

ENROLLED ORDINANCE 165-35

SALE OF EXCESS RIGHT OF WAY
PARCEL 49 CTH X

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

WHEREAS the County's adopted Capital Plan contains Project 9904 to reconstruct and improve the CTH X from STH 59 to Harris Highlands Drive in the City and Town of Waukesha, and

WHEREAS certain rights of way have been acquired to carry out this project, and

WHEREAS the County now possesses certain excess rights of way which could be returned to private ownership, and

WHEREAS under Section 83.08(4) of the Wisconsin State Statutes, the County Board is empowered to sell excess right of way at private sale for fair market value to owners of adjacent property.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the following described parcel, containing 0.345 acres of land more or less, is declared to be excess highway right of way:

Lot 19, Plat of Pleasant View Subdivision being located in the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 6 North, Range 19 East in the Town of Waukesha, Waukesha County, State of Wisconsin. Excepting the following described land which has been purchased by Waukesha County for Highway Right of Way

That part of Lot 19, Pleasant View Subdivision being located in the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 6 North, Range 19 East Town of Waukesha, Waukesha County, State of Wisconsin, described as: Commencing at the Southwest corner of said Southeast 1/4 of Section 4; thence N 89°42'21" E along the south line of said Southeast 1/4, 771.29 feet; thence N 29°09'18" E 57.39 feet to the south line of the owner's land and the point of beginning; thence N 29°09'18" E 107.21 feet to the point of a curve to the right having a radius of 1737.13 and a chord of 26.31 feet bearing N 29°34'16" E; thence northeasterly along said curve, 26.33 feet to the north line of the owner's land; thence S 78°33'22" E 15.83 feet to the point on a curve to the left having a radius of 1722.37 and a chord of 32.28 feet bearing S 29°39'18" W; thence southwesterly along the southeasterly line of the owner's land and along said curve, 32.28 feet; thence S 29°09'18" W along said southeasterly line, 98.71 feet; thence S 89°42'21" W 17.28 feet to the point of beginning. Containing 0.045 acres, more or less.

Said parcel contains 0.345 acres more or less.

Also, any and all current and future rights to that part of Pleasant Lane as abandoned by the Town of Waukesha in a resolution passed and adopted on October 8, 2009 excepting the Southeasterly 15.90 feet of said abandoned Pleasant Lane, which is highway right of way.

Also, all existing, future, or potential common law or statutory easements or rights of vehicular access between the right-of-way of the highway, currently designated as CTH X, and all of the abutting remaining real property of the owner, where the above described real estate abuts on the said highway.

Also, all public and private utilities located upon or under the above described lands, whether by permit or easement, shall have continued right of occupancy and continued right of ingress and egress for personnel and equipment for the purpose of maintaining or improving their transmission and/or distribution facilities located wholly or partially within the above described lands as of the date of this instrument

BE IT FURTHER ORDAINED that the Public Works Department is authorized to sell such excess rights of way to the adjacent property owners at an appraised value of \$3,300.

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

BE IT FURTHER ORDAINED that said documents contain the following restrictions:

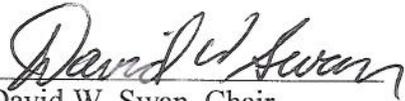
This parcel is being sold as a landlocked unbuildable excess property and shall have no right of access to any adjacent streets, alleys, driveways or rights of way.

This property shall not be considered an independent lot and shall not be used for the construction of buildings or improvements. Notwithstanding, this parcel may be assembled with an adjacent property and developed in accordance with all applicable codes, zoning regulations, statutes and municipal requirements.

BE IT FURTHER ORDAINED that proceeds from the sale of this excess land be deposited into the general fund - nondepartmental.

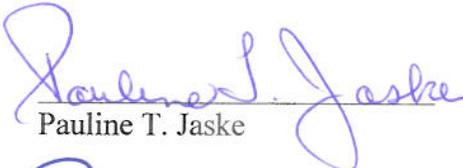
SALE OF EXCESS RIGHT OF WAY
PARCEL 49 CTH X

Presented by:
Public Works Committee

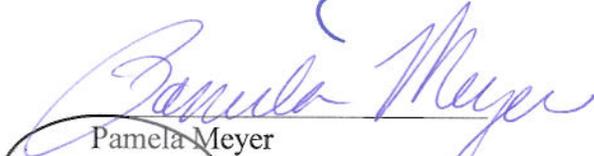

David W. Swan, Chair


Kathy A. Chiaverotti

< Absent >
Peter Gundrum


Pauline T. Jaske


Walter Kolb


Pamela Meyer


Thomas J. Schellinger

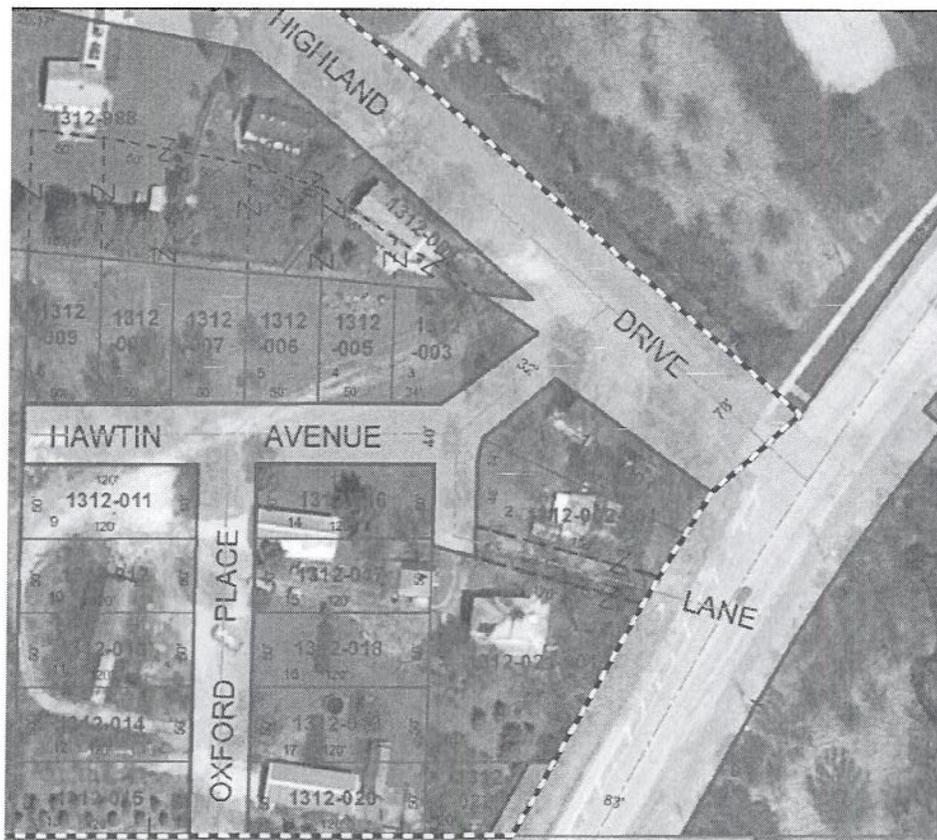
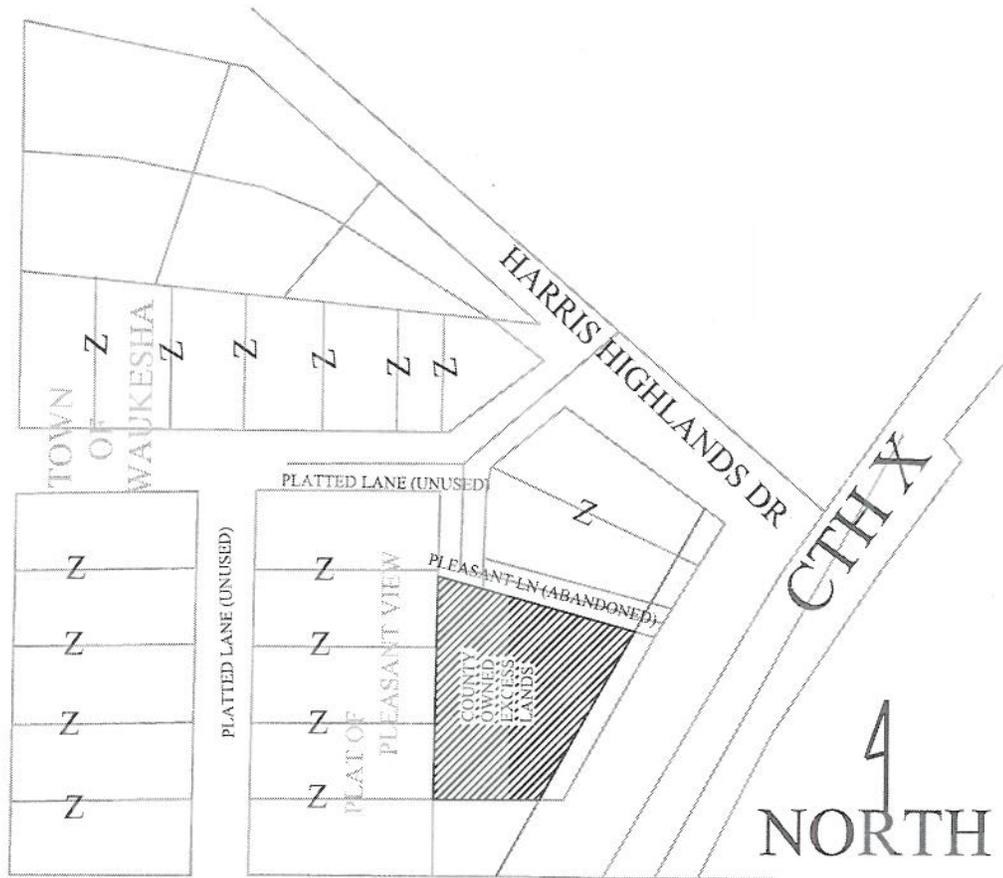
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 8-27-10, 
Kathy Nickolaus, County Clerk

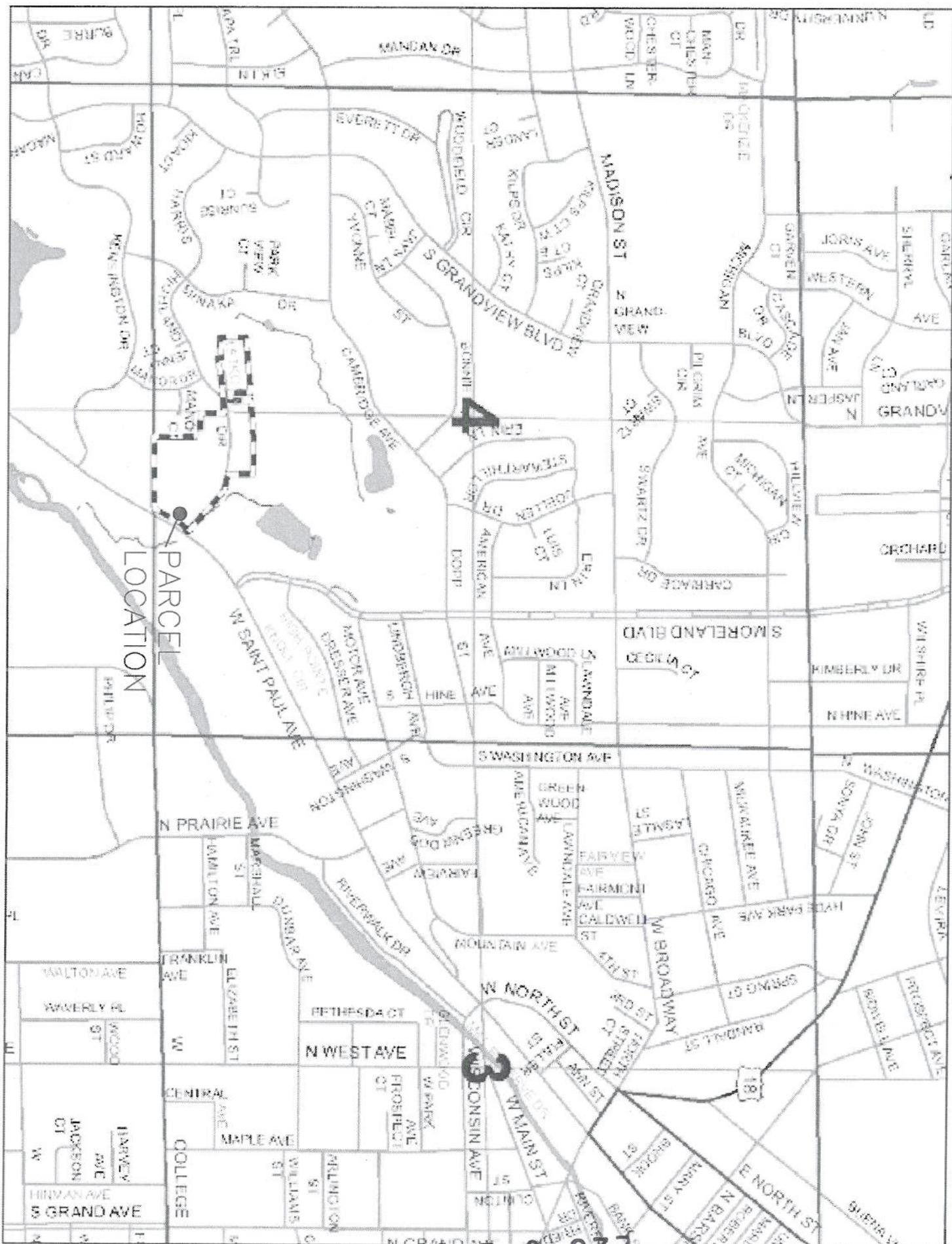
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X
Vetoed: _____

Date: 9-7-10, 
Daniel P. Vrakas, County Executive



165-0-037



165-0-037

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as Amended

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-08/24/10

(ORD) NUMBER-1650037

- | | |
|--------------------------|-------------------------|
| 1 D. FALSTAD.....AYE | 2 T. ROLFS.....AYE |
| 3 R. HUTTON.....AYE | 4 J. DWYER.....AYE |
| 5 J. JESKEWITZ.....AYE | 6 J. BRANDTJEN.....AYE |
| 7 P. HAUKOHL.....AYE | 8 T. SCHELLINGER....AYE |
| 9 J. HEINRICH.....AYE | 10 D. SWAN.....AYE |
| 11 F. RUF.....AYE | 12 P. WOLFF..... |
| 13 P. DECKER.....AYE | 14 M. INDA.....AYE |
| 15 P. MEYERS.....AYE | 16 D. PAULSON.....AYE |
| 17 J. TORTOMASI.....AYE | 18 K. CUMMINGS.....AYE |
| 19 S. WIMMER.....AYE | 20 P. JASKE.....AYE |
| 21 W. ZABOROWSKI.....AYE | 22 P. GUNDRUM.....AYE |
| 23 K. CHIAVEROTTI....AYE | 24 W. KOLB.....AYE |
| 25 G. YERKE.....AYE | |

TOTAL AYES-24

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS x

TOTAL VOTES-24