

ENROLLED ORDINANCE 174-032

APPROVE THE LAND USE PERMIT TO AUTHORIZE THE SCHOOL SECTION LAKE DISTRICT TO USE WAUKESHA COUNTY PROPERTY TO PERFORM SEASONAL LAKE WEED REMOVAL OPERATIONS

WHEREAS, the School Section Lake District has requested to use lands owned by Waukesha County on School Section Lake for the authority to install and use a dock and perform seasonal lake weed removal operations as well as monthly grass cutting on those lands; and

WHEREAS, the Department of Parks and Land Use has previously authorized the School Section Lake District to conduct the same operations on this property through annual land use permits; and

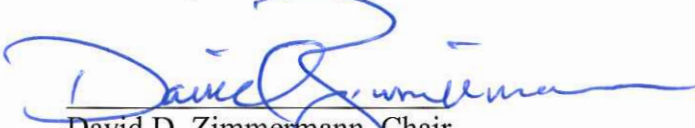
WHEREAS, the Department of Parks and Land Use and the School Section Lake District desire to enter into a multi-year agreement to eliminate the need to prepare individual annual land use permits.

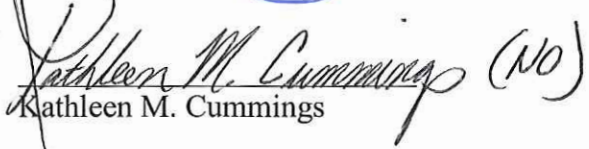
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS an approval of Waukesha County's authorization to enter into a five-year agreement to enable the School Section Lake District to install and use a dock and perform seasonal lake weed removal operations as well as monthly grass cutting on lands owned by the County on School Section Lake.

BE IT FURTHER ORDAINED that the Director of Parks and Land Use may execute the Land Use Permit on behalf of Waukesha County, together with any other documents necessary to accomplish the intended agreement.

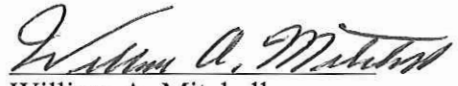
APPROVE THE LAND USE PERMIT TO AUTHORIZE THE SCHOOL SECTION LAKE DISTRICT TO USE WAUKESHA COUNTY PROPERTY TO PERFORM SEASONAL LAKE WEED REMOVAL OPERATIONS

Presented by:
Land Use, Parks, and Environment Committee

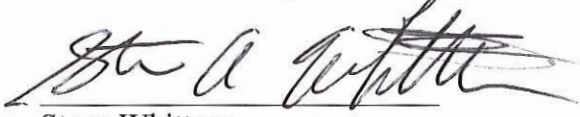

David D. Zimmermann, Chair

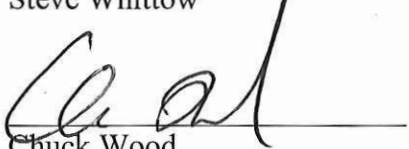
 (NO)
Kathleen M. Cummings

absent
Keith Hammitt


William A. Mitchell

absent
Thomas J. Schellinger


Steve Whittow


Chuck Wood

*as amended at
County Board meeting*

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

Date: 6/27/2019, 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

Date: 7/1/19, 
Paul Farrow, County Executive



LAND INFORMATION SYSTEMS DIVISION

Exhibit A - School Section Lake TLUP



Legend

- Plats**
- <all other values>
 - Assessor Plat
 - Conco Plat
 - CSM
 - Subdivision Plat
- Lakes and Ponds**
- Perennial, Named
 - Perennial, Unnamed
 - Intermittent, Unnamed
 - Ditch, Unnamed
- Rivers and Streams**
- SW Permits Issued With N
 - Pending SW Permits With
 - SW Permits Issued Without
 - Pending SW Permits With
 - Municipal Boundary_1K
 - Simultaneous Conveyance
- Assessor Plat**
- CSM
 - Condo Plat
 - Subdivision Plat

Notes:

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

0 400.00 Feet

Printed: 4/20/2016

Document Number

Document Name

This LAND USE PERMIT, made between WAUKESHA COUNTY

Grantor,
and SCHOOL SECTION LAKE MANAGEMENT DISTRICT

Grantee.

PROPERTY MAP:

See attached Exhibit A,

CONDITIONS IMPOSED:

FOR AND IN CONSIDERATION of the promises contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged, WAUKESHA COUNTY, WISCONSIN, a quasi-municipal corporation and Owner ("Grantor"), does hereby grant School Section Lake Management District ("Grantee"), its successors and assigns, the right, permission, and authority to install and use a dock and perform seasonal lake weed removal operations as well as monthly grass cutting from lands owned by Waukesha County at School Section Lake, located in T6N, R17E section 17 in the Town of Ottawa, Waukesha County, State of Wisconsin, as more-specifically identified in Exhibit A which is incorporated into this permit by reference and made a part hereof ("Permit Area").

Name and Return Address

Waukesha County Department of Parks and Land Use
515 W. Moreland Blvd., Room AC230
Waukesha, WI 53188
Attn: Rebecca Mattano

Tax Key: OTWT1649996

The Grantee and its agents shall have the right of access upon the Permit Area for the purposes of exercising rights herein acquired and agree to the following terms and conditions:

1. **Term.** This Land Use Permit shall run from June 1, 2019 through December 31, 2029, and may not be revoked except for cause upon written notice by Waukesha County. "Cause" hereunder shall mean the uncured breach of any term of this Permit or any conduct by Grantee or Grantee's successors in interest blocking or otherwise interfering with the public's use of the Permit Area, which continues to exist thirty (30) or more days after receipt of written notice of the breach or interference.
2. **Safety and Site Supervision.** The Grantee and its agents agree the Permit Area shall remain open to the public during the lake weed removal operations. The Grantee shall use reasonable actions to maintain the shoreline, dock and dock approach in a safe pedestrian friendly manner. Grantee shall post a notice that the dock is not for public use.
3. **Maintenance of the Permit Area.** The Grantee represents that it has inspected the Permit Area and that it is safe and reasonably suited for the desired use. Waukesha County makes no representation or warranty as to the condition of the Permit Area and it shall be the sole responsibility of the Grantee to ensure the safety and suitability of the Permit Area for the intended use throughout the term of this Land Use Permit. The Grantee shall promptly restore the Permit Area to the condition existing prior to the entry by the Grantee or its agents. The restoration applies to grading, vegetative re-establishment, fencing, signs and trail surface. Grantee shall promptly restore the Permit Area after each weed harvesting season, and in any

event no later than [INSERT DATE]. This shall include removal of dock decking; however, dock posts and stringers may remain so long as they do not present a dangerous condition or attractive nuisance to the public. Grantee shall be liable for any damage caused by it or its agents to any of the County's land, fences, improvements, signs, entrance gates, park improvements, or any other fixtures or facilities of the County and for the unauthorized removal of flora. Grantee shall make prompt payment to the County for assessed damages.

4. Permits/Approvals. Grantee shall act in accordance with all applicable Federal, State and Local codes, in addition to all requirements hereof, and obtain all necessary permits to complete the use contemplated hereby.
5. Waiver/Release/Indemnification. Excepting any claims arising out of the sole negligence or willful acts on the part of the County, its employees or agents, Grantee will defend, indemnify and hold harmless the County and all of its departments, agencies, boards, 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, in whole or in part, negligent or otherwise, of Grantee or its agents in connection with this Land Use Permit and any and all work of any type which Grantee performs or should perform upon the lands subject to this Land Use Permit.
6. Insurance: Grantee, its agents and assigns shall, at all times during the term of this Land Use Permit, keep in force and effect insurance policies as outlined below, issued by a company or companies authorized to do business in the state of Wisconsin and satisfactory to the County. Such insurance shall be primary. Upon execution of this Land Use Permit, Grantee shall furnish the County with a Certificate of Insurance, which references this Permit and reflects the required coverages. The County shall be given thirty (30) days' advance notice of cancellation, nonrenewal, or material reduction of coverages, scope or limits during the term of this Permit. Failure to submit or maintain the required insurance shall make this Land Use Permit void at the County's discretion. Minimum insurance requirements are as follows:
 - A. Commercial General Liability (including watercraft liability or separate policy required if not included) - Policy shall be written to provide coverage for, but not limited to, the following: premises and operations, products and completed operations, personal injury, blanket contractual, broad form property damage, independent contractors coverage. Limits of liability not less than \$1,000,000 each occurrence/\$1,000,000 aggregate. Waukesha County, its boards, commissions, agencies, officers, employees and representatives shall be named as additional insured and so stated on the Certificate of Insurance.
 - B. Automobile Liability Insurance - Business automobile policy covering all owned, hired and non-owned private passenger autos and commercial vehicles. Limit of liability not less than \$500,000 combined single limit.

[Signature Page Follows]

IN WITNESS WHEREOF, the said COUNTY OF WAUKESHA has caused these presents to be signed by the Director of Parks and Land Use on this _____ day of _____, 2019.

COUNTY OF WAUKESHA

By: _____
Dale R. Shaver, Director
Waukesha County Department of Parks
and Land Use

STATE OF WISCONSIN)
)SS
WAUKESHA COUNTY)

Personally came before me this _____ day of _____, 2019, the above-named, Dale R. Shaver, Director of Waukesha County Department of Parks and Land Use, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My commission: _____

This Land Use Permit is accepted by School Section Lake Management District by signature of its authorized representative this _____ day of _____, 2019.

School Section Management District

By: _____
(Title) _____

STATE OF WISCONSIN)
)SS
WAUKESHA COUNTY)

Personally came before me this _____ day of _____, 2019, the above-named, _____, Authorized Signatory of School Section Lake management District, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My commission: _____

This instrument was drafted by Erik G. Weidig, Wis. Bar No. 1038021.



Ordinance 174-O-033

Approve The Land Use Permit To Authorize The School Section Lake District To Use Waukesha County Property To Perform Seasonal Lake Water Removal Operations

VOTE RESULTS: Passed By Majority Vote

AYE: 23

NAY: 2

ABSENT: 0

| | | |
|-----------------|--------|-----|
| D1 - Foti | | AYE |
| D2 - Zimmermann | Motion | AYE |
| D3 - Morris | | AYE |
| D4 - Batzko | | AYE |
| D5 - Dondlinger | | AYE |
| D6 - Walz | | AYE |
| D7 - Grant | | AYE |
| D8 - Michalski | | AYE |
| D9 - Heinrich | | AYE |
| D10 - Swan | | AYE |
| D11 - Howard | | AYE |
| D12 - Wolff | | AYE |
| D13 - Decker | | AYE |

| | | |
|-------------------|--------|-----|
| D14 - Wood | | AYE |
| D15 - Mitchell | | AYE |
| D16 - Crowley | | NAY |
| D17 - Paulson | | AYE |
| D18 - Nelson | | AYE |
| D19 - Cummings | | AYE |
| D20 - Schellinger | | AYE |
| D21 - Gaughan | | AYE |
| D22 - Wysocki | | NAY |
| D23 - Hammitt | | AYE |
| D24 - Whittow | Second | AYE |
| D25 - Johnson | | AYE |

A 174-O-033

Amendment

VOTE RESULTS: Passed By Majority Vote



AYE: 16

NAY: 9

ABSENT: 0

| | |
|-----------------|-----|
| D1 - Foti | AYE |
| D2 - Zimmermann | AYE |
| D3 - Morris | NAY |
| D4 - Batzko | AYE |
| D5 - Dondlinger | AYE |
| D6 - Walz | AYE |
| D7 - Grant | AYE |
| D8 - Michalski | AYE |
| D9 - Heinrich | AYE |
| D10 - Swan | NAY |
| D11 - Howard | AYE |
| D12 - Wolff | NAY |
| D13 - Decker | NAY |

| | |
|-------------------|--------|
| D14 - Wood | NAY |
| D15 - Mitchell | AYE |
| D16 - Crowley | NAY |
| D17 - Paulson | Second |
| D18 - Nelson | NAY |
| D19 - Cummings | Motion |
| D20 - Schellinger | AYE |
| D21 - Gaughan | AYE |
| D22 - Wysocki | NAY |
| D23 - Hammitt | AYE |
| D24 - Whittow | NAY |
| D25 - Johnson | AYE |