



PARISH SURVEY & ENGINEERING

December 13, 2024

City of Waukesha – Plan Commission

201 Delafield Street
Waukesha, WI 53188

Re: Hawk’s Landing Development – Access Easement

To Whom it May Concern,

This memo is being provided to explain the current state and the forthcoming process to provide an access easement on the west side of the above-named development.

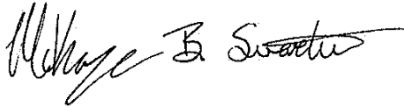
The proposed Hawk’s Landing development, located between Jills Drive and Garden Prairie Drive, requires an access easement on the west side at the connection to Jills Drive. The north half of the proposed private roadway, which shall connect to Jills Drive, is owned by parcel WAKC1342974 (1535 E. Racine Ave.), which is why the access easement is required. St. Paul Rental Properties, LLC, the owner and developer for the proposed Hawk’s Landing development, owns parcel WAKC1342278, where the rest of the Hawk’s Landing Development will take place. St. Paul Rental Properties, LLC has a verbal agreement with 1535 E. Racine Ave for this access easement to be allowed for the northwest portion of the private roadway.

However, an access easement is not currently provided because an error occurred in the past on the CSM for these properties that left a 2.37’ gap between the St. Paul Rental Properties, LLC lot and 1535 E. Racine Ave. Please see the attached exhibit that highlights this gap in orange. The last known owner of this 2.37’ strip of property is the Alfred A. Zealy Revocable Trust. Alfred A. Zealy is deceased and there is no record provided of heirs or living descendants to inherit this property. The legal process to handle this type of situation is underway to resolve this issue and have the land transferred over to St. Paul Rental Properties, LLC.

This is clearly a unique situation since this 2.37’ strip was an error made in a legally recorded document, so the Alfred A. Zealy Revocable Trust does not seem to ever have been made aware that this was legally still under their ownership. Since this Trust is now dissolved with no contacts provided, the court system shall make a determination on who the owner should be. Since the intention was for this 2.37’ portion to always be apart of the St. Paul Rental Properties, LLC property, there is legally no concern for this to be resolved appropriately. Again, this process is underway and shall be resolved prior to the start of construction for this roadway portion. As soon as it is resolved, an access easement shall be created and recorded.

If there are additional questions or concerns on this matter, please do not hesitate to contact me at mswartwout@parishse.com, or (262) 330-6303.

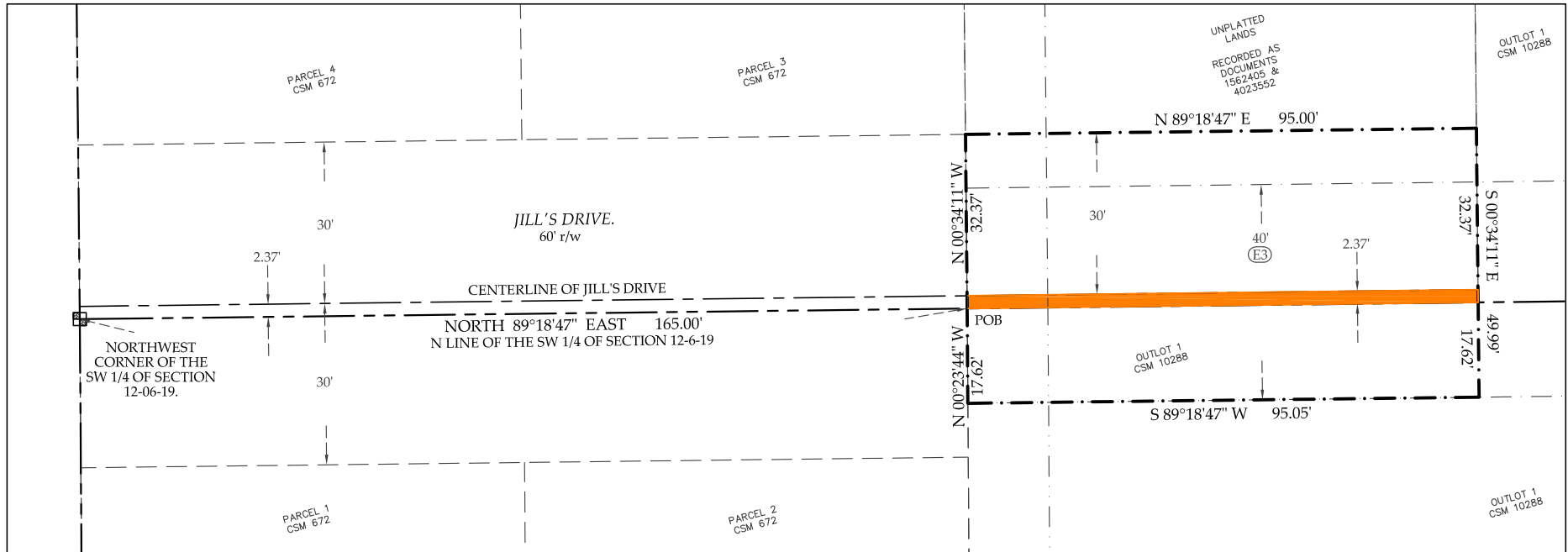
Regards,

A handwritten signature in black ink, appearing to read "McKenzie B. Swartwout". The signature is fluid and cursive, with a long horizontal stroke at the end.

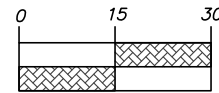
McKenzie Swartwout, P.E.

FN: ES-10-23

EXHIBIT B



(E3) 40' NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OF EMERGENCY VEHICLES AND FOR INSTALLATION AND USE OF WATER AND SEWER UTILITY SERVICE RECORDED AS DOCUMENT NO. 1180138.



PSE

122 Wisconsin Street, West Bend, WI 53095
 262.346.7800 kparish@parishse.com

FN: ES-10-23

Date: 8/21/24

SHEET 1 OF 1