

To: City of Fitchburg Plan Commission  
From: Shawn Kerns, 2182 C.T.H. "MM" Oregon, WI 53575  
Re: Proposed Certified Survey Map at 2182 C.T.H. "MM"

We are hereby requesting to be placed on the agenda for the June 18<sup>th</sup> 2018 Plan Commission Meeting regarding our proposed 2 lot land division in Section 24, T6N, R9E, City of Fitchburg.

The current zoning designation for this parcel (Dane Co. Parcel #225/0609-244-9690-4) requires a 10 foot minimum side yard setback.

During my Surveyor's research into dividing our parcel, he discovered a Plat of Survey of our parcel by another surveyor completed in 2015. This map shows the Southerly existing building on our parcel to be approximately 7.5 feet from the Southerly property line, which also happens to be the Southerly line of Section 24. The 2015 Plat of Survey shows older iron stakes (dating to the 50's and 60's) defining the south line of our parcel (as well as the parcels to the east within Section 24). The stakes appear to have been set on a different alignment (though thought to be correct and accepted locally at the time) than the currently accepted south line of the section. It also appears from the 2015 Plat of Survey that the building in question was originally intended to be positioned 10 feet from the southerly lot line (based upon its location relative to the older stakes).

During the mid 1970's a local remonumentation project of the entire township appears to have changed (corrected?) the physical location of the SE corner of Section 24 in such a way that the Section corner location (and the east end of the section line) has been repositioned to the north by approx. 5.5 feet. This new, and currently accepted location of the section line creates a situation whereby the southerly building is now less than 10 feet from the southerly line of our parcel, and therefore non-conforming, and thus blocking our family's ability to divide the whole parcel.

These circumstances, which were unforeseeable, have now hindered our ability to divide the land. We feel that we acted in good faith by positioning the building in what we believed to be a conforming location when it was originally constructed approximately 12 years ago. We also feel that dividing our parcel, even with the existing non-conforming structure, would not change or impact the area negatively, since we would only be addressing something that already exists in a non-conforming location, and not requesting to build any new structures within the setback areas.

Concept Sketch for  
Proposed Certified  
Survey Map at  
2182 CTH MM



CTH MM

CTH B

Kerns Parcel

693'

193'

500'

460'

500'

693'

193'

460'

**Description:**

**PARCEL 'A'**  
**PARENT PARCEL**  
 A part of the Southeast 1/4 of the Southeast 1/4 of Section 24, T6N, R9E, City of Fitchburg, Dane County Wisconsin, more fully described as follows: Commencing at the Southeast corner of said Section 24; thence S88°58'00"W, 848.17 feet (recorded as S88°23'35"W 848.13 feet) along the South line of said Southeast 1/4 and the point of beginning; thence continuing S88°58'00"W (recorded as S88°23'35"W), 460.15 feet along said South line to a point on the East right-of-way line of County Trunk Highway "MM"; thence N00°24'32"W, 693.62 feet (recorded as N00°27'00"W, 697.30 feet) along said East right-of-way line; thence N89°05'47"E, 460.79 feet (recorded as N88°58'00"E, 461.00 feet); thence S00°21'20"E, 692.58 feet (recorded as S00°27'00"E, 697.30 feet) to a point on the South line of said Section 24 and the point of beginning, containing 319,134 sq. ft. or 7.32 acres.

**PARCEL 'B'**  
**ACCESS EASEMENT**  
 A part of the Southeast 1/4 of the Southeast 1/4 of Section 24, T6N, R9E, City of Fitchburg, Dane County Wisconsin, more fully described as follows: Commencing at the Southeast corner of said Section 24; thence S88°58'00"W (recorded as S88°23'35"W), 1308.33 feet along the South line of said Southeast 1/4 to a point on the East right-of-way line of County Trunk Highway "MM"; thence N00°24'32"W (recorded as N00°27'00"W), 192.93 feet along said East line; thence N88°58'00"E, 15.00 feet to the point of beginning; thence N00°24'32"W, 174.66 feet; thence S88°58'00"W, 15.00 feet to a point on said East right-of-way line; thence N00°24'32"E (recorded as N00°27'00"W), 50.00 feet along said East right-of-way line; thence N88°58'00"E, 65.00 feet; thence S00°24'32"W, 154.09 feet; thence S44°07'50"E, 96.64 feet; thence S88°58'00"W, 116.80 feet to the point of beginning, containing 1,4340 sq. ft. or 0.32 acres.

**PARCEL 'C'**  
 A part of the Southeast 1/4 of the Southeast 1/4 of Section 24, T6N, R9E, City of Fitchburg, Dane County Wisconsin, more fully described as follows: Commencing at the Southeast corner of said Section 24; thence S88°58'00"W, 1012.00 feet along the South line of said Southeast 1/4 and the point of beginning; thence continuing S88°58'00"W (recorded as S88°23'35"W), 296.33 feet along said South line to a point on the East right-of-way line of County Trunk Highway "MM"; thence N00°24'32"W (recorded as N00°27'00"W), 192.93 feet along said East right-of-way line; thence S88°58'00"W, 296.33 feet; thence S00°24'32"E, 192.93 feet; to a point on the South line of said Section 24 and the point of beginning, containing 57,167 sq. ft. or 1.31 acres.

Bearings referenced to the South line of the Southeast 1/4, bearing S88°58'00"W

**SURVEYOR'S CERTIFICATE:**

I, Daniel V. Birrenkott, hereby certify that this survey is in compliance with the Wisconsin Administrative Code. I also certify that I have surveyed and mapped the lands described hereon and that the map is a correct representation in accordance with the information provided and is correct to the best of my knowledge and belief.

*[Signature]* 3-11-2015  
 Daniel V. Birrenkott  
 Wisconsin Professional Land Surveyor No. S-1531.



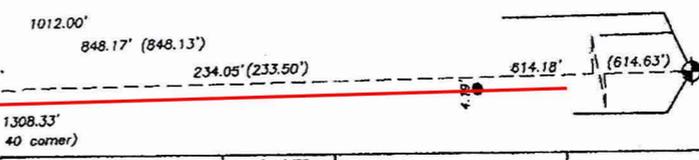
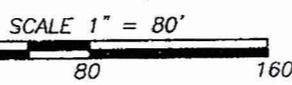
**Notes:**

This survey is subject to any and all easements and agreements both recorded and unrecorded.  
 The disturbance of a survey stake by anyone is in violation of Section 236.32 of Wisconsin Statutes.  
 Wetlands, if present, have not been delineated.  
 This survey shows visible, above-ground improvements only. No guarantee is made for below-ground structures.

2015-00497

**Legend:**

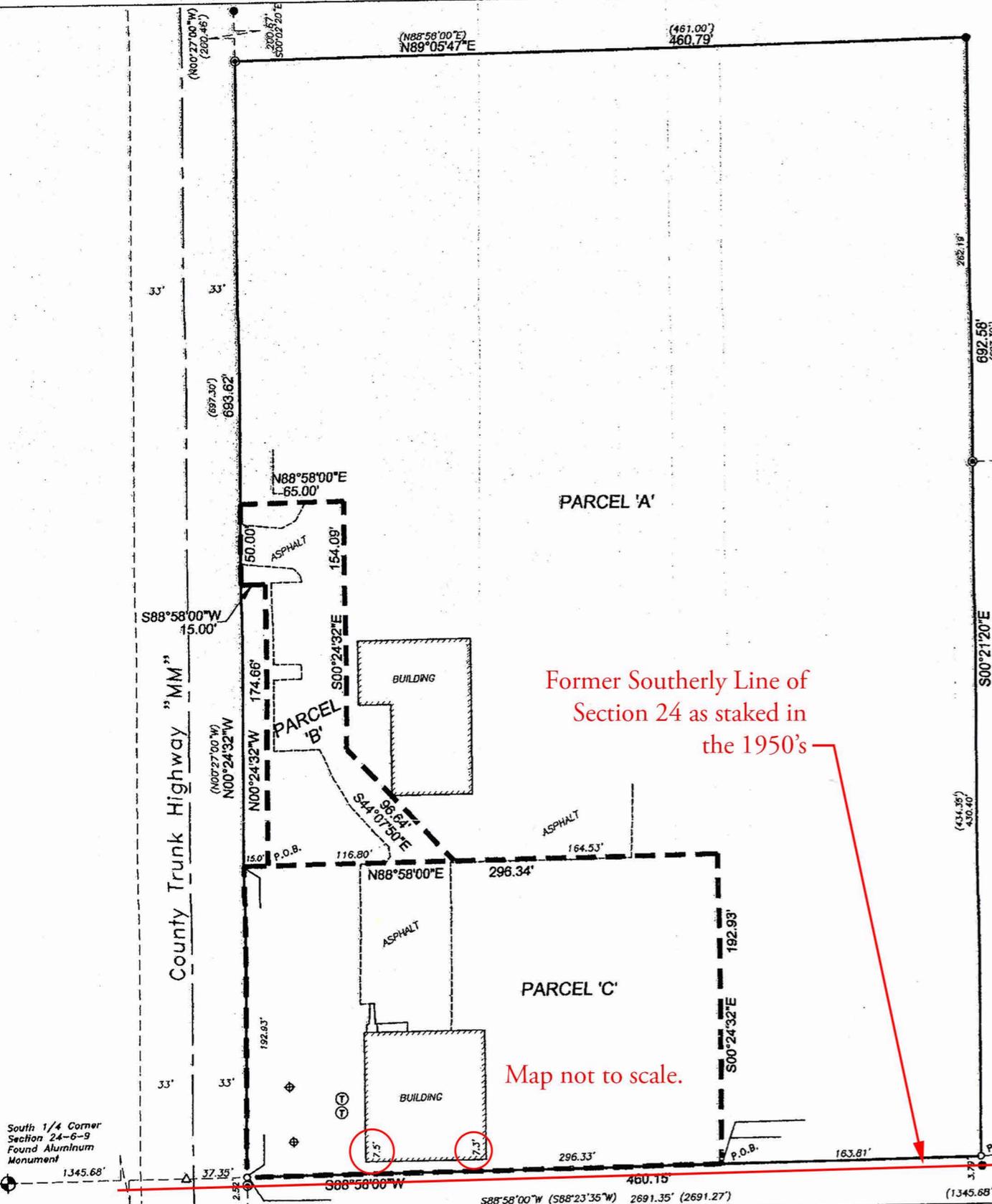
- = 1"x24" Iron pipe set wt.=1.68#/ln.ft.
- △ = "PK" Nail set
- = Found 1" Iron pipe
- ⊙ = Found 1 1/4" Iron pipe
- ⊕ = Septic Tank
- ⊖ = Septic Vent
- ( ) = Recorded as data



Southeast Corner Section 24-6-9 Found Aluminum Monument

Former Southerly Line of Section 24 as staked in the 1950's

Map not to scale.



South 1/4 Corner Section 24-6-9 Found Aluminum Monument

**BIRRENKOTT SURVEYING INC.**  
 LAND SURVEYING & PERC TESTING

**PLAT OF SURVEY**

March 4, 2015

REVISED

**SITE ADDRESS:**  
 2182 C.T.H. "MM"  
 Oregon, WI 53575

**PREPARED FOR:**  
 Rich Kerns  
 2182 C.T.H. "MM"  
 Ste. A  
 Oregon, WI 53575

SURVEYED BY	TAS	JOB NO.	150022
DRAWN BY	TRK	SHEET	1 of 1
CHECKED BY	DVB	FB	351/24
APPR'VD BY	DVB		