

ENROLLED ORDINANCE 163-28

TRANSFER OWNERSHIP OF DETENTION PONDS COUNTY TRUNK
HIGHWAY J, WAUKESHA COUNTY PROJECT, PROJECT I.D. 2748-01-71,
CITY OF PEWAUKEE, WAUKESHA COUNTY

WHEREAS Waukesha County operates and improves a system of county highways, and

WHEREAS the County completed project I.D. 2748-01-71 to reconstruct and improve CTH J in the City of Pewaukee, and

WHEREAS, as a part of project I.D 2748-01-71, the County acquired land and the State of Wisconsin Department of Transportation constructed a detention pond to benefit both the County and the State of Wisconsin Department of Transportation, and

WHEREAS a Jurisdiction Transfer Agreement between Wisconsin Department of Transportation and Waukesha County transferring jurisdictional responsibility for CTH J from the County to the State was approved by the State on 10-8-98 and by the County on 8/31/98 and further agreed to through county enrolled ordinance 153-65, and

WHEREAS in accordance with the Jurisdictional Transfer Agreement CTH J became STH 164 following the completion of project I.D. 2748-01-71, and

WHEREAS on June 30, 2008 the County and the State of Wisconsin Department of Transportation executed an agreement for the transfer and maintenance of the detention pond to the State of Wisconsin Department of Transportation. Said agreement is attached as "Attachment #1"

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that ownership and maintenance of the detention pond and parcel of land be transferred to the State of Wisconsin Department of Transportation. Said parcel is described as:

Parcel 17 Part of PWT 0924-995

A **Permanent Limited Easement** for the right to construct and maintain a drainage ditch and pond, including for such purpose the right to operate the necessary equipment thereon and the right of ingress and egress 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 necessary or desirable, but without prejudice to the owner's right to make or construct improvements on said lands or to flatten the slopes, providing said activities will not impair or otherwise adversely affect the highway facilities within the right-of-way, in and to the following tract of land described as: That part of Lot 1 of Certified Survey Map No. 7545 as recorded in Volume 64 on Pages 202 to 209 of Certified Survey Maps of Waukesha County, in the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 15, Town 7 North, Range 19 East, City of Pewaukee, Waukesha County, Wisconsin, which is bounded and described as follows: Beginning at the most northerly corner of said Lot 1; Thence S 60°23'45"E along the existing southerly right-of-way line of CTH M, 490.90 feet; Thence continuing along said existing southerly right-of-way line, S 28°13'25"E, 102.23 feet; Thence S 01°15'06"W, 37.16 feet; Thence N 88°44'54"W, 11.01 feet; Thence N 41°49'21"W, 90.65 feet; Thence N 58°53'05"W, 202.87 feet; Thence S 31°06'55"W at right angles, 20.00 feet; Thence N 58°53'05"W, 142.69 feet; Thence S 31°55'56"W, 295.39 to a point in a southerly line of said

Lot 1; Thence N 60°22'36"W along said southerly line, 150.12 feet to the most westerly corner of said Lot 1; Thence N 31°55'56"E along the westerly line of said Lot 1, 114.83 feet; Thence continuing along said westerly line, N 01°12'32"E, 12.53 feet; Thence continuing along said westerly line, N 31°55'56"E, 243.89 feet to the point of beginning. Said easement contains **1.94 acres** of land, more or less, for highway purposes.

Parcel 23 PWT 0921-990

Fee title for the owners interest in land contained within the following described tract being all of those lands described in Reel 732, Image 579 of Waukesha County Records, and being part of the Southeast ¼ of the Northeast ¼ of Section 15, Town 7 North, Range 19 East, City of Pewaukee, Waukesha County, Wisconsin. Said parcel is described as: Part of the East ½ of the Northeast ¼ of Section 15, Town 7 North, Range 19 East: Commencing at the East ¼ corner thence South 88° 52' West, 661.70 feet to the point of beginning of the lands herein described: Thence continuing South 88° 52' West, 325 feet: thence North 28° 42' East, 439.39 feet: thence South 62° 01' East, 129.03 feet: thence South, 318.44 feet to the point of beginning. Said parcel contains **1.84 acres** of land, more or less, for highway purposes.

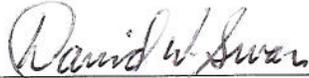
Parcel 24 PWT 0921-983

Fee title for the owners interest in land contained within the following described tract being part of the Southeast ¼ of the Northeast ¼ of Section 15, Town 7 North, Range 19 East, City of Pewaukee, Waukesha County, Wisconsin, which is bounded and described as follows: Commencing at the east quarter corner of said Section 15; Thence N 89°55'36"W along the southerly line of said Northeast ¼, 535.24 feet; Thence N 00°04'24"E at right angles, 215.60 feet to the point of beginning of lands herein described; Thence S 31°55'56"W along the easterly line of lands described in Reel 353, Image 864 in Waukesha County, Records, 239.12 feet to the southerly corner of said lands described in Reel 353, Image 864; Thence N 01°12'32"E along the westerly line of said lands described in Reel 353, Image 864, 305.76 feet to a point in the existing southerly right-of-way line of CTH "M"; Thence S 60°23'45"E along said southerly right-of-way line, 156.34 feet; Thence S 31°55'56"W, 30.08 feet to the point of beginning. Said parcel contains **0.48 acres** of land, more or less, for highway purposes.

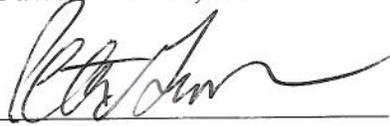
BE IT FURTHER ORDAINED that the County Executive and County Clerk are authorized to sign the necessary documents to effectuate the approved transfer.

TRANSFER OWNERSHIP OF DETENTION PONDS COUNTY TRUNK
HIGHWAY J, WAUKESHA COUNTY PROJECT, PROJECT I.D. 2748-01-71,
CITY OF PEWAUKEE, WAUKESHA COUNTY

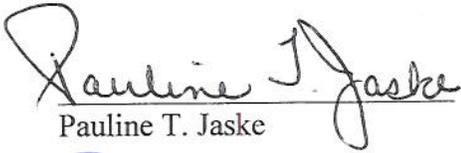
Presented by:
Public Works Committee



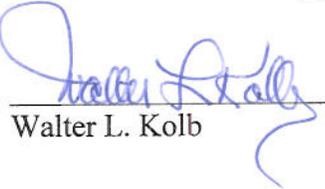
David W. Swan, Chair



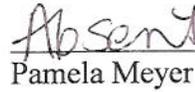
Peter Gundrum



Pauline T. Jaske



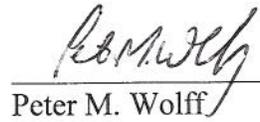
Walter L. Kolb



Pamela Meyer



John J. Pledl



Peter M. Wolff

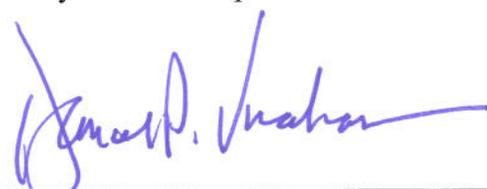
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County,
Wisconsin, was presented to the County Executive on:

Date: 8-29-08, 

Kathy Nickolaus, County Clerk

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

Approved: X
Vetoed: _____

Date: 9-2-08, 

Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-08/26/08

(ORD) NUMBER-1630029

- 1 D. FALSTAD.....AYE
- 3 R. HUTTON.....AYE
- 5 J. JESKEWITZ.....AYE
- 7 P. HAUKOHL.....AYE
- 9 J. HEINRICH.....AYE
- 11 F. RUF.....AYE
- 13 J. BEHREND.....AYE
- 15 P. MEYERS.....AYE
- 17 J. TORTOMASI.....AYE
- 19 S. WIMMER.....AYE
- 21 W. ZABOROWSKI.....AYE
- 23 J. PLEDL.....AYE
- 25 G. YERKE.....AYE

- 2 T. ROLFS.....AYE
- 4 J. DWYER.....AYE
- 6 J. BRANDTJEN.....AYE
- 8 T. SCHELLINGER....AYE
- 10 D. SWAN.....AYE
- 12 P. WOLFF.....AYE
- 14 B. MORRIS.....AYE
- 16 D. PAULSON.....AYE
- 18 K. CUMMINGS.....AYE
- 20 P. JASKE.....AYE
- 22 P. GUNDRUM.....
- 24 W. KOLB.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS *JK*

TOTAL VOTES-24

TWO-PARTY OWNERSHIP AND MAINTENANCE AGREEMENT
between the
WAUKESHA COUNTY
and the
THE WISCONSIN DEPARTMENT OF TRANSPORTATION

This agreement, made and entered into by and between Waukesha County by the Department of Public Works, hereinafter called the COUNTY, and the Wisconsin Department of Transportation, hereinafter called the DEPARTMENT, provides for the transfer of ownership and maintenance of the detention pond constructed in conjunction with the roadway improvements under Project I.D. 2748-01-71. Said lands are further described in Exhibit "A" attached hereto and made a part hereof.

WHEREAS, the COUNTY, through the DEPARTMENT, has completed the reconstruction of C.T.H. "J" (now known as S.T.H. 164) in the City of Pewaukee from Rockwood Drive to Capitol Drive (STH 190), and that part of said reconstruction included the construction of a detention pond by the DEPARTMENT to accommodate storm water requirements, with said reconstruction work completed in 2004, and

WHEREAS the COUNTY has transferred jurisdiction of C.T.H. "J" (now known as S.T.H. 164) in the City of Pewaukee from Rockwood Drive to Capitol Drive (STH 190) in accordance with the Jurisdictional Transfer Agreement signed by the DEPARTMENT on October 8, 1998 and described in Exhibit "B" attached hereto and made a part hereof. Said ponds are appurtenant to the highway and detain water flowing from C.T.H. "J" (now known as S.T.H. 164), and

WHEREAS, the COUNTY will transfer to the DEPARTMENT ownership and maintenance responsibilities for said detention pond as anticipated at the time of construction and the jurisdictional transfer, and

WHEREAS, the parties now enter into this agreement regarding the process and the timing to complete the transfer of ownership and maintenance of said detention pond,

NOW, THEREFORE BE IT RESOLVED, that the parties hereto do mutually agree to the responsibilities as set forth below.

RESPONSIBILITIES:

The COUNTY shall:

1. Present an ordinance to the Waukesha County Board of Supervisors to approve the transfer of title to the land and easements from the COUNTY to the DEPARTMENT.
2. Within 60-days of enactment of the ordinance approving the transfer title to the lands and easements, provide a recordable, fully executed quit claim deed for the lands.

APPROVAL

THIS AGREEMENT will be effective on the date of the COUNTY'S signature, which is the Effective Date of this agreement.

DEPARTMENT:

By: Shen Schmid
Title: SE REGION PLANNING CHIEF
Date: 6/5/08
By: _____
Title: _____
Date: _____

Address for Contact
The Wisconsin Dept. of Transportation
SE Region
141 NW Barstow Street
PO Box 798
Waukesha WI 53187-0798

6/5/08
Date

State of Wisconsin)
WAUKESHA COUNTY

On the above date, this instrument was acknowledged before me by the named person(s).

Karen Lynn Braun
(Signature, Notary Public, State of Wisconsin)

KAREN LYNN BRAUN
(Print or Type Name, Notary Public, State of Wisconsin)

7-26-09
(Date Commission Expires)

COUNTY

By: Patricia Belle
Title: Director of Public Works
Date: 6-30-08
By: _____
Title: _____
Date: _____

Address for Contact
Waukesha County Department of Public Works
1320 Pewaukee Road
Waukesha, WI 53188

6-30-08
Date

State of Wisconsin)
Waukesha COUNTY

On the above date, this instrument was acknowledged before me by the named person(s).

Karen Lynn Braun
(Signature, Notary Public, State of Wisconsin)

KAREN LYNN BRAUN
(Print or Type Name, Notary Public, State of Wisconsin)

7-26-09
(Date Commission Expires)

EXHIBIT "A"

Parcel 17 Part of PWT 0924-995

Recorded as Document Number 3092187 dated October 20, 2003 and recorded October 30, 2003.

A **Permanent Limited Easement** for the right to construct and maintain a drainage ditch and pond, including for such purpose the right to operate the necessary equipment thereon and the right of ingress and egress 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 necessary or desirable, but without prejudice to the owner's right to make or construct improvements on said lands or to flatten the slopes, providing said activities will not impair or otherwise adversely affect the highway facilities within the right-of-way, in and to the following tract of land described as: That part of Lot 1 of Certified Survey Map No. 7545 as recorded in Volume 64 on Pages 202 to 209 of Certified Survey Maps of Waukesha County, in the Northeast ¼ of the Southeast ¼ of the Southeast ¼ of the Northeast ¼ of Section 15, Town 7 North, Range 19 East, City of Pewaukee, Waukesha County, Wisconsin, which is bounded and described as follows: Beginning at the most northerly corner of said Lot 1; Thence S 60°23'45"E along the existing southerly right-of-way line of C.T.H. "M", 490.90 feet; Thence continuing along said existing southerly right-of-way line, S 28°13'25"E, 102.23 feet; Thence S 01°15'06"W, 37.16 feet; Thence N 88°44'54"W, 11.01 feet; Thence N 41°49'21"W, 90.65 feet; Thence N 58°53'05"W, 202.87 feet; Thence S 31°06'55"W at right angles, 20.00 feet; Thence N 58°53'05"W, 142.69 feet; Thence S 31°55'56"W, 295.39 to a point in a southerly line of said Lot 1; Thence N 60°22'36"W along said southerly line, 150.12 feet to the most westerly corner of said Lot 1; Thence N 31°55'56"E along the westerly line of said Lot 1, 114.83 feet; Thence continuing along said westerly line, N 01°12'32"E, 12.53 feet; Thence continuing along said westerly line, N 31°55'56"E, 243.89 feet to the point of beginning. Said easement contains 1.94 acres of land, more or less, for highway purposes.

Parcel 23 PWT 0921-990

Recorded as Document Number 2945238 dated March 4, 2003 and recorded March 5, 2003.

Fee title for the owners interest in land contained within the following described tract being all of those lands described in Reel 732, Image 579 of Waukesha County Records, and being part of the Southeast ¼ of the Northeast ¼ of Section 15, Town 7 North, Range 19 East, City of Pewaukee, Waukesha County, Wisconsin. Said parcel is described as: Part of the East ½ of the Northeast ¼ of Section 15, Town 7 North, Range 19 East: Commencing at the East ¼ corner thence South 88° 52' West, 661.70 feet to the point of beginning of the lands herein described: Thence continuing South 88° 52' West, 325 feet: thence North 28° 42' East, 439.39 feet: thence South 62° 01' East, 129.03 feet: thence South, 318.44 feet to the point of beginning. Said parcel contains 1.84 acres of land, more or less, for highway purposes.

Parcel 24 PWT 0921-983

Recorded as Document Number 2975838 dated March 30, 2003 and recorded April 28, 2003.

Fee title for the owners interest in land contained within the following described tract being part of the Southeast ¼ of the Northeast ¼ of Section 15, Town 7 North, Range 19 East, City of Pewaukee, Waukesha County, Wisconsin, which is bounded and described as follows: Commencing at the east quarter corner of said Section 15; Thence N 89°55'36"W along the southerly line of said Northeast ¼, 535.24 feet; Thence N 00°04'24"E at right angles, 215.60 feet to the point of beginning of lands herein described; Thence S 31°55'56"W along the easterly line of lands described in Reel 353, Image 864 in Waukesha County, Records, 239.12 feet to the southerly corner of said lands described in Reel 353, Image 864; Thence N 01°12'32"E along the westerly line of said lands described in Reel 353, Image 864, 305.76 feet to a point in the existing southerly right-of-way line of C.T.H. "M"; Thence S 60°23'45"E along said southerly right-of-way line, 156.34 feet; thence S 31°55'56"W, 30.08 feet to the point of beginning. Said parcel contains 0.48 acres of land, more or less, for highway purposes.

163-0-029

6.

EXHIBIT "B"

JURISDICTIONAL TRANSFER AGREEMENT

BETWEEN

THE WISCONSIN DEPARTMENT OF TRANSPORTATION

AND

WAUKESHA COUNTY

This agreement, made and entered into by and between the Wisconsin Department of Transportation, hereinafter called the State, and Waukesha County, hereinafter called the County, provides for the transfer of the jurisdictional responsibility for CTH J, STH 164, STH 99, the north frontage roads of I-94 in the Towns of Pewaukee and Delafield, segments of CTH JJ and CTH Y located in the Town of Brookfield, and park and ride lots located at I94 and CTH Y, I94 and current STH 164, and I94 and CTH G.

Whereas, CTH J is currently functionally classified as a principal arterial, STH 164 is currently functionally classified as a principal arterial, STH 99 is currently functionally classified as a major collector, the north frontage roads of I-94 are currently functionally classified as local roads, and the portions of CTH JJ and CTH Y are classified as minor arterials, and

Whereas, the Southeastern Wisconsin Regional Transportation Plan: 2010 shows CTH J as a State Trunk Highway, STH 164 as a County Trunk Highway, STH 99 as a County Trunk Highway, and the north frontage roads of I-94 and the portions of CTH JJ and CTH Y as County Trunk Highways, and

Whereas, Section 84.02(8), Wisconsin Statutes, enables the State to enter into jurisdictional transfer agreements with local units of government, thereby facilitating such alterations in jurisdictional highway systems.

Now Therefore, the parties hereto do mutually agree to transfer the jurisdictional responsibility for the highway described below under the conditions described below.

ROUTE DESCRIPTIONS:

- 1) Existing CTH J from the southerly limits of the ramps of I-94; thence, northerly to the North County Line, a distance of approximately 10.9 miles, located in Sections 3, 4, 10, 11, 14, 15, 22 & 23 of Township 7 North, Range 19 East, and Sections 4, 5, 8, 9, 16, 17, 21, 22, 27, 28, 33 & 34 of Township 8 North, Range 19 East;

2) Existing STH 164 beginning at a point that is located .29 miles from the north limits of its intersection with East Moreland Boulevard; thence, northerly to the southerly limits of the ramps of STH 190, a distance of 4.46 miles, located in Township 7 North, Range 19 East, Sections 11, 12, 13, 14, 23, 24, 26 & 35;

3) Existing STH 99 from the east edge of its intersection with STH 67; thence, easterly to the west edge of its intersection with STH 83, a distance of approximately 8.40 miles, located in Sections 25, 26, 27, 28, 33, 34, 35 & 36 of Township 5 North, Range 17 East, and Sections 26, 27, 28, 29, 30 & 31 of Township 5 North, Range 18 East;

4) The frontage roads of I-94 as follows:

A) North frontage road from the easterly limits of its intersection with CTH E; thence, easterly to the westerly limits of its intersection with CTH SS, a distance of approximately 2.97 miles, located in Sections 22, 23 & 24 of Township 7 North, Range 18 East;

B) North frontage road from the easterly limits of the CTH SS/I94 westbound off-ramp; thence, easterly to the westerly limits of the I94/CTH G westbound on-ramp, a distance of approximately 0.94 miles, located in Section 19 of Township 7 North, Range 19 East;

C) North frontage road from the easterly limits of the I94/CTH G westbound off ramp; thence, easterly to the westerly limits of its intersection with CTH T, a distance of approximately 1.54 miles, located in Sections 20, 21, 28 & 29 of Township 7 North, Range 19 East;

5) Park and Ride parking lots located at I94 and CTH Y, I94 and STH 164, and I94 and CTH G.

6) Westbound lanes of CTH JJ from the westerly limits of its intersection with USH 18; thence, westerly to a point 340 feet west of the bridge deck (Structure B-67-42), a distance of approximately .06 miles, located in Section 30 of Township 7 North, Range 19 East.

7) A segment of CTH Y from a point 275.5 feet south of the south end of the bridge deck (Structure B-67-46); thence, northerly to a point 1090 feet north of the north end of the bridge deck (Structure B-67-46), a distance of approximately .32 miles located in Sections 29 and 30 of Township 7 North, Range 19 East.

CONDITIONS OF TRANSFER:

The State shall accept jurisdiction of the segment of CTH J as described above in paragraph 1 of Route Descriptions and subject to the terms outlined in the Responsibilities section of this agreement. The county shall accept jurisdiction of STH 164, STH 99, the north frontage roads, segments of CTH JJ and CTH Y, and three park and ride lots as described above in paragraphs 2-7 of Route Descriptions and subject to the terms outlined in the Responsibilities section of this agreement. Jurisdictional transfer includes drainage structures, lighting, signing, traffic signals, roadway maintenance and access control.

RESPONSIBILITIES

I. The State shall:

A. Transfer jurisdiction of STH 99, as described above, to the County on January 1, 1999.

B. Transfer jurisdiction of STH 164 and the park and ride lot at I94 and STH 164, as described above, to the County on January 1, 2004, subject to:

1) The State further agrees to complete its project to improve the I94/STH 164 interchange as approved in the latest Transportation Improvement Program (TIP) with no County funds involved.

2) The State agrees to an exchange of traffic signal controllers at the following intersections: J/M, J/VV, J/K, J/Tower for 164/M, 164/JJ, 164/Duplainville.

C. Transfer jurisdiction of the north frontage roads of I94 and the park and ride lot to be built at I94 and CTH G, as described above, to the County on January 1, 2001, subject to:

1) Completion of the reconstruction of the I94/CTH G and I94/CTH SS interchanges.

2) Said frontage roads being open to traffic.

D. Transfer jurisdiction of segments of CTH Y and CTH JJ and the park and ride lot at I94 and CTH Y (Goerke's Corners), as described above, to the County on January 1, 1999, subject to:

1) The County shall not be responsible for any costs associated with modifying, rebuilding, or reconstructing the park and ride lot necessitated by

improvements generally known as the East-West corridor and any associated future projects undertaken by the State.

- 2) If the East-West corridor project provides for ramps that lead from I94 directly into the park and ride lot, maintenance responsibility for said park and ride lot shall revert to the State upon completion of said ramps.

E. Accept jurisdiction of the segment of CTH J from STH 190 to the North County Line on January 1, 1999, subject to:

- 1) The State agrees to improve the segment of CTH J from STH 190 to the north to four travel lanes in accordance with State programming policies as funding permits. Said improvement project shall be programmed to have paving completed at least to CTH K no later than three years after the completion of the capacity expansion project on CTH J from I94 to STH 190.
- 2) No County funds shall be required on this project.

F. Accept jurisdiction of the segment of CTH J from I94 to STH 190 on January 1, 2004, subject to:

- 1) Completion of a County funded project to widen said segment of CTH J to four travel lanes
- 2) The County shall program the project to be completed not later than November 15, 2003.
- 3) The plans and specifications for the project shall be subject to approval by the State.
- 4) No State funds shall be required for this project.

G. Coordinate traffic signal controller equipment exchange as agreed to in a separate SIGNAL AGREEMENT.

H. The State shall provide all available as-built plans and related documents at the time of transfer.

II. The County shall:

A. Accept jurisdiction of STH 99, as described above, on January 1, 1999.

B. Accept jurisdiction of STH 164 and the park and ride lot at I94 and STH 164, as described above, on January 1, 2004.

C. Accept jurisdiction of the north frontage roads of I94 and the park and ride lot to be built at I94 and CTH G, as

described above, as well as the bicycle trail to be built from Silvernail Road north along CTH G to the existing Lake Country Recreational Trail, on January 1, 2001.

D. Accept jurisdiction of the segments of CTH JJ and CTH Y and the park and ride lot at I94 and CTH Y (Goerke's Corners), as described above, on January 1, 1999.

E. Transfer jurisdiction of the segment of CTH J from STH 190 to the North County Line on January 1, 1999.

F. Transfer jurisdiction of the segment of CTH J from I94 to STH 190 on January 1, 2004, subject to:

- 1) Completion of a County funded project to widen said segment of CTH J to four travel lanes
- 2) The County shall program the project to be completed not later than November 15, 2003.
- 3) The plans and specifications shall be subject to approval by the State.
- 4) No State funds shall be required for this project.

G. Coordinate traffic signal controller equipment exchange as agreed to in a separate SIGNAL AGREEMENT.

H. The County shall provide all available as-built plans and related documents at the time of transfer.

APPROVAL

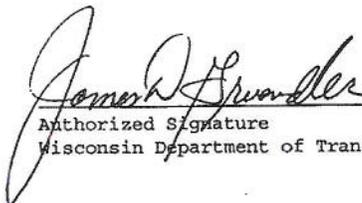
This Agreement is approved and enacted by:



Authorized Signature
Waukesha County

8-31-98

Date



Authorized Signature
Wisconsin Department of Transportation

10-8-98

Date

