

ENROLLED ORDINANCE 171-15

APPROVE DISTRIBUTION EASEMENT TO WISCONSIN ELECTRIC POWER COMPANY AND TIME WARNER ENTERTAINMENT COMPANY, LP TO CONSTRUCT, INSTALL, OPERATE, MAINTAIN, REPAIR, REPLACE AND EXTEND UNDERGROUND AND OVERHEAD UTILITY FACILITIES ON WAUKESHA COUNTY PROPERTY KNOWN AS THE BUGLINE TRAIL CORRIDOR

WHEREAS, Wisconsin Electric Power Company d/b/a We Energies and Time Warner Entertainment Company, LP d/b/a Cablevision have requested permission to construct, install, operate, maintain, repair, replace and extend underground and overhead utility facilities within Waukesha County property, known as the Bugline Trail Corridor, located in the northwest quarter of Section 26, Township 8 North, Range 19 East, Village of Sussex, Waukesha County, Wisconsin, and

WHEREAS, it is deemed desirable to allow We Energies and Cablevision to construct, install, operate, maintain, repair, replace and extend underground and overhead utility facilities on Waukesha County's land for the purpose of maintaining electric and communications service to area properties, in the Village of Sussex, in conjunction with the Main Street Reconstruction Project, and

WHEREAS, it is necessary to provide an easement from Waukesha County to We Energies and Cablevision for the purpose of constructing, installing, operating, maintaining, repairing, replacing and extending underground and overhead utility facilities on County-owned land.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that Waukesha County's grant of a Distribution Easement Overhead and Underground Electric and Communications to Wisconsin Electric Power Company and Time Warner Entertainment Company, LP which will be recorded in the Office of the Register of Deeds, is hereby approved.

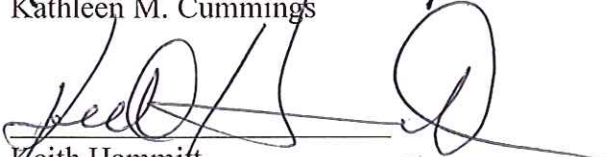
BE IT FURTHER ORDAINED that the Director of the Department of Parks and Land Use may execute said Easement on behalf of Waukesha County.

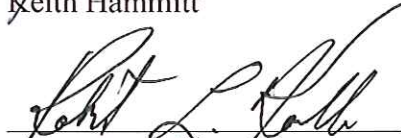
APPROVE DISTRIBUTION EASEMENT TO WISCONSIN ELECTRIC POWER COMPANY  
AND TIME WARNER ENTERTAINMENT COMPANY, LP TO CONSTRUCT, INSTALL,  
OPERATE, MAINTAIN, REPAIR, REPLACE AND EXTEND UNDERGROUND  
AND OVERHEAD UTILITY FACILITIES ON WAUKESHA COUNTY  
PROPERTY KNOWN AS THE BUGLINE TRAIL CORRIDOR

Presented by:  
Land Use, Parks, and Environment Committee

  
David D. Zimmermann, Chair

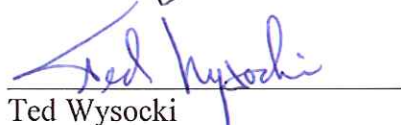
  
Kathleen M. Cummings

  
Keith Hammitt

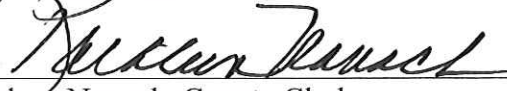
  
Robert L. Kolb

  
William Mitchell

  
Thomas J. Schellinger

  
Ted Wysocki

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

Date: 4/28/16,   
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: \_\_\_\_\_

Date: 7/16/16,   
Paul Farrow, County Executive

**DISTRIBUTION EASEMENT  
OVERHEAD AND UNDERGROUND  
ELECTRIC AND COMMUNICATIONS**

Document Number

WR NO. 3902562 IO NO. 75853

For the sum of \$ 2,367.00 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **WAUKESHA COUNTY**, a municipal corporation, hereinafter referred to as "Grantor", owner of land, hereby grants and warrants to **WISCONSIN ELECTRIC POWER COMPANY**, a Wisconsin corporation doing business as **We Energies** and **TIME WARNER ENTERTAINMENT COMPANY, LP** doing business as **Cablevision,**, hereinafter referred to as "Grantee", a permanent easement upon, within, beneath, over and across a part of Grantor's land hereinafter referred to as "easement area".

The easement area is described as strips of land 12 feet in width being part of Grantor's land known as the Bugline Recreational Trail located in the Northwest 1/4 of Section 26, Township 8 North, Range 19 East in the Village of Sussex, Waukesha County, Wisconsin.

The location of the easement area with respect to Grantor's land is as shown on the attached drawings, marked Exhibits "A" and "B," respectively, and made a part of this document.

RETURN TO:  
We Energies  
PROPERTY RIGHTS & INFORMATION GROUP  
231 W. MICHIGAN STREET, ROOM A252  
PO BOX 2046  
MILWAUKEE, WI 53201-2046

(Parcel Identification Number)

1. **Purpose:** The purpose of this easement is to allow Grantee to construct, install, operate, maintain, repair, replace and extend underground utility facilities, conduit and cables, electric pad-mounted transformers, manhole, electric pad-mounted vacuum fault interrupter, concrete slabs, power pedestals, riser equipment, terminals and markers, together with all necessary and appurtenant equipment under and above ground, and to construct, erect, operate, maintain and replace overhead utility facilities, including a line of not more than two (2) poles, along the centerline of the easement area, together with the necessary conductors, anchors, guy wires, underground cable, pedestals, riser equipment and all other appurtenant equipment above ground, as deemed necessary by Grantee, for the transmission and distribution of electric energy, signals, television and telecommunications services. The placement of all such poles and other structures within the easement area shall be in conformance with plans and/or drawings approved by Grantor, such approval not to be unreasonably withheld, conditioned or delayed. Trees, bushes, branches and roots may be trimmed within the 12-foot wide easement area by Grantee so as not to interfere with Grantee's use of the easement area. Prior to any such trimming, Grantee shall consult with the Waukesha County Department of Parks and Land Use in order to minimize any potential negative impacts of the trimming upon trees and bushes. No trees or bushes shall be removed from within the 12-foot wide easement area without the prior approval of the Waukesha County Park System, which approval shall not be unreasonably withheld conditioned or delayed provided that said removal is reasonably necessary for Grantee's full enjoyment of the rights granted herein. Grantee may not trim, cut down or remove trees and bushes outside the 12-foot wide easement area without prior approval of the Waukesha County Park System.
2. **Access:** Grantee or its agents shall have the right to enter and use the easement area with full right of ingress and egress over and across the easement area for the purpose of exercising its rights in the easement area. Except in the case of an emergency, Grantee or its agents shall provide Grantor 24 hours' advance notice of entry.
3. **Buildings or Other Structures:** Grantor agrees that no new structures will be erected in the easement area as to create a violation of all applicable State of Wisconsin electric codes or any amendments thereto. Grantee acknowledges that a County trail currently exists within the easement area.
4. **Elevation:** Grantor agrees that the elevation of the ground surface existing as of the date of the initial installation of Grantee's facilities within the easement area will not be altered by more than 4 inches without the written consent of Grantee.
5. **Restoration:** Grantee agrees to restore or cause to have restored Grantor's land including the County trail, as nearly as is reasonably possible, to the condition existing prior to such entry by Grantee or its agents. This restoration, however, does not apply to any trees, bushes, branches or roots which may interfere with Grantee's use of the easement area.

6. **Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until sometime in the future, and that none of the rights herein granted shall be lost by non-use.
7. **Binding on Future Parties:** This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.
8. **Indemnify and Hold Harmless:** In consideration of the foregoing grant, it is understood that during the time said overhead and underground electrical facilities are located on the premises of the Grantor pursuant to this grant, Grantee will indemnify, defend, and save the Grantor, its successors and assigns, harmless from any and all claims for injury or death to any person or for damage to property of any person arising out of Grantee's or its agents' exercise of any of its rights under this easement; excepting, however, any claims or actions arising out of negligence or willful acts on the part of the Grantor, its successors and assigns, Grantor's employees, agents and invitees.
9. **Easement Review:** Grantor acknowledges receipt of materials which describe Grantor's rights and options in the easement negotiation process and furthermore acknowledges that Grantor has had at least 5 days to review this easement document or voluntarily waives the five-day review period.

[Signature Page Follows]

Grantor:

WAUKESHA COUNTY, a municipal corporation

By: \_\_\_\_\_

(Print name and title): \_\_\_\_\_

By \_\_\_\_\_

(Print name and title): \_\_\_\_\_

Personally came before me in \_\_\_\_\_ County, Wisconsin on \_\_\_\_\_, 2016,  
the above named \_\_\_\_\_, the \_\_\_\_\_  
and \_\_\_\_\_, the \_\_\_\_\_  
of WAUKESHA COUNTY, a municipal corporation pursuant to a Resolution adopted by the County Board on \_\_\_\_\_  
as Resolution No. \_\_\_\_\_.

\_\_\_\_\_  
Notary Public Signature, State of Wisconsin

\_\_\_\_\_  
Notary Public Name (Typed or Printed)

(NOTARY STAMP/SEAL)

My commission expires \_\_\_\_\_

This instrument was drafted by Michele M. Arendt on behalf of Wisconsin Electric Power Company, PO Box 2046, Milwaukee, Wisconsin 53201-2046.

NW COR  
SEC 26,  
T8N, R19E

S00°11'20"W  
WEST LINE OF THE NW 1/4 OF SEC 26, T8N, R19E

S89°48'40"E

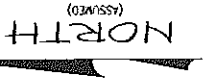
**MAPLE AVE**  
(R/W VARIES)

**KEY:**

--- CENTERLINE OF A 12' WIDE UTILITY EASEMENT



SCALE 1" = 100'



**PARCEL 1**  
C.S.M. NO. 9749

**LOT 1**  
C.S.M. NO. 9529

**BUGLINE TRAIL**  
412.5'

N78°00'49"E

N78°16'22"E

N78°32'49"E

13

12

11

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3

2

1

**PEMBROOKE PARK**  
BLOCK 1

BEGINNING OF EASEMENT

**SUNSET DR**

PAGE 01 OF 02

DRAWN BY: T.L. BROWN

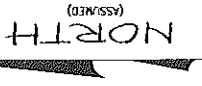
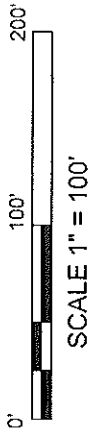
DATE: APRIL 28, 2016

WR NUMBER: 3907665

REVISIONS: \_\_\_\_\_

BEING LOCATED IN THE NW 1/4 AND NE 1/4 OF THE NW 1/4 OF SECTION 19,  
TOWNSHIP 08 NORTH, RANGE 19 EAST, VILLAGE OF SUSSEX,  
WAUKESHA COUNTY, WISCONSIN





R/W MAIN ST NORTH LINE OF THE NW 1/4 OF SEC 26, T8N, R19E

**MAIN ST**

NORTH LINE OF THE NW 1/4 OF SEC 26, T8N, R19E

**SILVER SPRING AVE**  
(R/W VARIES)

PARCEL 1  
C.S.M. NO. 9454

PARCEL 2  
C.S.M. NO. 9454

**PARCEL 1**  
**C.S.M. NO. 3942**

LINE	BEARING	ARC	DISTANCE
L1	N05°25'57"W	407.00'	24.21'
L2	N85°53'30"E	192.30'	54.64'
L3	S89°11'44"E	101.51'	49.52'
L4	S55°44'15"E	1130.00'	55.85'

CURVE	RADIUS	ARC	CHORD BEARING	CHORD LENGTH
C1	4269.61'	407.00'	N80°44'40"E	406.85'
C2	2242.85'	192.30'	N88°20'53"E	192.25'
C3	1130.00'	101.51'	N88°13'51"E	101.48'

**KEY:**

--- CENTERLINE OF A 12' WIDE UTILITY EASEMENT

DRAWN BY: T.L. BROWN  
 DATE: APRIL 28, 2016  
 WR NUMBER: 3907665  
 REVISIONS: \_\_\_\_\_

BEING LOCATED IN THE NW 1/4 AND NE 1/4 OF THE NW 1/4 OF SECTION 19,  
 TOWNSHIP 08 NORTH, RANGE 19 EAST, VILLAGE OF SUSSEX,  
 WAUKESHA COUNTY, WISCONSIN



N 1/4 COR  
SEC 26,  
T8N, R19E

R/W

R/W

R/W

**MAIN ST**

NORTH LINE OF THE NW 1/4 OF SEC 26, T8N, R19E

33'  
S00°11'49"W

159.16'  
S89°14'58"W

R/W

R/W

R/W

BEGINNING OF EASEMENT

6'

268.25'

**LOT 1**  
**C.S.M. NO. 8630**

NORTH  
(ASSUMED)

ASPHALT  
PARKING

BLDG

END OF EASEMENT

ASPHALT  
PARKING

L1

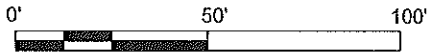
L2

114.87'  
N76°56'06"W

N84°57'30"W

219.73'

BUGLINE TRAIL



SCALE 1" = 50'

**KEY:**

--- CENTERLINE OF A 12' WIDE UTILITY EASEMENT

LINE	BEARING	DISTANCE
L1	S81°50'02"E	44.01'
L2	N81°50'02"W	69.57'
L3	N00°05'38"E	3.86'

PAGE 01 OF 01

**WE EXHIBIT "B"**

BEING A PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8630  
ALONG WITH A PART OF THE NE 1/4 OF THE NW 1/4 ALL IN SECTION 26,  
TOWNSHIP 8 NORTH, RANGE 19 EAST, VILLAGE OF SUSSEX,  
WAUKESHA COUNTY, WISCONSIN

DRAWN BY: T.L. BROWN

DATE: MAY 5, 2016

WR NUMBER: 3907669

REVISIONS: \_\_\_\_\_  
\_\_\_\_\_



WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-06/28/16

(ORD) NUMBER-1710019

- |                          |                           |
|--------------------------|---------------------------|
| 1 R. KOLB.....AYE        | 2 D. Zimmermann.....AYE   |
| 3 R. MORRIS.....AYE      | 4 J. BATZKO.....          |
| 5 T. Dondlinger .....AYE | 6 J. WALZ.....AYE         |
| 7 J. GRANT.....AYE       | 8 T. Michalski .....AYE   |
| 9 J. HEINRICH.....AYE    | 10 D. SWAN.....AYE        |
| 11 C. HOWARD.....AYE     | 12 P. WOLFF.....AYE       |
| 13 P. DECKER.....AYE     | 14 C. Wood .....AYE       |
| 15 B. MITCHELL.....AYE   | 16 M. CROWLEY.....AYE     |
| 17 D. PAULSON.....AYE    | 18 LT. NELSON.....AYE     |
| 19 K. CUMMINGS.....AYE   | 20 T. SCHELLINGER....AYE  |
| 21 W. ZABOROWSKI.....AYE | 22 J. T. Wysocki .....AYE |
| 23 K. HAMMITT.....AYE    | 24 S. WHITTOW.....AYE     |
| 25 D. Johnson .....AYE   |                           |

TOTAL AYES-24

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS



TOTAL VOTES-24

1 APPROVE DISTRIBUTION EASEMENT TO WISCONSIN ELECTRIC POWER COMPANY  
2 AND TIME WARNER ENTERTAINMENT COMPANY, LP TO CONSTRUCT, INSTALL,  
3 OPERATE, MAINTAIN, REPAIR, REPLACE AND EXTEND UNDERGROUND  
4 AND OVERHEAD UTILITY FACILITIES ON WAUKESHA COUNTY  
5 PROPERTY KNOWN AS THE BUGLINE TRAIL CORRIDOR  
6  
7

8 WHEREAS, Wisconsin Electric Power Company d/b/a We Energies and Time Warner  
9 Entertainment Company, LP d/b/a Cablevision have requested permission to construct, install,  
10 operate, maintain, repair, replace and extend underground and overhead utility facilities within  
11 Waukesha County property, known as the Bugline Trail Corridor, located in the northwest  
12 quarter of Section 26, Township 8 North, Range 19 East, Village of Sussex, Waukesha County,  
13 Wisconsin, and  
14

15 WHEREAS, it is deemed desirable to allow We Energies and Cablevision to construct, install,  
16 operate, maintain, repair, replace and extend underground and overhead utility facilities on  
17 Waukesha County's land for the purpose of maintaining electric and communications service to  
18 area properties, in the Village of Sussex, in conjunction with the Main Street Reconstruction  
19 Project, and  
20

21 WHEREAS, it is necessary to provide an easement from Waukesha County to We Energies and  
22 Cablevision for the purpose of constructing, installing, operating, maintaining, repairing,  
23 replacing and extending underground and overhead utility facilities on County-owned land.  
24

25 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS  
26 that Waukesha County's grant of a Distribution Easement Overhead and Underground Electric  
27 and Communications to Wisconsin Electric Power Company and Time Warner Entertainment  
28 Company, LP which will be recorded in the Office of the Register of Deeds, is hereby approved.  
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30 BE IT FURTHER ORDAINED that the Director of the Department of Parks and Land Use may  
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