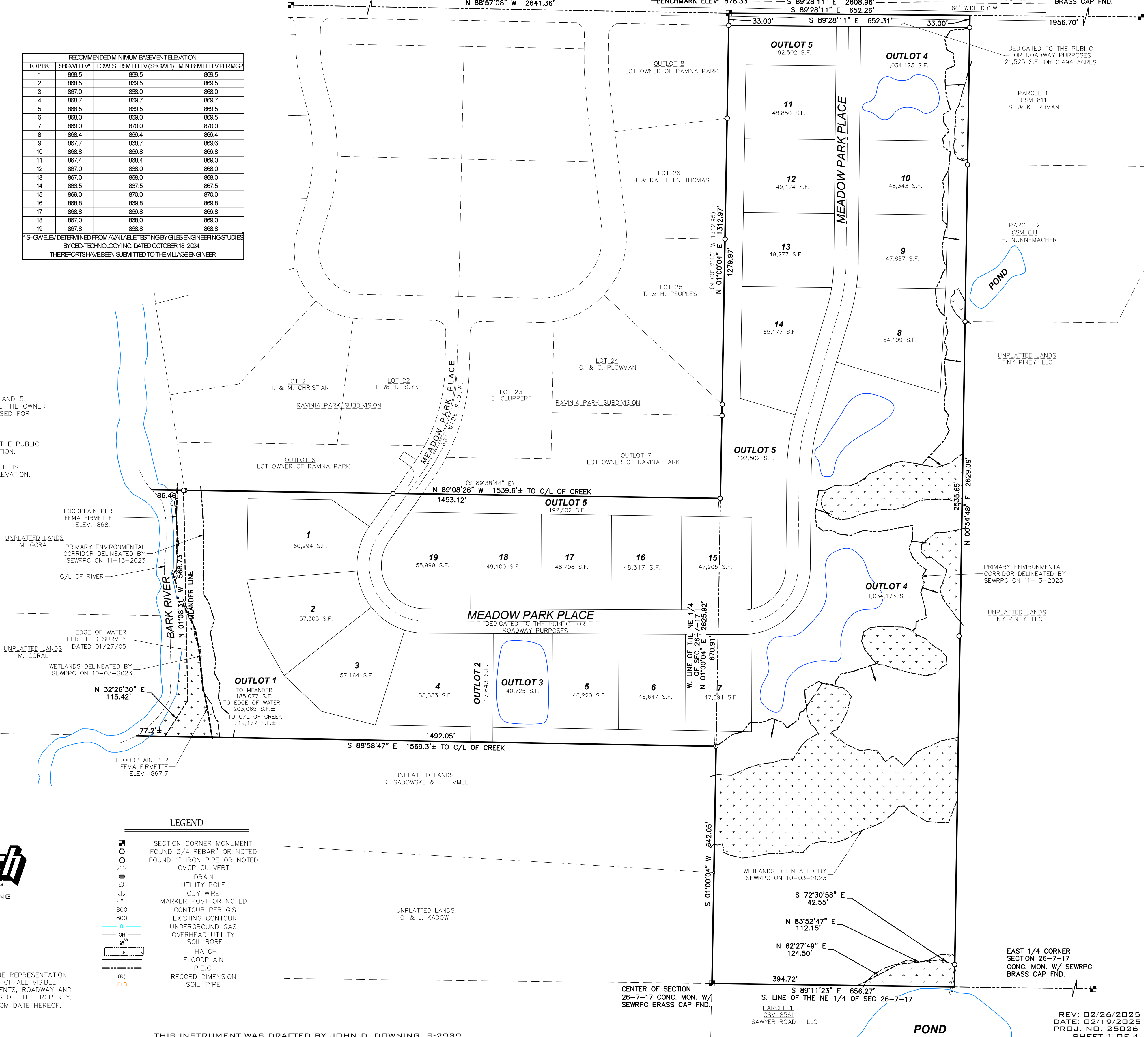
N. LINE OF THE NW 1/4 OF SEC 26-7-17
N 88°57'08" W 2641.36'

NORTH 1/4 CORNER SECTION 26-7-17
CONC. MON. W/ SEWRPC
BRASS CAP FND.
BENCHMARK ELEV: 878.33

N. LINE OF THE NE 1/4 OF SEC 26-7-17
S 89°28'11" E 2608.96'
S 89°28'11" E 652.26'

GENESEE LAKE ROAD
66' WIDE R.O.W.

NE CORNER SECTION 26-7-17
CONC. MON. W/ SEWRPC
BRASS CAP FND.



LEGEND

- SECTION CORNER MONUMENT FOUND 3/4 REBAR OR NOTED
- FOUND 1" IRON PIPE OR NOTED CMCP CULVERT
- DRAIN
- UTILITY POLE
- GUY WIRE
- MARKER POST OR NOTED
- CONTOUR PER GIS
- EXISTING CONTOUR
- UNDERGROUND GAS
- OVERHEAD UTILITY
- SOIL BORE
- HATCH FLOODPLAIN P.E.C.
- RECORD DIMENSION
- SOIL TYPE



SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS, ROADWAY AND VISIBLE ENCROACHMENTS, IF ANY. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE, THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE HEREOF.
SIGNED: JOHN D. DOWNING, PROFESSIONAL LAND SURVEYOR S-2939

THIS INSTRUMENT WAS DRAFTED BY JOHN D. DOWNING, S-2939

CENTER OF SECTION 26-7-17 CONC. MON. W/ SEWRPC BRASS CAP FND.

S. LINE OF THE NE 1/4 OF SEC 26-7-17
S 89°11'23" E 656.27'
S. LINE OF THE NE 1/4 OF SEC 26-7-17

EAST 1/4 CORNER SECTION 26-7-17 CONC. MON. W/ SEWRPC BRASS CAP FND.

REV: 02/26/2025
DATE: 02/19/2025
PROJ. NO. 25026
SHEET 1 OF 4

PRELIMINARY PLAT

BARK RIVER CONSERVANCY

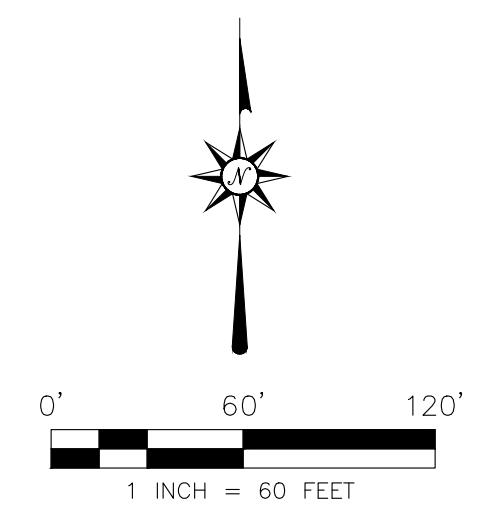
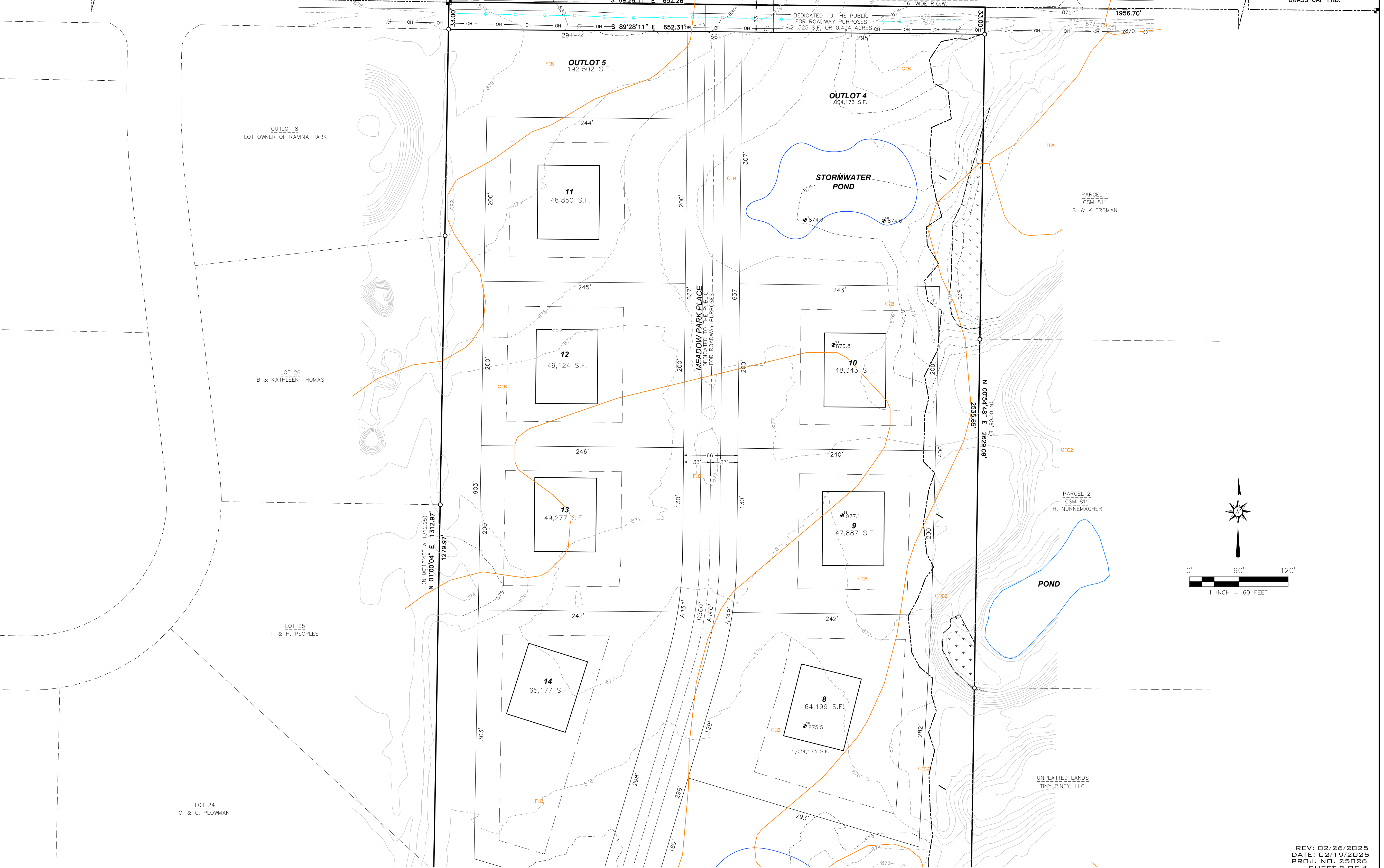
UNPLATTED LANDS BEING PART OF THE NW 1/4 AND THE SW 1/4 OF THE NE 1/4, AND PART OF THE SE 1/4 AND THE SW 1/4 OF THE NW 1/4 OF SECTION 26, TOWN 7 NORTH, RANGE 17 EAST, VILLAGE OF SUMMIT, WAUKESHA COUNTY, WISCONSIN

NW CORNER SECTION 26-7-17 CONC. MON. W/ SEWRPC BRASS CAP FND. 2641.36'

N. LINE OF THE NW 1/4 OF SEC 26-7-17 N 88°57'08" W 2641.36'

NORTH 1/4 CORNER SECTION 26-7-17 CONC. MON. W/ SEWRPC BRASS CAP FND. BENCHMARK ELEV: 878.33'

NE CORNER SECTION 26-7-17 CONC. MON. W/ SEWRPC BRASS CAP FND.



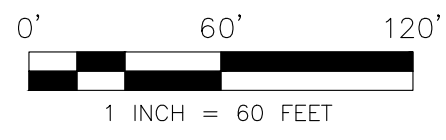
THIS INSTRUMENT WAS DRAFTED BY JOHN D. DOWNING, S-2939

REV: 02/26/2025 DATE: 02/19/2025 PROJ. NO. 25026 SHEET 2 OF 4

PRELIMINARY PLAT
BARK RIVER CONSERVANCY

UNPLATTED LANDS BEING PART OF THE NW 1/4 AND THE SW 1/4 OF THE NE 1/4, AND PART OF THE SE 1/4 AND THE SW 1/4 OF THE NW 1/4 OF SECTION 26, TOWN 7 NORTH, RANGE 17 EAST, VILLAGE OF SUMMIT, WAUKESHA COUNTY, WISCONSIN

UNPLATTED LANDS
TINY PINEY, LLC



18" CMCP IE: 870.50
15" CMCP IE: 870.23
INLET RIM ELEV. 872.70
15" CMCP IE: 870.41

LOT 23
E. CLUPPERT

LOT 24
C. & G. FLOWMAN

RAVNIA PARK SUBDIVISION

OUTLOT 7
LOT OWNER OF RAVNIA PARK

OUTLOT 5
192,502 S.F.

OUTLOT 4
1,034,173 S.F.

OUTLOT 4
1,034,173 S.F.

PRIMARY ENVIRONMENTAL
CORRIDOR DELINEATED BY
SEWRPC ON 11-13-2023

WETLANDS DELINEATED BY
SEWRPC ON 10-03-2023

UNPLATTED LANDS
TINY PINEY, LLC

S 89°08'26" E 1539.6± TO C/L OF CREEK
1453.12'

OUTLOT 5
192,502 S.F.

19
55,999 S.F.

18
49,100 S.F.

17
48,708 S.F.

16
48,317 S.F.

15
47,905 S.F.

MEADOW PARK PLACE
DEDICATED TO THE PUBLIC
FOR ROADWAY PURPOSES

W. LINE OF THE NE 1/4 OF SEC. 26-7-17
N 01°00'04" E 2625.92'

N 00°54'48" E 2623.09'

19
55,999 S.F.

18
49,100 S.F.

17
48,708 S.F.

16
48,317 S.F.

15
47,905 S.F.

4
55,533 S.F.

OUTLOT 2
17,643 S.F.

OUTLOT 3
40,725 S.F.

5
46,220 S.F.

6
46,647 S.F.

7
47,091 S.F.

OUTLOT 4
1,034,173 S.F.

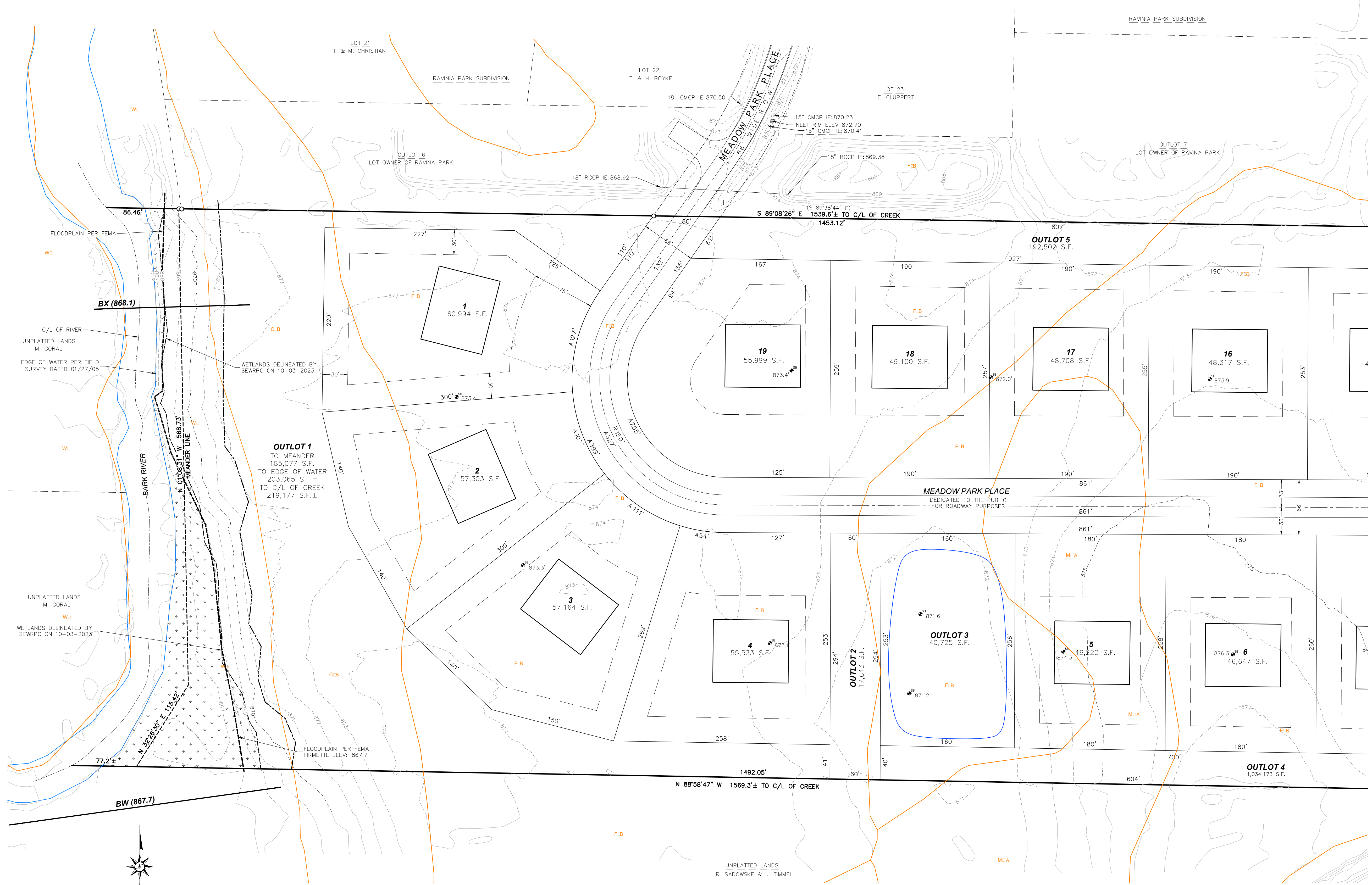
N 88°58'47" W 1569.3± TO C/L OF CREEK

UNPLATTED LANDS
R. SADOWSKE & J. TIMMEL

REV: 02/26/2025
DATE: 02/19/2025
PROJ. NO. 25026
SHEET 3 OF 4

PRELIMINARY PLAT
BARK RIVER CONSERVANCY

UNPLATTED LANDS BEING PART OF THE NW 1/4 AND THE SW 1/4 OF THE NE 1/4, AND PART OF THE SE 1/4 AND THE SW 1/4 OF THE NW 1/4 OF SECTION 26, TOWN 7 NORTH, RANGE 17 EAST, VILLAGE OF SUMMIT, WAUKESHA COUNTY, WISCONSIN





Village Hall, 262-567-2757
Fax, 262-567-4115
Highway Dept., 262-567-2422
Police Dept., 262-567-1134
Building Inspector, 262-490-4141
www.summitvillage.org

Summit Village Hall • 37100 Delafield Road • Summit, WI 53066

MEMORANDUM

To: Village Board

From: Amy Barrows, Planner

Date: May 8, 2025

Re: **Bark River Conservancy – Preliminary Plat**
Part of the NW ¼ and NE ¼ of Section 26 (SUMT0678996)

BACKGROUND:

See 4/17/2025 Plan Commission Staff Report and packet materials for the related rezone request. The Surveyor comments dated March 4, 2025 and the Engineer comments dated March 7, 2025 are also included in the packet. At the April 17, 2025 meeting, Plan Commission unanimously recommended approval of the proposed Preliminary Plat subject to the conditions provided in the recommended motion of this report.

Comments from the public hearing addressing the rezone should be reviewed. There was additional public comment regarding the navigable waterway in the southeast corner of the property.

Plan Commission determined the proposed density of 2.3 acres per unit, as provided in the conservation subdivision criteria of the R-1 Residential Zoning District standards, to be consistent with the Village of Summit's 2045 Comprehensive Plan SF Residential 2.4-acre per unit density category.

Plan Commission also approved the establishment of "preserved lands" on the subject property pursuant to the criteria and development goals set forth in subsection 111-129(2)(c) & 3. The provisions are included in the meeting packet.

Planner Comments:

1. Approval of the subdivision plat is subject to the rezoning being approved by Village Board. The number of lots shall comply with the density standards of the 2045 Comprehensive Plan and Zoning Ordinance.
2. The draft subdivision declaration of restrictions and an open space management plan will need to be reviewed and approved as part of the Final Plat submittal.

3. It is recommended that the areas of wetland, floodplain, primary environmental corridor, be placed in a conservancy easement granted to either Waukesha County, the Village of Summit, or a nonprofit organization.
4. The applicant shall work with Waukesha County Department of Parks and Land Use to relocate the existing trail easement that runs through the property. A revised easement document shall be prepared and recorded at such time as the Final Plat is recorded.
5. Wetland, Floodplain, and Primary Environmental Corridor resource restrictions shall be added to the Final Plat. The restrictions should allow the construction of a trail subject to approvals from the Village of Summit, DNR, and ACOE.
6. The developer is proposing to have more restrictive setback standards than the Village of Summit Zoning Ordinance. The setback shall be noted on the plat with a statement that the setback is more restrictive than the Village of Summit Zoning Ordinance and cannot be modified.

Below are the standards:

Setback	Required	Proposed
Street	50 ft.	75 ft.
Side-yard	20 ft.	30 ft.
Rear-yard	20 ft.	30 ft.

7. Written documentation shall be presented to the Village from the Waukesha County Environmental Health Division stating that each lot is suitable for a septic system. *This condition has been satisfied.*
8. Village Staff shall review the soil tests to ensure the proposed established minimum basement elevations prevent high groundwater from entering basements. The Village’s ordinance requires a 1-ft. separation between the basement floor and the anticipated high groundwater elevation.
9. The Master Grading Plan shall be reviewed and approved by Village Staff. An interim plan can be submitted for review and approval.
10. A detailed rendering of the entryway signage shall be submitted for review and approval, including the location, type, and size, as part of the Final Plat submittal.
11. The applicant is proposing to plant 55 trees, 12 shrubs, and many grasses along Genesee Lake Road and around proposed entry signage. The Landscape Plan will need to be reviewed by Village Staff. If any additional landscaping is proposed, a plan shall be submitted as part of the Final Plat submittal. The open space areas must be addressed on the Final Landscape Plan. Consideration should be given to screening the adjacent properties from vehicular traffic.
12. The temporary turnaround at the south end of Meadow Park Place in the Ravinia Park subdivision shall be removed and restored and the road properly extended at the cost of the developer. The construction, restoration and maintenance related to the public road improvements and restoration shall be included in the Developer’s Agreement. A plan for restoration shall be included with the final construction plans.
13. Waukesha County shall be added as a review authority. All comments provided in the County’s letter dated April 2, 2025 shall be met.

14. Public Access to the Bark River and pond shall be noted on the Final Plat if required by the Wisconsin Department of Administration. If the pond is considered a public water of the state, the provisions of Section 111-94(c) shall be met. It may be in the best interest of the developer to transfer adjacent lands with an adjoining property owner to avoid these provisions. *Plan Commission added a condition to their motion specific to this matter.*
15. The Developer's Agreement shall include a provision that construction access is limited to Genesee Park Road. Village Board should determine appropriate working hours.

ATTACHMENTS: 4/17/2025 Plan Commission report
 3/7/2025 Engineer comments
 3/4/2025 Surveyor comments
 Preliminary Plat
 Supplemental Plans
 Preserved Lands Criteria
 Letter from Property Owner

FISCAL IMPACT: The plat will include the construction of a public road. The developer will pay for the construction costs, but long-term maintenance will be the responsibility of the Village. Additional tax revenue will be provided at such time new residences are constructed on the newly created lots.

RECOMMENDED MOTION:

Approve the Preliminary Plat, subject to the following conditions:

- A. APPROVALS FROM ALL OBJECTING AND APPROVING BODIES:** Petitioner shall satisfy all comments, conditions and concerns of the Village Engineer, Surveyor, and Planner, and all other objecting and approval authorities. Village Staff comments shall be addressed prior to submitting a Final Plat for consideration by the Village.
- B. SUBJECT TO REIMBURSEMENT OF EXPENSES.** As a condition precedent to this preliminary plat approval, the Petitioner shall pay all fees, costs, and assessments due and owing to the Village of Summit, and for reimbursement of any expenses, costs and disbursements which have been incurred by the Village of Summit in the drafting, review or enforcement of this preliminary plat approval, including without limitation by reason of enumeration, design, engineering, inspection and legal work.
- C. ONE YEAR TO SATISFY CONDITIONS.** Subject to the Petitioner satisfying all of the aforementioned conditions within one year of the Village Board granting conditional final approval of the preliminary plat.
- D. REZONING.** The application to rezone the property to the R-1 Estate Residential District shall be reviewed and conditionally approved by Village Board prior to submitting a Final Plat for consideration by the Village.

- E. LAKE FRONTAGE.** The developer shall either transfer the land directly adjacent to the navigable lake located in the southeast corner of the property to an adjacent property or create a separate outlot for the area that has lake frontage and restrict the outlot so that it must be held in common ownership with Lot 7 with no construction of piers.

If approving the preliminary plat, Village Board will need to include in their motion that they have determined the proposed density of 2.3 acres per unit, as provided in the conservation subdivision criteria of the R-1 Residential Zoning District standards, to be consistent with the Village of Summit's 2045 Comprehensive Plan SF Residential 2.4-acre per unit density category. The comprehensive plan serves as a guide to future growth and development in the Village of Summit (Section 9.1 of the Village of Summit's 2045 Comprehensive Plan).

**BARK RIVER CROSSING
SINGLE-FAMILY SUBDIVISION – PRELIMINARY PLAT
3/20/2025 Plan Commission Meeting**

REVISED FOR 4/17/2025 Plan Commission Meeting

**Revisions made on 4/15/2025 that were not included as part of the
meeting packet posted on 4/11/2025 are noted in red
Eschweiler Property (SUMT0678996)**

Staff Report

Village of Summit, Wisconsin

Property Location: South side of Genesee Lake Road, east of Ravinia Park

Property Owner: Mary Alice Eschweiler

Applicant: Genesee Lake Road LLC

Possible Motion: *Recommend Village Board conditionally approve the Preliminary Plat subject to the following conditions:*

- A. *APPROVALS FROM ALL OBJECTING AND APPROVING BODIES: Petitioner shall satisfy all comments, conditions and concerns of the Village Engineer, Surveyor, and Planner, and all other objecting and approval authorities. Village Staff comments shall be addressed prior to submitting a Final Plat for consideration by the Village.*
- B. *SUBJECT TO REIMBURSEMENT OF EXPENSES. As a condition precedent to this preliminary plat approval, the Petitioner shall pay all fees, costs, and assessments due and owing to the Village of Summit, and for reimbursement of any expenses, costs and disbursements which have been incurred by the Village of Summit in the drafting, review or enforcement of this preliminary plat approval, including without limitation by reason of enumeration, design, engineering, inspection and legal work.*
- C. *ONE YEAR TO SATISFY CONDITIONS. Subject to the Petitioner satisfying all of the aforementioned conditions within one year of the Village Board granting conditional final approval of the preliminary plat.*
- D. *REZONING. The application to rezone the property to the R-1 Estate Residential District shall be reviewed and conditionally approved by Village Board prior to submitting a Final Plat for consideration by the Village.*

If recommending approval, Plan Commission will need to include in their motion that they have determined the proposed density of 2.3 acres per unit, as provided in the conservation subdivision criteria of the R-1 Residential Zoning District standards, to be consistent with the Village of Summit's 2045 Comprehensive Plan SF Residential 2.4-acre per unit density category. The comprehensive plan serves as a guide to future growth and development in the Village of Summit (Section 9.1 of the Village of Summit's 2045 Comprehensive Plan).

If recommending approval, Plan Commission will need to include in their motion that they have approved the establishment of “preserved lands” pursuant to the criteria and development goals set forth in subsection 111-129(2)(c) & 3. The provisions are included in the meeting packet.

Summary:

See the Staff Report for the proposed rezone that is included in the meeting packet for the subject property for property proposal details.

Surveyor Comments: See attached letter dated March 4, 2025 prepared by Keith Kindred, SEH, Village Surveyor.

Engineer Comments: See attached letter dated March 7, 2025 prepared by Brian Pehl, P.E., SEH, Village Engineer. Once all engineering comments are addressed, the applicant will be required to obtain a Stormwater and Erosion Control Permit, and submit a Stormwater Maintenance Agreement and Developer’s Agreement for review and approval by the Village Board. The agreements will need to be recorded with Waukesha County Register of Deeds. The applicant will also be required to submit a Financial Guarantee to ensure all work is completed.

Planner Comments:

1. Approval of the subdivision plat is subject to the rezoning being approved by Village Board. The density calculations shall be verified by staff and the number of lots shall comply with the density standards of the 2045 Comprehensive Plan and Zoning Ordinance.
2. The draft subdivision declaration of restrictions and an open space management plan will need to be reviewed and approved as part of the Final Plat submittal.
3. It is recommended that the areas of wetland, floodplain, primary environmental corridor, be placed in a conservancy easement granted to either Waukesha County, the Village of Summit, or a nonprofit organization.
4. The applicant shall work with Waukesha County Department of Parks and Land Use to relocate the existing trail easement that runs through the property. A revised easement document shall be prepared and recorded at such time as the Final Plat is recorded.
5. Wetland, Floodplain, and Primary Environmental Corridor resource restrictions shall be added to the Final Plat. The restrictions should allow the construction of a trail subject to approvals from the Village of Summit, DNR, and ACOE.
6. The developer is proposing to have more restrictive setback standards than the Village of Summit Zoning Ordinance. The setback shall be noted on the plat with a statement that the setback is more restrictive than the Village of Summit Zoning Ordinance and cannot be modified.

Below are the standards:

Setback	Required	Proposed
Street	50 ft.	75 ft.
Side-yard	20 ft.	30 ft.
Rear-yard	20 ft.	30 ft.

Eschweiler Rezone – Bark River Conservancy

7. Written documentation shall be presented to the Village from the Waukesha County Environmental Health Division stating that each lot is suitable for a septic system. *This condition has been satisfied.*
8. Village Staff shall review the soil tests to ensure the proposed established minimum basement elevations prevent high groundwater from entering basements. The Village's ordinance requires a 1-ft. separation between the basement floor and the anticipated high groundwater elevation.
9. The Master Grading Plan shall be reviewed and approved by Village Staff. An interim plan can be submitted for review and approval.
10. A detailed rendering of the entryway signage shall be submitted for review and approval, including the location, type, and size, as part of the Final Plat submittal.
11. The applicant is proposing to plant 55 trees, 12 shrubs, and many grasses along Genesee Lake Road and around proposed entry signage. The Landscape Plan will need to be reviewed by Village Staff. If any additional landscaping is proposed, a plan shall be submitted as part of the Final Plat submittal. The open space areas must be addressed on the Final Landscape Plan. Consideration should be given to screening the adjacent properties from vehicular traffic.
12. The temporary turnaround at the south end of Meadow Park Place in the Ravinia Park subdivision shall be removed and restored and the road properly extended at the cost of the developer. The construction, restoration and maintenance related to the public road improvements and restoration shall be included in the Developer's Agreement. A plan for restoration shall be included with the final construction plans.
13. Waukesha County shall be added as a review authority. All comments provided in the County's letter dated April 2, 2025 shall be met.
14. Public Access to the Bark River and pond shall be noted on the Final Plat if required by the Wisconsin Department of Administration. If the pond is considered a public water of the state, the provisions of Section 111-94(c) shall be met. It may be in the best interest of the developer to transfer adjacent lands with an adjoining property owner to avoid these provisions.
15. The Developer's Agreement shall include a provision that construction access is limited to Genesee Park Road. Village Board should determine appropriate working hours.



Building a Better World
for All of Us®

March 7, 2025

RE: Village of Summit
Bark River Conservancy Storm Water
Management and Grading Plan Review
SEH No. 176551 Task 53

Ms. Amy Barrows
Village Planner
Village of Summit
37100 Delafield Road
Summit, WI 53066

Dear Ms. Barrows:

We recently received storm water management and grading plans for the Bark River Conservancy development located in the Village of Summit. Nineteen lots are proposed for this single-family residential development, located east and south of the existing Ravinia Park Subdivision, with access off both Genesee Lake Road and Meadow Park Place. Both plans have been prepared by Ellena Engineering Consultants and dated February 20, 2025. The plans appear to be preliminary; more detail is needed to provide a full review. Only a grading plan has been provided so far to accompany the storm water management plan. A full set of construction plans, including plan & profile sheets for the roadways, EC plan and detail will need to be submitted to do a full comprehensive review.

Based on the information provided, it appears that adequate area has been set aside to address the Village and State's storm water requirements but many revisions are needed for both the storm water and grading plan that will affect the plan results, so no approvals should be implied but the plans do provide enough supporting evidence to be comfortable moving forward with the concept proposed. The comments provided are mostly generalized since the plans are missing much of the needed detail to do a thorough review. A plan mark-up is included with the review to help the project engineer revise the plans and provide the necessary detail.

Storm Water Management Plan

- 1) The transmittal letter, and accompanying summary, describes that the plan includes infiltration but later in the letter a request is made to make infiltration exempt. The soils information provided does not cover the areas where the storm water management facilities are proposed and need to be provided before any determination of exemption is considered. It appears from the soils information provided, there are areas that seasonal groundwater may not interfere with promoting infiltration.
 - Additional soils information needs to be provided, at least two test pits within the proposed stormwater facilities need to be conducted that extend at least 15 feet below the surface or at least to a depth where groundwater or bedrock is experienced.
- 2) For the existing conditions calculations and modeling, the existing land use appears to be agricultural, and the curve number used should represent that. For the sheet flow portion of the Tc calculations, a more appropriate manning's coefficient should be used for agricultural land use. The flow paths chosen should be verified, as there appears to be paths that are longer that were not used. The slopes used should be verified.

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 501 Maple Avenue, Delafield, WI 53018-9351

262.646.6855 | 888.908.8166 fax | sehinc.com

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- 3) For proposed conditions, the manning's coefficient for sheet flow portion of Tc calculations should be adjusted to better reflect the type of likely vegetation, typically a dense grass coefficient is more appropriate in WI.
- 4) The delineated drainage areas on the proposed drainage map need to be identified/labeled.
- 5) For the drainage area that includes lots 8-10, the flow path lines do not appear to be connected.
- 6) In the summary, it states that an emergency overflow path design was considered, the path should be shown on this plan.
- 7) There appear to be a few low areas/kettles on-site, or straddling the property line with Ravinia Park lots, an assessment needs to be provided, under frozen conditions, to verify the lots are not susceptible to flooding. An overflow path needs to be designed to avoid flooding and pads set high enough to avoid potential flooding. This appears to occur behind lots 13-18, there appears to be two separate low areas that should be assessed.
- 8) It's not clear from the pond design information included in HydroCAD how the pretreatment cells function. The WinSLAMM input appears to utilize small orifices and an overflow weir but the grading plan provided does not show it being built in this manner. More detail will need to be provided to better review the design versus the modeling for consistency and functionality.
- 9) More off-site contour labels should be provided on all the maps, and grading plan, to help determine drainage patterns. Adequate labels are provided internally.
- 10) The proposed drainage map should show where the low flow outlet pipe and Basin PR4 drain to.
- 11) For WinSLAMM modeling:
 - Areas that are not being managed by BMPs need to be included in the water quality calculations to determine the overall site removal/reduction rate.
 - Verify the street width in the land use calculations, they should be consistent with the Village's typical street section and consistent with each other.
 - For the grass swale control practices, it's assumed that the roadside swales are being modeled, as such, the percent of the runoff from the drainage area should not be set at 100%, as there is backyard runoff and the area of the basin itself that isn't being directed the control practice (applicable for all the areas modeled as such). The average swale length should also be adjusted since the full swale length wouldn't be utilized for the full area being analyzed.

Grading Plan

- 12) For lots 1, 2 and 4, the 879-foot contour is missing in front of the pad.
- 13) For lot 19, the 879-foot contour should be eliminated based on the proposed YG.
- 14) Many contours are missing on the backside of lots and need to be checked.
- 15) In general, proposed contours need to be closed out and tied to the existing contours on the backside of lots and when transitioning to the existing Ravinia Park subdivision roadway.
- 16) There are several areas where it appears backyard drainage is too flat as shown, such as behind lot 3, lot 8, lot 1, and potentially lots 18 & 19.
- 17) All the pads are shown being setback about 30-feet from the building setback line. It appears this is being done to help limit the driveway slope. It's unclear if the lot owner will be required to build the home at this setback or what will ensure the location where it's shown?
- 18) There are a few sideyards that appear to be shown at an extreme slope, well steeper than the preferred 4:1 slope and exceedance of the maximum 3:1 slope.
- 19) Using yellow for leaders and lettering should be avoided since it's difficult to see on the sheet.
- 20) Proposed wells and septic areas need to be shown, along with the storm water basin setbacks. Existing wells and septic areas on adjacent existing lots also need to be shown to verify proper setbacks are being met.

Ms. Amy Barrows
March 7, 2025
Page 3

General Comments

- 1) A Village SW & EC plan will be required.
- 2) A long-term SWMA will be required.
- 3) A Developer's Agreement will be required.
- 4) A financial guarantee will be required.
- 5) Once more detail and the required plan sheets are provided, a more thorough review of the plan set will be provided.

Please do not hesitate to contact me with any questions or comments at 414.949.8950 or bpehl@sehinc.com.

Sincerely,



Brian Pehl, PE
(Lic. WI)

CC: Kamron Nash, Village Public Works Director
Mark Ellena, Ellena Engineering Consultants, LLC
Dean Frederick, Technical Engineering Consultants LLC

btp



Building a Better World
for All of Us®

March 4, 2025

RE: Village of Summit
Bark River Conservancy Preliminary Plat
Review
SEH No. 176551 Task 53

Ms. Amy Barrows
Village Planner
Village of Summit
37100 Delafield Road
Summit, WI 53066

Dear Ms. Barrows:

We have reviewed the Preliminary Plat for the Bark River Conservancy development, prepared by Matthew O'Rourke of LandTech Surveying. The Preliminary Plat reviewed is dated 02/26/2025. We have also included the Preliminary Plat mark-ups to aid in the revisions. We offer the following comments:

- 1) Water elevations, including the low- and high-water elevations must be shown for the Bark River.
- 2) Sheet 1 shall be labeled as "Overall Detail"
- 3) The Zoning on adjacent lands must be shown.
- 4) Existing wells and septic systems in the vicinity of the proposed ponds should be shown.
- 5) Vision Corners will be needed.
- 6) Property lines at street intersections shall be rounded with a radius of 15 feet or of a greater radius where the plan commission considers it necessary. The inside radius for the pavement section at all intersections shall be a minimum of 30 feet.

Please do not hesitate to contact me with any questions or comments at 414.949.8919 or kkindred@sehinc.com.

Sincerely,

A handwritten signature in black ink that reads "Keith Kindred".

Keith Kindred, PLS
Principal, Regional Practice Center Leader
(Lic. WI, IL)

btp

x:\p\t\s\summ\176551\task 53 - eschweiler - bark river conservancy\corr\review letters\bark river conservancy pre plat review letter_village of summit_2025-03-04.docx

PRELIMINARY PLAT BARK RIVER CONSERVANCY

UNPLATTED LANDS BEING PART OF THE NW 1/4 AND THE SW 1/4 OF THE NE 1/4, AND PART OF THE SE 1/4 AND THE SW 1/4 OF THE NW 1/4 OF SECTION 26, TOWN 7 NORTH, RANGE 17 EAST, VILLAGE OF SUMMIT, WAUKESHA COUNTY, WISCONSIN

OWNER/DEVELOPER:
GENESEE LAKE ROAD, LLC.
JOHN STOKER
N118W18531 BUNSEN DR.
GERMANTOWN, WI 53022
262-252-7100

OWNER LISTED AS
ESCHWEILER ON GIS

ENGINEER:
ELLENA ENGINEERING CONSULTANTS, LLC
MARK ELLENA
700 PILGRIM PARKWAY - SUITE 100
ELM GROVE, WI 53122
262-719-6183

SURVEYOR:
LANDTECH SURVEYING, LLC
JOHN DOWNING
955 LEXINGTON DR.
OCCONGOWOC, WI 53066
262-367-7599

REVIEWING AUTHORITIES:
• VILLAGE OF SUMMIT
• WI DEPARTMENT OF ADMINISTRATION

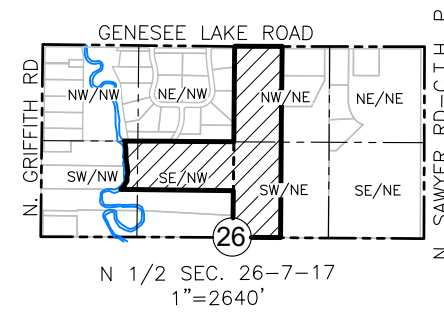
TOTAL PARCEL AREA
INCLUDING AREA TO BE DEDICATED
62.441 ACRES TO C/L OF RIVER
(2,719,914 S.F.)
61.353 ACRES TO MEANDER LINE
(2,672,532 S.F.)
ROAD WAY TO BE DEDICATED
5.093 ACRES (221,856 S.F.)

CURRENT ZONING
A-1, WC, EC

PROPOSED ZONING
R-1 RESIDENTIAL

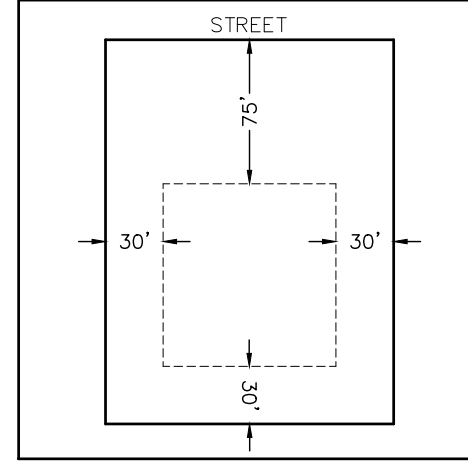
BUILDING LOCATION
• ROAD SETBACK = 75'
• REAR YARD SETBACK = 30'
• SIDE YARD SETBACK = 30'
(SEE LOT 1 FOR DETAIL)

VICINITY MAP



PROPERTY AREA	61.95 ACRES
REQUIRED OPEN SPACE (40%)	61.95 (0.40) = 24.78 AC
GREEN SPACE	35.12 AC (57%)
TOTAL UPLAND RECLANDS	11.14 ACRES
TOTAL WETLANDS AREA	7.50 ACRES
PROPOSED ROADWAY FLOW	4.80 ACRES
UNITS ALLOWED IN R-1 (1 UNIT/2.3 ACRES)	61.95 / 2.3 = 26.93 UNITS
UNITS ALLOWED PER EC (1 UNIT/5.0 ACRES)	11.14 / 5.0 = 2.23 UNITS
TOTAL UNITS ALLOWED	16.83 ± 2.23 = 19.06 UNITS

BUILDING SETBACK DETAIL



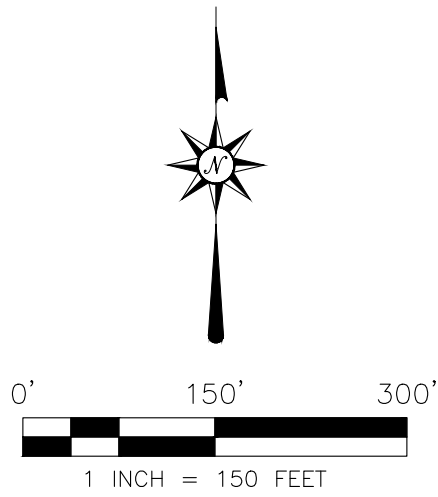
STREET SETBACK = 75'
SIDE YARD SETBACK = 30'
REAR SETBACK = 30'

LOT/BK	SH3/ELEV	LOWEST BSMT ELEV (SH3/A-1)	MIN BSMT ELEV/PERMGP
1	868.5	868.5	869.5
2	868.5	868.5	869.5
3	867.0	868.0	868.0
4	868.7	868.7	869.7
5	868.5	868.5	869.5
6	868.0	868.0	869.5
7	868.0	870.0	870.0
8	868.4	868.4	869.4
9	867.7	868.7	869.6
10	868.8	868.8	869.8
11	867.4	868.4	869.0
12	867.0	868.0	868.0
13	867.0	868.0	868.0
14	868.5	867.5	867.5
15	869.0	870.0	870.0
16	868.8	868.8	869.8
17	868.8	868.8	869.8
18	867.0	868.0	869.0
19	867.8	868.8	869.8

*SH3/ELEV DETERMINED FROM AVAILABLE TESTING BY GLENN ENGINEERING STUDIES BY GEO-TECHNOLOGY INC. DATED OCTOBER 18, 2024. THE REPORTS HAVE BEEN SUBMITTED TO THE VILLAGE ENGINEER.

NOTES:

- EACH INDIVIDUAL LOT OWNER SHALL HAVE AN UNDIVIDED FRACTIONAL OWNERSHIP IN OUTLOT NO. 1, 2, 3, 4, AND 5.
- VILLAGE OF SUMMIT SHALL NOT BE LIABLE FOR ANY FEES OR SPECIAL CHARGES IN THE EVENT THEY BECOME THE OWNER OF ANY LOT OR OUTLOT IN THE SUBDIVISION BY REASON OF TAX DELINQUENCY. OUTLOT 3 & 4 SHALL BE USED FOR STORM WATER MANAGEMENT FACILITIES.
- THIS DEVELOPMENT WILL BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
- ALL LOTS HAVE AT LEAST A 180' MINIMUM AVERAGE WIDTH.
- ANY LANDS BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION.
- FLOODPLAIN IS PER FEMA FIRM MAP No. 55133C0162H, MAP REVISED NOVEMBER 5, 2014.
- THE O.H.W.M. (ORDINARY HIGH WATER MARK) IS AN APPROXIMATE LOCATION DETERMINED BY THE SURVEYOR. IT IS RECOMMENDED THAT THE ZONING ADMINISTRATOR FOR THE MUNICIPALITY APPROVE OR SET THE O.H.W.M. ELEVATION.



BEARINGS BASED ON GRID NORTH OF THE WISCONSIN COUNTY COORDINATE SYSTEM, WAUKESHA COUNTY ZONE (NAD 83 WISCONSIN 2011) AND REFERENCED TO THE NORTH LINE OF THE NE 1/4 OF SEC. 26-7-17 MEASURED AS N89°28'11" W.

VERTICAL DATUM IS NAVD 88 (GEOID 12A)

WATER ELEVATION AND APPROXIMATE HIGH AND LOW WATER IS REQUIRED

ZONING ON ADJACENT LANDS REQUIRED

OVERALL DETAIL

LEGEND

- SECTION CORNER MONUMENT FOUND 3/4 REBAR OR NOTED FOUND 1" IRON PIPE OR NOTED CMCP CULVERT
- DRAIN
- UTILITY POLE
- GUY WIRE
- MARKER POST OR NOTED
- CONTOUR PER GIS
- EXISTING CONTOUR
- UNDERGROUND GAS
- OVERHEAD UTILITY
- SOIL BORE
- HATCH FLOODPLAIN
- P.E.C.
- RECORD DIMENSION
- SOIL TYPE

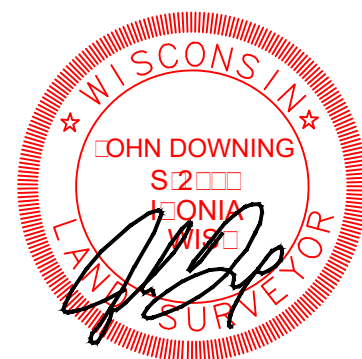
SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS, ROADWAY AND VISIBLE ENCROACHMENTS, IF ANY. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE, THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE HEREOF.

SIGNED: JOHN D. DOWNING, PROFESSIONAL LAND SURVEYOR S-2939



LAND SURVEYING • LAND PLANNING
955 LEXINGTON DRIVE
OCCONGOWOC, WI 53066
WWW.LANDTECHWI.COM
(262) 367-7599



PRELIMINARY PLAT

BARK RIVER CONSERVANCY

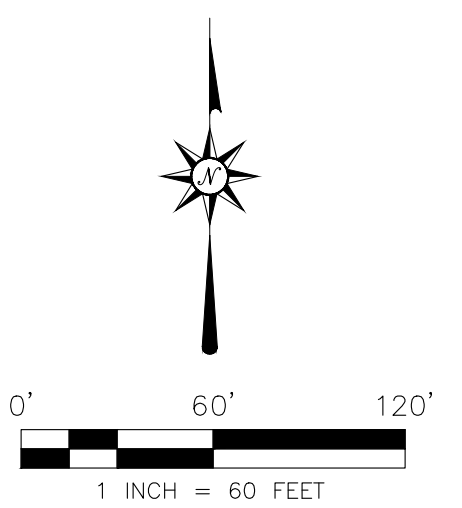
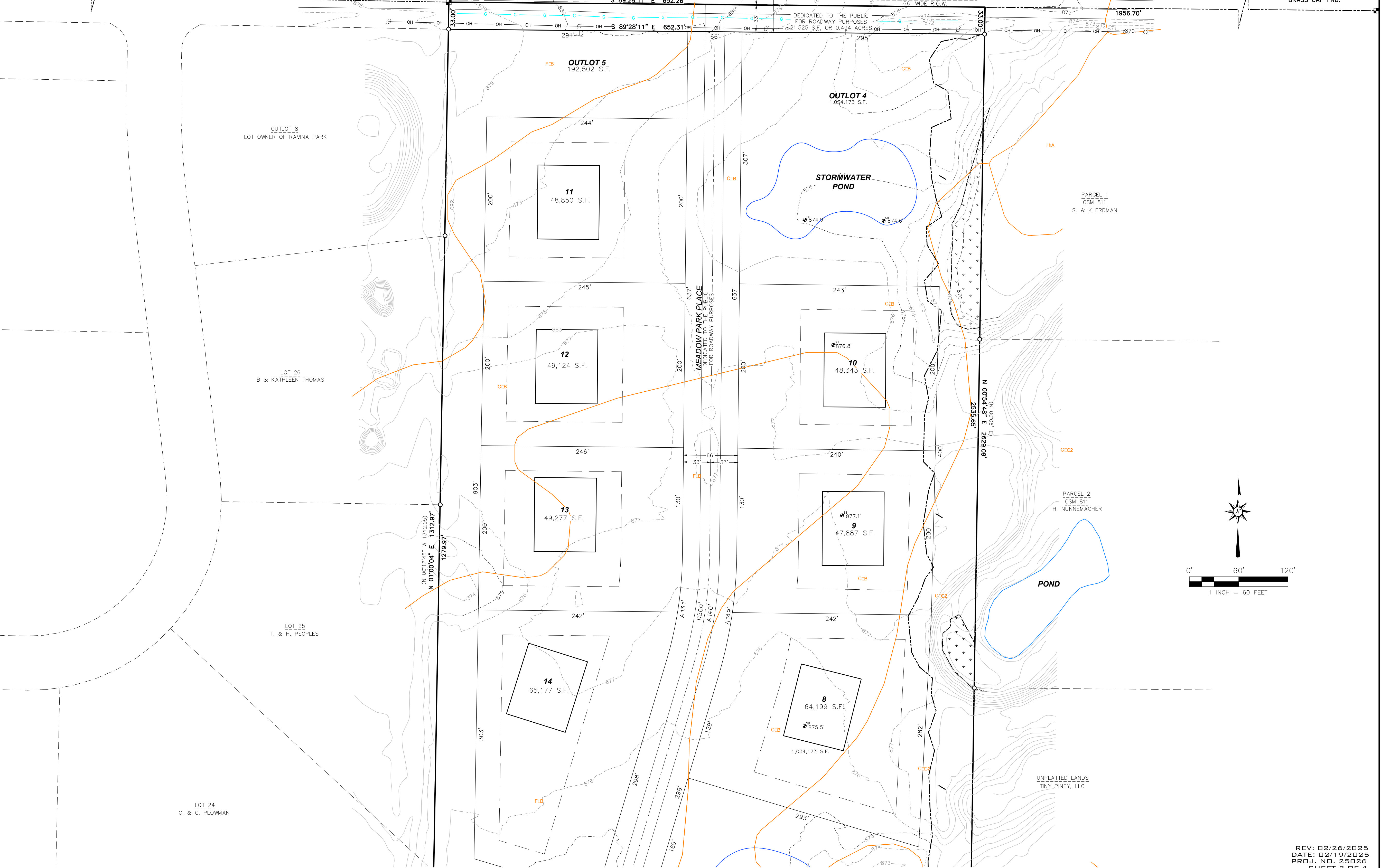
UNPLATTED LANDS BEING PART OF THE NW 1/4 AND THE SW 1/4 OF THE NE 1/4, AND PART OF THE SE 1/4 AND THE SW 1/4 OF THE NW 1/4 OF SECTION 26, TOWN 7 NORTH, RANGE 17 EAST, VILLAGE OF SUMMIT, WAUKESHA COUNTY, WISCONSIN

NW CORNER SECTION 26-7-17 CONC. MON. W/ SEWRPC BRASS CAP FND. 2641.36'

N. LINE OF THE NW 1/4 OF SEC 26-7-17 N 88°57'08" W 2641.36'

NORTH 1/4 CORNER SECTION 26-7-17 CONC. MON. W/ SEWRPC BRASS CAP FND. BENCHMARK ELEV: 878.33'

NE CORNER SECTION 26-7-17 CONC. MON. W/ SEWRPC BRASS CAP FND.



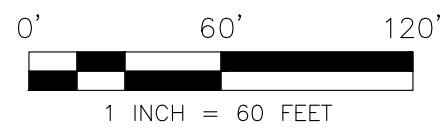
THIS INSTRUMENT WAS DRAFTED BY JOHN D. DOWNING, S-2939

REV: 02/26/2025 DATE: 02/19/2025 PROJ. NO. 25026 SHEET 2 OF 4

PRELIMINARY PLAT
BARK RIVER CONSERVANCY

UNPLATTED LANDS BEING PART OF THE NW 1/4 AND THE SW 1/4 OF THE NE 1/4, AND PART OF THE SE 1/4 AND THE SW 1/4 OF THE NW 1/4 OF SECTION 26, TOWN 7 NORTH, RANGE 17 EAST, VILLAGE OF SUMMIT, WAUKESHA COUNTY, WISCONSIN

UNPLATTED LANDS
TINY PINEY, LLC



18" CMCP IE: 870.50
15" CMCP IE: 870.23
INLET RIM ELEV. 872.70
15" CMCP IE: 870.41

LOT 23
E. CLUPPERT

LOT 24
C. & G. FLOWMAN

RAVNIA PARK SUBDIVISION

OUTLOT 7
LOT OWNER OF RAVNIA PARK

OUTLOT 5
192,502 S.F.

STORMWATER POND

OUTLOT 4
1,034,173 S.F.

S 89°08'26" E 1539.6± TO C/L OF CREEK
1453.12'

OUTLOT 5
192,502 S.F.

19
55,999 S.F.

18
49,100 S.F.

17
48,708 S.F.

16
48,317 S.F.

15
47,905 S.F.

PRIMARY ENVIRONMENTAL
CORRIDOR DELINEATED BY
SEWRPC ON 11-13-2023

OUTLOT 4
1,034,173 S.F.

MEADOW PARK PLACE
DEDICATED TO THE PUBLIC
FOR ROADWAY PURPOSES

4
55,533 S.F.

OUTLOT 2
17,643 S.F.

OUTLOT 3
40,725 S.F.

5
46,220 S.F.

6
46,647 S.F.

7
47,091 S.F.

STORMWATER POND

WETLANDS DELINEATED BY
SEWRPC ON 10-03-2023

OUTLOT 4
1,034,173 S.F.

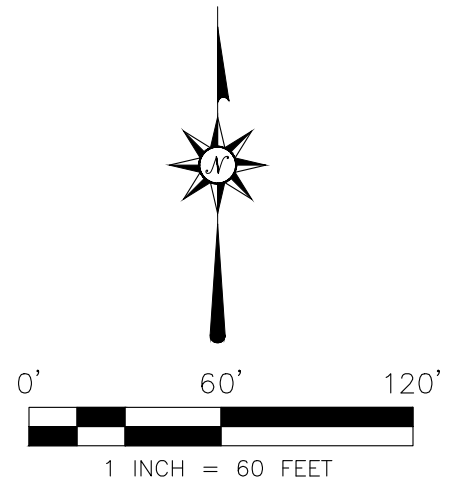
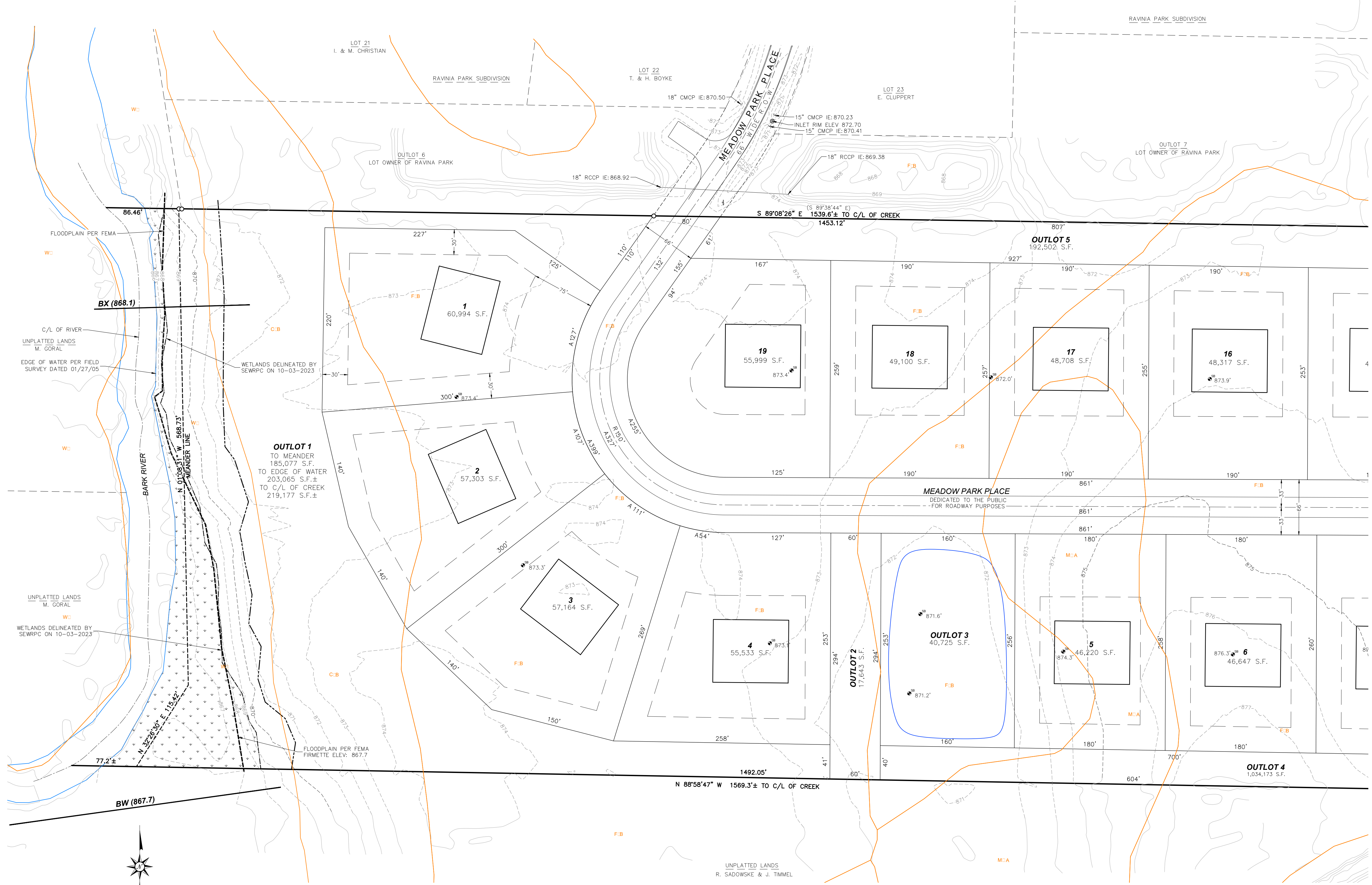
N 88°58'47" W 1569.3± TO C/L OF CREEK

UNPLATTED LANDS
R. SADOWSKE & J. TIMMEL

REV: 02/26/2025
DATE: 02/19/2025
PROJ. NO. 25026
SHEET 3 OF 4

PRELIMINARY PLAT
BARK RIVER CONSERVANCY

UNPLATTED LANDS BEING PART OF THE NW 1/4 AND THE SW 1/4 OF THE NE 1/4, AND PART OF THE SE 1/4 AND THE SW 1/4 OF THE NW 1/4 OF SECTION 26, TOWN 7 NORTH, RANGE 17 EAST, VILLAGE OF SUMMIT, WAUKESHA COUNTY, WISCONSIN





Bark River Conservancy

VILLAGE OF SUMMIT

--PROPOSED DEVELOPMENT ON THE ESCHWEILER PROPERTY--

FEBRUARY, 2025

General Location:	Approximately 1 mile East of Summit Ave (Hwy 67) & ½ mile West of Sawyer Road (CTH P) on the south side of Genesee Lake Road
Site Size:	62.44 Acres
Current Zoning:	A-1 Agriculture
Proposal:	To create a 19 lot single family conservation subdivision with residential lots averaging 52,303 square feet in size with buffering outlots and environmental protections
General Character:	This will be a community of architecturally controlled single family homes on single family homesites in harmony with our neighbors
Building Restrictions:	Preliminary building restrictions state the minimum size of the homes will be as required by the village zoning code, or greater, and similar to Ravina Park
River Greenway:	We are coordinating with Waukesha County for the inclusion of the Waukesha County Greenway Project for the Bark River corridor. An easement(s) will be conveyed to protect the woodlands, wetlands, and floodplain
Density Calculations:	See attached site "data sheet"
Drainage:	Storm water control and water quality management will be accomplished through multiple stormwater management areas within Outlots 3 & 4
Timing:	If approval is granted on a timely basis, construction would begin in Summer, 2025. The development will be constructed in one phase
Synopsis:	We are delighted to bring forth an extraordinary proposed development plan for an exceptional residential community that also advocates for the preservation of environmentally sensitive area and the creation of open spaces

PRELIMINARY PLAT BARK RIVER CONSERVANCY

UNPLATTED LANDS BEING PART OF THE NW 1/4 AND THE SW 1/4 OF THE NE 1/4, AND PART OF THE SE 1/4 AND THE SW 1/4 OF THE NW 1/4 OF SECTION 26, TOWN 7 NORTH, RANGE 17 EAST, VILLAGE OF SUMMIT, WAUKESHA COUNTY, WISCONSIN

OWNER/DEVELOPER:
GENESEE LAKE ROAD, LLC
JOHN STOKER
N118W18531 BUNSEN DR.
GERMANTOWN, WI 53022
262-252-7100

ENGINEER:
ELLENA ENGINEERING CONSULTANTS, LLC
MARK ELLENA
700 PILGRIM PARKWAY - SUITE 100
ELM GROVE, WI 53122
262-719-6183

SURVEYOR:
LANDTECH SURVEYING, LLC
JOHN DOWNING
955 LEXINGTON DR.
OCCONGOWOC, WI 53066
262-367-7599

REVIEWING AUTHORITIES:
• VILLAGE OF SUMMIT
• WI DEPARTMENT OF ADMINISTRATION

TOTAL PARCEL AREA
INCLUDING AREA TO BE DEDICATED
62.441 ACRES TO C/L OF RIVER
(2,719,914 S.F.)
61.353 ACRES TO MEANDER LINE
(2,672,532 S.F.)
ROADWAY TO BE DEDICATED
5.093 ACRES (221,856 S.F.)

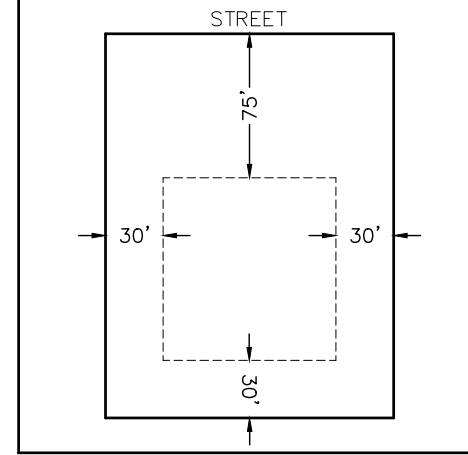
CURRENT ZONING
A-1, WC, EC

PROPOSED ZONING
R-1 RESIDENTIAL

BUILDING LOCATION
• ROAD SETBACK = 75'
• REAR YARD SETBACK = 30'
• SIDE YARD SETBACK = 30'
(SEE LOT 1 FOR DETAIL)

PROPERTY AREA	61.95 ACRES
REQUIRED OPEN SPACE (40%)	61.95 (0.40) = 24.78 AC
GREEN SPACE	35.12 AC (57%)
TOTAL UPLAND RECLANDS	11.14 ACRES
TOTAL WETLANDS AREA	7.50 ACRES
PROPOSED ROADWAY ROW	4.80 ACRES
UNITS ALLOWED IN R-1 (1 UNIT/2.3 ACRES)	61.95 / 2.3 = 26.93 UNITS
UNITS ALLOWED PER EC (1 UNIT/5.0 ACRES)	11.14 / 5.0 = 2.23 UNITS
TOTAL UNITS ALLOWED	16.83 ± UNITS

BUILDING SETBACK DETAIL

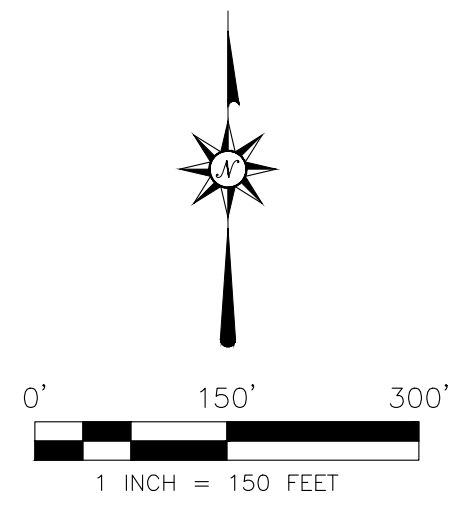


STREET SETBACK = 75'
SIDE YARD SETBACK = 30'
REAR SETBACK = 30'

LOT/BK	SH3/ELEV	LOWEST BSMT ELEV (SH3/M-1)	MIN BSMT ELEV/PERMGP
1	868.5	868.5	869.5
2	868.5	868.5	869.5
3	867.0	868.0	868.0
4	868.7	868.7	869.7
5	868.5	868.5	869.5
6	868.0	868.0	869.5
7	868.0	870.0	870.0
8	868.4	868.4	869.4
9	867.7	868.7	869.6
10	868.8	868.8	869.8
11	867.4	868.4	869.0
12	867.0	868.0	868.0
13	867.0	868.0	868.0
14	868.5	867.5	867.5
15	869.0	870.0	870.0
16	868.8	869.8	869.8
17	868.8	869.8	869.8
18	867.0	868.0	869.0
19	867.8	868.8	869.8

*SH3/ELEV DETERMINED FROM AVAILABLE TESTING BY GLENN ENGINEERING STUDIES BY GEO-TECHNOLOGY INC. DATED OCTOBER 18, 2024. THE REPORTS HAVE BEEN SUBMITTED TO THE VILLAGE ENGINEER.

- NOTES:
- EACH INDIVIDUAL LOT OWNER SHALL HAVE AN UNDIVIDED FRACTIONAL OWNERSHIP IN OUTLOT NO. 1, 2, 3, 4, AND 5.
 - VILLAGE OF SUMMIT SHALL NOT BE LIABLE FOR ANY FEES OR SPECIAL CHARGES IN THE EVENT THEY BECOME THE OWNER OF ANY LOT OR OUTLOT IN THE SUBDIVISION BY REASON OF TAX DELINQUENCY. OUTLOT 3 & 4 SHALL BE USED FOR STORM WATER MANAGEMENT FACILITIES.
 - THIS DEVELOPMENT WILL BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
 - ALL LOTS HAVE AT LEAST A 180' MINIMUM AVERAGE WIDTH.
 - ANY LANDS BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION.
 - FLOODPLAIN IS PER FEMA FIRM MAP No. 55133C0162H, MAP REVISED NOVEMBER 5, 2014.
 - THE O.H.W.M. (ORDINARY HIGH WATER MARK) IS AN APPROXIMATE LOCATION DETERMINED BY THE SURVEYOR. IT IS RECOMMENDED THAT THE ZONING ADMINISTRATOR FOR THE MUNICIPALITY APPROVE OR SET THE O.H.W.M. ELEVATION.



BEARINGS BASED ON GRID NORTH OF THE WISCONSIN COUNTY COORDINATE SYSTEM, WAUKESHA COUNTY ZONE (NAD 83 WISCONSIN 2011) AND REFERENCED TO THE NORTH LINE OF THE NE 1/4 OF SEC. 26-7-17 MEASURED AS N89°28'11"W.

VERTICAL DATUM IS NAVD 88 (GEOID 12A)

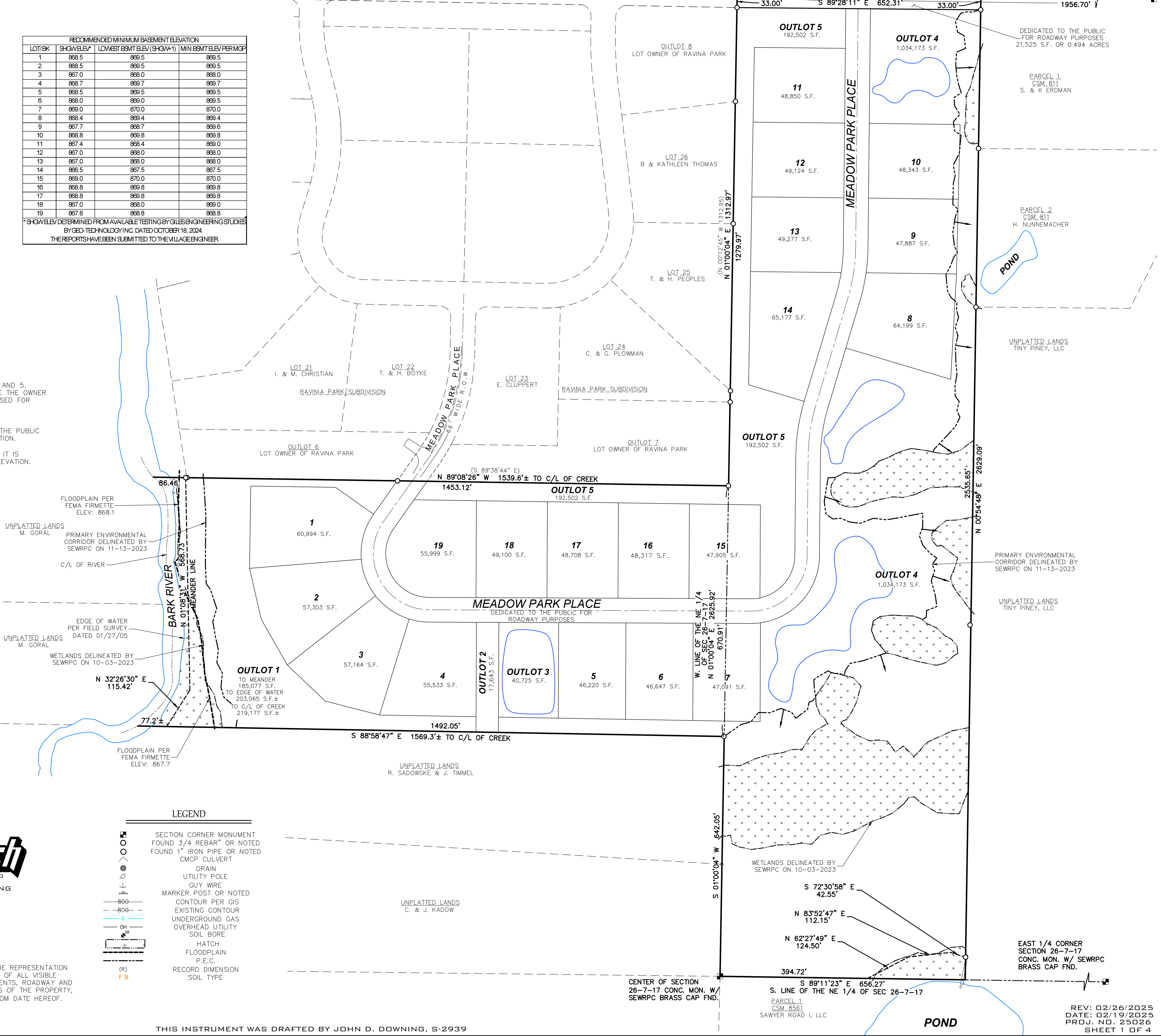
NORTH 1/4 CORNER SECTION 26-7-17 CONC. MON. W/ SEWRPC BRASS CAP FND. BENCHMARK ELEV: 878.33

N. LINE OF THE NW 1/4 OF SEC 26-7-17 N 88°57'08" W 2641.36'

N. LINE OF THE NE 1/4 OF SEC 26-7-17 S 89°28'11" E 2608.96' S 89°28'11" E 652.26'

GENESEE LAKE ROAD 66' WIDE R.O.W.

NE CORNER SECTION 26-7-17 CONC. MON. W/ SEWRPC BRASS CAP FND.



LEGEND	
	SECTION CORNER MONUMENT FOUND 3/4 REBAR OR NOTED FOUND 1" IRON PIPE OR NOTED CMCP CULVERT
	DRAIN
	UTILITY POLE
	GUY WIRE
	MARKER POST OR NOTED
	CONTOUR PER GIS
	EXISTING CONTOUR
	UNDERGROUND GAS
	OVERHEAD UTILITY
	SOIL BORE
	HATCH
	FLOODPLAIN
	P.E.C.
	RECORD DIMENSION
	SOIL TYPE



SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS, ROADWAY AND VISIBLE ENCROACHMENTS, IF ANY. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE, THE TITLE THERETO WITHIN ONE (1) YEAR FROM DATE HEREOF.

SIGNED: JOHN D. DOWNING, PROFESSIONAL LAND SURVEYOR S-2939

THIS INSTRUMENT WAS DRAFTED BY JOHN D. DOWNING, S-2939

CENTER OF SECTION 26-7-17 CONC. MON. W/ SEWRPC BRASS CAP FND.

S. LINE OF THE NE 1/4 OF SEC 26-7-17 S 89°11'23" E 656.27'

PARCEL 1 CSM 8561 SAWYER ROAD I, LLC

EAST 1/4 CORNER SECTION 26-7-17 CONC. MON. W/ SEWRPC BRASS CAP FND.

REV: 02/26/2025
DATE: 02/19/2025
PROJ. NO. 25026
SHEET 1 OF 4

PRELIMINARY PLAT

BARK RIVER CONSERVANCY

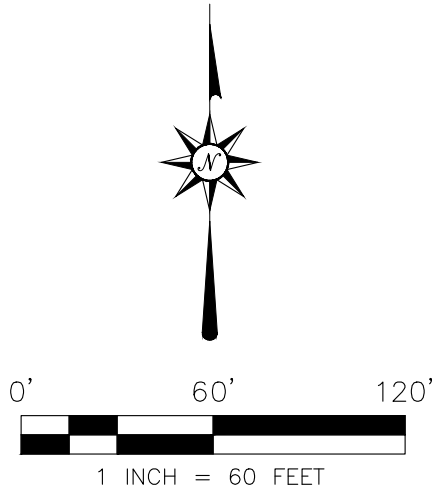
UNPLATTED LANDS BEING PART OF THE NW 1/4 AND THE SW 1/4 OF THE NE 1/4, AND PART OF THE SE 1/4 AND THE SW 1/4 OF THE NW 1/4 OF SECTION 26, TOWN 7 NORTH, RANGE 17 EAST, VILLAGE OF SUMMIT, WAUKESHA COUNTY, WISCONSIN

NW CORNER SECTION 26-7-17 CONC. MON. W/ SEWRPC BRASS CAP FND. 2641.36'

N. LINE OF THE NW 1/4 OF SEC 26-7-17 N 88°57'08" W 2641.36'

NORTH 1/4 CORNER SECTION 26-7-17 CONC. MON. W/ SEWRPC BRASS CAP FND. BENCHMARK ELEV: 878.33'

NE CORNER SECTION 26-7-17 CONC. MON. W/ SEWRPC BRASS CAP FND.

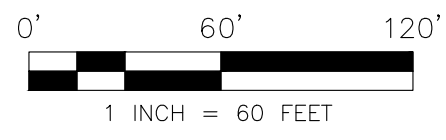


THIS INSTRUMENT WAS DRAFTED BY JOHN D. DOWNING, S-2939

REV: 02/26/2025
DATE: 02/19/2025
PROJ. NO. 25026
SHEET 2 OF 4

PRELIMINARY PLAT
BARK RIVER CONSERVANCY

UNPLATTED LANDS BEING PART OF THE NW 1/4 AND THE SW 1/4 OF THE NE 1/4, AND PART OF THE SE 1/4 AND THE SW 1/4 OF THE NW 1/4 OF SECTION 26, TOWN 7 NORTH, RANGE 17 EAST, VILLAGE OF SUMMIT, WAUKESHA COUNTY, WISCONSIN



18" CMCP IE: 870.50
15" CMCP IE: 870.23
INLET RIM ELEV. 872.70
15" CMCP IE: 870.41

LOT 23
E. CLUPPERT

LOT 24
C. & G. FLOWMAN

RAVNIA PARK SUBDIVISION

OUTLOT 7
LOT OWNER OF RAVNIA PARK

OUTLOT 5
192,502 S.F.

OUTLOT 4
1,034,173 S.F.

UNPLATTED LANDS
TINY PINEY, LLC

S 89°08'26" E 1539.6± TO C/L OF CREEK
1453.12'

OUTLOT 5
192,502 S.F.

19

55,999 S.F.

18

49,100 S.F.

17

48,708 S.F.

16

48,317 S.F.

15

47,905 S.F.

MEADOW PARK PLACE
DEDICATED TO THE PUBLIC
FOR ROADWAY PURPOSES

OUTLOT 4
1,034,173 S.F.

PRIMARY ENVIRONMENTAL
CORRIDOR DELINEATED BY
SEWRPC ON 11-13-2023

4

55,533 S.F.

OUTLOT 2
17,643 S.F.

OUTLOT 3
40,725 S.F.

5

46,220 S.F.

6

46,647 S.F.

7

47,091 S.F.

OUTLOT 4
1,034,173 S.F.

STORMWATER
POND

STORMWATER
POND

WETLANDS DELINEATED BY
SEWRPC ON 10-03-2023

N 88°58'47" W 1569.3± TO C/L OF CREEK

W. LINE OF THE NE 1/4 OF SEC. 26-7-17
N 01°00'04" E 2625.92'

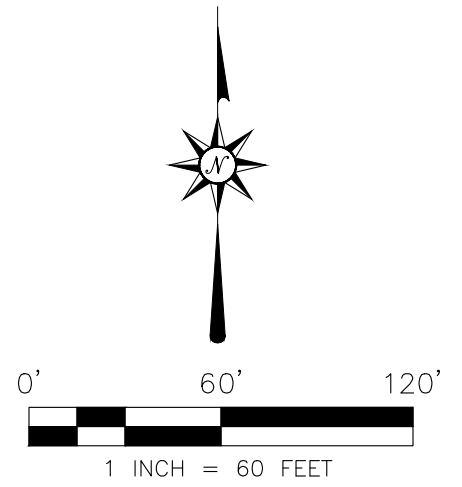
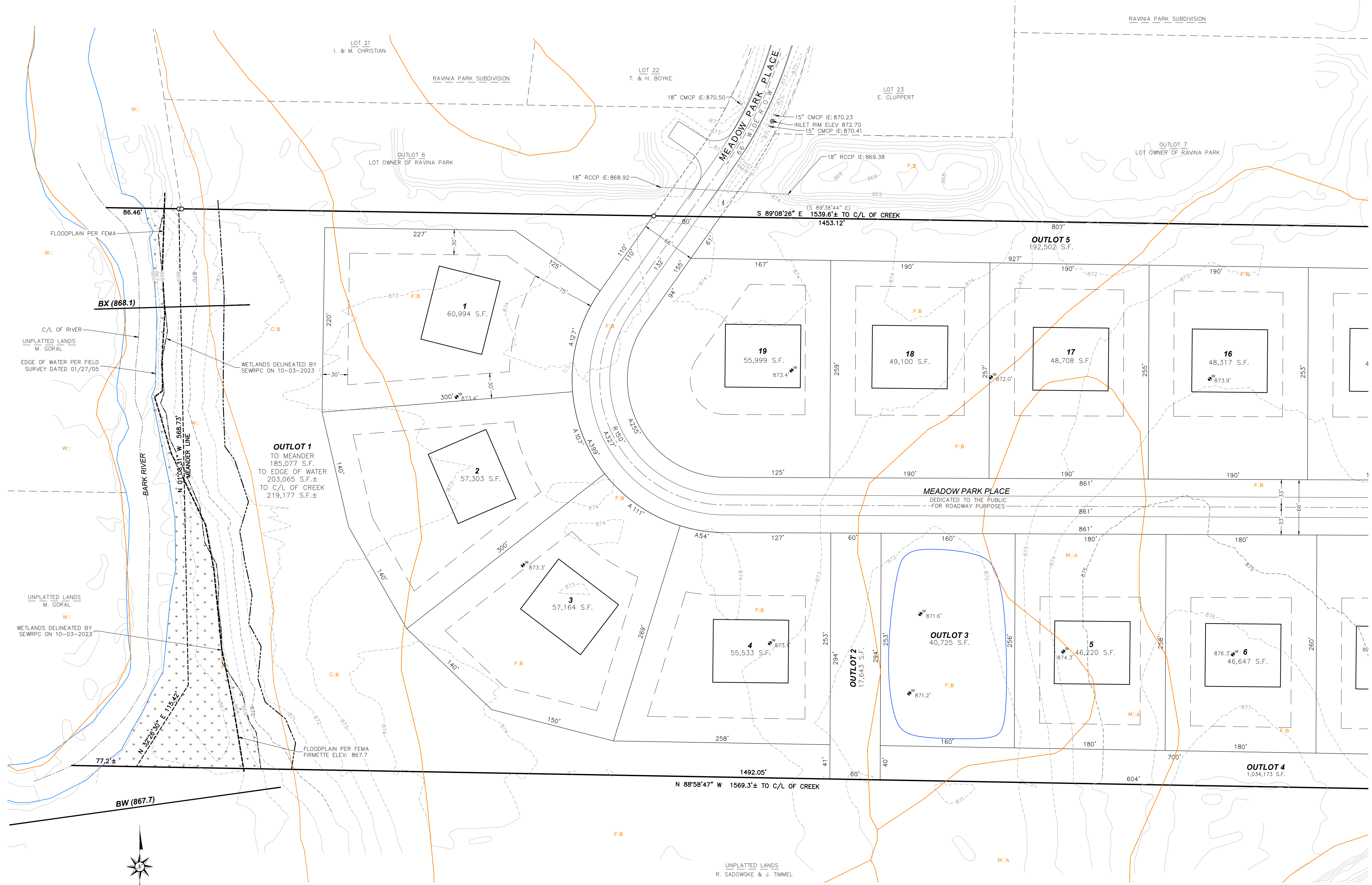
N 00°54'48" E 2623.09'

UNPLATTED LANDS
R. SADOWSKE & J. TIMMEL

REV: 02/26/2025
DATE: 02/19/2025
PROJ. NO. 25026
SHEET 3 OF 4

PRELIMINARY PLAT
BARK RIVER CONSERVANCY

UNPLATTED LANDS BEING PART OF THE NW 1/4 AND THE SW 1/4 OF THE NE 1/4, AND PART OF THE SE 1/4 AND THE SW 1/4 OF THE NW 1/4 OF SECTION 26, TOWN 7 NORTH, RANGE 17 EAST, VILLAGE OF SUMMIT, WAUKESHA COUNTY, WISCONSIN



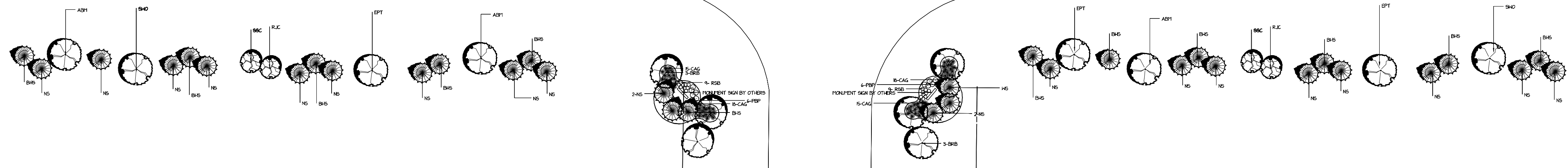
GENESEE LAKE ROAD

OUTLOT 5

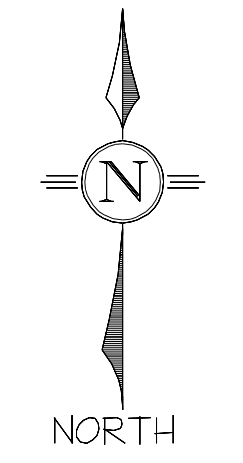
OPEN
SPACE

BASIN PR7

NURSERY STOCK LEGEND		
TREES:		
QTY.	CODE	SPECIES
6	BRB	BETULA, HERITAGE RIVER BIRCH, MULTI-STEM
3	ABM	ACRE, AUTUMN BLAZE MAPLE
2	R-JC	MALUS, RED JEWEL CRABAPPLE, MULTI-STEM
6	SSC	MALUS, SPARKLING SPRITE CRABAPPLE
3	EPT	PLATANUS, EXCLAMATION PLANETREE
2	SWO	QUERCUS, SWAMP WHITE OAK
21	NS	NORWAY SPRUCE
13	BHS	BLACK HILLS SPRUCE
SHRUBS:		
QTY.	CODE	SPECIES
12	PBP	POTENTILLA, PINK BEAUTY
GRASSES:		
QTY.	CODE	SPECIES
66	CAG	GALAMAGROSTIS, AVALANCHE GRASS
GRASSES:		
QTY.	CODE	SPECIES
18	RSB	RUDBECKIA, SUMMER BLAZE

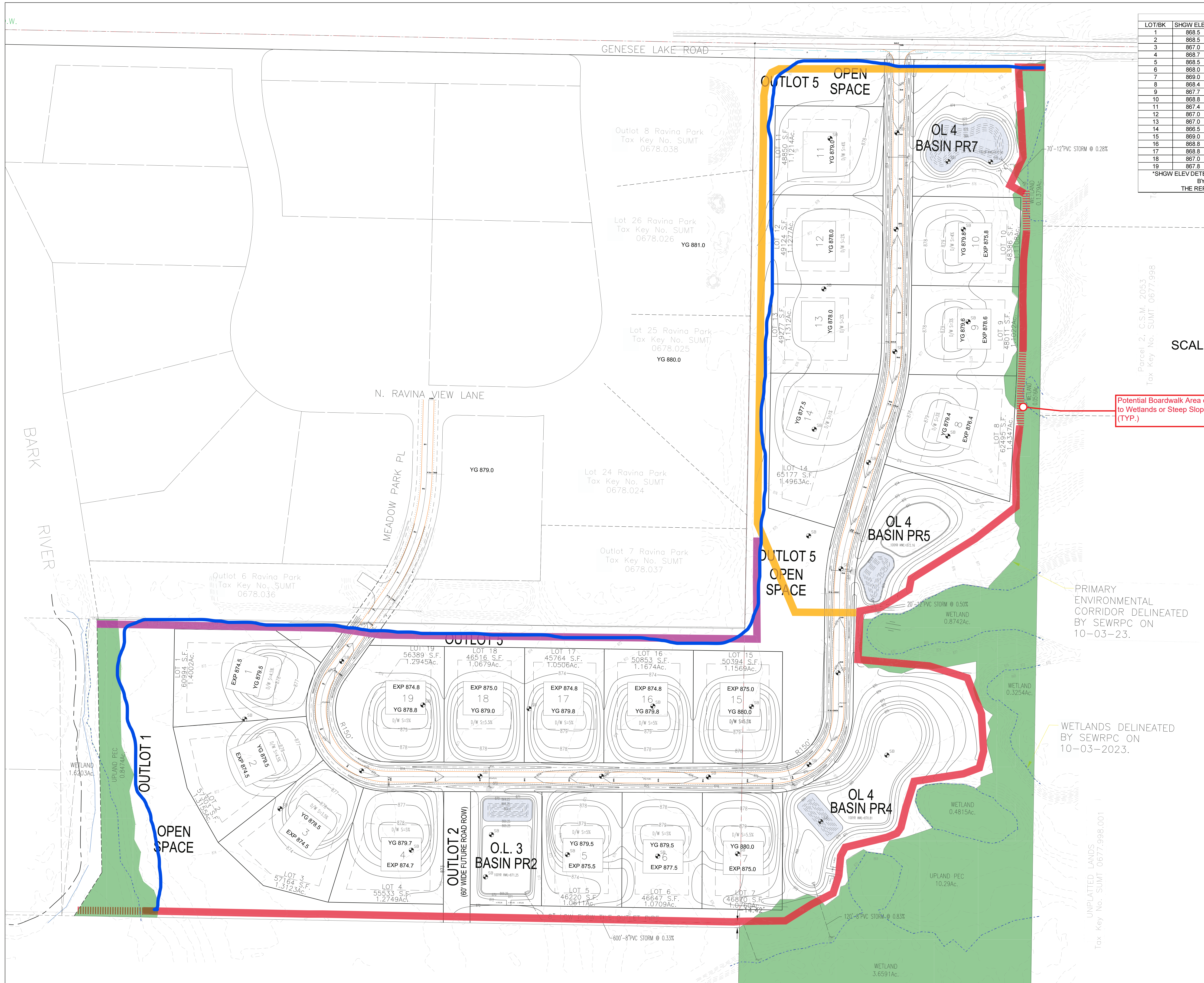


Note: This plan is the sole property of M.J.S. Landscaping. All trees and shrubs are to be used in accordance with the contract.



FRONT ENTRANCE LANDSCAPING
BARK RIVER CONSERVANCY

DATE 3.6.25
SCALE 1"=40'
DRAWING # D-FALLA



RECOMMENDED MINIMUM BASEMENT ELEVATION			
LOT/BLK	SHGW ELEV	LOWEST BSMT ELEV (SHGW+1)	MIN BSMT ELEV PER MGP
1	868.5	869.5	869.5
2	868.5	869.5	869.5
3	867.0	868.0	868.0
4	868.7	869.7	869.7
5	868.5	869.5	869.5
6	868.0	869.0	869.5
7	869.0	870.0	870.0
8	868.4	869.4	869.4
9	867.7	868.7	869.6
10	868.8	869.8	869.8
11	867.4	868.4	869.0
12	867.0	868.0	868.0
13	867.0	868.0	868.0
14	866.5	867.5	867.5
15	869.0	870.0	870.0
16	868.8	869.8	869.8
17	868.8	869.8	869.8
18	867.0	868.0	869.0
19	867.8	868.8	868.8

*SHGW ELEV DETERMINED FROM AVAILABLE TESTING BY GILES ENGINEERING STUDIES BY GEO-TECHNOLOGY INC. DATED OCTOBER 18, 2024. THE REPORTS HAVE BEEN SUBMITTED TO THE VILLAGE ENGINEER.

Technical Engineering Consultants, LLC
 622 E Anne Street • Oconomowoc, Wisconsin 53066
 Phone (414) 791-5373 • Email: trdat@msn.com

ELLENA ENGINEERING CONSULTANTS, LLC
 SITE CIVIL ENGINEERING & STORMWATER MANAGEMENT
 700 Pilgrim Parkway - Suite 100 Elm Grove, WI 53122
 Phone: 262-719-6183 Email: mellen@eeceng.com

SCALE: 1" = 100'

Potential Boardwalk Area due to Wetlands or Steep Slopes (TYP.)

- Alternative 1 - —
- Alternative 2 - —
- Alternative 3 - —
- Wetland Boundary - - - -
- PEC - —

Bark River Conservancy

GENESEE LAKE ROAD, VILLAGE OF SUMMIT, WI

WAUKESHA CO GREENWAY PROJECT

Bark River Conservancy
(aka Eschweiler Property)

WISCONSIN

MARK R. ELLENA
E-24090
WALES, WI

PROFESSIONAL ENGINEER

DATE: 02-20-2025

DESIGNED BY: MARK R. ELLENA, PE

SCALE: 1"=100'

SHEET NUMBER

Document Number	<p align="center">DECLARATION OF RESTRICTIONS AND COVENANTS</p> <p align="center">Document Name</p>	
		<p>Recording Data</p> <p>Name and Return Address Joe A. Goldberger North Shore Legal 13460 N. Silver Fox Drive Summit, Wisconsin 53097</p>
		<p>Tax Key No. SUMT 0678996</p>

DECLARATION OF RESTRICTIONS AND COVENANTS

FOR

BARK RIVER CONSERVANCY

**DECLARATION OF RESTRICTIONS AND COVENANTS
FOR
BARK RIVER CONSERVANCY
SUMMIT, WISCONSIN**

This Declaration is made this ___ day of _____, 2025 by Genessee Lake Road, LLC, a Wisconsin limited liability company (hereinafter the “Developer”).

RECITATIONS

WHEREAS, Developer owns the lands located in the Village of Summit, Waukesha County, Wisconsin, described on Exhibit A attached hereto (the “Subdivision”); and

WHEREAS, the Developer has caused the final plat of Bark River Conservancy (the “Subdivision”), to be platted and recorded as a subdivision consisting of nineteen (19) lots, and certain Common Areas hereafter defined; and

WHEREAS, Developer desires to subject the residential lots as platted within the Subdivision, as well as all other portions of the Subdivision to the conditions, restrictions, covenants, reservations and easements hereinafter set forth for the benefit of the Subdivision as a whole and for the benefit of each Lot Owner for the purpose of creating a desirable use of the land within the Subdivision in an aesthetically pleasing residential environment;

DECLARATION

NOW THEREFORE, Developer hereby declares that the real estate described on the attached Exhibit A and all portions thereof (except for dedicated streets and utilities) shall be used, held, leased, transferred, sold, and conveyed subject to the conditions, restrictions, covenants, reservations and easements hereinafter set forth, which shall inure to the benefit of and shall pass with each Lot as covenants running with the land and shall apply to and bind all successors, users and owners in interest.

DEFINITIONS; PURPOSE & USE RESTRICTIONS

1.01 DEFINITIONS.

- a) “Architectural Board,” “Board,” or “Board of Directors” shall mean the officers of the Association appointed or elected in accordance with Section 3 of this Declaration who shall serve as members of the Architectural Board and shall operate and manage the Association as a Board of Directors. The term “Board” as used herein, shall refer to each of the Architectural Board and the Board of Directors.

- b) “Assessment” shall mean any General or Special Assessment as provided for in this Declaration.

c) “Association” shall mean Bark River Conservancy Homeowners Association, Inc. a nonprofit, non-stock homeowner’s association, which shall be created pursuant to this Declaration and the laws of the State of Wisconsin.

d) “Bylaws” shall mean the bylaws of the Association, as amended from time to time.

e) Intentionally omitted.

f) “Common Area” or “Common Areas” shall mean any outlot, Walking Paths (as defined hereinafter) or other area within the Subdivision which is not a Lot as identified in this Declaration or on the subdivision plat, and includes, without limitation, all such areas and improvements thereto which may be conveyed by the Developer to the Association and any dedicated Street or other dedicated area for which the Village has not assumed responsibility for maintenance. Fee title to all Common Areas shall vest in the Association upon its formation by execution and filing of the Articles of Incorporation and no further conveyancing document shall be necessary to vest title to the Common Areas in the Association.

g) “Declaration of Restrictions” shall mean the Bark River Conservancy Declaration of Covenants Restrictions as recorded in the office of the Register of Deeds for Waukesha County, Wisconsin.

h) “Detention Ponds” mean the detention ponds located on Outlots, 3, 4 ~~and 5~~ as depicted on the plat of Bark River Conservancy.

i) “Developer” shall mean Genessee Road, LLC, a Wisconsin limited liability company.

j) “Developer Landscaping” shall mean all landscaping performed by the Developer on or with respect to the Common Areas, Outlots and to certain Lots in the Subdivision.

k) “Development Agreement” shall mean the Subdivider’s Agreement entered into between Developer and the Village (as hereinafter defined) recorded as Document No. _____ and a copy of which is on file with the Village Clerk of the Village of Summit.

l) “Family” shall mean one or more persons who are living, sleeping, cooking and eating on the premises as a single housekeeping unit but shall exclude any person or group of persons occupying such premises where three or more of such persons (other than household employees) are not related by blood, marriage or adoption.

m) “Home” shall mean a residential building designed and used as a dwelling for one Family (which shall not include any attached garage).

n) “Lot” shall mean a platted lot within the Subdivision identifiable by reference to a lot number, regardless of whether such property is currently platted or platted at some future time. The term “Lot” does not include any other Common Area or Outlot.

- o) "Lot Owner," "Lot Owners", "Co-Owners" or "Owner" shall mean the holder(s) of a legal or equitable ownership interest in fee simple record title to a Lot, regardless of the type of tenancy or estate, and shall include land contract vendees if in possession, but shall not include the holder of any leasehold interest or any mortgage or consensual lien prior to acquisition of legal or equitable title.
- p) "Outlots" mean the outlots as identified on the plat of Bark River Conservancy
- q) "Property" shall include a Lot and all improvements thereto.
- r) ~~"Roadway" shall mean the private, common driveway providing access to the Subdivision from Farmdale Road and to each Lot.~~
- s) "Section" shall mean all those provisions within a numbered heading of this Declaration.
- t) "Structure" and "Improvement" shall be synonymous and shall both mean and include any and all of the following, regardless of whether temporary or permanent in character or intended use: buildings, outbuildings, sheds, tents, booths, garages, car-ports, above ground storage facilities, parking areas, exterior lighting or electric fixtures, antennas, towers, poles or bug control devices; fences, retaining or other walls, fountains, above or in-ground swimming or wading pools; plantings; driveways, sidewalks or walkways; pet kennels or run lines, screened or other types of porches, patio or gazebos, tree houses or other exterior play equipment including skateboard ramps, any and all forms of landscaping, and any other type of equipment or facility for any decorative, recreational or functional purpose of any kind (including, without limitation, additions or alterations to or deletions from any of the foregoing) not located and concealed entirely below ground level, unless located entirely within the exterior perimeter walls of the single family building constructed on the Lot. Use of the phrase "structure or improvement" or any other use of such words shall not imply different meanings for such terms.
- u) "Subdivision" shall mean the lands described on the attached Exhibit A, excluding lands now or hereafter dedicated to the Village.
- v) "Village" shall mean the Village of Summit, Waukesha County, Wisconsin.
- w) "Walking Paths" mean the mowed walking paths located throughout the Subdivision and as shown on the plat of Bark River Conservancy.

1.02 GENERAL PURPOSE.

The general purpose of this Declaration is to help assure that the Subdivision will become and remain an attractive and safe residential area and in furtherance of such purpose: to preserve and maintain high aesthetic standards for all Improvements, as well as the natural beauty of certain open spaces and Common Areas within the Subdivision; to help assure the best use and most

appropriate development and improvement of each Lot; to protect owners of Lots against use of surrounding Lots which may detract from the residential value or enjoyment of their Property; to guard against the erection or maintenance of garish or poorly designed or proportioned Structures; to obtain a harmonious and aesthetically pleasing blend of materials, Structures, and color schemes; to insure a residential development of the Subdivision consistent with high aesthetic standards and the purposes for which each such Lot is platted; to encourage and secure the erection of attractive residential Structures with appropriate locations on the Lots; to prevent installation of Improvements which may adversely affect the aesthetic appearance of a Lot or surrounding area; to secure and maintain a proper spatial relationship of buildings, Structures and other Improvements; and to otherwise secure mutual enjoyment of benefits for owners and occupants of residential Property within the Subdivision.

1.03 INTERPRETATION

It is expected that the enforcement of this Declaration of Restrictions and its provisions will, from time to time, be subject to interpretation. In those instances where an interpretation of the provisions of this Declaration of Restrictions is required because there is no definitive rule or procedure to be followed, or because this is a question regarding an intangible concept, for example the determination of whether a proposed Structure is “harmonious” or “aesthetically pleasing”, the interpretation shall be made by the Architectural Board and that interpretation shall be binding upon the Lot Owner.

1.04 GENERAL RESTRICTIONS ON USE OF LOTS AND HOMES.

- a) Each Lot shall be used solely for residential purposes by one Family, except that business activities may be conducted in or from any Home if confined solely to the transaction of business by telephone and permitted by the Zoning Code of the Village for Lots in single family residential zoning districts. The term “residential purposes” shall include only those activities necessary for or normally associated with the use and enjoyment of a building designed as a dwelling for one family as a place of residence and limited recreation.
- b) Only one Home may be constructed on each Lot and no garage, tent, or other Improvement (except for the Home) shall be used for temporary or permanent living or sleeping for Family members or guests without the prior written approval of the Board.
- c) Each Lot and all front, side and rear yards shall be maintained by the Lot Owner so as to be neat in appearance when viewed from any street or other Lot, and if not so maintained, the Association may perform yard maintenance, charge the costs there to the Lot Owner and levy as a Special Assessment against the Lot. Developer may but, shall not be obligated to improve any areas of the subdivision with grass or plantings or to cut grass or foliage growing in a natural environment. ~~Notwithstanding the foregoing, the Lot Owner is permitted to leave some portions of the Lot in a natural state, provided however, that the Lot Owner shall be required to improve the front yard with mowed and maintained lawn and/or landscape beds, the side yard adjacent to the home to a distance from not less than 75’ from the furthest protrusion of the home on the Lot. The rear yard may be maintained in a natural state, however, low mow grass or maintained~~

~~wildflower plantings are strongly encouraged. The Lot Owner shall be required to maintain a mowed area to a distance 6' from the inside edge of the perimeter fencing at the rear of the Lot.~~

d) No Lot shall be used in whole or in part for conducting any unlawful activity or for any unlawful purpose. No noxious odors or loud noises shall be permitted to escape from any Property, nor shall any activity be permitted or engaged in which constitutes a public or private nuisance.

e) Each Lot and the Improvements constructed thereon shall be used in compliance with all the provisions of this Declaration.

1.05 USE AND MAINTENANCE OF COMMON AREAS: IMPROVEMENTS IN RIGHT OF WAYS.

a) All Common Areas shall be used as open space for the common benefit of the Subdivision and not for recreational or other activities by any Lot Owner unless previously approved by the Association (which approval, if given, may be revoked at any time).

b) Any signs, monuments, structures or systems constructed by Developer or the Association on any Common Areas shall be properly maintained by the Association.

c) The Association shall maintain all Common Areas so as to be neat and attractive in appearance. No Lot Owner shall erect any structure or improvement in the Common Areas.

~~d) The Association shall maintain the Roadway, including snow removal, maintenance and repairs.~~

1.06 RESTRICTIONS ON USE OF TRUCKS, TRAILERS, BOATS AND RECREATIONAL VEHICLES.

Recreational Vehicles (which shall include snowmobiles, trail bikes, travel trailers, vans, motor homes, dune buggies and other off-street motorized vehicles of any kind), trucks and motorcycles shall not be parked, kept or stored on any Common Area or undeveloped area of the Subdivision, nor shall any such Recreational Vehicle, truck or motorcycle be parked, kept, or stored on any Lot outside an enclosed garage, without the prior approval of the Board (which may be withheld on the basis of aesthetics if for no other reason). Recreational Vehicles and motorcycles shall not be used or operated on any Lot or otherwise within the Subdivision except on dedicated streets in accordance with applicable traffic laws.

1.07 ANIMALS AND PETS.

No livestock, poultry, reptile or other animal of any kind shall be raised, bred or kept on any Lot, except that dogs, cats, and other normal household pets (as may be approved by the Board from

time to time) may be kept so long as they are not kept, bred or maintained for any commercial purpose or in an unreasonable number or manner. The right of any Lot Owner to keep such a pet on any Lot is subject to the condition that the pet is not allowed to unreasonably annoy any other Lot Owner and is not allowed to run at large.

1.08 GARBAGE AND REFUSE.

No Lot shall be used or maintained for dumping or storage of trash, garbage, or debris of any kind, except for temporary storage prior to prompt collection in sanitary covered containers suitably screened from view from streets and adjoining Lots. There shall be no burning or burial of any garbage, trash, or debris at any time, other than for burning of leaves and light brush if approved by the Board and if such burning is in compliance with local ordinances.

1.09 DEVELOPER LANDSCAPING: EASEMENTS: MAINTENANCE BY LOT OWNERS.

In order to preserve the natural amenities of the Subdivision and to provide for the enhancement of property values for the benefit of the Subdivision as a whole and for the benefit of each Lot Owner, Developer has and will install substantial landscaping improvements. The Developer Landscaping may but, is not required to include various hedge and screen plantings, berms, trees, shrubbery, entrance landscaping and monuments or signs, and related landscaping which are to be constructed and/or planted by the Developer on certain Lots and Common Areas in the Subdivision.

- a) This Declaration hereby grants an easement upon, across, over and through all of the Lots and Common Areas of the Subdivision, for the purpose of allowing Developer and its agents ingress and egress in order to accomplish the construction or planting of any of the Developer Landscaping. This easement shall terminate upon the Developer's delivery of a certificate of completion to the Association, indicating that all work on the Developer Landscaping has been completed.
- b) Each Lot Owner shall be responsible for maintaining and repairing the Developer Landscaping, (if any), which has been constructed or planted on such Owner's Lot. Such responsibility shall include, but not be limited to, the seeding, watering, and mowing of all lawns, the pruning, cutting and replacement of all trees and shrubbery to maintain the Developer Landscaping. In the event a Lot Owner is unable or unwilling to maintain or repair the Developer Landscaping, the Association and its agents shall have the right to enter upon said Lot to replace, repair and maintain the Developer Landscaping. An irrevocable right and easement is hereby granted for the benefit of the Association to enter onto Lots to obtain ingress and egress necessary to replace, repair and maintain Developer Landscaping. The Association shall thereafter have the right, pursuant to the provisions of Section ~~4.09~~ hereof, to levy a Special Assessment against the Lot Owner involved for the costs of such replacement, maintenance and repairs performed by the Association.
- c) The Association shall be responsible for maintaining and repairing the Developer

Landscaping constructed and or planted on Common Areas. Such responsibility shall include, but is not limited to, the seeding, watering and mowing of all lawns, the maintenance of all fences located at the perimeter of each Lot, including access on the each Lot adjacent to the perimeter fences for purposes of allowing access thereto, the pruning, cutting and replacement of all trees and shrubbery so as to maintain the Common Area landscaping in an attractive condition. An irrevocable right and easement is hereby granted for the benefit of the Association to enter onto Lots to obtain ingress and egress necessary to maintain and make repairs to the Common Areas, Detention Ponds and Walking Paths. The costs of such maintenance and repairs will be levied by the Association equally against all Lot Owners, other than the Developer, as a General Assessment pursuant to Section 4.09 hereof.

d) All easements and rights described in this Section are easements appurtenant, running with the land and are subject to the reasonable control of the Association. All easements and rights described herein are granted and reserved to and shall inure to the benefit of and be binding on, the Lot Owners, purchasers, mortgagees, lessees and occupants and their heirs, personal representatives, successors and assigns.

CONSTRUCTION OF IMPROVEMENTS – ARCHITECTURAL CONTROL

2.0 ARCHITECTURAL CONTROL.

No building, swimming pool, gazebo, fence, wall, driveway, tennis court, light post, landscaping or other structure or improvement shall be constructed, erected, placed, altered or maintained on any Lot in the Subdivision without the approval of the Architectural Board. For any undertaking requiring the approval of the Architectural Board, three sets of plans [including construction plans with roof, siding and trim colors, site plans, grading plans (where necessary) and landscaping plans, including driveway location] shall be submitted to the Architectural Board. If and when plans are approved, two sets of the approved plans shall be signed, dated and returned by the Architectural Board to the Lot Owner as evidence of such approval. Any minor changes or revisions required by the Architectural Board may be noted as an exception to the approval on the plans and detailed in a letter to the Lot Owner. The Architectural Board may also request that revisions be first made to the plans by the owner's agent before approval is given. Once the Architectural Board has granted approval, all such approved plans shall be strictly adhered to by the Lot Owner, unless subsequent changes are approved, in writing, by the Architectural Board. The Architectural Board shall consist of one to three members, appointed by the Developer, until such time as a single-family home has been constructed on each Lot. Thereafter, the number of and members of the Architectural Board shall be determined by the Association.

In approving or disapproving proposed plans and specifications, the Architectural Board may take into consideration the suitability of the proposed building or other structure or improvement, its design, elevation, color, construction materials, its harmony with surrounding buildings, its proposed location on any Lot, the view from other properties in

the Subdivision, and such other matters of terrain, environmental impact, aesthetics, and the impact of the proposed plans on other Lots in the Subdivision. The Architectural Board shall have the right to waive minor infractions or deviations from these restrictions in the case of hardship and/or in furtherance of the intent of these restrictions. Any determination of the Architectural Board shall be final and conclusive as to all persons then or thereafter owning Lots covered by these restrictions. The Architectural Board shall not be liable for actions taken, plans approved or disapproved, provided such acts or decisions are made in good faith.

ANY LOT OWNER WHO CAUSES OR ALLOWS ANY IMPROVEMENTS TO BE CONSTRUCTED, INSTALLED, MAINTAINED OR ALTERED WITHOUT THE PRIOR WRITTEN APPROVAL OF THE ARCHITECTURAL BOARD MAY BE REQUIRED TO REMOVE SUCH IMPROVEMENT IN ITS ENTIRETY AT THE LOT OWNER'S EXPENSE.

In addition to the requirements of these restrictions, all construction shall comply with applicable zoning and building code requirements. The Developer and/or the Architectural Board shall have no liability or responsibility in the event it approves plans which fail to comply with applicable zoning or building codes and/or which fail to properly handle site drainage. It is the sole responsibility of the Lot Owner to determine compliance with all applicable zoning and building codes and to obtain all necessary governmental and quasi-governmental approvals prior to the commencement of construction. The Lot Owner shall obtain the approval of the Architectural Board prior to seeking governmental approvals and, in the event that such governing authority requires changes to plans subsequent to approval by the Architectural Board, such changes shall require the written approval of the Architectural Board prior to the commencement of construction.

It is specifically intended that the architectural provisions herein set forth shall provide for the compatibility of architectural styles amongst the various homes that are in close visual proximity, while at the same time avoiding the monotony caused by the duplication of styles. Toward this end, the Architectural Board may evaluate and approve the use of a particular style of home on any given Lot in the Subdivision. In granting that approval, the Architectural Board may consider the proposed residence in relation to the existing homes or previously approved homes that will be built in close visual proximity to the proposed residence.

2.01 ARCHITECTURAL STYLES AND BUILDING MATERIALS.

a) The Architectural Board appointed pursuant to this declaration, shall encourage the use of architectural styles which are compatible with the surrounding structures and consistent with the topography and nature of the Subdivision. The Architectural Board shall encourage the use of qualified home designers and registered architects, or other equally qualified individuals or firms. The Architectural Board shall discourage and may prohibit the use of architectural styles which it deems unsuitable for the subdivision.

- b) The exterior of all Structures shall be constructed of all-natural building materials such as wood, brick, stone, stucco or a combination thereof. In no event shall the exterior of any Structure consist of metal or vinyl siding, however, “Hardiplank” or similar materials may be used.
- c) The front exterior elevation of residences shall be at least thirty percent (30%) brick, stone or stucco. Exposed poured concrete block foundation walls shall not exceed 12 inches as measured vertically on any residence or accessory structure. Where block or concrete would otherwise be exposed, the exterior material must be extended to within 12 inches of grade.
- d) The roofing on all dwellings shall consist of wood shakes, slate or thirty (30) year dimensional asphalt shingles as approved by the Architectural Board. The Architectural Board, in its sole discretion, may permit or prohibit the use of other types of roofing having substantially the same appearance as the permitted materials, as it may deem appropriate, to preserve the architectural integrity and quality of appearance of dwellings in the subdivision. Further, the Architectural Board may permit the use of other high-quality roof materials which it deems aesthetically pleasing and architecturally appropriate, including but not limited to masonry, metal and/or copper.
- e) All homes must have a fireplace. Direct vent fireplaces are permitted. All chimneys, whether located on an interior or exterior wall, shall be brick, stone or masonry faced with stucco.

The Architectural Board shall have the exclusive right to approve the architectural style and the building materials used and any decision of the Architectural Board shall be final and conclusive.

2.02 MINIMUM LIVING AREA AND OTHER REQUIREMENTS.

The Architectural Board shall have the exclusive right to determine whether the following requirements will be satisfied, and any decision of the Architectural Board shall be final and conclusive.

- a) Each Home shall have a minimum living area (exclusive of basement, attic, garage, patios and storage areas):
 - i) not less than 2650 square feet for a one-story Home;
 - ii) not less than 3000 for a one-and-a-half story Home;
 - iii) not less than 3200 square feet for a two-story Home with a minimum of 1900 square feet on the first floor.;
 - iv) no bi-level or tri-level homes shall be permitted.
- b) Each Home shall have a basement with a finished floor (exclusive of any crawl space) of not less than 60% of the area of the first floor.
- c) No home shall exceed two and one-half stories (excluding the basement) or forty-two

feet in height above finish grades, whichever is less.

d) The roof of each Home shall be pitched to rise at least eight (8) inches vertically for each twelve (12) inches horizontally.

e) An attached enclosed garage (for at least three and not more than four cars) shall be constructed at the time of construction of the Home and all exterior portions of the garage shall be completed prior to occupancy of the Home. The garage door may not face the same street that the front door of the Home faces. For any garage which is for three or more cars, the garage doors shall be broken into two or more planes.

f) Lot Owner shall install, at the Lot Owner's expense, one front yard lamppost with photoelectric control and a mailbox. The style of mailbox and of the lamppost and lamp shall be consistent for each Lot and shall be designated by the Architectural Board. The Lot Owner shall complete the installation of the mailbox and front yard lamppost within Ninety (90) days of the issuance of the occupancy permit.

2.03 LOCATION: SETBACKS.

a) No Home or garage (including eaves, steps, overhangs, and attached porches, patios and other appurtenances) shall be located on any Lot:

i) no building shall be closer than 75 feet to the ultimate right-of-way line of any public street, road, or highway upon which the property abuts;

ii) no building shall be closer than 30 feet to the side or rear lot line;

~~iii) buildings or structures housing livestock shall not be erected closer than 50 feet to a side or rear lot line at any point;~~

~~iv) not more than 5% of the lot may be covered by buildings or structures;~~

v) not more than 75 feet from any identified wetland.

Each corner Lot shall be determined by the Architectural Board to have one rear Lot line, one side Lot line, one front Lot line and a side Street line based on the proposed orientation of the Home and other Improvements. Setback requirements for lots abutting or containing wetlands may have setbacks greater than those set forth in this Section 2.03(a).

b) Approval by the Plan Commission or building inspector of the Village with respect to setbacks or other matters shall not be binding on the Architectural Board in any respect.

c) Notwithstanding the setback requirement specified above, the orientation and precise location of each Home and garage, as well as all other Improvements on the Lot, must be approved in writing by the Architectural Board prior to any construction, it being intended that the Architectural Board may, at its discretion, impose greater set-back requirements than those specified above in order to achieve or maintain the aesthetic appearance for the Subdivision or any portions thereof which the Architectural Board deems advisable.

d) The Architectural Board may, in its discretion, permit Improvements (other than the Home and garage) to be constructed, installed and located on a Lot provided, such permission must be in writing to be effective and may be granted by the Architectural Board. Said Improvements may include, but not be limited to, in-ground swimming pools, if they meet Village ordinances and specifications, (above-ground swimming pools are expressly prohibited); accessory building(s) provided that such accessory building be constructed, (and maintained), of the same materials, architectural style and color as the Home. The approval of a fence, swimming pool or accessory building on any given Lot shall not obligate the Architectural Board to approve any such Improvement on any other Lot.

2.05 LANDSCAPING AND DRAINAGE.

a) No later than six (6) months following issuance of an occupancy permit for a Home, the landscaping plan for the entire Lot as approved by the Architectural Board shall be implemented, installed and completed. The Architectural Board shall encourage the use of native plants and a natural landscape appearance. The Architectural Board shall discourage the use of formal gardens.

b) No fence, wall, hedge, or screen planting shall be installed unless approved in advance by the Architectural Board under Section.

c) Each Lot Owner is responsible for compliance with Master Grade Plan as established by the Village of Summit.

d) In addition to the normal maintenance and mowing of lawn areas on a Lot, the owner of each Lot shall also maintain the lawn and yard area in front of the Lot from the property line (front lot line) to the back of the curb and gutter section or shoulder of the public roadway. In addition to mowing the area between the Lot line and the road, the Lot Owner shall keep this area free of debris and in all other ways properly maintained. Notwithstanding the foregoing, the Association, in its sole discretion, shall have the right, but not the responsibility, to undertake mowing and/or other lawn maintenance within the Landscape Easement Areas, shown on the Final Plat together with the area between the front Lot line and the road, throughout the subdivision, and to charge the cost thereof as a common expense.

2.06 DRIVEWAY.

Each Lot shall be improved by the Lot Owner with a asphalt, paving stone driveway or concrete driveway, extending from the Roadway abutting the Lot to the garage within six (6) months following issuance of an occupancy permit for the Home. A plot plan showing the location of the drive shall have been submitted to the Architectural Board for its prior approval in accordance with this Section. If the driveway is installed with a concrete driveway, the concrete shall be installed no closer than six (6) feet to the

traveled portion of the roadway and the area between the concrete drive and the traveled portion of the roadway shall be paved with asphalt. Further, driveway pavement installed within ten (10) feet from the traveled portion of the roadway shall have a rise of not more than five (5) inches.

Each driveway shall have a minimum of a ten (10) foot side yard setback.

2.07 CONSTRUCTION MATERIALS STORAGE.

No building or construction materials shall be stored on any Lot outside of the Home or garage, other than during periods of actual construction or remodeling and then only for so long as may be necessary. Excess excavated material shall not be stored on any Lot during or after construction without the prior approval of the Architectural Board, unless required for finish grading or landscaping.

2.08 WIRES AND ANTENNAS.

a) All utility lines and wiring for gas, electric, telephone and cable television service to a Home, garage or other Improvement shall be installed underground, unless otherwise permitted by the Architectural Board prior to installation.

b) No roof-top, tower-mounted or other external antenna or satellite dish for television or radio reception or for other electronic transmission or reception shall be erected or used without the prior written approval of the Architectural Board.

2.09 SIGNS.

No sign or banner of any kind shall be placed or displayed to public view on any Lot, except: (1) one sign of not more than 6 square feet advertising the Property for sale; and (2) one standard sign (showing the Lot Owner's name) as may be approved by the Architectural Board for uniform use in terms of size, design, appearance and location for each Lot in the Subdivision; and (3) such signs as the Developer or Architectural Board may approve for placement on those Lots for the purpose of advertising Bark River Conservancy Subdivision.

2.10 GOVERNMENT RESTRICTIONS.

The Developer, its successors and assigns, and all parties hereafter having an interest in the subdivision, are subject to all rules, codes, regulations and ordinances of the Village of Summit, Waukesha County, the State of Wisconsin and the Federal Government, and the same may be more restrictive than these restrictions. In the event there is a conflict between the requirements of these restrictions and any provision of any Village of Summit, County, State or Federal law or regulation, the more restrictive provisions shall apply. Nothing herein authorizes any modification of, nor does it authorize the Architectural Control Committee to modify, in any way, the rules, codes, regulations and ordinances of the Village of Summit, Waukesha County, the State of Wisconsin and the

Federal Government. No release or waiver by the public body and/or public utility requiring same shall be effective unless it is in writing and approved by the governing body. The Subdivision consists of 62.44 acres of land. The Subdivision is restricted to a maximum density of 19 single family lots on the 62.44 acres of land.

To the extent that any specific restriction contained herein is the same as, or is substantially similar to, any specific restriction set forth in or on the subdivision plat, the Developer's Agreement, and/or any approval obtained in conjunction with the development of this subdivision, the inclusion of such restriction herein shall be deemed to constitute the recitation of the restriction required by the public body and/or public utility requiring same, such that same may be enforced, released or waived by the public body and/or public utility having the right of enforcement, in accordance with Sec. 236.293, Wis. Stats., whether or not enforcement rights with respect to such specific restriction are also granted herein to the Owner's Association and/or any other Lot owner. The foregoing shall apply only with respect to specific provisions hereof which were specifically required by a public body, and shall not apply to any general requirement that the Developer establish subdivision restrictions, any general approval of these restrictions by any public body, and/or the mere fact that a public body and/or public utility is granted any enforcement rights herein.

THE ASSOCIATION

3.01 CREATION OF ASSOCIATION.

The Developer hereby creates and shall incorporate as a Wisconsin non-profit corporation a homeowner's association to be known as "Bark River Conservancy Homeowners Association, Inc." with all rights, powers, privileges and obligations as provided in this Declaration and the Articles of Incorporation and By-Laws of the Association.

3.02 MEMBERSHIP.

- a) Each Lot Owner shall automatically be a member of the Association and shall be entitled to one membership and one vote for each Lot owned, with ownership of a Lot being the sole qualification for membership. The membership in the Association appurtenant to a Lot shall be owned jointly and severally by all Co-Owners of the Lot, regardless of the form of tenancy, estate, or interest in the Lot.
- b) Association membership and voting rights shall be appurtenant to each Lot and shall not be assigned, conveyed or transferred in any way except upon transfer of an ownership interest in the Lot and then only to the transferee. Membership and/or voting rights shall not be retained except upon retention of an ownership interest in the Lot. Any attempt to make a prohibited transfer or retention of such rights shall be null and void.
- c) Notwithstanding any provision in this Declaration to the contrary, the Developer shall be entitled to one membership and one vote for each Lot owned by the Developer.

3.03 VOTING.

- a) The vote appurtenant to each Lot shall be cast as a whole (in person or by proxy) by the Lot Owner or any Co-Owner. Fractional votes will not be allowed; and if Co-Owners of a Lot do not agree on how the vote shall be cast or if a fractional vote is attempted, the right to vote on the matter in question shall be forfeited by such Owners. The Association may treat any Co-Owner of a Lot or the proxy of any such Co-Owner as duly authorized to vote for all Co-Owners of that Lot.
- b) A Lot Owner shall not be entitled to vote on a matter if any Assessment against the Lot is then delinquent.
- c) Proxies shall be valid only for the particular meeting or time period designated in the proxy, unless sooner revoked, and must be filed with the Secretary at or before the appointed time of the meeting.

3.04 MEMBERSHIP LIST: NOTICES.

- a) The Association shall maintain a current membership list. Each Lot Owner shall furnish the information necessary for the Association to maintain such membership list.
- b) All notices required to be given to a Lot Owner shall be deemed to have been duly given at the time of personal delivery to the Lot Owner or the Home of the Lot Owner or 48 hours after mailing within the State of Wisconsin by regular or certified mail to the Lot Owner's mailing address shown in the Membership List. Notice to one Co-Owner of a Lot shall be deemed effective notice to all other Co-Owners of such Lot.

3.05 ASSOCIATION MEETINGS.

- a) Written notice of all meetings of the Association stating the time, place, and purpose for which the meeting is called shall be given by the President or Secretary to each Lot Owner not less than 5 nor more than 30 days prior to the date of such meeting; provided, however, that notice of any meeting may be waived in writing before or after the meeting.
- b) An annual meeting of the Association shall be held each year for the purpose of electing officers and transacting any other business authorized to be transacted by the Association. The Board of Directors shall select the specific date, time and place of the annual meeting for a given year and shall furnish written notice to each Lot Owner in accordance with Section 4.05(a).
- c) Special meetings of the Association shall be held whenever called by the President or two officers; however, such meetings must be called upon receipt by the President of a written request signed by Lot Owners with one-third or more of all votes entitled to be cast.

d) A quorum for meetings necessary to conduct Association business shall consist of Lot Owners, present in person or by proxy, representing a majority of all votes entitled to be cast.

e) The act of a majority of the votes at any meeting at which a quorum is present shall be the act of the Association, unless a greater percentage is required under this Declaration. If a quorum is not present at a meeting, no business of the Association shall be transacted; however, the majority of votes present (in person or by proxy) may adjourn the meeting from time to time without further notice if such adjourned meeting at which a quorum is present is held within 15 days of the meeting originally noticed. If a quorum is present at such an adjourned meeting, any business may be transacted which might have been transacted at the meeting as originally noticed.

3.06 POWERS OF THE ASSOCIATION.

a) Without limitation, the Association shall have the following powers in addition to any others which may be necessary or incidental to performance of all duties or powers of the Association specified in this Declaration:

- i) to levy and enforce payment of Assessments on the Lots and against Lot Owners;
- ii) to enforce this Declaration and, without limitation, to accept, own and maintain the Common Areas;
- iii) to purchase, sell and convey Lots (including the Improvements thereon) incident to foreclosure of a lien for any assessments and to acquire real estate as additional Common Area;
- iv) to enter and execute contracts, deeds, mortgages and documents on behalf of the Association which relate to any Common Area or Improvements thereof;
- v) to incur indebtedness on behalf of the Association and to execute drafts and other negotiable instruments;
- vi) to employ the services of any person, firm, or corporation to maintain the Common Areas, or to construct, install, repair or rebuild Improvements thereon;
- vii) to acquire, sell, transfer or exchange goods, equipment and other personal property or fixtures in the name of the Association for the operation of the Association;
- viii) to commence, prosecute, defend or be a party to any suit, hearing or proceeding (whether administrative, legislative or judicial) involving the

enforcement of this Declaration or otherwise involving the exercise of any powers, duties or obligations of the Association;

- ix) to adopt Rules and Regulations for the management, operation, use and enjoyment of the Common Areas, including fines or penalties, which may be enforceable by Special Assessment against any Lot Owner or his/her family or guests violating such Rules or Regulations; and
- x) to exercise all other powers necessary to maintain the Common Areas and operate the Association for the mutual use and enjoyment of all Lot Owners. The President, together with one other officer of the Association, is empowered to negotiate, execute and enter contracts, agreements and other undertakings or documents of any kind on behalf of the Association necessary to exercise of any powers or obligations of the Association or of the Board under this Declaration.

3.07

MANAGEMENT OF ASSOCIATION BY THE BOARD OF DIRECTORS:
ARCHITECTURAL BOARD.

- a) The Association and its business, activities and affairs shall be managed by the Board of Directors (which shall consist of all the officers of the association). The Board of Directors shall exercise and perform, in addition to the powers, duties and obligations specified in this declaration for the Board of Directors, all powers, duties and obligations of the Association (except to the extent this Declaration may otherwise expressly require the prior vote of the Association on a particular matter). Notwithstanding any other provision of this Declaration to the contrary, Developer shall be entitled to appoint all officers of the Association until such time as all Lots have been sold and fee simple title conveyed by Developer, (except for sale of Lots to Bark River Conservancy, LLC which shall not be deemed sales by the Developer for purposes of this Section 3.07(a), at which time, all officers of the Association shall be elected by the members of the Association.
- b) The Architectural Board shall exercise and perform all of the powers, duties and obligations specified in this Declaration for the Architectural Board. All officers of the Association then in office shall be members of the Architectural Board and no other person may be a member of the Board. Notwithstanding anything aforesaid to the contrary, the Developer shall be entitled to appoint all members of the Architectural Board until such time as all of the Lots have been sold and fee simply title conveyed by the Developer (except for sales to Bark River Conservancy, LLC which shall not be deemed to be sales by the Developer for purposes of this Section 4.07(b), at which time the members of the Architectural Board shall be the officers of the Association. Except where otherwise expressly stated, the following provisions of this Section 4.07 shall apply to each of the Board of Directors and Architectural Board.
- c) The Board shall initially consist of the person(s) appointed by Developer as President, Secretary, and Treasurer of the Association to hold office until successors

are appointed by Developer or elected by the Association. Except for officers appointed by Developer (who need not be Lot Owners or a Co-Owner), only a Lot Owner or Co-Owner of a Lot shall be eligible to serve as an officer and member of the Board. Each member of the Board shall serve and hold office until a successor is elected or appointed to such office. A Board Member may be both President and Secretary and another Board Member may be both Vice President and Treasurer, such that the Board may have only Two (2) members.

d) Any officer and member of the Board (other than an officer appointed by Developer) may be removed from office with or without cause at any regular or special meeting of the Association by a majority vote of all Lot Owners and a successor may then be elected at that meeting to fill the vacancy thus created or at a special meeting thereafter called for that purpose. Any officer appointed by Developer may be removed at any time only by Developer and a successor may then be appointed by Developer.

e) Vacancies in any officer position and on the Board (caused other than by removal under Section (d) above) and newly created officer positions resulting from an increase in the number of officers shall be filled by a majority vote of the officers then in office and each person so elected shall serve until a successor is either appointed by Developer or elected at the next annual meeting of the Association.

f) An annual meeting of the Board shall be held immediately after the annual meeting of the Association. No notice of the annual meeting of the Board shall be required.

g) Regular meetings of the board shall be held at such times and places as the board determines by resolution to be appropriate and no notice of regular meetings shall thereafter be required.

h) Special meetings of the Board may be called by any officer on three (3) days prior notice to each officer, given orally or in writing.

i) Before, at, or after any meeting of the Board, any officer may (in writing) waive notice of such meeting and such waiver shall be deemed equivalent to the giving of notice.

j) For all meetings of the Board, a quorum necessary to transact business shall consist of a majority of the officers and the act of such majority shall be the act of the Board. If there is less than a quorum present at any meeting of the Board, no business shall be transacted; however, the majority of those present may adjourn the meeting from time to time without further notice if such adjourned meeting at which a quorum is present is held within 15 days of the meeting originally scheduled. If a quorum is present at an adjourned meeting, any business may be transacted which might have been transacted at the meeting as originally noticed.

k) Any action of the Board authorized under this Declaration may be taken upon the

unanimous consent of all officers without a meeting.

1) The Board may appoint committees consisting of one or more Lot Owners to make recommendations to the Board or the Association on any matter.

m) No person shall receive any payment for services rendered as an officer of the Association or as a member of the board or a member of any committee unless specifically authorized by prior resolution of the Association. The Board may reimburse out-of-pocket expenses incurred by an officer or committee member in the performance of his/her duties.

n) No member of any Board or committee or officer of the Association shall be liable to any Lot Owner or to any other party including the association for any loss or damage suffered or claimed on account of an act, omission, error or negligence of such Board or committee member or officer, provided such person acted in good faith, without willful or intentional misconduct.

o) All decisions of the Board on any matter (including, without limitation, decisions under Section 2) shall be enforceable against any Lot Owner if made in a good faith exercise of the judgment or discretion of its members so long as such decision is not clearly in conflict with the express provisions of this Declaration. Any Lot Owner or other person seeking to avoid, set aside or challenge any such decision of the Board shall have the burden of proof to establish that such standards were not met at the time the decision was made.

p) The Board of directors may require that some or all officers and/or employees of the Association handling or responsible for Association funds furnish fidelity bonds, the premiums for which shall be paid for by the Association as a common expense.

3.08 OFFICERS.

a) The Officers of the Association shall be:

i) a President, who shall: be the chief executive officer of the Association and a member of the Board of Directors and the Architectural Board; be responsible for the proper execution of the business and affairs of the Association (subject to the control of the Board of Directors); preside at all meetings of the Association and the Board; have the authority to appoint various committees; have all the general powers and duties usually vested in the Office of President, as well as such other powers and duties as may be prescribed from time to time by resolution of the Association.

ii) a Secretary, who shall: be a member of the Board of Directors and the Architectural Board; keep the minutes of all meetings of the Board and of the Association; have charge of all the Association's books and records; maintain the Membership List and keep it current; have charge of delivering all notices and

approvals on behalf of the Boards and the Association; and, in general, perform all duties incident to the office of Secretary, together with such other powers and duties as may be prescribed from time to time by resolution of the Association.

iii) a Treasurer, who shall: be a member of the Board of Directors and the Architectural Board; be responsible for the Association's funds and assets; keep complete and accurate accounts of all receipts and disbursements, financial records, and books of accounts; deposit all monies in the name and to the credit of the Association in depositories as may from time to time be designated by the Board of Directors; assess and collect all General and Special Assessments made by the Board of Directors; and exercise such other powers and duties as may be prescribed from time to time by resolution of the Association.

iv) one or more Vice Presidents (not to exceed four at any one time), the number of which shall be determined by resolution of the Association or by appointment of Developer; however, it is not required that the Association have one or more Vice Presidents. A Vice President, if any, in addition to serving on the Board of Directors and the Architectural Board, shall have such other powers, duties and responsibilities as may be prescribed from time to time by resolution of the Association.

b) All officers shall be elected annually by the Association if not subject to appointment by Developer. Each officer shall hold office until a successor is duly elected or until death, resignation, or removal, whichever first occurs. No person may hold two or more offices at any one time, except that officers appointed by Developer may hold any number of offices.

3.09 COMMON EXPENSES AND ASSESSMENTS AGAINST LOTS AND LOT OWNERS.

a) At the time of Closing of the purchase of any Lot by any Owner, the Owner shall pay to the Association the sum of **\$1500.00** as an initial deposit for the benefit of the Association.

b) The Board of Directors shall pay or arrange for payment for all costs, expenses and liabilities incurred by the Association out of the proceeds of all General and Special Assessments (herein collectively referred to as "Assessments") which shall be made against the Lot Owners and their Lots. The Board of Directors may, at any time, levy Assessments for such purposes against the Lot Owners and their Lots.

c) "General Assessments" may be made and levied by the Board of Directors equally against each Lot Owner and his, her or their Lot for the following "common expenses" which may be anticipated, incurred or paid by the Association for:

i) maintenance, repairs, upkeep or operation of Common Areas, and any additional Common Areas (such as any contiguous real estate) as may be acquired by the Association;

- ii) any insurance maintained by the Association;
- iii) taxes, assessments and charges of any kind made or levied by any governmental authority against the Association or upon any property of the Association;
- iv) all costs and expenses for the operation and administration of the Association, including legal, accounting and management fees and other costs incident to the exercise of any of its powers or obligations;
- v) costs and expenses for additional improvements to Common Areas beyond those installed by the Developer;
- vi) all items subject to Special Assessment which have not been collected from a Lot Owner at the time payment of such item is due, provided that upon collection of the Special Assessment from that Lot Owner, all other Lot Owners shall receive an appropriate adjustment, reimbursement or credit on future General Assessments, as the Board of Directors may determine, for payments made under this paragraph;
- vii) all damages, costs, expenses and attorney fees incurred in, or in anticipation of, any suit or proceeding (whether administrative, legislative or judicial) which are not otherwise collected by Special Assessment;
- viii) costs and expenses of services, if any, made available to all Lots and/or for any Common Areas;
- ix) all other costs and expenses declared to be common expenses under this Declaration.

d) The Association shall maintain separate journals for General and Special Assessment Funds of the Lot Owners, as may be necessary, provided that all funds received from all Assessments may be commingled and thereafter disbursed to pay any costs or expenses incurred by the Association.

e) The Board of Directors shall determine the estimated expenses of the Association and prepare an annual operating budget in order to determine the amount of the annual Assessments necessary to meet the estimated expenses of the Association for the ensuing year and shall furnish a copy to each Lot Owner or one of the Co-Owners of the Lot. The Board of Directors may adjust the General Assessment at any time so as to ensure that sufficient funds are available to cover all anticipated costs and to establish an adequate reserve for replacements.

e) At the closing of the purchase of any Lot, the purchaser shall pay \$500.00 to the Association as an initial membership fee. The initial membership fee shall be used to

create an initial reserve fund for the Association and such initial reserve shall be used exclusively for the uses set forth in Section ~~4.09~~ hereof.

3.10 PAYMENT OF ASSESSMENTS.

a) Each Lot Owner shall promptly pay, when due, all Assessments levied by the Board of Directors against such Owner and his, her or their Lot, together with all costs, expenses and reasonable attorney fees incurred by the Association in collection of any delinquent Assessment. All Assessments shall become due as the Board of Directors may determine appropriate (in a lump sum or in installments with or without interest). Time is of the essence with respect to all payments. The amount of the Assessments, as well as the due dates for payment thereof may be adjusted from time to time as determined by the Board of Directors. Notwithstanding the foregoing, during the period of Developer control of the Association, (i.e. until the sale of 75% of the Lots), any Lot owned by the Developer (individually an “Unsold Lot” and collectively, the “Unsold Lots”) shall be exempt from Assessments for Common Expenses until such Unsold Lot is sold. However, the Developer shall be liable for the balance of the actual common expenses until such time as the Developer has sold 75% of the Lots at which time Developer shall pay all Assessments and Special Assessments due on any Unsold Lot or Unsold Lots.

b) All Co-Owners of a Lot shall be jointly and severally liable for all Assessments levied against the Lot, regardless of the type of tenancy, estate or interest in the Lot (whether as joint tenants, tenants-in-common, land contract purchaser(s) or seller(s), or otherwise).

3.11 DELINQUENT ASSESSMENTS: INTEREST, LIEN AND COLLECTION.

a) All Assessments which are not paid when due: shall bear interest at 18 percent per annum or at such other maximum rate as may then be permitted by law until the Assessment is paid in full; shall constitute a lien on the Lot; and shall be collectible and enforceable by the Board of Directors (in its own name or the name of the Association) by suit against the Lot Owner, by foreclosure of the lien, and/or in any other manner or method provided under this Declaration or laws of the State of Wisconsin. The lien granted hereunder shall also cover and include all interest accruing on delinquent Assessments, plus costs, expenses and attorney’s fees for collection.

b) The Association (through the Board of Directors) shall have the exclusive right and power to collect or enforce collection of all Assessments levied by the Board of Directors and shall further have the exclusive right to bring any and all actions and proceedings for the collection thereof and/or the enforcement of liens arising therefrom. The Association may bring an action at law against any Lot Owner personally to collect such Assessments and/or to foreclose the lien for such Assessments against the Lot (in the same manner and method as an action to foreclose a real estate mortgage). The Board of Directors shall have the right at any time to notify all Lot Owners within the Subdivision of the delinquency of any Lot Owner.

3.12 RULES AND REGULATIONS.

a) The Association may from time to time adopt or change rules or regulations (hereafter “Rules or Regulations”) governing the operation, maintenance and use of the Common Areas by the Lot Owners and their respective families and guests. Such Rules or Regulations shall be designed to facilitate and encourage the peaceful use and enjoyment of the Common Areas by the Lot Owners and their respective families, without unduly interfering with the peaceful use and enjoyment of the surrounding Lots. All Lot Owners, lessees, licensees, invitees, other occupants, and guests of any Lot in the Subdivision shall abide by all such Rules and Regulations.

b) A violation of any Rule or Regulation shall be a violation of this Declaration and may be enforced in the same manner as any other term or provision of the Declaration or as otherwise may be designated in the Rule or Regulation, including without limitation the imposition of forfeitures, penalties, or other charges against the Lot Owner, which shall be collectible by Special Assessment against the Lot and/or Lot Owner.

c) Rules and Regulations shall be enforced by the Board of Directors but may not be enacted, amended, or repealed by the Board of Directors.

3.13 LOT OWNER’S LACK OF AUTHORITY TO BIND ASSOCIATION.

No Lot Owner (other than the officers of the Association) shall have any authority to act for the Association or the other Lot Owners, as agent or otherwise, nor to bind the Association or the other Lot Owners to contracts, negotiable instruments or other obligations or undertakings of any kind.

3.14 SERVICE OF PROCESS.

Service of process upon the Association for all matters shall be made upon the President of the Association or such legal counsel as the Association may designate to receive service of process by recording such designation with the Register of Deeds for Waukesha County, Wisconsin.

3.15 ENFORCEMENT OF DECLARATION: NO REVERSION OF TITLE.

a) The Association (through the Board of Directors) shall have the exclusive right to enforce, by proceedings at law or in equity, all the terms, conditions, and provisions of this Declaration and any Rules or Regulations adopted by the Association, except that any Lot Owner may proceed, at such Owner’s expense and subject to the limitations of Section 2, to enforce any such terms, conditions or provisions (other than for collection of assessments against Owners of other Lots) if the Association fails to take such action within 60 days following a written request by such Lot Owner for the Association to do so. Any Lot Owner violating any of the terms, conditions or provisions of this Declaration or any Rules or Regulations shall pay all costs, expenses and actual attorney’s fees incurred by the Association or by a prosecuting Owner in the successful

enforcement thereof. Neither the Association nor the Board of Directors shall be subject to any suit or claim by any Lot Owner for failure of the Association or the Board of Directors to take any action requested by such Lot Owner against another Lot Owner.

b) Each remedy set forth in this Declaration and/or in Rules or Regulations shall be in addition to all other rights and remedies available at law or in equity. All such remedies shall be cumulative and the election of one shall not constitute a waiver of any other. Any forbearance or failure of the Association or the Board of Directors to exercise any such right or remedy for any violation shall not be a waiver of such right or remedy under any circumstances, except as provided in Section 2, unless a written waiver is obtained from the Board.

c) Under no circumstances shall any violation of this Declaration or of any Rule or Regulation result in any reverted or reversion of title to any Lot.

3.16. MAINTENANCE OF OUTLOTS, COMMON AREAS, DRAINAGE EASEMENTS, PONDS, LANDSCAPE EASEMENTS, ENTRANCE SIGNAGE.

The Owner's Association has the responsibility of properly landscaping and maintaining all Landscaping Easement areas (*TBD*) and subdivision entrance signage within the subdivision. The Homeowner's Association shall be responsible for the maintenance of all retention storm water drainage facilities and easements after completion of said facilities. The Developer and each Lot Owner, as the case may be, grants to the Homeowner's Association a permanent access easement and right to enter upon the drainage easements in order to inspect, repair and restore said drainage easements for their intended purpose. The Homeowner's Association agrees to indemnify and hold harmless the individual Lot Owner of the costs of routine and extraordinary maintenance to all drainage easements provided that the Lot Owner has cooperated with the Homeowner's Association in regards to the maintenance of the drainage easements. The Developer has recorded a separate Declaration of Restrictions (Stormwater Management Facility Maintenance) document which further defines the Association's responsibility with regard to stormwater facilities and drainage easements. The Developer and the Homeowner's Association, as the case may be, hereby grants to the Village a permanent access easement and the right, but not the responsibility) to enter upon the easement in order to inspect, repair and restore said drainage easements and facilities, outlots, common areas, or signage for their intended purpose. In the event the Association does not properly landscape or maintain any Outlot, common area, drainage facility or signage, the Village of Summit may send written notice to the Association indicating that the Village has determined that the Outlot, common areas, drainage areas, and/or signage are not being properly landscaped and/or maintained, and further indicating that the Village of Summit will perform such landscaping and/or maintain if not properly done by the Association. The above-referenced notice shall give the Association a minimum of seven (7) days to correct the problem. If the Outlot, common area, drainage facility and/or sign is not properly landscaped and/or maintained within the time granted by the above-referenced notice, the Village of Summit shall then have the authority to landscape and/or maintain any such Outlot, common area, drainage facility and/or sign referred to in said notice and shall have the right to charge the lot owners on a pro rata basis for any costs incurred by the Village as a result of said landscaping and/or maintenance. Said costs shall be assessed as special charges pursuant

to Section 66.0627, Wis. Stats. If such charges are not paid by any lot owner within the period fixed by the Village of Summit, charges shall become a lien upon the lot owner's lot as provided in Section 66.0627, Wis. Stats., and shall be extended upon the tax rolls as a delinquent tax against the lot owner's lot as provided in Section 66.0627, Wis. Stats. Subject to the provisions of Paragraph (*TBD*) 37 below, the Owner's Association further has the responsibility of properly maintaining all drainage easement areas located within the individual Lots which are subject to this Declaration of Restrictions and the ponds and all drainage easement areas within common areas. Maintenance of the ponds shall include, but not necessarily be limited to: preservation of the embankments; prevention of erosion above the ponds, around the ponds and downstream there from; and dredging if and when necessary.

3.17 DAY-TO-DAY MAINTENANCE OF DRAINAGE EASEMENT AREAS.

To the extent practical, the day-to-day minor maintenance of any drainage easement area located on an individual Lot shall be the responsibility of the owners of such Lot. Day-to-day maintenance includes such items as cutting grass, raking leaves, removing fallen trees and branches, and removing other minor obstructions. This paragraph shall not limit the Village's authority of enforcement against the Association, as described in Section 3.16, above, and does not limit the Association's responsibility for maintenance of drainage easement areas.

3.18 WETLANDS, ISOLATED NATURAL RESOURCE AREAS, AND ENVIRONMENTAL CORRIDORS.

In order to preserve and protect the wetlands, isolated natural resource areas, and environmental corridors located in this Subdivision to the greatest extent possible, additional setbacks from these areas may be established on the Plat of Bark River Conservancy. No construction, land disturbing, grading, or filling activities may occur outside of such setbacks, or within the wetlands, isolated natural resource areas and environmental corridor areas. The additional setbacks are identified as "75' Setback" (*TBD*) and "75' No Mow Buffer" (*TBD*), or in similar language on the Plat. Portions of Outlots 1, 3, 4, 5, and 6, and 7 are subject to a Conservation Easement (*TBD*) granted to the Waukesha County Land Conservancy to be recorded with the Waukesha County Register of Deeds. The Owner's Association shall comply fully with all terms and conditions of the Conservation Easement (*TBD*). During all construction and land disturbing activities, the Owners of said Lots shall comply with all appropriate regulations promulgated by the Conservation Easement (*TBD*), the County of Waukesha, the Village, the United States Army Corps of Engineers, the Wisconsin Department of Natural Resources and any other administrative agency or governmental body having jurisdiction over the Subdivision.

3.19 OWNERSHIP AND USE OF OUTLOTS AND COMMON AREAS.

Each owner of a Lot shall have an undivided 1/19th ownership interest in the common areas and each conveyance of a Lot in the subdivision shall be deemed to include the conveyance of such undivided interest, whether or not specifically set forth in the instrument of conveyance. Outlot 2 shall be reserved for a future road extension to the south. Outlot 3 contains a Drainage Easements (*TBD*) and shall be used solely for Stormwater Management purposes. Outlot 1 contains wetlands and floodplain and are within the primary environmental corridor. Outlot 4

contains wetlands and are within the primary environmental corridor. The use of Outlots 1, 3, 4 and 5 is subject to the terms of the Conservation Easement (*TBD*) by and between the Developer and the Waukesha County Land Conservancy. Waukesha County Land Conservancy is responsible for maintaining (*TBD*) Outlots 1, 3, 4 and 5 subject to the terms and conditions of a Conservation Easement between Developer and Waukesha County Land Conservancy to be recorded. All costs and expenses associated with the maintenance of the Conservation Easement Areas shall be paid by the Association upon billing by the Waukesha County Land Conservancy (*TBD*). In the event Waukesha County Land Conservancy or the Association does not properly maintain Outlot 3 or 4 for their intended purpose, the Village of Summit may send written notice to the Association indicating that the Village has determined that the Outlot(s) are not being properly maintained, and further indicating that the Village of Summit will perform such maintenance if not properly done by the Association. The above-referenced notice shall give the Association a minimum of seven (7) days to correct the problem. If the Outlot(s) are not properly maintained within the time granted by the above-referenced notice, the Village of Summit shall then have the authority to maintain any such Outlot referred to in said notice and shall have the right to charge the lot owners on a pro rata basis for any costs incurred by the Village as a result of said maintenance. Said costs shall be assessed as special charges pursuant to Section 66.0627, Wis. Stats. If such charges are not paid by any lot owner within the period fixed by the Village of Summit, charges shall become a lien upon the lot owner's lot as provided in Section 66.0627, Wis. Stats., and shall be extended upon the tax rolls as a delinquent tax against the lot owner's lot as provided in Section 66.0627, Wis. Stats.

MISCELLANEOUS

4.01 RESERVATION BY DEVELOPER OF RIGHT TO GRANT EASEMENTS.

Developer hereby reserves the right to grant and convey easements to the Village and/or to any public or private utility company upon, over, through or across those portions of any Lot in the Subdivision within 10 feet of any lot line for purposes of allowing the Village or utility company to furnish gas, electric, water, sewer, cable television or other utility service to any Lot(s) or through any portions of the Subdivision or for purposes of facilitating drainage of storm or surface water within or through the Subdivision. Such easements may be granted by Developer, in its own name and without the consent or approval of any Lot Owner, until such time as Developer has conveyed legal title to all Lots platted or to be platted in the Subdivision to persons other than a successor-Developer.

4.02 SEVERABILITY.

The invalidity or unenforceability of any term, condition or provision of this Declaration shall in no way affect the validity or enforceability of any other term, condition, or provision of this Declaration, all of which shall remain in full force and effect.

4.03 COVENANTS RUN WITH LAND.

All terms, conditions and provisions of this Declaration (and as may be amended) shall constitute covenants running with the land.

4.04 AMENDMENTS TO DECLARATION.

This Declaration may be amended at any time by recording a document to that effect in the Office of the Register of Deeds of Waukesha County executed (a) solely by the Developer until such time as the Developer shall no longer owns any Lot and thereafter (b) by Owners at least seventy-five (75%) of the Lots, except that no amendment will be permitted without the express consent of the Developer as long as Developer owns any Lot.

4.05 TERM OF DECLARATION.

This Declaration (and any amendments) shall be binding for a period of twenty (20) Years (from the date the Declaration is recorded) upon all Lot Owners and any other persons claiming under or through the Developer. Upon the expiration date of such initial twenty (20) year period, this Declaration shall be automatically renewed for a successive period of ten (10) Years and thereafter for successive periods of ten (10) years upon the expiration date of the Prior renewal Period, unless there is recorded an instrument (executed by the Owners of at least Sixty-Seven (67%) percent of all Lots in the Subdivision and their mortgagees) terminating this Declaration in which event this Declaration shall terminate upon the recording of such instrument of termination or expiration of the initial twenty (20) year term, whichever occurs later.

4.06 INTEPRETATION.

These Declarations shall be construed and interpreted in favor of restricting the use of each Lot consistent with the Purposes hereof and any ambiguity shall be resolved against any Lot Owner who installs any structure or engages in any activity which is clearly not authorized under these Declarations or approved in writing by the Board of Directors.

IN WITNESS WHEREOF, this Declaration of Restrictions is executed by Bark River Conservancy, LLC as Developer, as of the date first written above.

BARK RIVER CONSERVANCY, LLC
a Wisconsin limited liability company

By: The Victory Companies, of Wisconsin, Inc. a
Wisconsin Corporation,

Its: Sole Member

By: _____
John Stoker, President

AUTHENTICATION:

The signature of John Stoker was authenticated on _____, 2025.

Joe A. Goldberger
Title: Member State Bar of Wisconsin

This Instrument was drafted by and return after recording to:

Joe A. Goldberger
State Bar No. 1012616
North Shore Legal
13460 N. Silver Fox Drive
Mequon, Wisconsin 53097
(262) 241-1833
jagoldberger@nslaw.com

EXHIBIT A

Legal Description

Paul Farrow
County Executive

Dale R. Shaver
Director



Waukesha County

Department of Parks and Land Use

TO: Wisconsin Department of Administration – Plat Review

NOTICE OF: Conditional Certification of No Objection to Preliminary Plat

DATE OF REVIEW: April 2, 2025

RE: Subdivision Plat known as: **Bark River Conservancy
File No. 2098**

LOCATION: NW ¼ and the SW ¼ of the NE ¼ and part of the SE ¼ and the SW ¼ of the
NW ¼ of Section 26, Town 7 North, Range 17 East, Village of Summit

SUBMITTED BY: Wisconsin Department of Administration – Plat Review

SURVEYOR: **John D. Downing, PLS**
LandTech Engineering
955 Lexington Drive
Oconomowoc, WI 53066

DATE OF EXTENSION: April 2, 2025

DATE RECEIVED: February 26, 2025

DATE OF PLAT: February 26, 2025

SUBDIVIDER: Genesee Lake Road LLC
C/O John Stoker
N118W18531 Busen Dr.
Germantown, WI 53022

Planning and Zoning

515 W. Moreland Blvd., Room AC 230 Waukesha, Wisconsin 53188-3878
Phone: (262) 548-7790 Fax: (262) 896-8071 www.waukeshacounty.gov/planningandzoning

REMARKS:

Conditional Certification of No Objection to this Preliminary Plat is based on the following conditions being complied with prior to submittal of the Final Plat:

1. Please review the comments of the Environmental Health Division letter dated March 24, 2025 (enclosed).
2. All easements, such as proposed or existing drainage ways, access, and/ or utilities easements shall be shown on the plat. Any related recorded documents numbers shall also be noted on the plat.
3. The Waukesha County Parks Division and the developer are discussing alternatives to the existing trail easement. Correspondence was sent via email from Rebecca Mattano, Parks Division Manager to the developer, owner, engineer and Village showing a preferred trail location. Please continue to work with Ms. Mattano on the final trail easement location and related documents. A final trail easement location may be required to be shown on the final plat.
4. If available, please submit the wetland and PEC delineation report prepared by SEWRPC. The map has already been submitted. The Village should determine if DNR concurrence on the wetland boundary, delineation by SEWRPC, is required.
5. The “edge of water” on Sheet 1 says the field survey date was 1/27/05. Please verify that the year is correct (2005) or modify to the correct year.
6. Provide the intended use of Outlots 1, 2 and 5 on the final plat.
7. Include Waukesha County in the first note as an entity not liable for fees or special charges in the event they become the owner of any lot or outlot in the subdivision by reason of tax delinquency.
8. The project is proposed on a parcel with a documented archaeological site. The Office of the State Archaeologist, which maintains state records for archaeological sites, is copied on this correspondence and we urge the developer to communicate with the State Archaeologist to ensure that site grading and construction is not delayed by archaeological resource issues and that plat layout does not conflict with said resources. The State Archaeologist, Amy Rosebrough, can be contacted at 608-264-6496, statearchaeologist@wisconsinhistory.org.

If human bone is unearthed during any phase of the project, all work must cease, and local law enforcement should be contacted. If law enforcement decides it is not a criminal case, they must contact the Wisconsin Historical Society at 1-800-342-7834 to comply with Wis. Stat. § 157.70, which provides for the protection of all human burial sites.
9. Signature Certificates in accordance with Chapter 236 of the Wisconsin Statutes shall be on the final plat.
10. Soil boring locations should be shown on the final plat. A new soil boring exhibit must be submitted for review and approval if lot lines should change on a revised preliminary plat or final plat.

In addition, we recommend the following:

11. To assist in the local regulation of land use for the protection of environmentally sensitive lands, Floodplain/Wetland/Primary Environmental Corridor preservation restrictions similar to the enclosed should be shown on the Plat. The Village of Summit may wish to modify the restrictions to accommodate the specifics of the proposed development, such as the creation of a trail system through the floodplain.
12. Any DNR or Village required wetland setback should be shown on the plat.
13. The developer should work with the owner to understand if drain tile is present and how it might impact the development.



SIGNED:

Jason Fruth, Planning and Zoning Manager

For information regarding this review, please contact Rebekah Leto at rleto@waukeshacounty.gov

Enclosure: Environmental Health Division letter (3/24/25)

cc: Village of Summit Deputy Clerk, deputyclerk@summitvillage.org (e-mail)
Village of Summit Planner planner@summitvillage.org (e-mail)
Genesee Lake Road, LLC john.stoker@vci-wi.com (e-mail)
Mark Ellena, Engineer mellena@eeceng.com (email)
John Downing, PLS, john@landtechwi.com (email)
WE Energies, Plat Review, co-subdivisionsgroup@we-energies.com, Nicole.warwick@we-energies.com, robin.maurer@we-energies.com, travis.kluewer@we-energies.com (e-mail)
AT&T, Plat Review, jo2376@att.com (e-mail)
Amy Rosebrough, State Archaeologist, statearchaeologist@wisconsinhistory.org (e-mail)
Southeastern Wisconsin Regional Planning Commission (SEWRPC), joel.dietl@sewrpc.org (e-mail)
Department of Natural Resources, dale.rezabek@wisconsin.gov (e-mail)
File

N:\PRKANDLU\Subdivision Files\Villages\Summit\2098 Bark River Conservancy\Conditional Cert Of No Objection To Preliminary Plat 4 2 25.Docx

**SAMPLE: FLOODPLAIN/WETLAND/PRIMARY ENVIRONMENTAL CORRIDOR
PRESERVATION AREA RESTRICTIONS**

Those areas of land identified as Floodplain/Wetland/PRIMARY Environmental Corridor Preservation Area on Page ____ of ____ of this Subdivision Plat shall be subject to the following restrictions:

1. Grading, filling, removal of topsoil or other earthen materials are prohibited, unless specifically authorized by the municipality in which this land is located and, if applicable, the Waukesha County Department of

Parks and Land Use-Planning and Zoning Division, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.

2. The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc., is prohibited, with the exception that dead, diseased, or dying vegetation may be removed, at the discretion of the landowner and with approval from the Waukesha County Department of Parks and Land Use-Planning and Zoning Division. Silvicultural thinning, upon the recommendation of a forester or naturalist and with approval from the Waukesha County Department of Parks and Land Use-Planning and Zoning Division, shall also be permitted. The removal of any vegetative cover that is necessitated to provide access or service to an approved residence or accessory building, shall be permitted only when the access or service cannot be located outside of the Conservancy/Wetland Preservation Area and with approval from the Waukesha County Department of Parks and Land Use-Planning and Zoning Division.
3. Grazing by domesticated animals, i.e., horses, cows, etc, is prohibited.
4. The introduction of plant material not indigenous to the existing environment of the Conservancy/Wetland Preservation Area is prohibited.
5. Ponds may be permitted subject to the approval of the municipality in which they are located and, if applicable, the Waukesha County Department of Parks and Land Use-Planning and Zoning Division, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
6. The construction of buildings is prohibited.

Waukesha County
Department of Parks and Land Use



March 24, 2025

John Downing, Land Tech
john@landtachwi.com

Re: Private Sewage Systems
Proposed Bark River Conservancy Subdivision – Preliminary plat dated 2/26/25
Section 26, Village of Summit

To whom it may concern:

The Waukesha County Private Sewage Ordinance requires soil data be submitted for each parcel of land being initially developed to show sufficient area of suitable soils based on surface elevations, estimated permeability, system location, and site requirements found in the Waukesha County Private Sewage Ordinance and SPS 383 and 385 Wisconsin Administrative Code.

1. The Waukesha County Department of Parks & Land Use, Environmental Health Division has reviewed soil borings conducted by Todd Stair and Kelly Reese, Wisconsin Certified Soil Testers, in January 2024 and March 2025, respectively. The purpose of the soil borings was to verify suitable soils for on-site private sewage systems. The Environmental Health Division offers the following comments:
 - A. Soil testing has been performed on all lots. The results of these soil borings indicate suitable soil conditions are present on the lots for an on-site private sewage system.
 - a. Conventional and mound type soils are present.
 - i. Mound areas shall be protected from land alteration. EHD recommends septic areas and 15' downslope be staked off to protect the areas from disturbance. It may be beneficial to consult with a septic installer prior to grading.
 - b. These tests are preliminary only. Additional soil tests are required on each lot before a sanitary permit can be issued.
 2. Subdivisions with individual wells and septic systems require careful planning to verify all appropriate setbacks are attained.

Sincerely,

A handwritten signature in black ink that reads "Skylar Behm".

Skylar Behm, RS
Environmental Health Supervisor

Cc: Village of Summit
Planning & Zoning Division

Environmental Health

Preserved LANDS CRITERIA

Sec. 111-129. Purpose and use.

Two controls affect the intensity of residential uses in the various residential zoning districts: a "density factor" and a "minimum lot area."

- (1) *Residential density.* The "density factor" includes the amount of land area required on a private lot or a combination of a private lot and preserved land for each dwelling unit.
 - a. *Concept description.* The village bases the concept of "density" regulations upon the premises of controlling the intensity of use in terms of the relationship of the number of units to the gross area of land granted by such a use within a defined area. The village has designed these "density" regulations to control the intensity of use of lands in relationship to the natural, physical and ecological characteristics of the area; to implement established comprehensive local, county or regional plans; to respond to the capability for adequate sewage disposal; to address the village's ability to provide appropriate municipal services; to respond to basic economic factors; and to achieve the desired residential environmental character, while still permitting reasonable flexibility in terms of lot shape, size and arrangement. Consistent with the goals of achieving the optimum residential environment and a "rural" character of the community, the village designed the "density" technique to permit variable lots sizes and the use of the most suitable terrain for housing sites while encouraging the preservation of agricultural lands and natural features as preserved lands for the aesthetic, environmental or recreational benefit of the area.
 - b. *Concept application.* No owner shall erect or relocate a structure intended in whole or in part for residential use unless the lot on which it is located:
 1. Meets the standard development requirements for the applicable zoning district; or
 2. Meets the conservation development requirements for the applicable zoning district; or
 3. Meets a planned development overlay district density factor as authorized under the specific adopting ordinance of section 111-359(c)(5); or
 4. Meets the required density factor by having allocated to it sufficient additional "preserved land" to meet the required density factor for the applicable zoning district by allocation of a fractional amount of preserved land to each residential lot.
 - c. Where an individual lot area includes more than one zoning district that permits residential use, the proportionate average of the district density factors shall apply.
 - d. Density calculations shall exclude wetland-floodplain lands and areas of existing roads and proposed public roads.
 - e. The plan commission shall approve the establishment of "preserved lands" pursuant to the criteria and development goals set forth in subsection (2)c of this section.
- (2) *Preserved lands.* "Preserved lands" includes portions of the property permanently restricted from any development or use except as consistent with its preservation as agricultural land or as a form of common "preserved lands" for the environmental or recreational benefit of the area.
 - a. **Permanent status.** Any land area claimed in addition to the actual described individual residential lots for credit toward meeting the density factor requirement shall have its status permanently established and guaranteed either by dedication to the public with appropriate covenants running with the land or in private ownership in any form acceptable to and approved by the plan commission by appropriate covenants running with the land including, but not limited to, ownership by developer or ownership by an undivided interest of all lot owners in the development by appropriate covenants running with the land, which covenants shall

permanently restrict the property against any development or use except as is consistent with its preservation as agricultural land or as a form of common "preserved lands" for the environmental or recreational benefit of the area. The official village zoning map shall indicate the "preserved lands" status of any parcel.

- b. *Location.* Any land area claimed in addition to the actual described residential lot for credit toward meeting the density factor requirement shall lie directly contiguous to such lot or part of the contiguous ownership processed for development approval and platting. Developers may not include the surface area of a navigable water body in the area of computation for such credit. For purposes of this section, "contiguous" may encompass lands lying on the opposite side of public rights-of-way, stream channels or water bodies subject to acceptability under the criteria hereinafter set forth and provided that the plan commission shall determine whether a project meets the intent of the contiguous requirement in a given situation.
 - c. *Criteria.* In order to qualify as "preserved lands," any such land must fall in one or more of the following categories of use along with customary and reasonable accessory uses thereto and meet the designated criteria as set forth below:
 - 1. Natural areas such as woods, meadows, marshes, lakes, streams and ponds providing either an environmental amenity or serving a useful ecologic purposes.
 - 2. Agricultural areas, including crop land, pasture, orchards, and tree nurseries contributing to the preservation of the agricultural land resource or contributing to the rural environmental character of the area.
 - 3. Recreational areas such as parks, parkways, green belts, playfields and golf courses provided such use also contributes to the environmental desirability of the area.
- (3) *Development goals.* In order to implement the stated intent of "density" regulation where "preserved lands" will be established, the following goals shall guide the plan commission in granting its approval:
- a. *Preservation of rural character.* Contribute to the preservation of the rural character of the village by encouraging retention of farm fields, pastures, orchards and natural open spaces either as common preserved lands or as farm operations under the preserved lands category. Owners can accomplish this goal by leaving vistas of farming activity along the main village roads, by grouping home sites in farm-like clusters surrounded by fields and pasture or by preserving complete farm operations and transferring the development potential to another area.
 - b. *Preservation of agricultural lands.* Developers should shape and arrange preserved lands designated for agricultural use consistent with practical requirements for carrying on such activity and of justifiable value for agricultural use or as a contribution to the goal of preserving a rural environmental character.
 - c. *Preservation of natural ecologic features.* The village desires to preserve natural features such as water bodies, marshes and woods for their contribution to the maintenance of ecologic balance and as a goal of density regulation. The plan commission should consider this on the basis of the legitimacy of their ecologic value.
 - d. *Preservation of primary environmental corridors.* The developer should attempt to preserve the environmental corridor in its natural state; no development should occur within the primary environmental corridor and, to the greatest extent possible, protected preserved lands should include the environmental corridor.
 - e. *Appropriate relationship of development to the physical character of the site and the surrounding area.* The plan commission should consider whether the development plan for roads, building sites and preserved areas comes from the careful consideration of a most appropriate

relationship to existing terrain conditions, preservation of natural vegetation, suitable capacity for on-site sewage disposal, provision for storm water drainage and retention and the potential impact upon the surrounding area.

- f. **Limit access to main village and county roads.** In order to preserve the rural character as well as the efficiency and safety of the existing main through roads, the village desires to minimize the development of lots strung out along such roads with individual driveway access from each lot. Instead, the village encourages the grouping of lots on interior streets and courts with the road frontage kept in the preserved lands category.
- (4) *Reduction of density factor and minimum lot size requirements.* Where the "ratio of preserved lands," as defined, includes at least 40 percent of the project area, the conservation development requirements of the specific zoning district shall apply.
- (5) Examples for computing residential density in a proposed development.

General Data for this Example

Total Land Area	4,356,000 square feet	(100 acres)
Wetlands	- 871,200 square feet	(20 acres)
	3,484,800 square feet	
Existing exterior ROW	- 148,104 square feet	(3.4 acres)
Gross developable area	3,336,696 square feet	(76.6 acres)

Assumptions for this example: No primary environmental corridor on site. Roads cannot be used in density or lot area calculations. Round down for allowable lots.

- a. *Standard residential development example.* Note: In this example, the density factor is based on the R-1 district (section 111-347(e)(1)).

Gross developable area	3,336,696 square feet	(76.6 acres)
Proposed right-of-way	- 270,072 square feet	(6.2 acres)
Net acres	3,066,624 square feet	(70.4 acres)
R-1 requirement	÷ 130,000 square feet	per (section 111-347(e)(1))
Allowable lots = 23 lots	23.58	

- b. *Conservation residential development example.* Note: In this example, the density factor is based on the R-1 district (section 111-347(e)(3)).

- 1. *Determine developable area.*

Gross developable area	3,336,696 square feet	(76.6 acres)
Proposed right-of-way	- 270,072 square feet	(6.2 acres)
Developable area	3,066,624 square feet	(70.4 acres)

- 2. *Determine preserved lands (minimum 40 percent of developable area).*

32022 County Rd.K
Hartland, WI 53029
April 11, 2025

The Board of Village of Summit
37100 Delafield Rd.
Summit, WI 53066

Dear Friends,

I am the owner of a lot in the Village on Genesee Lake Rd. between the Bark River and Sawyer Rd. I bought the property in 1974 and have rented it for corn and soy beans since then. My mother and I also planted pine trees on a small part of the acreage. My mother owned and lived at the adjacent property now known as Ravinia Park for 35 years until her death in 2003. I resided there for ten years. My siblings and I sold that property in 2008 for development.

For the past two years, we have worked extensively with the DNR, multiple engineers, have had water tables checked and checked again, and multiple meetings with the Village. We have completed as much work as possible to prepare the way for the next owner to develop it with as much ease as possible. I have discussed this property with both Henry Elling and Amy Barrows over the years.

Last year, prior to putting the property on the market, we appeared before the Village Planning Commission. We had originally thought that 18 lots would be planned. With the **current** zoning ordinances, we discovered that we could have 19 lots, with 2.3 acres per lot on a Conservancy Plan. All who were there felt that we had done our "homework" and gave us a verbal nod of approval. It was our understanding that we would sell the property assuming that the total number of lots allowed would be 19.

I humbly and respectfully request that the Village Board approve our plan for a 19-lot subdivision. We are proud that we have accepted an offer from Victory homes based on this number.

Kindly acknowledge receipt of this letter.

Sincerely,

Mary Alice Eschweiler

414-614-6564

sheppatch@aol.com

cc: James Siepmann

Kathy Sawyer Gutenkunst

Dean Frederick

Bill Minett



Village Hall, 262-567-2757
Fax, 262-567-4115
Highway Dept., 262-567-2422
Police Dept., 262-567-1134
Building Inspector, 262-490-4141
www.summitvillage.org

Summit Village Hall • 37100 Delafield Road • Summit, WI 53066

MEMORANDUM

To: Village Board

From: Amy Barrows, Planner

Date: May 8, 2025

Re: **Quit Claim Deed Transferring Land from Mackenzy Raabe to Village of Summit
SUMT0655992003**

BACKGROUND:

In January of 2025, the Village Board approved a request from Mackenzy Raabe, on behalf of the property owner Amy Raabe, to rezone lands from the A-2 Agricultural District to the R-1 Estate Residential District, including 38758 Genesee Lake Road (SUMT0655992) and unplatted lands (SUMT0655993), in order to accommodate a land division. At the same meeting, the Village Board approved a Certified Survey Map to create an additional lot. As part of the land division, the applicant agreed to transfer lands on the south side of Genesee Lake Road to the Village of Summit. Said area is identified as Outlot 1 on the attached map. The Village of Summit owns adjacent lands and already owned a portion of the land as recorded by deed. However, the previously recorded CSM did not correctly show the land that was owned by the Village of Summit. The Rezone approval was subject to the property owner transferring Outlot 1 after the recording of the Certified Survey Map and prior to the issuance of building permits, or by June 1, 2025, whichever occurs earlier. Mackenzy Raabe has purchased Lot 1 and Outlot 1 of the newly created Certified Survey Map and is requesting the Village of Summit accept the deed and take ownership of Outlot 1.

ATTACHMENTS: CSM showing Outlot 1 (area to be transferred)
Proposed Quit Claim Deed
January 9, 2025 Village Board Meeting Minutes

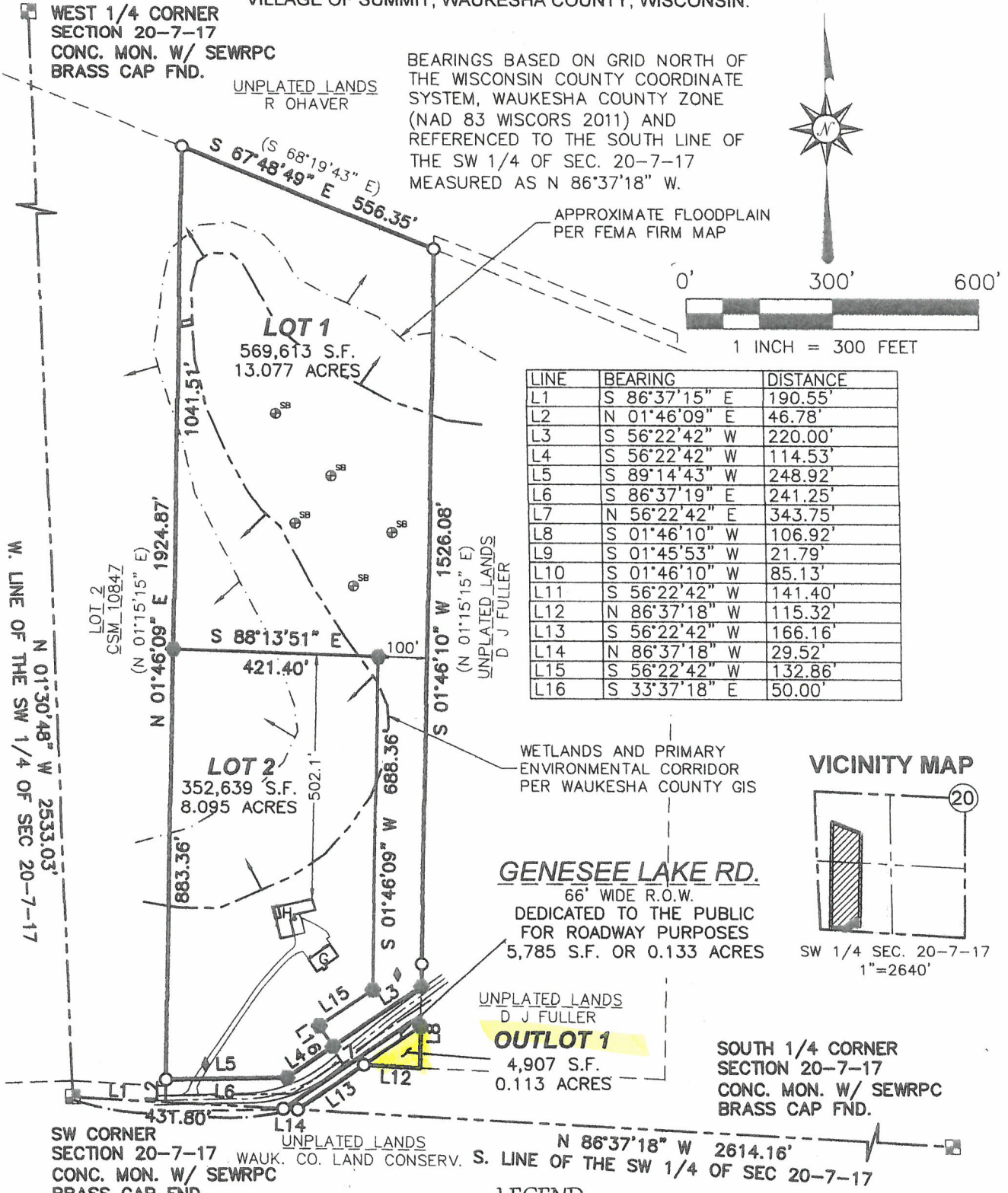
FISCAL IMPACT: None.

RECOMMENDED MOTION: Accept the quit claim deed and direct staff to coordinate with the Grantor (Mackenzy Raabe) to finalize and record the Quit Claim Deed with Waukesha County Register of Deeds.

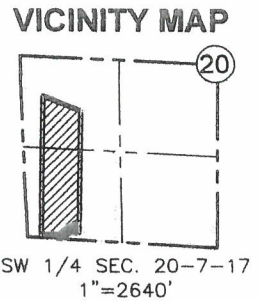
COPY

WAUKESHA CO. CERTIFIED SURVEY MAP NO. _____

UNPLATTED LANDS, LOT 1 AND OUTLOT 1 OF CSM 7025, RECORDED IN THE WAUKESHA COUNTY REGISTER OF DEEDS OFFICE, IN VOL. 59, PAGE 117-119, AS DOCUMENT NO. 1824405, AND UNPLATTED LANDS BEING A PART OF THE NW 1/4 AND PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 20, T.7N., R.17 E., VILLAGE OF SUMMIT, WAUKESHA COUNTY, WISCONSIN.

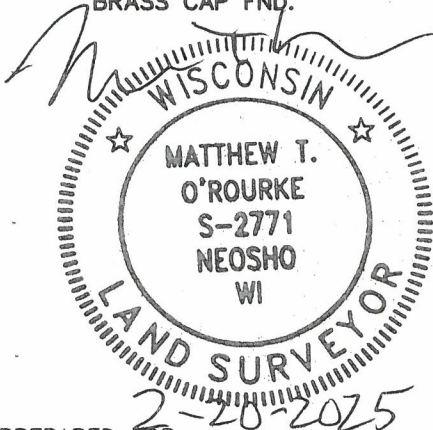


LINE	BEARING	DISTANCE
L1	S 86°37'15" E	190.55'
L2	N 01°46'09" E	46.78'
L3	S 56°22'42" W	220.00'
L4	S 56°22'42" W	114.53'
L5	S 89°14'43" W	248.92'
L6	S 86°37'19" E	241.25'
L7	N 56°22'42" E	343.75'
L8	S 01°46'10" W	106.92'
L9	S 01°45'53" W	21.79'
L10	S 01°46'10" W	85.13'
L11	S 56°22'42" W	141.40'
L12	N 86°37'18" W	115.32'
L13	S 56°22'42" W	166.16'
L14	N 86°37'18" W	29.52'
L15	S 56°22'42" W	132.86'
L16	S 33°37'18" E	50.00'



LEGEND

- SECTION CORNER MONUMENT FOUND 1" IRON PIPE OR NOTED SET 0.75" O.D. X 18" REBAR WEIGHING 1.502 LBS/FT.
- FLOODPLAIN PER FEMA
- PEC/WETLANDS PER GIS
- ◆ DRIVEWAY LOCATION
- ⊕ SOIL BORE
- SEE SHEET 2 FOR DETAIL AND NOTES.
- SEE SHEET 3 FOR ENVIRONMENTAL RESTRICTIONS.



PREPARED FOR:
AMY KATHRYN RAABE
38758 GENESEE LAKE RD.
OCONOMOWOC, WI 53066

REV: 01/21/2025
REV: 12/03/2024
DATED 10/21/2024
JOB# 24137
SHEET 1 OF 4

THIS INSTRUMENT WAS DRAFTED BY MATTHEW T. O'ROURKE, S-2771

LEGAL DESCRIPTION OUTLOT 1

A DIVISION OF LAND BEING UNPLATTED LANDS, OUTLOT 1 OF CSM #12647, VOL 132/113 RECORDED AS DOCUMENT # 4806290, RECORDED IN THE WAUKESHA COUNTY REGISTER OF DEEDS OFFICE, AND UNPLATTED LANDS BEING A PART OF THE NW 1/4 AND PART OF THE SW 1 / 4 OF THE SW 1 / 4 OF SECTION 20, T. 7N., R.17 E., VILLAGE OF SUMMIT, WAUKESHA COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 20, TOWN 7 NORTH, RANGE 17 EAST, THENCE S 86°37' 18" E ALONG THE SOUTH LINE OF THE SOUTHWEST 1 / 4 OF SECTION 20, 431.80 FEET TO THE SOUTHWEST CORNER OF OUTLOT 1 OF CSM 7025 AND POINT OF BEGINNING; THENCE N 56°22'42" E, ALONG THE LINE OF OUTLOT 1 OF CSM 7025, 343.75 FEET TO THE NORTHEAST CORNER OF OUTLOT 1 OF CSM 7025; THENCE S 01°46'10" W, ALONG THE EAST LINE OF OUTLOT 1 OF CSM 7025, 106.92 FEET TO THE SOUTHEAST CORNER OF OUTLOT 1 OF CSM 7025; THENCE ALONG THE SOUTH LINE OF OUTLOT 1 OF CSM 7025 FOR THE FOLLOWING 2 COURSES: 1.: THENCE N 86°37'18" W, 115.32 FEET; 2.: THENCE S 56°22'42" W, 166.16 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1 / 4 OF SECTION 20; THENCE N 86°37' 18" W, ALONG THE SOUTH LINE OF THE SOUTHWEST 1 / 4 OF SECTION 20, 29.52 FEET TO THE POINT OF BEGINNING.

Village Board Minutes January 9, 2025

Carried.


Discussion and action on a request by Jon Spheeris for a Certified Survey Map that reconfigures Lot 4 of CSM #11759 as a buildable lot and an outlot that is to be owned in common with the buildable lot. Lots 2 and 3 of CSM #11759 are included on the CSM, but no changes to the lot configuration of these lots are proposed. The subject properties are owned by Robert & Susanne Lang AKA Nancy Susanne Lang, Lang Residential Investment LLC and N. Susanne Lang, and Daniel & Kelley Kempel. The subject properties are known as Lots 2, 3, and 4 of CSM #11759, located in part of the NW ¼ of Section 25, T7N, R17E (SUMT0674031002, SUMT0674031003, & SUMT0674031004).

Planner Barrows stated there are no needed changes to public services but the Village may see increased tax revenues from new homes. The Village does need to make sure that the environmental plan is reviewed and approved.

MOTION: (Petronovich, Lee) to approve the Certified Survey Map, subject to the following conditions:

- A. APPROVALS FROM ALL OBJECTING AND APPROVING BODIES:** Petitioner shall satisfy all comments, conditions and concerns of the Waukesha County Department of Public Works, and the Village Engineer, Surveyor, and Planner prior to approval of the final Certified Survey Map.
- B. SUBJECT TO REIMBURSEMENT OF EXPENSES.** As a condition precedent to this conditional CSM approval taking effect, the Petitioner shall pay all fees, costs, and assessments due and owing to the Village of Summit, and for reimbursement of any expenses, costs and disbursements which have been incurred by the Village of Summit in the drafting, review or enforcement of this conditional CSM approval, including without limitation by reason of enumeration, design, engineering, inspection and legal work.
- C. UTILITY CONNECTION FEES.** As a condition precedent to this conditional CSM approval taking effect, the Petitioner shall pay all utility connection fees owed to the Village of Summit. Note: **The properties in this CSM are served by private septic systems and wells. Therefore, this condition does not apply.**
- D. BUSINESS OR COMMERCIAL USE.** There shall be no commercial or business use, except as specifically permitted within or pursuant to the applicable Zoning Code.
- E. ONE YEAR TO SATISFY CONDITIONS.** Subject to the Petitioner satisfying all of the aforementioned conditions within one year of the Village Board granting conditional final approval of the CSM.
- F. REZONING.** The application to rezone the property to incorporate 3.195 acres of Environmental Corridor Overlay District shall be reviewed and conditionally approved by Village Board prior to this CSM being signed by the Village.

Carried.

 Raabe

Discussion and action on a request by Mackenzy Raabe to amend the Zoning Map of the Village of Summit Zoning and Shoreland Protection Ordinance from the A-2 Agricultural District to the R-1 Estate Residential District to accommodate an additional lot for single-family residential construction on property owned by Amy Kathryn Raabe. The subject property is known as Lot 1 of CSM # 7025, and a portion of unplatted lands, located

in part of the SW ¼ of Section 20, T7N, R17E, at 38758 Genesee Lake Road (SUMT0655992 & part of SUMT0655993).

Planner Barrows stated the area to be rezoned is only the area to the north of the road. The applicant wants to split the lot to build another house to the north of the existing home. There are only 9 – 10 acres that are upland to meet the requirements and the reason they need to rezone. Proposing to dedicate additional right-of-way on Genesee Lake Road. Consistent with properties to the west and the property to the east would be the only property affected during construction. Area to the south is to be dedicated and/or acquired by the Village of Summit. It is a strip of land that is shown on the existing CSM as owned by the Village. The SEH surveyor mapped out the legal and so did the applicant's surveyor that showed the strip was really on the south side of the road. To try and clean this up the land could be dedicated but the only way to get rid of it in the future is through a formal vacation and then it goes back to the original owner, it may be in the best interested to acquire the land instead which could cost a few hundred dollars for the deed and purchase of the property. We already have a legal description created and the Village would have to hire a title company.

MOTION: (Petronovich, Lee) *to adopt the enclosed ordinance to amend the Zoning Map of the Village of Summit Zoning and Shoreland Protection Ordinance by from the A-2 Agricultural District to the R-1 Estate Residential District on property described as Lot 1 of CSM # 7025, and adjacent unplatted lands, more specifically described in the Rezone Exhibit, subject to Village Attorney review. The Wetland Conservancy District and Environmental Corridor and Floodplain Overlay Districts will remain unchanged. The recommended zoning map amendment is subject to the following conditions:*

1. This rezone is not effective until a Certified Survey Map is reviewed and approved by the Village of Summit and recorded by Waukesha County Register of Deeds to create two lots and an outlot in substantial conformance with the Certified Survey Map dated October 21, 2024, and presented for consideration at the December 19, 2024 Plan Commission meeting.
2. The Certified Survey Map shall be subject to no further land division unless a public road is constructed. This restriction shall be noted on the Certified Survey Map.
3. Outlot 1 shall be acquired by the Village of Summit by a deed following the recording of the Certified Survey Map. The Certified Survey Map shall include a note that Outlot 1 will be transferred to the Village of Summit. Said transfer shall take place prior to any building permits being issued on proposed Lot 1, or by June 1, 2025, whichever occurs earlier.

Carried.

Discussion and action on a request by Mackenzy Raabe for a Certified Survey Map to accommodate an additional lot for single-family residential construction on property owned by Amy Kathryn Raabe. A portion of the subject lands is owned by the Village of Summit. The subject property is known as Lot 1 and Outlot 1 of CSM # 7025, and a portion of unplatted lands, located in part of the SW ¼ of Section 20, T7N, R17E, at 38758 Genesee Lake Road (SUMT0655992 & part of SUMT0655993).

This does have a long strip for access to the larger piece, the Plan Commission did unanimously approve. At the Public Hearing for the rezone, there were no comments from the neighbors.

MOTION: (Petronovich, Lee) to approve the Certified Survey Map, subject to the following conditions:

- A. APPROVALS FROM ALL OBJECTING AND APPROVING BODIES:** Petitioner shall satisfy all comments, conditions and concerns of the Village Engineer, Surveyor, and Planner prior to approval of the final Certified Survey Map.
- B. SUBJECT TO REIMBURSEMENT OF EXPENSES.** As a condition precedent to this conditional CSM approval taking effect, the Petitioner shall pay all fees, costs, and assessments due and owing to the Village of Summit, and for reimbursement of any expenses, costs and disbursements which have been incurred by the Village of Summit in the drafting, review or enforcement of this conditional CSM approval, including without limitation by reason of enumeration, design, engineering, inspection and legal work.
- C. UTILITY CONNECTION FEES.** As a condition precedent to this conditional CSM approval taking effect, the Petitioner shall pay all utility connection fees owed to the Village of Summit. Note: **The properties in this CSM are served by private septic systems and wells. Therefore, this condition does not apply.**
- D. BUSINESS OR COMMERCIAL USE.** There shall be no commercial or business use, except as specifically permitted within or pursuant to the applicable Zoning Code.
- E. ONE YEAR TO SATISFY CONDITIONS.** Subject to the Petitioner satisfying all of the aforementioned conditions within one year of the Village Board granting conditional final approval of the CSM.
- F. REZONING.** The application to rezone the property to the R-1 Estate Residential District shall be reviewed and conditionally approved by Village Board prior to this CSM being signed by the Village.

Carried.

PUBLIC WORKS DEPARTMENT

Monthly Administrative Report

Director Nash reviewed the report (on file).

Discussion and action on inclusion of Village of Summit Roads in the National Tribal Transportation Facilities Inventory

Director Nash stated in November the once the tribe acquires property, they try to get the roads entered into the National Tribal Transportation Facilities Inventory (NTTFI). There is no obligation for the Village to do this but in the event that a project comes up and it would be eligible for tribal funding and would fast track. They have a group of dedicated grant writers and could take the burden off of us.

President Riley asked what is the driving force, is this something we need to consider now. Director Nash stated nothing it just shows that they have a vested interest in us maintaining these roads to their property and they want to be able to assist us with getting the funds. Being added to the inventory does not mean anything as this time.



Village Hall, 262-567-2757
Fax, 262-567-4115
Highway Dept., 262-567-2422
Police Dept., 262-567-1134
Building Inspector, 262-490-4141
www.summitvillage.org

Summit Village Hall • 37100 Delafield Road • Summit, WI 53066

MEMORANDUM

To: Village Board

From: Kamron Nash, P.E., Village Public Works Director

Date: April 28, 2025

Re: Department of Public Works Administrative Report

DPW Crew Activities

Cemetery Activity Summary

- Three burials were completed in April, and three burials are scheduled for early May.
- Five grave and one double niche sales occurred in April, and two double niche sales are pending. One niche transfer was completed.
- The DNR is completing a tree inventory project for cemeteries throughout the state. Two sites in the Summit Cemetery have been randomly selected for inventory, where condition, diameter, species, etc. will be recorded in 2025.
- Village staff are working on updating the cemetery policy and rules, as well as the related Ordinance language.
- A Cemetery Board meeting is tentatively scheduled for Friday, May 16th at 8:30 a.m. at the Summit Cemetery chapel.

Equipment Maintenance & Repair

- The John Deere and ROW mower units are being prepped for the initial mowing cycle.

Park Activities

- The bathrooms have been opened and well turned on at Genesee Lake Road Park.
- The OABC is preparing fields for the upcoming baseball/softball season.

Friends of Summit Parks Update

- The Friends group has put together a survey of questions related to park use, desired park amenities, rentals, volunteering opportunities, etc. that they would like to post on social media for input of the parks and to determine if there is additional interest in assisting with the Friends group.
- The next meeting is scheduled for Monday, May 12th at 5:30 p.m.

Road Maintenance Activities

- Staff continue to address potholes throughout the Village.

- Staff are identifying road pavement repairs and shoulder deficiencies to address this season. Some shouldering activities may require equipment rental or borrowing of neighboring communities' equipment.

Facilities Maintenance

Fire Suppression System

- JF Ahern provided additional information on the FDC check valve that was not initially installed with the system in Village Hall. The valve is not required by code – code requires that there needs to be a way to flush the backflow. The backflow prevents the stagnant water from the sprinkler system from contaminating the domestic water supply. As installed, the system has a 4" cap on the piping behind the backflow that allows for flushing and meets code. However, the full flow was not able to be completed as designed, which will may ultimately result in the backflow not flushing properly and the associated checks getting gummed up over time (cost of replacement is approx. \$550 each). In addition, the absence of the FDC check valve creates more effort to flush and creates a huge water mess. Most new installations by experienced designers will include the FDC check valve. JF Ahern advised that this may be installed before the next annual inspection in early April of 2026. **The quote for the work is \$2,085, and staff will include funding in the 2026 Village Hall Maintenance/Repair budget.**
- On Friday, April 4th, staff noticed a leak from the piping in the mechanical room. JF Ahern was called in to investigate and found that the regulator on the air maintenance device (AMD) was leaking water from the device body. There is a large drop of 1/2" from the AMD to the system. This dry valve was just short-tripped the previous day and there was some water columning. The 1/2" check off the air line up top didn't stop the water draining back into the air line, presumably because the residual water from the short trip drained back so slowly. The regulator is leaking, and JF Ahern recommends replacing the AMD with a new Viking. The water was drained from the prime level with a 25' hose to the floor drain, and the air line, strainer, and air compressor were also drained. The system is back in service, but JF Ahern is strongly recommending replacement of the AMD. If this is not completed, the system may fail and create additional expense to the Village. Due to the urgency of the issue, Director Nash authorized JF Ahern to complete the work at a cost of \$2,195. An email was sent to the Village Board on April 29th regarding this emergency repair.

PD Secure Vestibule

- The Police Department Secure Vestibule locking mechanism was found to not be functioning properly in late April. Total Mechanical was contacted to diagnose and repair the issue. A locking chamber was ultimately replaced.

Winter Season Activities

- A summary of the 2024 – 2025 winter weather response activities by the DPW crew is attached for reference.

- An order for 200 tons of seasonal fill and 40 tons of reserve fill salt were ordered and received in early April. This fully satisfies the Village's purchase agreement with WisDOT for the 2024-2025 winter season.

N Dousman Road Multi-Use Trail Extension Project

A preliminary construction estimate was completed by Strand in April, and the cost came in approximately 27% higher than anticipated. However, this cost includes a large contingency and much higher mobilization costs. Assuming that the Village receives competitive bids from local companies, the contingency may not be needed and the mobilization costs should be much lower.

A 60% Design meeting was held on April 29th between Director Nash, WisDOT, and Strand. At the meeting, there were several topics discussed that impact the acquisition of ROW and Temporary Limited Easements (TLEs) for this project:

- ROW dedication of 50' for the two properties along N Dousman Rd without dedicated ROW will not be allowed unless the Village obtains an appraisal and offers to pay fair market value for the 17' above the statute-allowed 33'. The ultimate ROW on either side of N Dousman Rd was approved by the Village Board to be 50', and staff were hoping to acquire the entire 50' at this time.
- State statute allows the Village to include 33' of ROW on either side of a road on a transportation plat for public improvements projects without any formal easement or transfer of lands, provided it has been maintained as public roadway for at least 20 years. The path is able to fit within 33', although it may need to be adjusted slightly in areas where more clearance was provided due to the assumption that there would be 50' of land.
- The Village is not allowed to request that the property owners "donate" or willingly dedicate ROW. TLEs for construction on private property will require appraisals and offers to the affected property owners with fair market value. Since these are temporary, the value should not be significant. It is important to note that any trees that are removed from private property will need to be accounted for in the appraisals.

WisDOT's real estate employee for this region recently left their job, and another employee is filling in temporarily. WisDOT is hoping to set up a meeting with Director Nash and Strand the week of May 5th to clarify this discussion. Staff will hold off on sending out letters for properties that will require TLEs until more clarification is given.

2025 Road Improvements Program & Genesee Lake Road Park Parking Lot Project

The conformed contracts have been signed, and a pre-construction meeting will be scheduled with Wolf in May. Staff are waiting on a schedule update from Midwest Networks Development on the fiber optic project on Delafield Rd west of CTH BB.

Waterville Lake Dam Ownership Update

Village staff reached out to the Waterville Lake HOA on April 28th to determine if they have a meeting date set to meet with lake property owners to discuss the recent Dam Failure Analysis, the high-risk rating of the day, ownership of the dam, as well as the potential formation of a

Lake Management District. Upon receiving a response, staff will keep the Village Board informed.

“Lake Street” Right-of-Way Vacation Request (Genrich’s Bay Subdivision)

Nothing significant to report.

Genesee Lake Road Park Master Plan Update

Nothing significant to report.

Official Road Right-of-Way Map Update

Nothing significant to report.

National Fitness Campaign Status

No additional donations have been received for the NFC fitness court campaign. A total of \$11,000 has been donated to date.

Village Safety Program Development & Implementation

Safety Committee Meeting

The next meeting is scheduled for June 2nd at 9:00 a.m.

NIMS Training Update

Two of the DPW staff have fully completed their NIMS training. One staff member has one course remaining.

No additional Village Board members have reported completing courses since the last Village Board meeting. This topic will be discussed more in depth in a separate agenda item on the May 8th Village Board meeting.

ATTACHMENTS: N/A

2024 – 2025 Winter Weather Response Summary (through 4/25/2025)

Event Date(s)	Response Type	Snow (in)	Staff Hours					Est. Salt Use (Tons)	Estimated Costs (Labor, Materials)
			Full Time			Part Time			
			Reg	OT	DT	Reg	OT		
11/21/2024	Full Plow/Salt	5.30	18.25	-	-	9.00	-	15.50	\$2,094
12/4/2024	Full Residential Salt (Freezing Rain)	0.20	4.00	11.75	-	3.50	-	7.00	\$1,338
12/11/2024	Spot Plow/Salt	0.10	9.00	4.00	-	-	-	8.00	\$1,115
12/14/2024	Spot Salt (Freezing Road Conditions)	0.00	-	5.50	-	-	-	4.50	\$657
12/18 – 12/21/2024	Full Plow (including multiple full maintenance cycles and drifting day after)	3.50	50.00	50.50	-	23.75	-	39.50	\$7,692
12/23/2024	Full Plow/Salt	0.30	8.00	7.00	-	4.25	-	17.10	\$2,077
12/31/2024 – 1/1/2025	Full Plow/Salt	0.30	-	-	8.75	-	2.50	8.50	\$1,331
1/10/2025	Full Residential Salt (Freezing Rain); Full Plow/Salt	0.70	12.50	5.75	-	5.50	-	21.50	\$2,550
1/13 – 1/14/2025	Spot Plow/Salt	0.10	7.50	3.25	-	3.50	-	13.50	\$1,560
1/15 – 1/16/2025	Spot Plow/Salt	0.30	1.00	10.00	-	3.75	-	11.00	\$1,495
1/22 – 1/23/2025	Full Plow/Salt	3.20	46.00	19.25	-	18.25	-	43.40	\$6,248
2/2/2025	Spot Plow/Salt	0.30	-	-	12.75	-	4.25	5.75	\$1,405
2/5 – 2/6/2025	Full Salt (Freezing Rain)	0.00	7.25	11.00	-	5.00	-	24.50	\$2,890

Event Date(s)	Response Type	Snow (in)	Staff Hours					Est. Salt Use (Tons)	Estimated Costs (Labor, Materials)
			Full Time			Part Time			
			Reg	OT	DT	Reg	OT		
2/10 – 2/11/2025	Full Salt (Spot icing, pre-event treatment)	0.10	10.75	-	-	2.75	-	9.00	\$1,137
2/12 – 2/13/2025	Full Plow/Salt	6.00	43.00	27.75	-	22.50	-	34.50	\$5,953
2/14 – 2/16/2025	Full Plow/Salt; Drifting, icing maintenance	5.00	13.50	44.75	15.50	5.00	14.75	47.00	\$7,918
2/25/2025	Spot Salt (Icy conditions)	0.00	2.50	-	-	-	-	1.00	\$156
3/16/2025	Spot Salt (Icy conditions)	0.60	-	-	6.50	-	2.50	5.00	\$888
3/20/2025	Spot Salt (Icy conditions)	0.00	8.00	-	-	3.00	-	4.00	\$641
2024 – 2025 Totals	Responses: 19	26.50	241.25	200.50	43.50	109.75	24.00	320.00	\$49,147
2023 – 2024 Totals	Responses: 13	39.80	222.50	156.17	8.00	99.75	24.50	200.50	\$33,597
2022 – 2023 Totals	Responses: 23	55.10	236.25	180.00	62.50	105.25	21.75	371.75	\$50,191
2021 – 2022 Totals	Responses: 21	27.10	198.25	122.25	66.50	84.00	17.00	296.50	-

Note: Fuel costs, pre-event preparations, and post-event equipment maintenance not included.



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MEMORANDUM

To: Village Board

From: Kamron Nash, P.E., Village Public Works Director

Date: April 24, 2025

Re: Consideration and Action on a Resolution Recognizing the Week of May 18 – 24, 2025 as
“National Public Works Week” in the Village of Summit

PURPOSE:

National Public Works Week recognizes that significant contributions that the Village of Summit Public Works employees make to the Summit community.

BACKGROUND:

The American Public Works Association (APWA) has sponsored “National Public Works Week” since 1960. This week of recognition is used to energize and educate the public on the importance of the contribution of public works to their daily lives: planning, building, managing, and operating at the heart of their local communities to improve everyday quality of life. This year’s theme, “People, Purpose, Presence,” highlights three cornerstone ideals that motivate public works professionals to serve in their communities every day. Meeting the needs of people is what gives public works its sense of purpose. Many times, public works professionals will never meet those whose lives have been impacted. When things are going right, no one knows that public works is there. Yet, with or without fanfare, public works is ever present, working in the background to advance the quality of life for all.

Public works professionals advance the quality of life by providing services in transportation, water, wastewater, and stormwater treatment, public buildings and spaces, parks and grounds, emergency management and first response, solid waste, and right-of-way management. They are what make our communities dynamic places to live and work.



RECOMMENDATION:

Village staff recommends that the Village Board approve the proposed Resolution recognizing the week of May 18 – 24, 2025 as “National Public Works Week” in recognition of the Village public works employees’ contribution to the community.

ATTACHMENTS: Resolution No. 25-471 Recognizing the Week of May 18 – 24, 2025 as “National Public Works Week” in the Village of Summit

FISCAL IMPACT: None

RECOMMENDED MOTION: **Motion to adopt Resolution No. 25-471 Recognizing the Week of May 18 – 24, 2025 as “National Public Works Week” in the Village of Summit.**

RESOLUTION NO. 2025-471

RESOLUTION RECOGNIZING THE WEEK OF MAY 18 – 24, 2025 AS “NATIONAL PUBLIC WORKS WEEK” IN THE VILLAGE OF SUMMIT

WHEREAS, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the Village of Summit; and,

WHEREAS, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment, and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in the Village of Summit to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works in their respective communities; and,

WHEREAS, the year 2025 marks the 65TH annual National Public Works Week sponsored by the American Public Works Association.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Summit that the week of May 18 to 24, 2025 be designated as “National Public Works Week,” and hereby call upon all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals and to recognize the substantial contributions they make to protecting out national health, safety, and quality of life.

Adopted this 8th day of May, 2025.

VILLAGE OF SUMMIT

APPROVED:

Jack Riley, Village President

ATTEST:

Debra J. Michael, Village Administrator-Clerk/Treasurer

Proposed by: Village Administration
Prepared by: Public Works



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MEMORANDUM

To: Village Board

From: Kamron Nash, P.E., Village Public Works Director

Date: April 29, 2025

Re: Discussion and Action on On-Street Parking on Genesee Lake Road Adjacent to Village Park

PURPOSE:

To provide an update to the Village Board on parking issues at Genesee Lake Road Park (Village Park) and to receive approval for parking along the south side of Genesee Lake Road adjacent to the park.

BACKGROUND:

In May of 2023, the Village Board approved parking along the south side of Genesee Lake Road adjacent to Genesee Lake Road Park. The purpose of this action was to help keep park users' vehicles out of the park itself. Historically, there were people accessing the park via the gravel roadway on the west side of the park and parking in the grass.

Chief Hartert received a complaint from a resident regarding people who were parking along the south side of the roadway on the west side of the park. There is a hill on the roadway in this area that makes it difficult for eastbound traffic to see parked vehicles (see attached image for reference). Village staff agrees that this area is not the best for parking along the south side of the road due to the visibility issues.

It is recommended that parking is restricted to along the west 325 feet on the south side of Genesee Lake Rd. After the new parking lot construction is completed, parking may be restricted along the entirety of Genesee Lake Road Park.

RECOMMENDATION:

Village staff recommends that the Village Board restrict parking on the south side of Genesee Lake Road from the west property line to approximately 325 feet east of the west property line of Genesee Lake Road Park.

ATTACHMENTS: Image of Parked Vehicle on Genesee Lake Road (facing westbound)

Aerial Map of Proposed Parking Restriction

FISCAL IMPACT: DPW Staff labor to install appropriate No Parking traffic signage.

RECOMMENDED MOTION: Motion to restrict parking on the south side of Genesee Lake Road from the west property line of Genesee Lake Road Park to approximately 325 feet east of the west property line of Genesee Lake Road Park and to direct DPW staff to post appropriate No Parking signage.







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MEMORANDUM

To: Village Board

From: Chief Michael Hartert

Date: April 11, 2025

Re: Grant/Donation

BACKGROUND: A village resident recently gave the Village of Summit a 'grant' donation in the amount of \$3,000. The donor specified that the funds be used 'for the cameras recommended by Chief of Police'. This amount for 'cameras' is the shortfall which was discussed at the Village Board meeting on March 13, 2025 in relation to our upgrades to the building surveillance system.

ATTACHMENTS: Grant Check.

FISCAL IMPACT: Saves the village \$3,000 which would have had to be pulled from other projects.

RECOMMENDED: Motion to approve the designation of the \$3,000 grant from DAVgiving360 to assist in funding the Village Hall Complex camera upgrade.



MB 01 008663 18640 H 34 D
VILLAGE OF SUMMIT
GIFT PROCESSING
C/O DEBBIE MICHAEL
37100 DELAFIELD ROAD
SUMMIT, WI 53066



April 1, 2025

GRANT ENCLOSED DAFgiving360™ is pleased to present Village of Summit with the enclosed grant in the amount of \$3,000.00. This grant was recommended by a donor-advised fund account.

Grant Amount	\$3,000.00
Acknowledgment	Jeff and Sue Lee
Address	37420 Indian Mound Road Oconomowoc, WI 53066-4714
Grant Designation	This grant is for the cameras recommended by Chief of Police.

If you have any questions regarding this grant, go to dafgiving360.org/charities, use the Contact Us form at dafgiving360.org/contact-us, or call us at 800-746-6216. We wish you success with your charitable mission.

NOTE TO THE CHARITY:

By accepting this grant, your organization certifies to DAFgiving360 that:

- This grant will be used exclusively for charitable purposes that comply with all applicable state and federal laws.
- No donor, donor advisor or individual related to the donor(s) and/or donor advisor(s) will receive any goods, services or more than incidental benefit, including but not limited to, benefit tickets, school tuition, membership fees or goods purchased at an auction.
- This grant will not be used to fulfill a pre-existing legally binding pledge.
- If your organization is a government entity, this grant will be used solely for public purposes as that term is used in Section 170(c)(1) of the Internal Revenue Code.

Your organization should not provide the donor(s) a tax receipt for this grant, as DAFgiving360 has already provided the donor(s) with a tax receipt at the time of contribution. Please do not send thank you notes or marketing materials to DAFgiving360.

DAFgiving360™ is the name used for the combined programs and services of Donor Advised Charitable Giving, Inc., an independent nonprofit organization which has entered into service agreements with certain subsidiaries of The Charles Schwab Corporation. DAFgiving360 is a tax-exempt public charity as described in Sections 501(c)(3), 509(a)(1), and 170(b)(1)(A)(vi) of the Internal Revenue Code.

Grants and account names are recommendations of the donor(s) and do not reflect the views of DAFgiving360, Charles Schwab & Co. Inc. or any of its affiliates.



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MEMORANDUM

To: Village Board
From: Chief Michael Hartert
Date: April 24, 2025
Re: Ordinance for Police Department

BACKGROUND: I would like to streamline the process we use for the disposition of property which is no longer needed by the Police Department. We accumulate property which is abandoned, held for safekeeping, illegal to possess or evidence. An ordinance is needed to specify allowable disposal methods.

These types of ordinances are typically contained in the 'Police Department' section of the municipal code's 'Administration' chapter. Since this section currently doesn't exist, I'm proposing the attached ordinance which would address this gap.

ATTACHMENTS: Proposed Ordinance.

FISCAL IMPACT: None.

RECOMMENDED: For Board review and discussion. If authorized, I would like to present the proposed ordinance to our Village Attorney for review and formatting.

Sec. 2-74. - ORGANIZATION.

The Police Department shall consist of a Chief of Police, a Captain or Lieutenant of Police, a Police Sergeant, a Police Detective and such other officers as shall be determined and prescribed from time to time by the Village Board.

Sec. 2-75. - RULES AND REGULATIONS.

(1) The Chief of Police and all members of the Police Department shall be appointed in the manner prescribed by the Police Commission and shall be governed by all rules and regulations as may be prescribed by this chapter.

(2) The Chief of Police may make such further rules and regulations for the government of the Police Department as he/she deems necessary, provided such rules and regulations shall not be inconsistent with this chapter and State law.

Sec. 2-76. - CHIEF OF POLICE: DUTIES AND POWERS.

(1) The Chief of Police shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon marshals and constables.

(2) The Chief of Police shall obey all lawful written orders of the Village President, the Village Board and the Police Commission.

(3) The Chief of Police shall cause the public peace to be preserved and see that all laws and ordinances of the Village and State are enforced; and whenever any violation thereof comes to his/her knowledge, he/she shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender.

(4) The Chief of Police shall be solely responsible for the care and conditions of the equipment used by his/her department.

(5) The Chief of Police shall keep an accurate and complete record of all complaints, arrests, and traffic violations of the Department.

(6) The Chief of Police shall dispose of abandoned or unclaimed personal property in the manner prescribed by this Code and the Wisconsin Statutes.

Sec. 2-77. - POLICE OFFICERS.

(1) GENERAL POWERS AND DUTIES. Each officer of the Department shall possess the powers conferred on marshals and constables by law, shall preserve the public peace and shall enforce the laws and ordinances of the State and Village subject to the orders, rules and regulations of the Department.

(2) POWER OF ARREST. The Chief of Police and any Police Officer shall possess the powers to preserve the peace as necessary, make arrests and enforce all local and state laws.

Sec. 2-78. - GRATUITIES.

No Police Officer shall accept or receive from any person while in custody, or after such person has been discharged, or from any such person's friends, any gratuity, reward or gift directly or indirectly, or any article or thing as compensation for damages sustained in the discharge of his/her duty, without written permission from the Village President.

Sec. 2-79. - WARRANT SERVICE FEES.

Pursuant to the provisions of Section 814.705 and 814.71, Wis. Stats., the Police Department shall charge a warrant fee of \$40.00 when the department serves a warrant or enters, validates or removes a warrant from the time system, transports or otherwise performs activities related to a warrant, or serves a commitment order upon an individual, which fee shall be deposited in the Village's General Fund. If the individual has warrants from multiple municipalities, a warrant service fee shall be assessed for each municipality.

Sec. 2-80. - DISPOSAL OF ABANDONED OR UNCLAIMED PERSONAL PROPERTY.

The Chief of Police shall make every attempt to locate the true owner of property and return said property to that person if lawful to do so. If the true owner cannot be located, the Chief shall dispose of abandoned or unclaimed personal property in the following manner:

- (1) Any finder of lost or abandoned property, including money, may deposit said property with the Village Police Department. The finder shall indicate, on a form prepared by the Village, the time and location of the finding of said property and any other facts or circumstances pertinent thereto.
- (2) If the property remains unclaimed for a period of sixty (60) days, the property may be released to the finder upon the finder signing a receipt, on a form provided by the Village, holding the Village harmless from any claim or demand by the

true owner. This subsection shall not be applicable to Village employees. This subsection shall also not be applicable to perishable property or property which cannot be legally possessed.

- (3) PUBLIC AUCTION. If deemed in the best interest of the Village, the property shall be sold at a public auction. Typically, this should be accomplished by listing the item(s) with Wisconsin Surplus Auction.
- (4) PERISHABLE PROPERTY. If feasible, perishable property should be donated to any local food bank as soon as possible. Otherwise, the Chief shall dispose of the property in an expedient manner.
- (5) PROPERTY WHICH CANNOT BE LEGALLY POSSESSED. These types of property will be disposed of per Summit Police Department Policy after sixty (60) days. This subsection does not include EVIDENCE.
- (6) PROPERTY OF NOMINAL VALUE. Abandoned or unclaimed property with a value of less than \$50, as determined by the Chief of Police, may be disposed of in the best interest of the Village as determined by the Chief.
- (7) OTHER PROPERTY – METHODS OF DISPOSAL. Property not disposed of pursuant to the above subsections, may be disposed of by the Village by any of the following methods:
 - (a) Use by the Village (upon approval by the Village Board);
 - (b) Donation to charity (upon approval by the Village Board);
 - (c) Destruction (upon approval by the Village Board).
- (8) DISPOSAL OF DANGEROUS MATERIALS. If such property is a flammable, explosive or incendiary substance, or a device posing a danger to life or property, the means of disposal shall be determined by the Chief of Police in adherence to law and by a means least posing a danger to life or property. If such substance, material or device has commercial value and does not pose an immediate threat to life or property, the Chief may, and if it is reported stolen shall, attempt to return same to the rightful owner.
- (9) FIREARMS AND AMMUNITION. Firearms and ammunition shall be disposed of per section 968.20 of the Wisconsin State Statutes.
- (10) ALL PROPERTY DISPOSITIONS RECORDED. Regardless of the manner of disposal, all property dispositions shall be recorded on the Summit Police Department *Release of Property* or *Property Disposal* form. Disposal forms shall be maintained for the period prescribed in the Record Retention Policy.