

ENROLLED ORDINANCE 159-1

AUTHORIZATION OF A LAND EXCHANGE BETWEEN
WAUKESHA COUNTY AND THE TOWN OF MERTON

WHEREAS the Waukesha County Development Plan, which incorporates the Waukesha County Park and Open Space Plan, was adopted by the Waukesha County Board of Supervisors on November 26, 1996, and

WHEREAS Waukesha County and the Town of Merton are desirous of transferring park land on an even exchange basis, and

WHEREAS Waukesha County and the Town of Merton have developed a land exchange agreement, which identifies the basis under which said exchange would take place, (refer to Exhibit A), and,

WHEREAS the conditions of the land exchange have been accomplished, and

WHEREAS the Town of Merton Board approved the land exchange agreement on March 25, 2003, and

WHEREAS other costs associated with the exchange of said property is estimated to be \$6,475.00, to be shared equally by Waukesha County and the Town of Merton, and

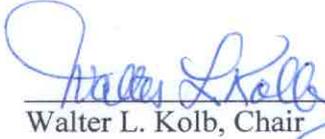
WHEREAS in conformance with the Waukesha County Code (Chapter 28, Article 4), an Environmental Reconnaissance was conducted in which no environmental concerns were discovered.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
ORDAIN that the contract to exchange lands with the Town of Merton attached hereto and marked Exhibit A is hereby approved.

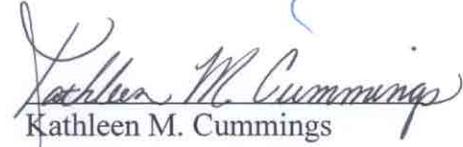
AUTHORIZATION OF A LAND EXCHANGE BETWEEN
WAUKESHA COUNTY AND THE TOWN OF MERTON

Presented by:
Land Use, Parks and
Environment Committee

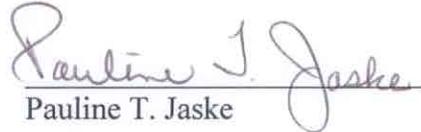
Approved by:
Finance Committee

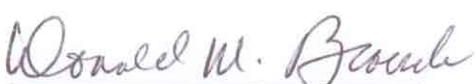

Walter L. Kolb, Chair


Patricia A. Haukohl, Chair


Kathleen M. Cummings


James R. Behrend


Pauline T. Jaske


Donald M. Broesch


Scott J. Klein

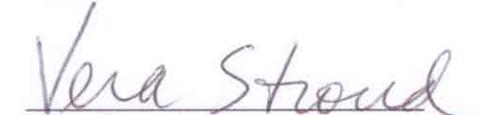

Genia C. Bruce


Bill Kramer


Kenneth C. Herro


Daniel Pavelko


Joe C. Marchese


Vera Stroud

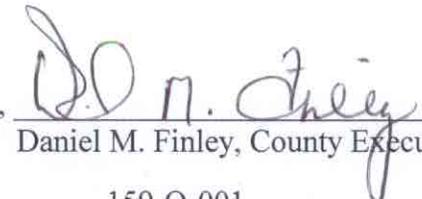

Bonnie J. Morris

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

Date: 5-14-04, 
Kathy Nickolaus, County Clerk

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

Approved: ✓
Vetoed: _____

Date: 5-14-04, 
Daniel M. Finley, County Executive

**LAND EXCHANGE AGREEMENT
BETWEEN WAUKESHA COUNTY AND
THE TOWN OF MERTON**

WHEREAS the County of Waukesha, hereinafter referred to as County and the Town of Merton, hereinafter referred to as Town are desirous of transferring ownership of parklands, on an even exchange basis, to permit the expansion of the Town's active community park and permit the County to add natural resource based lands to the Oconomowoc River Greenway, and (refer to Exhibit "A").

WHEREAS the County Board of Supervisors approved Enrolled Ordinance 152-160, Baumgartner Property Acquisition on April 14, 1998, and

WHEREAS the County acknowledges the Town, as evidence of their strong support for the County's acquisition of the Baumgartner property, contributed \$50,125.00 of the purchase price to the County in exchange for the ability to utilize and develop 10± acres of the Baumgartner parcel for Town active community park purposes, and

WHEREAS the parties to this agreement understand that the transfer of the parkland requires the expenditure of monies for the preparation of appraisals, boundary surveys, title commitments and transfer and recordation fees, and

WHEREAS said transfer of parklands will require the termination of the Land Use Permit from the County to the Town for use of the County lands for Town park purposes, and

WHEREAS the County and Town understand the transfer of parkland ownership requires the approval of the State of Wisconsin Department of Natural Resources, and

NOW THEREFORE THE PARTIES AGREE TO THE FOLLOWING:

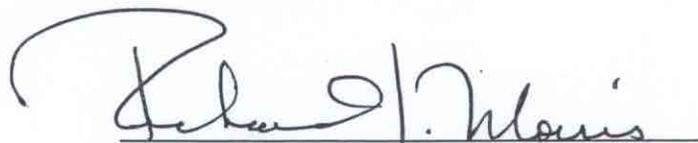
1. The County will retain a firm to provide the following services.
 - a. Appraisals to determine the fair market value of the parcels proposed for exchange.
The appraisal will reflect the raw land value based upon the lands highest and best use. It will not reflect current zoning and will not take into account the recent park development on the County owned land currently operated by the Town as an active community park.
 - b. Boundary surveys of the parcels to be exchanged.
 - c. Title commitments for the parcels to be exchanged.
2. It is acknowledged that the following County items will be utilized to arrive at a cost neutral transfer of County parklands.
 - a. The expenses incurred for the preparation of the appraisals, boundary surveys, title commitments, transfer and recordation fees.
 - b. The current fair market appraised value based upon highest and best use, of the County parkland proposed for transfer to the Town.
The formula to be used to determine the purchase price of the Town property by the County will be $3b - 2a = \text{Selling Price}$

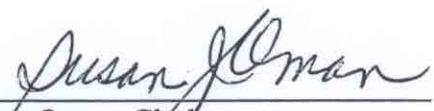
3. It is acknowledged that the following Town items will be utilized to arrive at a cost neutral transfer of Town parkland.
 - a. The \$50,125.00 Town contribution for the acquisition of the Baumgartner parcel.
 - b. The current fair market appraised value based upon highest and best use, of the Town parkland proposed for transfer to the County.

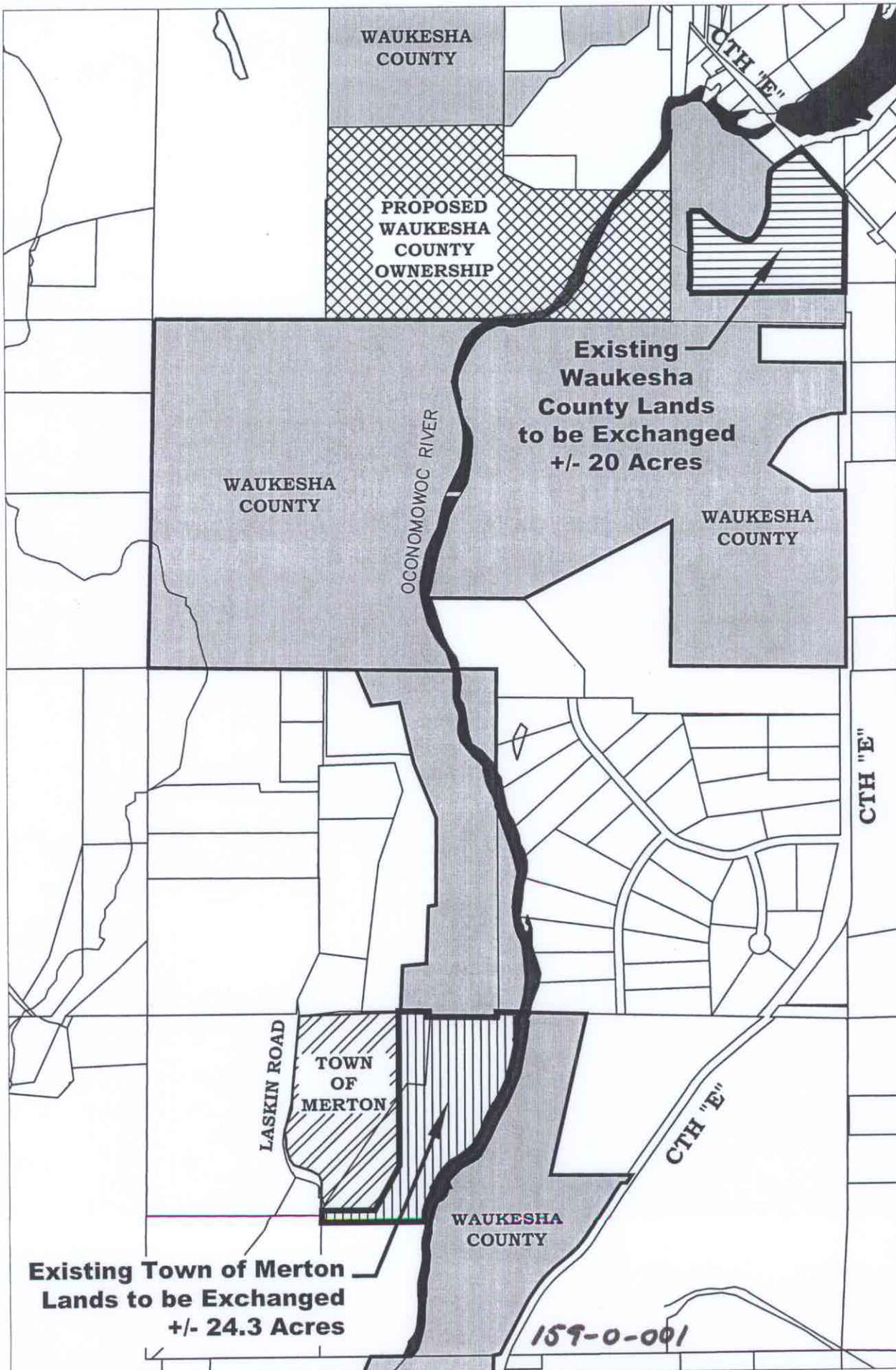
The formula to be used to determine the purchase price of the County property by the Town will be $2b - 3a = \text{Selling Price}$
4. The County and Town agree to place the following deed restriction on the properties to be exchanged: "By acceptance of this deed, the sponsor, for itself and its successors and assign, hereby covenants and agree not to sell, lease, assign or mortgage the premises herein without the prior written approval of the Secretary of the Department of Natural Resources, his designee, or any successor."
5. The Town of Merton will obtain written approval, from the North Lake Sand and Gravel Company, Inc., who donated said lands to the Town, for the transfer of the lands currently owned by the Town to the County for Oconomowoc River Greenway purposes.
6. The County will obtain written approval from the State of Wisconsin Department of Natural Resources to transfer lands currently owned to the Town for Town park purposes.
7. The lands exchanged as proposed are subject to and conditioned upon approval by the County Executive, County Board, and Town of Merton Town Board.
8. The County will prepare the necessary document to terminate the existing Land Use Permit from the County to the Town for use of the County lands for Town park purposes.

Dated this 25 day of March, 2003

Waukesha County
Daniel M. Finley, County Executive


 Town of Merton
 Richard Morris, Town Chairman

Attest: 
 Susan Oman, Clerk



WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE

1580 WAUKESHA RD. WAUKESHA, WI 53188
TEL 414-648-7700
FAX 414-648-8071

project title
Monches Park & Oconomowoc River Parkway

EXHIBIT A

- Legend
- Waukesha County Property
 - Waukesha County Lands to be Exchanged
 - Town of Merton Property
 - Town of Merton Lands to be Exchanged

date _____
 project # _____
 date 12/5/2000
 approved _____
 drawn by P.J.L.
 reviewed 8/27/2003



Scale
 Not to Scale

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-05/11/04

(ORD) NUMBER-1590001

1 K. HERRO.....AYE
 3 D. STAMSTA.....AYE
 5 J. MARCHESE.....AYE
 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 J. TORTOMASI.....AYE
 25 K. CUMMINGS.....AYE
 27 D. PAULSON.....AYE
 29 T. BULLERMANN.....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.....AYE
 14 A. KALLIN.....AYE
 16 R. MANKE.....
 18 B. MORRIS.....
 20 M. KIPP.....AYE
 22 G. BRUCE.....
 24 B. KRAMER.....AYE
 26 S. KLEIN.....AYE
 28 P. JASKE.....AYE
 30 K. NILSON.....AYE
 32 P. GUNDRUM.....AYE
 34 R. SINGERT.....AYE

TOTAL AYES-32

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-32