

ENROLLED ORDINANCE 165-87

APPROVE THE RESCISSION OF PREVIOUSLY APPROVED LAND USE PERMIT PERTAINING TO THE LAKE COUNTRY TRAIL IN ENROLLED ORDINANCE 162-110 AND THE APPROVAL OF LAND USE PERMIT AS REDRAFTED AND RECORDED

WHEREAS, enrolled ordinance 162-110 approved a Land Use Permit between Waukesha County and the Wisconsin Electric Power Company permitting the Wisconsin Electric Power Company to install, operate, and maintain underground electric power lines under the Lake County Trail in the then Town of Summit, and;

WHEREAS, the enrolled ordinance referenced that an easement was being granted by the Wisconsin Electric Power Company to Waukesha County for an extension of the Lake Country Trail in lieu of Wisconsin Electric Power Company paying the Land Use Permit fee of \$1147.00 and;

WHEREAS, Wisconsin Electric Power Company did not grant an easement to Waukesha County but rather granted a Land Use Permit for an extension of the Lake Country Trail and;

WHEREAS, the enrolled ordinance approved a Land Use Permit on file in the Office of the County Clerk, and that such Land Use Permit was never executed in conformity with the enrolled ordinance and that Wisconsin Electric Power Company did not pursue the installation of the power lines until late in 2010 when inaccuracies and ambiguities were discovered in the Land Use Permit as filed and;

WHEREAS, Waukesha County and Wisconsin Electric Power Company executed a corrected Land Use Permit in reliance on the approval of enrolled ordinance 162-110 and that the Land Use Permit was recorded with the Register of Deeds with document numbers 3802798 and 3807023.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Land Use permit previously approved by enrolled ordinance 162-110, but not executed, is hereby rescinded and replaced with the Land Use Permit on file in the office of the Department of Parks and Land Use.

APPROVE THE RESCISSION OF PREVIOUSLY APPROVED LAND USE PERMIT
PERTAINING TO THE LAKE COUNTRY TRAIL IN ENROLLED ORDINANCE 162-110
AND THE APPROVAL OF LAND USE PERMIT AS REDRAFTED AND RECORDED

Presented by:
Land Use, Parks, and Environment Committee



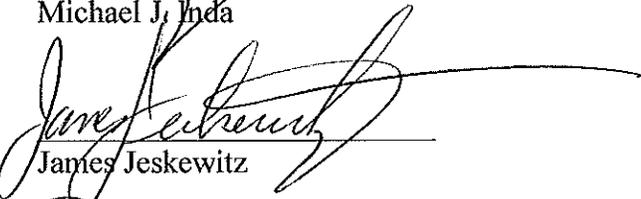
Fritz Ruf, Chair



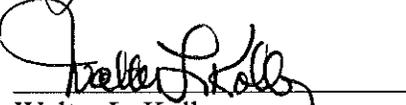
Robert Hutton



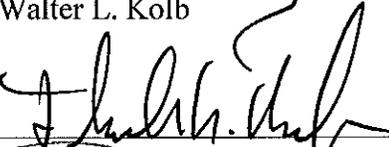
Michael J. Inda



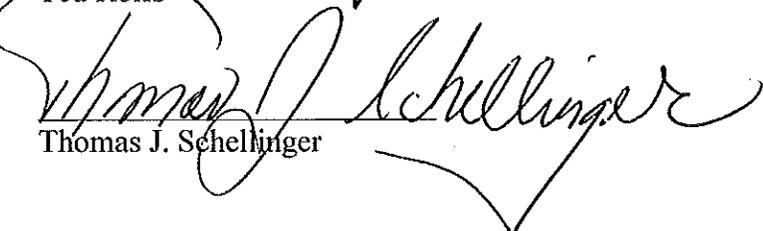
James Jeskewitz



Walter L. Kolb

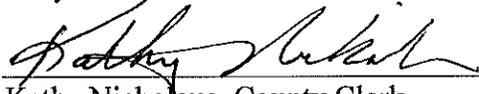


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Thomas J. Schellinger

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

Date: 2-25-11, 

Kathy Nickolaus, County Clerk

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

Approved: X
Vetoed: _____
Date: 2-25-11, 

Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-02/23/11

(ORD) NUMBER-1650088

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

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

TOTAL AYES-22

TOTAL NAYS-00

CARRIED_____

DEFEATED_____

UNANIMOUS X

TOTAL VOTES-22

Land Use Permit

Document Number

Document Name

This LAND USE PERMIT, made between WAUKESHA COUNTY, A Municipal Corporation, and the WISCONSIN ELECTRIC POWER COMPANY

PROPERTY DESCRIPTION:

See attached

CONDITIONS IMPOSED:

WAUKESHA COUNTY, WISCONSIN, a Municipal Corporation and Owner, does hereby permit the Wisconsin Electric Power Company, its successors and assigns, the right, permission and authority to construct, operate, and maintain subject to the written approval of the County of Waukesha by the Waukesha County Board of Supervisors, the Waukesha County Executive, the Waukesha County Park and Planning Commission, Waukesha County Land Use, Parks and Environment Committee, a maximum of one thousand eighty two (1082) linear feet long by fifteen (15) feet wide land use permit for the installation, operation and maintenance of underground electric power lines, together with other pertinent equipment deemed necessary by Wisconsin Electric Power Company in accordance with all applicable Federal, State and Local codes and permits, located

NW 1/4 within Section 24, Town 7 North, Range 17 East, Waukesha County, Wisconsin. *Town of Summit*

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

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

The right, permission and authority is also given Wisconsin Electric Power Company, its successors and assigns to trim, cut down and/or remove trees and/or brush where, in the opinion of Wisconsin Electric Power Company 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.

Wisconsin Electric Power Company and its agents agree the Waukesha County Lake Country Trail shall remain open for public use during construction, maintenance, or related activities described in the Land Use Permit. Wisconsin Electric Power Company 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 Wisconsin Electric Power Company shall promptly and fully restore the premises of the County to the condition existing prior to the entry by the Wisconsin Electric Power Company 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. The Wisconsin Electric Power Company shall be liable for making prompt payment for any damage, if any, to vegetation, fences, parking lots, trail improvements, signs, entrance gates, park improvements and any other fixtures owned by the County and caused by the acts of Wisconsin Electric Power Company, its agents and employees.

In lieu of the standard land use permit fee of \$1147.00, the Wisconsin Electric Power Company has agreed to provide Waukesha County an easement for the extension of the Waukesha County Lake Country Trail.

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

3882798

REGISTER OF DEEDS
WAUKESHA COUNTY, WI
RECORDED ON

December 22, 2010 08:44 AM
James R Behrend
Register of Deeds

3 PGS
TOTAL FEE: \$30.00
TRANS FEE: \$0.00
Book Page



Name and Return Address

*Duane Grimm
Parks System Manager
515 W. Moreland Rd #230
Waukesha, WI 53188*

*pd
30/3*

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 22nd day of DECEMBER, 2010

COUNTY OF WAUKESHA
By [Signature]
Daniel P. Vrakas
Waukesha County Executive

By [Signature]
Kathy Nickolaus
Waukesha County Clerk

This Land Use Permit is accepted by the Wisconsin Electric Power Company by the signature of its authorized officers this 22 day of DECEMBER, 2010

By [Signature]
VIVIAN L. KUSS
Wisconsin Electric Power Company

STATE OF WISCONSIN)
)SS
WAUKESHA COUNTY)

Personally came before me this 22 day of DECEMBER, 2010

VIVIAN L. K and _____

[Signature]
NICOLE HOWARD
DEPUTY REGISTER OF DEEDS OF WAUKESHA CO.
MY TERM OF OFFICE EXPIRES 12-31-2012

This instrument was reviewed by:
[Signature]
Margiee Richmond
Assistant Corporation Counsel

Waukesha County Corporation Counsel
1320 Pewaukee Road, Room 230
Waukesha WI 53118

