

Enrolled 158-131
PROPOSED ORDINANCE 158-138-

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2
3 APPROVE LAND USE PERMIT TO VILLAGE OF SUSSEX FOR CONSTRUCTION,
4 OPERATION, AND MAINTENANCE OF A STORM SEWER AND SIDEWALK WITHIN
5 WAUKESHA COUNTY BUGLINE RECREATION TRAIL RIGHT-OF-WAY
6

7
8 WHEREAS it is deemed desirable to allow the Village of Sussex to construct, operate, and
9 maintain a storm sewer and sidewalk within the Waukesha County Bugline Recreation Trail
10 Right-of-Way located in the Village of Sussex, and
11

12 WHEREAS it is necessary to provide a Land Use Permit from Waukesha County to the Village
13 of Sussex in order that a storm sewer and sidewalk can be constructed.
14

15 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
16 that the Land Use Permit between the Village of Sussex and Waukesha County, which permits
17 the construction, operation, and maintenance of the storm sewer and sidewalk on the Waukesha
18 County Bugline Recreation Trail Right-of-Way, and is on file in the Office of the County Clerk
19 is hereby approved.
20

21 BE IT FURTHER ORDAINED that the County Executive and County Clerk may execute said
22 Agreement on behalf of Waukesha County.
23

24 BE IT FURTHER ORDAINED that the revenue from the Land Use Permit fee be deposited in
25 the Walter J. Tarmann Parkland Acquisition Fund.

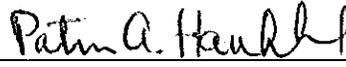
APPROVE LAND USE PERMIT TO VILLAGE OF SUSSEX FOR CONSTRUCTION,
OPERATION, AND MAINTENANCE OF A STORM SEWER AND SIDEWALK WITHIN
WAUKESHA COUNTY BUGLINE RECREATION TRAIL RIGHT-OF-WAY

Presented by:
Land Use, Parks and
Environment Committee

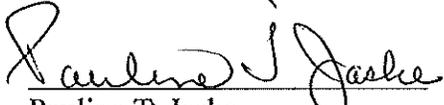
Approved by:
Finance Committee



Walter L. Kolb, Chair



Patricia A. Haukohl, Chair



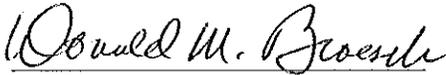
Pauline T. Jaske



James R. Behrend



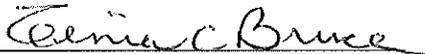
James Jeskewitz



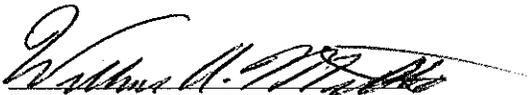
Donald M. Broesch



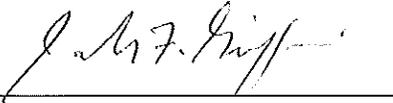
Scott J. Klefn



Genia C. Bruce



William A. Mitchell



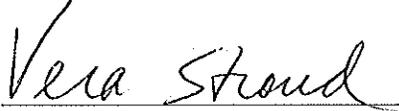
Joseph F. Griffin



Daniel Pavelko



Joe C. Marchese



Vera Stroud



Bonnie J. Morris

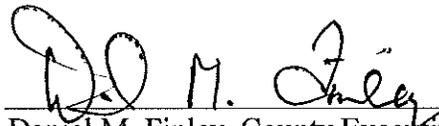
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County,
Wisconsin, was presented to the County Executive on:

Date: 2-24-04, 
Kathy Nicklaus, County Clerk

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

Approved:

Vetoed:

Date: 2-24-04, 
Daniel M. Finley, County Executive

LAND USE PERMIT
FROM WAUKESHA COUNTY
TO
VILLAGE OF SUSSEX

FOR AND IN CONSIDERATION of a sum of Two Hundred - Twenty Four Dollars (\$224.00) and other good and valuable consideration to be paid WAUKESHA COUNTY, WISCONSIN, a Municipal Corporation and Owner, does hereby permit the Village of Sussex, its successors and assigns, the right, permission, and authority to construct and maintain, subject to the written approval of the County of Waukesha by the Waukesha County Executive, and Waukesha County Board of Supervisors, a maximum of five (5) feet wide by one hundred sixteen (116) feet long land area for the construction and maintenance of a sidewalk, together with other pertinent equipment deemed necessary by the Village of Sussex in accordance with all applicable Federal, State and Local codes and permits, located on the right-of-way of the Waukesha County Bugline Recreation Trail, in Section 26, Town 8 North, Range 19 East, in the Village of Sussex, Waukesha County, State of Wisconsin, and a maximum of fifteen (15) feet wide by fifty (58) feet long land area for the construction and maintenance of a storm sewer together with other pertinent equipment deemed necessary by the Village of Sussex in accordance with all applicable Federal, State and Local codes and permits, located on the right-of-way of the Waukesha County Bugline Recreation Trail, in Section 27, Town 8 North, Range 19 East, in the Village of Sussex, Waukesha County, State of Wisconsin

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

In addition, Waukesha County grants to the Village of Sussex a temporary Land Use Permit described in Exhibit B. The temporary Land Use Permit is for construction purposes only and shall terminate when need therefore passes.

Village of Sussex 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 Village of Sussex or its agents in connection with the grant of the Land Use permit and any and all work of any type which the Village of Sussex performs or should perform upon the lands subject to this Land Use Permit.

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

Village of Sussex and its agents agree the Bugline Trail shall remain open for public use during construction, maintenance, or related activities described in the Land Use Permit. Village of Sussex and its agents shall have the right to enter the premises of Waukesha County for the purposes of exercising the rights herein acquired, but the Village of Sussex shall promptly and fully restore the premises of the County to the condition existing prior to the entry by the Village of Sussex 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

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be removed pursuant to the rights granted herein. The Village of Sussex shall be liable for making prompt payment for any damage, if any, to vegetation, fences, parking lots, trail improvements, lawn signs, entrance gates, park improvements and any other fixtures owned by the County and caused by the acts of Village of Sussex, its agents and employees.

All notices to the County shall be sent by certified mail addressed to the Waukesha County Department of Parks and Land Use, Park System Division, 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 the Village of Sussex by the signature of its authorized officers this _____ day of _____, 2004.

By _____
M. Chris Swartz
Village Administrator/Clerk

STATE OF WISCONSIN)
)SS
WAUKESHA COUNTY)

Personally came before me this _____, day of _____, 2004,
_____ and _____.

Notary Public

158-0-136²

EXHIBIT B

LEGAL DESCRIPTION

A **Temporary Limited Easement** in land contained within the following described tract of land located in the Northeast 1/4 of the Northeast 1/4 of Section 27, Town 8 North, Range 19 East, in the Village of Sussex, Waukesha County, State of Wisconsin. Said easement shall be for the following activities ("Work): To construct slopes, storm sewer, and a bike trail, including for such purpose the right to operate necessary equipment thereon, the right of ingress and egress and the right to grade and restore the property, as long as required for such public purpose, including the right to preserve, protect, remove or plant thereon any vegetation that the highway authorities may deem desirable to prevent erosion of the soil and to complete the Work. Said easement is more particularly described as follows:

A strip of land seventeen (17) feet in width lying immediately west of and adjacent to the west right-of-way line of Maple Avenue and extending from the south property line of the owner to the north property line of the owner as shown on sheet number 4.6 of the Plat of Right-of-Way for I.D. 2716-03-20.

Said parcel contains **0.023 acres**, more or less, of the owner's land.

Also a **Temporary Limited Easement** in land contained within the following described tract of land located in the Northwest 1/4 of the Northwest 1/4 of Section 26, Town 8 North, Range 19 East, in the Village of Sussex, Waukesha County, State of Wisconsin. Said easement shall be for the following activities ("Work): To construct slopes, sidewalk, and a bike trail, including for such purpose the right to operate necessary equipment thereon, the right of ingress and egress and the right to grade and restore the property, as long as required for such public purpose, including the right to preserve, protect, remove or plant thereon any vegetation that the highway authorities may deem desirable to prevent erosion of the soil and to complete the Work. Said easement is more particularly described as follows: A strip of land twenty (20) feet in width lying immediately east of and adjacent to the east right-of-way line of Maple Avenue and extending from the south property line of the owner to the north property line of the owner as shown on sheet number 4.6 of the Plat of Right-of-Way for I.D. 2716-03-20.

Said parcel contains **0.053 acres**, more or less, of the owner's land.

The above temporary limited easements are to terminate upon the completion of this project or December 31, 2005, whichever occurs first.

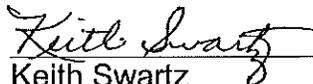
158-0-136

FISCAL NOTE

APPROVE LAND USE PERMIT TO VILLAGE OF SUSSEX
FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF
A STORM SEWER AND SIDEWALK WITHIN WAUKESHA COUNTY BUGLINE
RECREATION TRAIL RIGHT-OF-WAY

Approval of this ordinance authorizes the County to issue a land use permit to the Village of Sussex to construct and maintain a sidewalk and storm sewer within the Waukesha County Bugline Recreation Trail right-of-way. According to Parks and Land Use staff, no operating or installation costs are applicable to the County.

The Village of Sussex will pay a one-time permit fee of \$224. This revenue will be credited and accounted for in the Walter J. Tarmann Parkland Acquisition Fund.



Keith Swartz
Budget Manager

AVT
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2/5/2004

158-0-136

6.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-02/24/04

(ORD) NUMBER-1580136

- 1 K. HERRO.....AYE
- 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.....AYE
- 17 J. BEHREND.....AYE
- 19 W. MITCHELL.....AYE
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....
- 25 K. CUMMINGS.....
- 27 D. PAULSON.....AYE
- 29 M. THOMAS.....
- 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.....AYE
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....AYE
- 18 B. MORRIS.....AYE
- 20 M. KIPP.....AYE
- 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-31

TOTAL NAYS-00

CARRIED_____

DEFEATED_____

UNANIMOUS X

TOTAL VOTES-31