



# CITY OF APPLETON

## MEMORANDUM

**Date:** May 13, 2026  
**To:** Plan Commission  
**From:** Don Harp, Principal Planner  
**Subject:** Affidavit of Correction for Lake Park/STH 441 Certified Survey Map #2720

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## GENERAL INFORMATION

**Owners:** Van's Realty & Construction of Appleton Inc. and Kohl JT Rev Trust

**Applicant:** Rodolfo Ayvar, PLS - Davel Engineering & Environmental

**Parcel Numbers:** 31-9-4185-00 & 31-9-4185-01

**Applicant's Request:** Affidavit of Correction for Lake Park/STH 441 Certified Survey Map #2720

**Plan Commission Meeting Date:** May 13, 2026

**Common Council Meeting Date:** May 20, 2026

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## BACKGROUND

August 4, 2004 – Certified Survey Map #2720 was approved by the Common Council.

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## STAFF ANALYSIS

Certified Survey Map #2720 was approved and recorded with a 50-foot building setback from State Trunk Highway 441. However, when the Wisconsin Department of Transportation (WisDOT) reviews and requires setbacks or access restrictions along a State Trunk Highway, their language is "highway setback," not "building setback."

Based on this information, it has been determined that the setback should only be a 10-foot building setback from State Trunk Highway 441 per the C-2 District development standards. An Affidavit of Correction has been submitted to correct the Certified Survey Map removing the 50-foot building setback.

According to Section 236.295 of the Wisconsin State Statutes, the governing body of the municipality shall approve the correction prior to recordation.

**Development Review Team (DRT) Report:** This item appeared on the May 5, 2026 DRT agenda. No negative comments were received from participating departments.

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## **RECOMMENDATION**

Based upon the above analysis, staff recommends the attached Affidavit of Correction for Lake Park/STH 441 Certified Survey Map #2720, **BE APPROVED** and recorded with the Calumet County Register of Deeds' Office.

# Affidavit of Correction

Document Number

Pursuant to s. 236.295 , Wis. State., I, Rodolfo A. Ayvar, Professional Land Surveyor, S-4074, hereby certify that the Certified Survey Map recorded as Certified Survey Map No. 2720, Volume 21 Page 438 as Document No. 382275, City of Appleton, Calumet County, Wisconsin, shows a 50 foot building setback adjacent to State Trunk Highway on Sheet 1 of 5.

The 50 foot building setback is not being enforced by the City of Appleton and the Wisconsin Department of Transportation (DOT). Attached is an email response from the Wisconsin DOT stating that they did NOT review or require the setback. The City of Appleton will enforce the appropriate setbacks based on the zoning district at time of development of these parcels.

Attached email from David Nielsen, WIDOT Access Management Engineer, Northeast Region, from April 9, 2026.

*This space reserved for recording data*

Return to:

Davel Engineering & Environmental, Inc.  
1164 Province Terrace  
Menasha, Wisconsin 54952

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2026

**319418501 & 319418500**

*Parcel Identification Number*

\_\_\_\_\_  
Rodolfo A. Ayvar, Professional Land Surveyor S-4074

Affiant is the (check one)

Drafter of the document being corrected

the property owner of the property described in the document

Other - explain (Professional Land Surveyor)

State of Wisconsin)

)ss

Calumet County)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2026, the above named Rodolfo A. Ayvar, to me know to be the person(s) who executed the foregoing instrument and acknowledge the same.

My commission expires (is) \_\_\_\_\_

\_\_\_\_\_  
Kristy Thor, Notary Public, State of Wisconsin

## City of Appleton Approval Certificate

This Affidavit of Correction in the City of Appleton, Calumet County, is hereby approved and accepted by the City of Appleton.

\_\_\_\_\_  
Jake Woodford, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Amy Molitor

\_\_\_\_\_  
Date

A PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF APPLETON, CALUMET COUNTY, WISCONSIN.

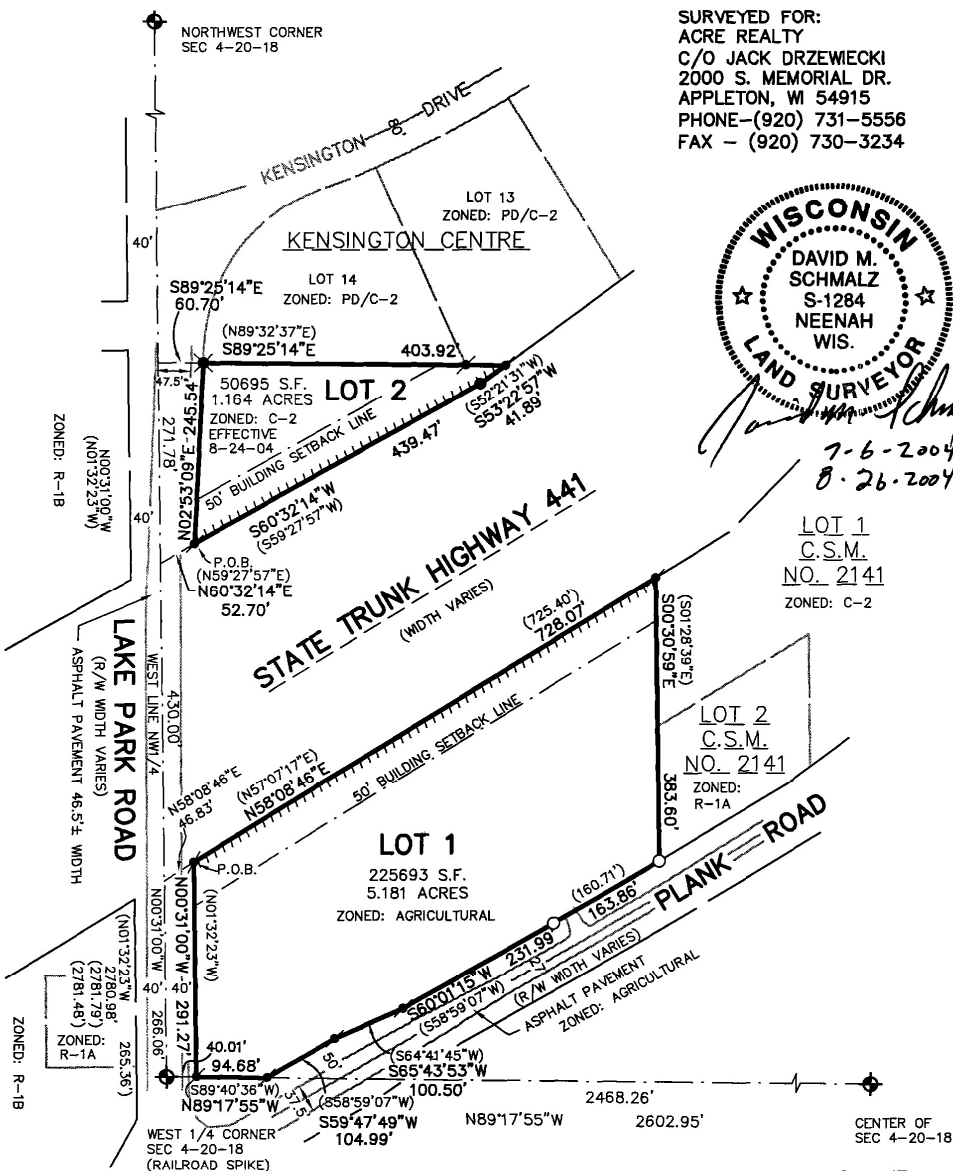
SURVEYED FOR:  
ACRE REALTY  
C/O JACK DRZEWIECKI  
2000 S. MEMORIAL DR.  
APPLETON, WI 54915  
PHONE-(920) 731-5556  
FAX - (920) 730-3234



7-6-2004  
8-26-2004 REVISED

LOT 1  
C.S.M.  
NO. 2141  
ZONED: C-2

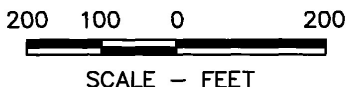
LOT 2  
C.S.M.  
NO. 2141  
ZONED: R-1A



LEGEND

- - 3/4" x 24" ROUND IRON REBAR WEIGHING 1.5 lbs./lineal ft. SET
- ⚡ - 3/4" ROUND STEEL REBAR FOUND
- ✖ - 1 1/4" ROUND STEEL REBAR FOUND
- - 1 5/16" OUTSIDE DIA. IRON PIPE FOUND
- ⊕ - CERTIFIED LAND CORNER CALUMET COUNTY
- ( ) - RECORDED BEARING AND/OR DISTANCE
- S.F. - SQUARE FEET
- P.O.B. - POINT OF BEGINNING
- ▬▬▬ - ACCESS RESTRICTED HIGHWAY

BEARINGS ARE REFERENCED TO THE WEST LINE OF THE NW 1/4 OF SECTION 4, T20N, R18E, CALUMET COUNTY, WISCONSIN, WHICH BEARS N00° 31'00"W.



**McMAHON** ■ ENGINEERS  
■ ARCHITECTS  
■ SCIENTISTS  
ASSOCIATES, INC. ■ SURVEYORS

1445 McMahon Drive Neenah, WI 54956  
Mailing Address:  
P.O. Box 1025 Neenah, WI 54957-1025  
TEL: 920-751-4200 FAX: 920-751-4284

dwoelz M: \Dwgrm\ja\A0938\940549\CSM.dwg 08/26/04 2:48 PM

CERTIFIED SURVEY MAP NO. 2720

PAGE 2 OF 4

A PART OF THE SOUTHWEST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 4, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF APPLETON, CALUMET COUNTY, WISCONSIN.

I David M. Schmalz, Wisconsin Registered Land Surveyor S-1284, certify that I have surveyed, divided and mapped part of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 4, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin, containing 276,317 square feet (6.345 acres) of land and described as follows:

Commencing at the West  $\frac{1}{4}$  Corner of said Section 4; Thence N00°31'00"W, 266.06 feet (recorded as N01°32'23"W 265.36') along the West line of the Northwest  $\frac{1}{4}$  of said Section to the Southerly right-of-way line of S.T.H. 441; Thence N58°08'46"E (recorded as N57°07'17"E), 46.83 feet along said Southerly right-of-way line of S.T.H. 441 to the East right-of-way line of Lake Park Road and the Point of Beginning; Thence continue N58°08'46"E, 728.07 feet (recorded as N57°07'17"E, 725.40') along said Southerly right-of-way line of S.T.H. 441 to the Northwest corner of Lot 1 of Certified Survey Map No. 2141 recorded in Volume 15 on Page 240 as Document No. 284860; Thence S00°30'59"E (recorded as S01°28'39"E), 383.60 feet along the West line of Lots 1 and 2 to the Southwest corner of said Lot 2 and the North right-of-way line of Plank Road and the start of a 11,419.16 radius curve to the right; Thence 163.86 feet along the arc of said curve with a chord distance of 163.86 feet which bears S59°33'17"W; Thence S60°01'15"W (recorded as S58°59'07"W), 231.99 feet along the North right-of-way line of Plank Road; Thence S65°43'53"W (recorded as S64°41'45"W), 100.50 feet along the North right-of-way line of Plank Road; Thence S59°47'49"W (recorded as S58°59'07"W), 104.99 feet along the North right-of-way line of Plank Road to the South line of the Northwest  $\frac{1}{4}$  of said Section 4; Thence N89°17'55"W (recorded as S89°40'36"W), 94.68 feet along the South line of the Northwest  $\frac{1}{4}$  to the East right-of-way line of Lake Park Road; Thence N00°31'00"W (recorded as N01°32'23"W), 291.27 feet along the East right-of-way line of Lake Park Road to the Point of Beginning;

also Commencing at the West  $\frac{1}{4}$  Corner of said Section 4; Thence N00°31'00"W, 695.87 feet (recorded as N01°32'23"W 695.36') along the West line of the Northwest  $\frac{1}{4}$  of said Section 4 to the Northerly right-of-way line of S.T.H. 441; Thence N60°32'14"E (recorded as N59°27'57"E) 52.70 feet along said Southerly right-of-way line of S.T.H. 441 to the East right-of-way line of Lake Park Road and the Point of Beginning; Thence N02°53'09"E, 245.54 feet along the East right-of-way line of Lake Park Road to the Southwest corner of Lot 14 Kensington Centre; Thence S89°25'14"E (recorded as N89°32'37"E), 403.92 feet to the Northerly right-of-way line of S.T.H. 441; Thence S53°22'57"W (recorded as S52°21'31"W) along the Northerly right-of-way line of S.T.H. 441; Thence S60°32'14"W (recorded as S59°27'57"W) along the Northerly right-of-way line of S.T.H. 441 to the point of Beginning. Subject to all easements and restrictions of record.

I further certify that this map is a correct representation of the exterior boundary lines of the land surveyed and the division of that land, and that I have complied with section 236.34 of the Wisconsin Statutes, and the City of Appleton Subdivision Ordinance in surveying, dividing and mapping the same.

Given under my hand and seal this 6th day of July, 2004.

REVISED 08-26-2004

  
David M. Schmalz, Reg. WI Land Surveyor S-1284



## NOTES:

- THIS CERTIFIED SURVEY MAP IS ALL OF TAX PARCEL NO. 31-9-4185-00-6.
- THE PROPERTY OWNERS OF RECORD ARE: KOHL JOINT REVOCABLE TRUST
- THIS CERTIFIED SURVEY MAP IS CONTAINED WHOLLY WITHIN PROPERTY DESCRIBED IN THE FOLLOWING RECORDED INSTRUMENT: JACKET 5929 IMAGE 42.

A PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF APPLETON, CALUMET COUNTY, WISCONSIN.

OWNER'S CERTIFICATE

Kohl Joint Revocable Trust, as Owners, We hereby certify that we caused the land described on this plat to be surveyed, divided and mapped as represented on this Certified Survey Map. Dated this 1 day of September, 2004.

Witness: Betty Jane Bosch

Authorized Signature: Jerome Kohl, Kohl Joint Revocable Trust

Print Name: Jerome Kohl

Witness: Daniel B. Michaluk

Authorized Signature: Louise Kohl, Kohl Joint Revocable Trust

Print Name: Lorraine Kohl

State of Wisconsin) ss Outagamie County)

Personally appeared before me on the 1 day of September, 2004, the above named owners to me known to be the persons who executed the foregoing instrument, and acknowledged the same.

Notary Public: Vernon H. Rosenecker

Outagamie County

My commission expires 2/19/06

CERTIFICATE OF CITY TREASURER

I, being the duly elected, qualified and acting City Treasurer, do hereby certify that in accordance with the records in my office there are no un-paid taxes or un-paid special assessments on any of the lands included in this Certified Survey Map as of:

September 1, 2004

City Treasurer: Lisa A. Maury, Date: 9/1/04

CERTIFICATE OF COUNTY TREASURER

I, being the duly elected, qualified and acting County Treasurer, do hereby certify that in accordance with the records in my office there are no unredeemed tax sales, un-paid taxes or un-paid special assessments on any of the lands included in this Certified Survey Map as of:

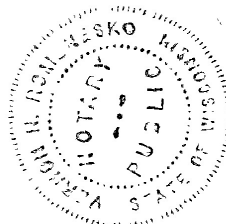
9-1-04

County Treas: Michael V. Schmalz 9-1-04, Document #: 382275



Register of Deeds, Calumet County, WI

Received for Record, Date: 9/01/04 14:39, Vol: 0021 Page: 438, Ellen Prosser



Signature of David M. Schmalz, 7-6-2004, Revised 08-26-2004

CERTIFIED SURVEY MAP NO. 2720

PAGE 4 OF 4

A PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF APPLETON, CALUMET COUNTY, WISCONSIN.

UTILITY EASEMENT PROVISIONS

An easement for electrical and communications service is hereby granted by Royalty Homes, Grantors to:

WE-ENERGIES, SBC-AMERITECH AND TIME WARNER CABLE,

Grantees to their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity, and electric energy for such purposes as the same is now or may hereafter be used and for sounds and signals, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas and the property designated on the plat for streets and alleys, whether public or private, together with the rights to install service connections upon, across, within and beneath the surface of each lot to serve improvements thereon, or on adjacent lots, also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or caused to have restored, the property, as nearly as is reasonably possible, to the conditions existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities or communications facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Buildings shall not be placed over grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without the written consent of Grantees. The Grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

No Utility Poles, Pedestals, Transformers or Buried Cables are to be placed within 2 feet of a survey stake, or obstruct vision along any lot line or street line.

The disturbance of a survey stake by anyone is a violation of Section 236.32 of the Wisconsin Statutes.

Utility easements as herein set forth are for the use of Public Bodies and Private Public Utilities having the right to serve the area.

CITY COUNCIL APPROVAL

Resolved, that this Certified Survey Map in the City of Appleton, Royalty Homes, as owners, is hereby approved by the City of Appleton Common Council.

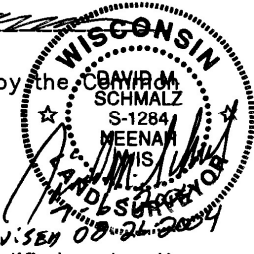
Date 8/31/04

Approved [Signature]  
Mayor

Date 8/31/04

Signed [Signature]  
Mayor

I hereby certify that the foregoing is a copy of a resolution adopted by the Council of the City of Appleton.



STATE OF WISCONSIN) ss)

CALUMET COUNTY)

I, Cynthia D. Hesse, being the duly elected, qualified and acting clerk of the City of Appleton, Calumet County do hereby certify that Common Council of the City of Appleton passed Resolution Number N/A on this 4th day of August, 2004, authorizing me to issue a certificate of approval of this Certified Survey Map, Royalty Homes as owners, upon satisfaction of certain conditions, and I do hereby certify that all conditions were satisfied and the APPROVAL WAS GRANTED AND EFFECTIVE ON THE 31st day of August, 2004.

Dated Aug 31, 2004

[Signature]  
City Clerk

**Document #: 382275**



*T*

Register of Deeds  
Calumet County, WI

Received for Record  
Date: 9/01/04 14:39  
Vol: 0021 Page: 438  
Ellen Propson

*PA 1700*

## Rodolfo Ayvar

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**From:** Nielsen, David - DOT <david.nielsen@dot.wi.gov>  
**Sent:** Thursday, April 9, 2026 7:28 PM  
**To:** Scott Andersen  
**Cc:** Don.Harp@AppletonWI.gov; Rodolfo Ayvar; Nielsen, David - DOT  
**Subject:** FW: PN9304 Lot 2 CSM 2720  
**Attachments:** RE: City of Appleton Parcel - Highway setback; CSM 2720.pdf

As we had discussed earlier WisDOT did not review this CSM and require any setbacks or access restrictions. Any changes to what is shown on this CSM I believe would be the authority of the City.

When WisDOT reviewed and required setbacks and access restriction we would require notes and in that time frame our terminology was not "building setback" we used "highway setback".

### David B Nielsen, P.E.

Access Management Engineer  
Northeast Region

Wisconsin Department of Transportation  
944 Vanderperren Way  
Green Bay WI 54304

Cell : (920) 366-8961  
[david.nielsen@dot.wi.gov](mailto:david.nielsen@dot.wi.gov)

If this is related to a records request, please email: [dotdtsdnerecords@dot.wi.gov](mailto:dotdtsdnerecords@dot.wi.gov)

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**From:** Scott Andersen <scott@davel.pro>  
**Sent:** Thursday, April 09, 2026 10:07 AM  
**To:** Don Harp <Don.Harp@AppletonWI.gov>; Nielsen, David - DOT <david.nielsen@dot.wi.gov>  
**Cc:** Corey Kalkofen <Corey.Kalkofen@appletonwi.gov>; Rodolfo Ayvar <rodolfo@davel.pro>  
**Subject:** RE: PN9304 Lot 2 CSM 2720

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

David, I had this same discussion last year regarding Lot 1. Let us know what is needed to release this restriction on your end.

Cordially,