

*Enrolled* 158-132  
PROPOSED ORDINANCE 158-132

1  
2  
3 APPROVE LAND USE PERMIT TO SUMMERSTONE, INC., FOR CONSTRUCTION,  
4 OPERATION, AND MAINTENANCE OF TWO STORMWATER DRAINAGE CULVERTS  
5 WITHIN WAUKESHA COUNTY BUGLINE RECREATION TRAIL RIGHT-OF-WAY  
6

7 WHEREAS, it is deemed desirable to allow Summerstone, Inc. to construct, operate, and  
8 maintain two (2) stormwater drainage culverts within the Waukesha County Bugline Recreation  
9 Trail Right-of-Way located in the Village of Merton, and  
10

11 WHEREAS, the two (2) new culverts will be constructed for the purpose of storm water  
12 management within the Summerstone Subdivision adjacent to the existing Bugline Recreation  
13 Trail (refer to Exhibit "A"), and  
14

15 WHEREAS, it is necessary to provide a Land Use Permit from Waukesha County to  
16 Summerstone, Inc. in order that two (2) stormwater drainage culverts can be constructed, and  
17

18 WHEREAS, Summerstone, Inc. has agreed to dedicate to Waukesha County a parcel of land,  
19 which implements the Park and Open Space Plan, and  
20

21 WHEREAS, in the consideration of said land dedication it is desirable to waive the normal Land  
22 Use Permit Fee of \$170.00.  
23

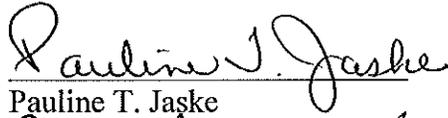
24 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
25 that the Land Use Permit between Summerstone, Inc. and Waukesha County, which permits the  
26 construction, operation, and maintenance of two stormwater drainage culverts on the Waukesha  
27 County Bugline Recreation Trail Right-of-Way located in the Village of Merton, and is on file in  
28 the Office of the County Clerk, is hereby approved.  
29

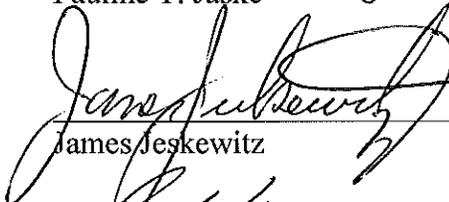
30 BE IT FURTHER ORDAINED that the County Executive and County Clerk may execute said  
31 Agreement on behalf of Waukesha County.

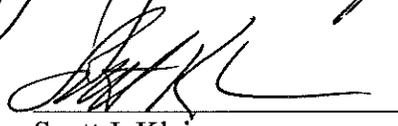
APPROVE LAND USE PERMIT TO SUMMERSTONE, INC., FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF TWO STORMWATER DRAINAGE CULVERTS WITHIN WAUKESHA COUNTY BUGLINE RECREATION TRAIL RIGHT-OF-WAY

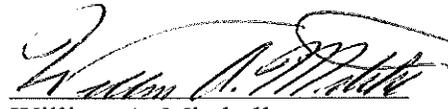
Presented by:  
Land Use, Parks and  
Environment Committee

  
Walter L. Kolb, Chair

  
Pauline T. Jaske

  
James Jeskewitz

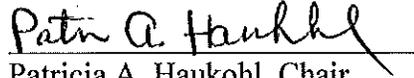
  
Scott J. Klein

  
William A. Mitchell

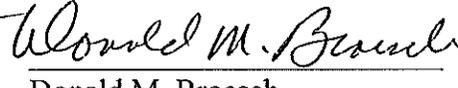
  
Daniel Pavelko

  
Vera Stroud

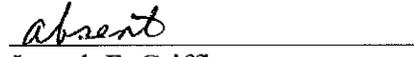
Approved by:  
Finance Committee

  
Patricia A. Haukohl, Chair

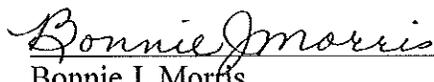
  
James R. Behrend

  
Donald M. Broesch

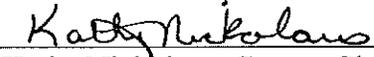
  
Genia C. Bruce

  
Joseph F. Griffin

  
Joe C. Marchese

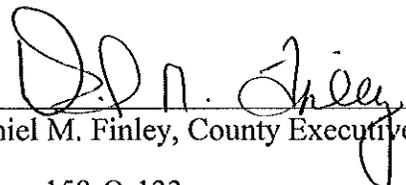
  
Bonnie J. Morris

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 2-13-2004,   
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved:   
Vetoed:

Date: 2-13-04,   
Daniel M. Finley, County Executive

LAND USE PERMIT  
FROM WAUKESHA COUNTY  
TO  
SUMMERSTONE, INC.

WAUKESHA COUNTY, WISCONSIN, a Municipal Corporation and Owner, in exchange for consideration as agreed, does hereby permit Summerstone, Inc., its successors and assigns, the right, permission, and authority to construct and maintain, subject to the written approval of Waukesha County Department of Parks and Land Use, Parks and Environment Committee, Waukesha County Board of Supervisors, and the Waukesha County Executive Daniel M. Finley, an easement for the construction and maintenance of two (2) stormwater drainage culverts, each to be approximately sixty (60) linear feet long by ten (10) feet wide, together with other pertinent equipment deemed necessary by Summerstone, Inc. for the construction and maintenance of said culverts, in accordance with all applicable Federal, State, and Local codes and permits, on the right-of-way of the Waukesha County Bugline Recreation Trail, located within the SE 1/4 of Section 13, T8N, R19E, Village of Merton, Waukesha County, Wisconsin.

The location of the Land Use Permit with respect to the premises of Waukesha County is shown on the drawings attached hereto, marked Exhibit "A" and made a part hereof.

Summerstone, Inc. will defend, indemnify, and hold harmless Waukesha County and all of its departments, agencies, board of officers, employees, and agents from any and all liability, loss, damages, expenses, and costs, including attorneys fees and expenses, that it may suffer or incur as the result of any injury (including death) or damage to person or property, which results from any action or omission, negligent or otherwise, of Summerstone, Inc. or its agents in connection with the grant of the Land Use Permit and any and all work of any type, which Summerstone, Inc. performs or may perform upon the lands subject to this Land Use Permit.

The right, permission, and authority is also given Summerstone, Inc., its successors and assigns, to trim, cut down, and/or remove trees and/or brush, which, in the opinion of Summerstone, Inc., and subject to the written approval of the Waukesha County Department of Parks and Land Use, interfere with the installation or maintenance of such facilities or present a hazard to such facilities.

Summerstone, Inc. and its agents shall have the right to enter the premises of Waukesha County for the purposes of exercising the rights granted herein, but Summerstone, Inc. shall promptly and fully restore the premises of the County to the condition existing prior to the entry by the Summerstone Inc. or its agents and said restoration shall be accomplished, as per Waukesha County specifications. The restoration shall not apply to any trees or brush which may be permitted to be removed pursuant to the rights granted herein. Summerstone, Inc. shall be liable for making prompt payment for any damage, if any, caused by the acts of Summerstone, Inc., its agents, or employees to vegetation, fences, parking lots, trail improvements, lawns signs, entrance gates, park improvements, and any other fixtures owned by the County.

All notices to the County shall be sent by certified mail addressed to the Waukesha County Department of Parks and Land Use, 1320 Pewaukee Road, Room 230, Waukesha, Wisconsin 53188.

158-0-133

This Land Use Permit shall be binding upon and/or inure to the benefits of the successors and assigns of all parties hereto.

IN WITNESS WHEREOF, the said COUNTY OF WAUKESHA, has caused these presents to be signed by its County Executive attested to by its County Clerk on this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

COUNTY OF WAUKESHA

By \_\_\_\_\_  
Daniel M. Finley  
Waukesha County Executive

By \_\_\_\_\_  
Kathy Nickolaus  
Waukesha County Clerk

This Land Use Permit is accepted by Summerstone, Inc. by the signature of its authorized officers this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

By: \_\_\_\_\_  
Name

Title

STATE OF WISCONSIN)  
  )SS  
WAUKESHA COUNTY )

Personally came before me this \_\_\_\_\_, day of \_\_\_\_\_, 2004,  
\_\_\_\_\_ and

\_\_\_\_\_  
Notary Public

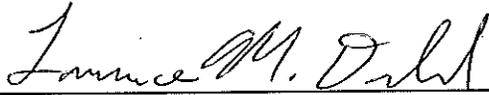


FISCAL NOTE

APPROVE LAND USE PERMIT TO SUMMERSTONE, INC., FOR  
CONSTRUCTION, OPERATION AND MAINTENANCE OF TWO  
STORMWATER DRAINAGE CULVERTS WITHIN WAUKESHA COUNTY  
BUGLINE RECREATION TRAIL RIGHT-OF-WAY

This ordinance authorizes the County to issue a land use permit to Summerstone, Inc. to construct and maintain two stormwater drainage culverts within the Bugline Recreation Trail right-of-way in the Village of Merton.

According to the preliminary plat dated December 19, 2003 the developer intends to dedicate a 5.86-acre parcel to Waukesha County (Outlot #2) in order to implement the County Park and Open Space Plan. The ordinance based upon this dedication waives the normal permit fee of \$170.00.



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Lawrence M. Dahl  
Accounting Services Manager

lmd  
01/22/04  
N:\DOAWPDATA\ORDIN\quidproquo.doc

NOTE: This attachment replaces the yellow copies you received for 158-0-133.

LAND USE PERMIT  
FROM WAUKESHA COUNTY  
TO  
SUMMERSTONE, INC.

WAUKESHA COUNTY, WISCONSIN, a Municipal Corporation and Owner, in exchange for one dollar and other goods and considerations as agreed, does hereby permit Summerstone, Inc., its successors and assigns, the right, permission, and authority, ~~to construct and maintain~~, subject to the written approval of Waukesha County Department of Parks and Land Use, Land Use, Parks and Environment Committee, Waukesha County Board of Supervisors, and the Waukesha County Executive Daniel M. Finley, to within two (2) sixty (60) feet long by ten (10) feet wide land areas (refer to Exhibit "A") ~~construct and maintain an easement for the construction and maintenance of two (2) stormwater drainage culverts, whose diameter shall not exceed twenty six (26) inches, each to be approximately sixty (60) linear feet long by ten (10) feet wide, together~~ with other pertinent equipment deemed necessary by Summerstone, Inc. for the construction and maintenance of said culverts, in accordance with all applicable Federal, State, and Local codes and permits, on the right-of-way of the Waukesha County Bugline Recreation Trail, located within the SE 1/4 of Section 13, T8N, R19E, Village of Merton, Waukesha County, Wisconsin.

The location of the Land Use Permit with respect to the premises of Waukesha County is shown on the drawings attached hereto, marked Exhibit "A" and made a part hereof.

Summerstone, Inc. will defend, indemnify, and hold harmless Waukesha County and all of its departments, agencies, board of officers, employees, and agents from any and all liability, loss, damages, expenses, and costs, including attorneys fees and expenses, that it may suffer or incur as the result of any injury (including death) or damage to person or property, which results from any action or omission, negligent or otherwise, of Summerstone, Inc. or its agents in connection with the grant of the Land Use Permit and any and all work of any type, which Summerstone, Inc. performs or may perform upon the lands subject to this Land Use Permit.

The right, permission, and authority is also given Summerstone, Inc., its successors and assigns, to trim, cut down, and/or remove trees and/or brush, which, in the opinion of Summerstone, Inc., and subject to the written approval of the Waukesha County Department of Parks and Land Use, interfere with the installation or maintenance of such facilities or present a hazard to such facilities.

Summerstone, Inc. and its agents shall have the right to enter the premises of Waukesha County for the purposes of exercising the rights granted herein, but Summerstone, Inc. shall promptly and fully restore the premises of the County to the condition existing prior to the entry by the Summerstone Inc. or its agents and said restoration shall be accomplished, as per Waukesha County specifications. The restoration shall not apply to any trees or brush which may be permitted to be removed pursuant to the rights granted herein. Summerstone, Inc. shall be liable for making prompt payment for any damage, if any, caused by the acts of Summerstone, Inc., its agents, or employees to vegetation, fences, parking lots, trail improvements, lawns signs, entrance gates, park improvements, and any other fixtures owned by the County.

158-0-133

All notices to the County shall be sent by certified mail addressed to the Waukesha County Department of Parks and Land Use, 1320 Pewaukee Road, Room 230, Waukesha, Wisconsin 53188.

This Land Use Permit shall be binding upon and/or inure to the benefits of the successors and assigns of all parties hereto.

IN WITNESS WHEREOF, the said COUNTY OF WAUKESHA, has caused these presents to be signed by its County Executive attested to by its County Clerk on this \_\_\_\_\_ day of

\_\_\_\_\_, 2004.

COUNTY OF WAUKESHA

By \_\_\_\_\_  
Daniel M. Finley  
Waukesha County Executive

By \_\_\_\_\_  
Kathy Nickolaus  
Waukesha County Clerk

This Land Use Permit is accepted by Summerstone, Inc. by the signature of its authorized officers

this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

By: \_\_\_\_\_  
Name

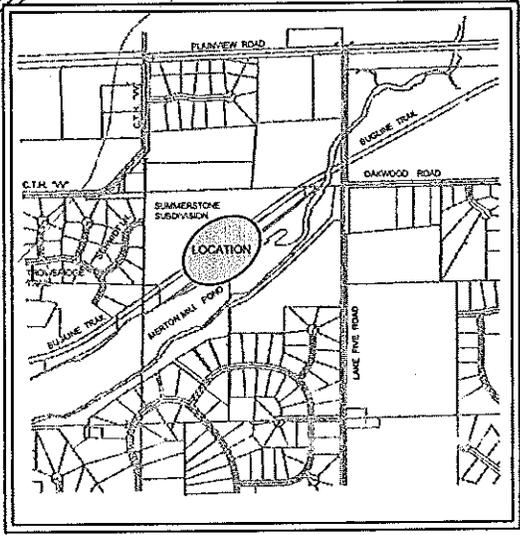
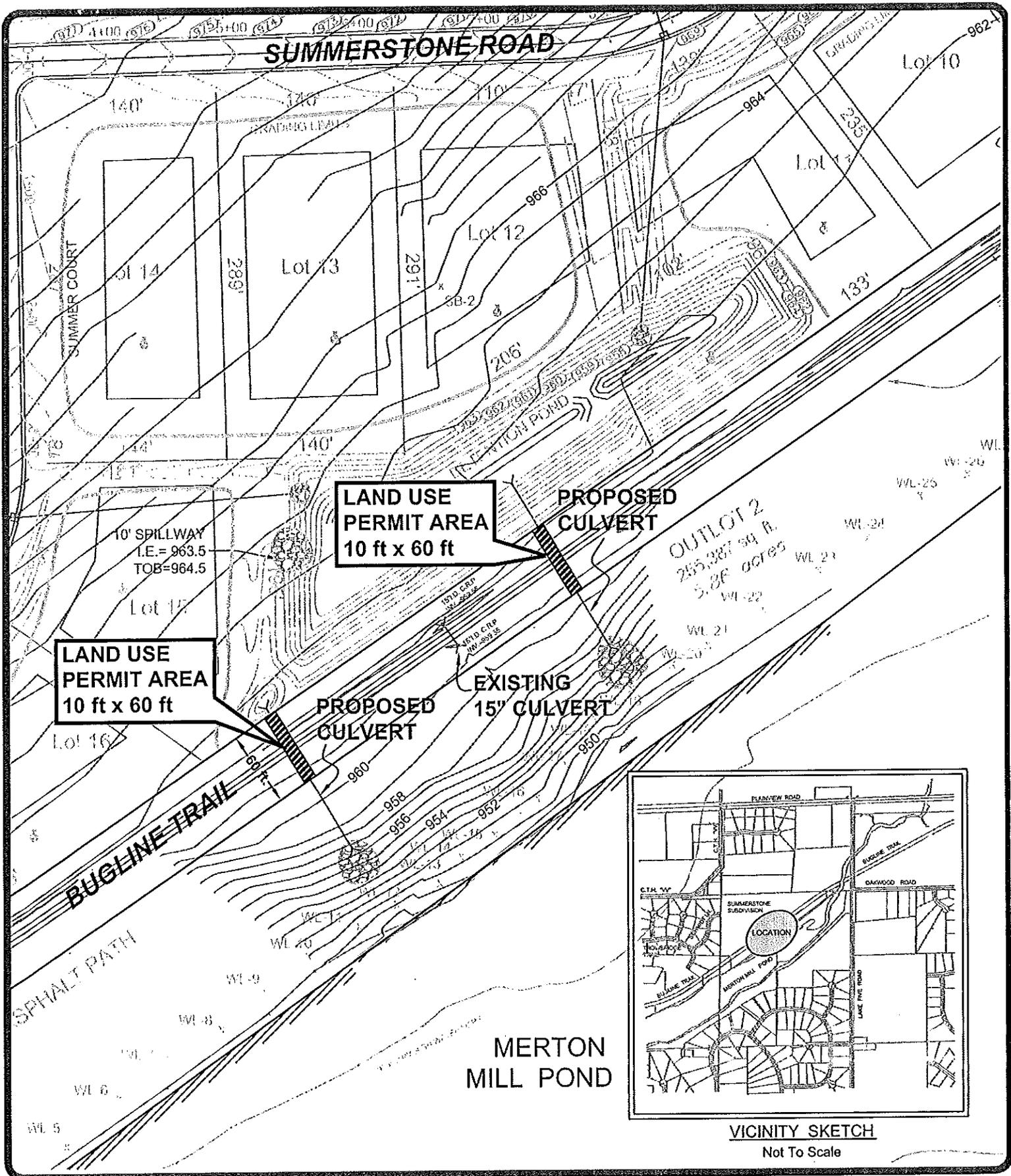
Title

STATE OF WISCONSIN)  
  )SS  
WAUKESHA COUNTY )

Personally came before me this \_\_\_\_\_, day of \_\_\_\_\_, 2004,

\_\_\_\_\_ and

\_\_\_\_\_  
Notary Public



VICINITY SKETCH  
Not To Scale

**WAUKESHA COUNTY**  
DEPARTMENT OF PARKS AND LAND USE

TITLE

EXHIBIT A

158-0-133

DATE

1/04

SCALE

1"=100'

NORTH

3

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-02/10/04

(ORD) NUMBER-1580133

- 1 K. HERRO.....
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....AYE
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....
- 17 J. BEHREND.....AYE
- 19 W. MITCHELL.....AYE
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 M. THOMAS.....AYE
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....AYE
- 35 C. SEITZ.....AYE

- 2 R. THELEN.....AYE
- 4 H. CARLSON.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 J. GRIFFIN.....
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....AYE
- 18 B. MORRIS.....AYE
- 20 M. KIPP.....
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....AYE
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....AYE
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-29

TOTAL NAYS-00

CARRIED\_\_\_\_\_

DEFEATED\_\_\_\_\_

UNANIMOUS X

TOTAL VOTES-29