

HUSCH BLACKWELL

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December 19, 2024

Evan Goyke
Milwaukee City Attorney
City Hall, 200 E. Wells Street, Room 800,
Milwaukee, WI 53202

Re: **Request for Enforcement of Subdivision Regulations Regarding CSM #6083**

Dear Milwaukee City Attorney Goyke:

We represent Clark and Dawn Wantoch (the “Wantochs”). We are writing to bring to your attention a violation concerning Certified Survey Map (“CSM”) #6083, recorded on November 7, 1995, by Mr. Joe Czarnecki (“Mr. Czarnecki”). This CSM was approved by the Department of Public Works (“DPW”) and the Department of City Development (“DCD”), despite failing to comply with the City of Milwaukee Subdivision Regulations (“Subdivision Regulations”) § 119-13. Specifically, CSM#6083 did not include a reservation of land for street purposes for West Van Beck Avenue. We respectfully request immediate action from your office to enforce the Subdivision Regulations, as detailed in §§ 119-14 to 119-16.

BACKGROUND

The Wantochs owned certain parcels of land east of South 70th Street at West Van Beck Avenue (extended), West Norwich St. (extended) and West Tesch Avenue. In 1988, the Wantochs submitted CSM #5117, which included land reservations with a 50-foot radius for future street purposes at the ends of West Van Beck Avenue and W. Norwich Street, in accordance with Subdivision Regulations § 119-13 and the City’s Official Map. See **Exhibit A**.

In 1990, Mr. Czarnecki purchased a parcel identified as the Northern 541.29 feet of tax key 571-994-110. See **Exhibit B**. On November 7, 1995, Mr. Czarnecki recorded CSM #6083, subdividing the parcel and dedicating land for West Norwich Street. However, CSM #6083 failed to reserve land for West Van Beck Avenue, as required by the City’s Official Map. Despite this, DCD and DPW approved CSM #6083 and identified the remainder of the parcel as unplatted land.

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In 1995, the Wantochs created the "Wantoch Woods Subdivision," resulting in seven lots, including Lots 5, 6, and 7 at the eastern end of the future West Van Beck Avenue. See Exhibit C. DCD required revisions to the street reservations under CSM #5117, reducing the standard 50-foot radius to a 36-foot radius for both W. Van Beck Ave. and W. Norwich St. This revision was at Mr. Czarnecki's request to maximize the number of buildable lots between W. Norwich St. and W. Van Beck Ave. Milwaukee DCD changed the City's Official Map accordingly. See Exhibit D.

DCD also mandated a 10-foot-wide easement in Lot 4 and Lot 5 of Wantoch Woods Subdivision to access Lots 5, 6, and 7, knowing CSM #6083 was going to be approved without the necessary reservation for West Van Beck Avenue. These actions impacted the value of lot 4 and hindered the Wantochs' ability to develop and sell lots 5, 6 and 7.

LEGAL STANDARD

Subdivision Regulations § 119-13 mandates:

The owner of lands in a final subdivision plat or certified survey map shall indicate, on the face of the plat or map, reservations or dedications to the city for public streets, alleys or other public ways as shown on the official map. The final plat or certified survey map shall not be considered or approved until these reservations or dedications are so indicated. (Emphasis added.)

The Official City Map, which exists as a matter of state law, is established by ordinance or resolution and shows the streets, highways, historic districts, parkways, parks, playgrounds, railroad rights-of-way, waterways, and public transit facilities. See Wis. Stat. § 62.23(6). It serves as a tool for city planning and is designed to promote the general welfare. *Id.* The official map's purpose is to promote orderly city growth and development, preventing the haphazard erection of buildings and the installation of service facilities that do not relate to future streets. *State ex rel. Miller v. Manders*, 2 Wis.2d 365 (1957).

CSM #6083 violates § 119-13 by omitting the required reservation for West Van Beck Avenue, as shown on the Official City Map. See Exhibit D. Therefore, DCD and DPW should not have approved it.

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REQUEST FOR IMMEDIATE ACTION

Upon discovering the violation, 28 years post-approval of CSM #6083, the Wantochs notified DCD staff and Commissioner Crump in 2022, requesting a correction. DCD staff responded that the reservation was "outside the purview of this CSM," and no further action was taken.

The Wantochs disagree with DCD's assessment, believe favoritism was given to Mr. Czarnecki over the rights of the Wantochs provided under subdivision regulations and believe the omission has caused substantial financial harm due to the inability to develop and sell Lots 5, 6, and 7 for over 29 years.

We request your office enforce the Subdivision Regulations (§§ 119-14 to 119-16), issue penalties per § 119-15, and require Mr. Czarnecki to submit a corrected CSM and affidavit of correction, adding a dedication for West Van Beck Avenue.

Additionally, as compensation for DCD's actions in 1995 and 2022, we request DPW schedule public improvements (water, sewer, pavement) for West Van Beck Avenue in 2025 and waive special assessments for these improvements on Lots 5, 6, and 7 of Wantoch Woods Subdivision.

Alternatively, the Wantochs would consider a settlement of \$450,000 for the City to purchase Lots 5, 6, and 7, reflecting their estimated value if fully improved by 2025. This option allows the City to recover the settlement through future lot sales without imposing penalties for DCD's actions.

Respectfully and sincerely,



Rodney W. Carter, *Partner*

Dimitri Zografi, Attorney

HUSCH BLACKWELL LLP

DZ

RWC

cc: Clark Wantoch

Attachments

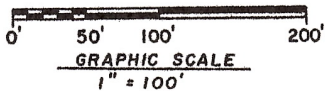
EXHIBIT A

Stock No. 26273

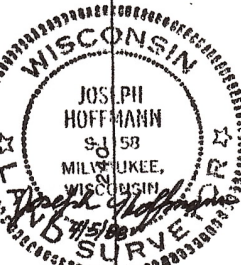
CERTIFIED SURVEY MAP NO. 5117

Sheet 2 of 5

BEING A REDIVISION OF PARCEL 2 OF C.S.M. NO. 5098 AND PARCEL 3 OF C.S.M. NO. 4180 OF A PART OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 22, TOWNSHIP 6 NORTH, RANGE 21 EAST, IN THE CITY OF MILWAUKEE, MILWAUKEE COUNTY, WISCONSIN.



W. VAN BECK AVE.



W. NORWICH AVE.

W. TESCH AVE.

RED OAKS IV

LOT 1

BLK 3

LOT 2

PAR 4

PAR 3

PAR 2

PAR 1

PAR 2 CSM 4180

LANDS

(REC. AS N. 88° 11' 15" E.)

PAR 1 CSM 1281

PAR 1 CSM 5098

(REC. AS S. 00° 15' 45" W. (REG. AS DUE SOUTH))

N. 88° 27' 00" E.

60.00

N. 88° 27' 00" E.

(REC. AS N. 88° 11' 15" E.)

S. 67° 02' 48" E.

92.26

N. 67° 34' 18" E.

207.74

N. 00° 15' 45" E. 514.75'

207.74

S. 67° 02' 48" E.

92.26

N. 67° 34' 18" E.

120.78

N. 88° 27' 00" E.

120.78

S. 00° 15' 45" W.

61.44

N. 89° 44' 15" W.

120.78

S. 88° 27' 00" W.

120.78

S. 00° 15' 45" W.

120.78

S. 00° 15' 45" W.

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120.78

S. 00° 15' 45" W.

120.78

N.E. COR. PAR. 2 C.S.M. 5098

LANDS

INTERIOR ANGLES

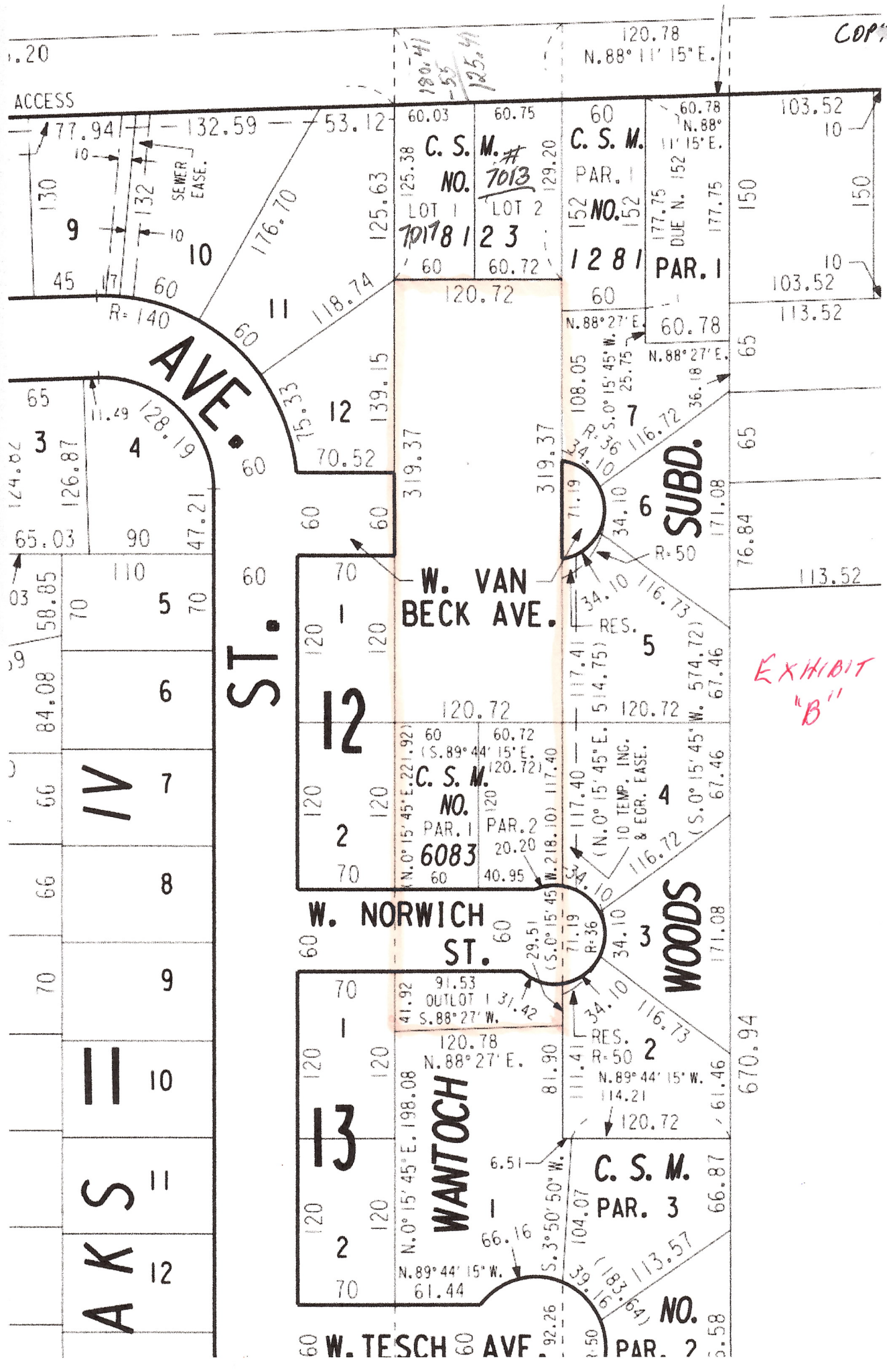
- 1) 88° 11' 15"
- 2) 91° 48' 45"
- 3) 124° 27' 37"
- 4) 55° 32' 23"
- 5) 55° 40' 23"
- 6) 124° 19' 37"
- 7) 90° 00' 00"
- 8) 93° 35' 05"
- 9) 90° 00' 00"
- 10) 266° 24' 55"
- 11) 88° 11' 15"
- 12) 271° 48' 45"
- 13) 88° 11' 15"
- 14) 91° 48' 45"
- 15) 268° 11' 15"
- 16) 91° 48' 45"
- 17) 90° 00' 00"
- 18) 164° 46' 32"
- 19) 108° 48' 33"
- 20) 131° 32' 23"
- 21) 100° 32' 55"
- 22) 124° 19' 37"
- 23) 124° 27' 37"
- 24) 100° 24' 45"
- 25) 135° 07' 38"
- 26) 232° 05' 19"
- 27) 217° 54' 41"

	RAD.	ARC	CHORD	BEARING	I°	I/2
A	50.00'	66.16'	61.44'	S. 75° 02' 17" W.	75° 48' 40"	37° 54' 20"
B	50.00'	39.16'	38.17'	S. 44° 36' 47" E.	44° 52' 40"	22° 26' 20"
C	50.00'	39.16'	38.17'	S. 00° 15' 45" W.	44° 52' 40"	22° 26' 20"
D	50.00'	39.16'	38.17'	S. 45° 08' 07" W.	44° 52' 40"	22° 26' 20"
E	50.00'	183.64'	96.49'	N. 37° 38' 56" W.	210° 26' 40"	105° 13' 20"
F	50.00'	117.48'	92.26'	N. 00° 15' 45" E.	134° 37' 06"	67° 18' 33"

① RESERVED FOR PUBLIC STREET

EXHIBIT
"A"

EXHIBIT B



COPY

EXHIBIT
"B"

EXHIBIT C

x
+

COPY

Search



Read aloud Add text Draw Highlight Erase

EXHIBIT
"C"

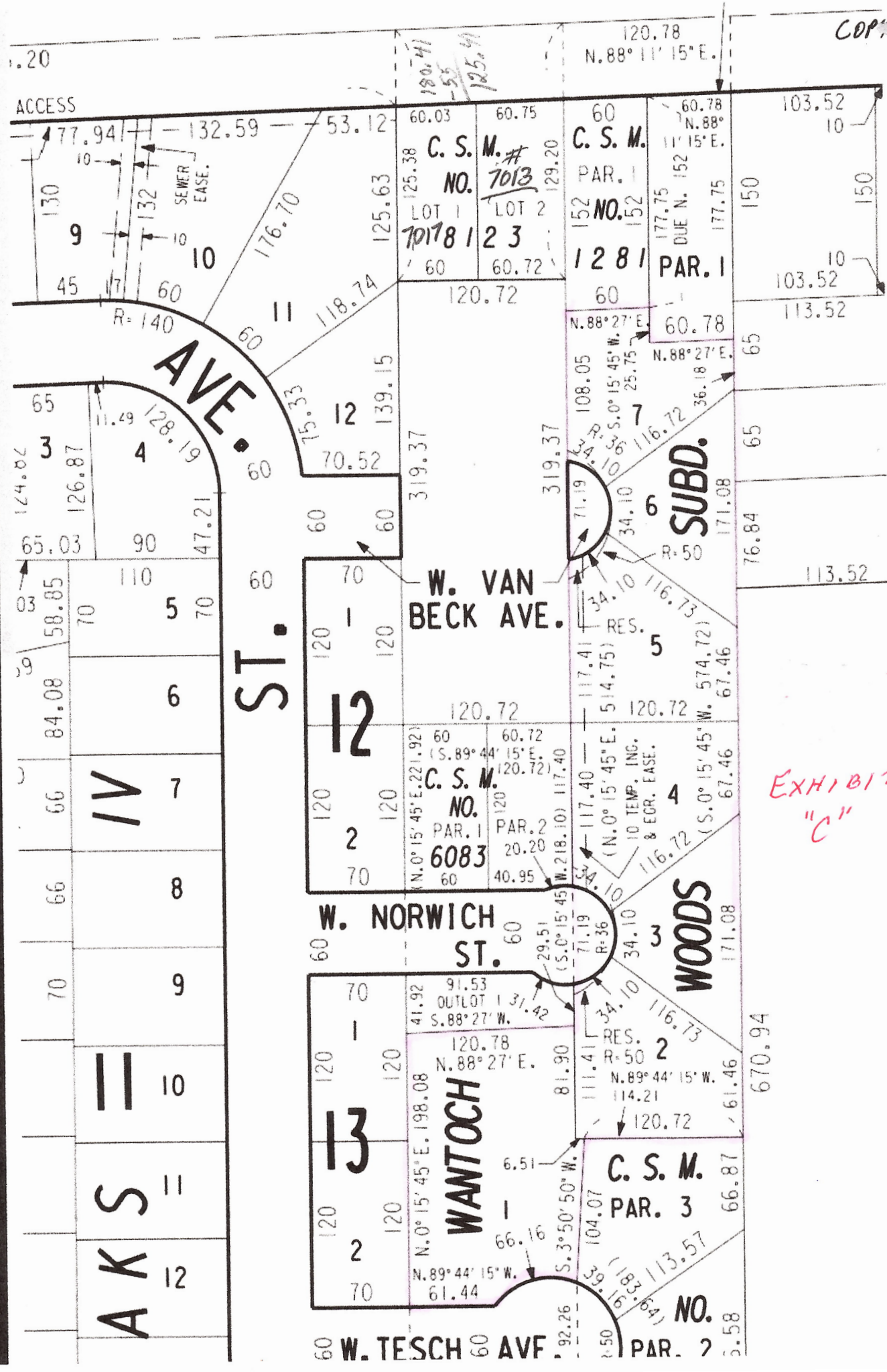


EXHIBIT D

N.W. 1/4 SEC. 22, T. 6 N., R. 21 E.

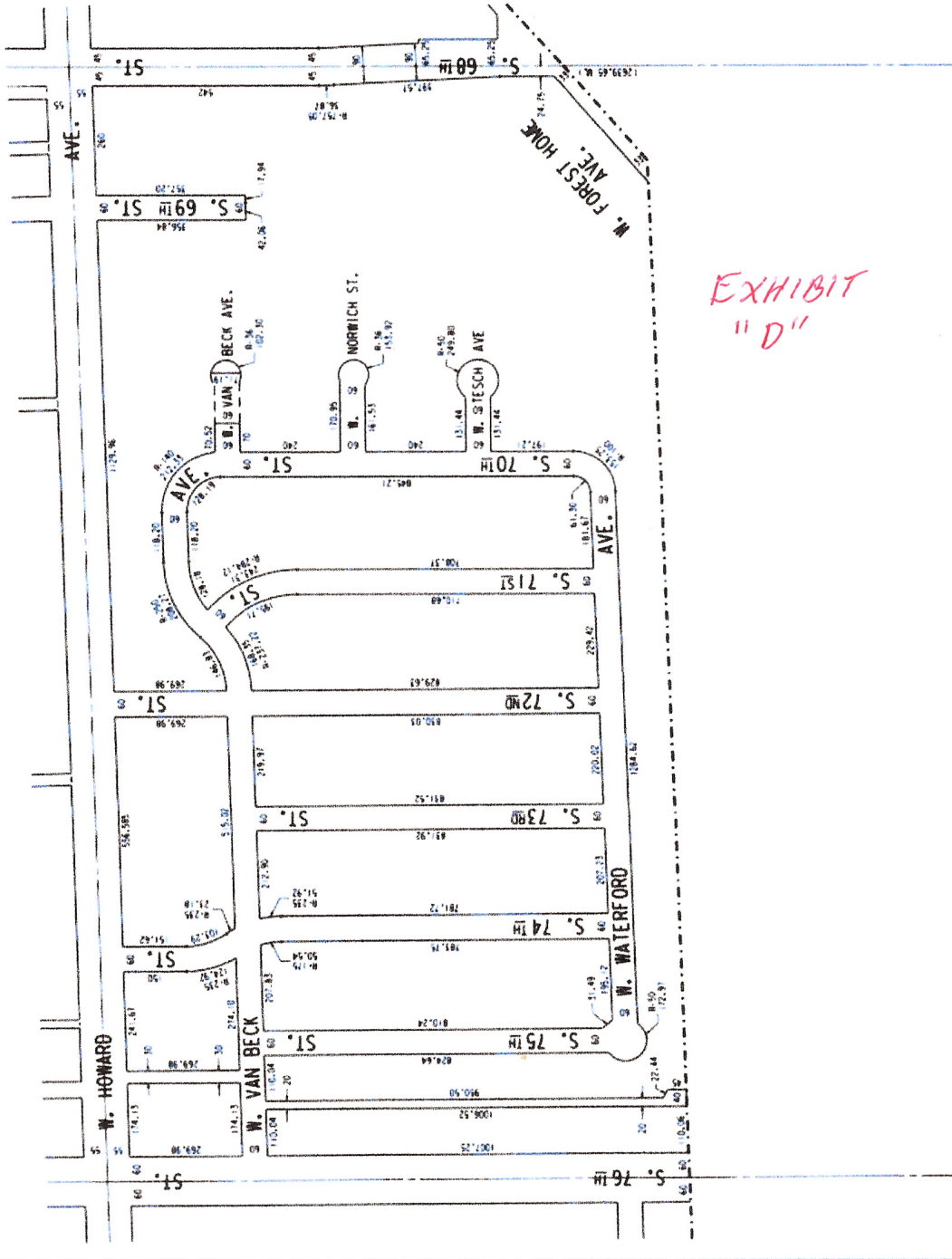


EXHIBIT
"D"

COPY