

ENROLLED ORDINANCE 178-25

SALE OF EXCESS RIGHT-OF-WAY  
CTH L (JANESVILLE ROAD)  
CITY OF MUSKEGO

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

WHEREAS, the County's previously adopted Capital Plan contained Project 9706 to reconstruct and improve CTH L (Janesville Road) from CTH O to the East County Line in the City of Muskego; 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), Wisconsin Statutes, the County Board is empowered to sell excess right-of-way at private sale for fair market value to owners of adjacent property; and

WHEREAS, Waukesha County has received an offer to purchase the excess right-of-way from Alexandria Backes, the purchaser of the adjacent parcel, in the amount of \$35,500.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the following described parcel, containing 16,103 square feet or 0.3697 acres of land more or less, is declared to be excess highway right-of-way:

Parcels 1 and 2 of Certified Survey Map No. 6642, recorded January 22, 1992, in Volume 55 of Certified Survey Maps, on Pages 182,183, 184 and 185, as Document Number 1699969, being a division of a part of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 2, Town 5 North, Range 20 East, in the City of Muskego, Waukesha County, State of Wisconsin, excepting lands for public highway purpose being described as follows: Beginning at the Northwest Corner of Parcel 1 of Said Certified Survey Map No. 6642; thence along the Northerly Line of Said Certified Survey Map 6642; Thence along the Northerly line of Said Certified Survey Map No. 6642 North  $57^{\circ} 31' 11''$  East, 94.18 feet; thence South  $28^{\circ} 50' 55''$  East, 27.05 feet; thence South  $57^{\circ} 21' 26''$  West, 95.14 feet; thence North  $26^{\circ} 53' 09''$  West 27.39 feet to the point of beginning. Containing 16,103 Square Feet, 0.3697 acres of land more or less.

Subject to as Permanent Drainage Easement granted to the public described as being part of Parcels 1 and 2 of Certified Survey Map No. 6642, recorded January 22, 1992, in Volume 55 of Certified Survey Maps, on Pages 182,183, 184 and 185, as Document Number 1699969, being a division of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 2, Town 5 North, Range 20 East, in the City of Muskego, Waukesha County, State of Wisconsin. Beginning at the Northeast Corner of Parcel 1 of Said Certified Survey Map No. 6642; Thence along the Easterly line of Said Certified Survey Map No. 6642 South  $28^{\circ} 50' 55'$  East, 27.05 feet to the south line of the lands dedicated for public highway and the point of beginning of the easement described herein: thence South  $28^{\circ} 50' 55''$

East along the easterly line of Parcel 2 of said Certified Survey Map No. 6642, 116.00 feet; thence 55.08 feet along the arc of a curve with the Center lying to the Northeast, having a radius of 49.54 feet, and a chord distance of 52.29 feet which bears North 80°22'39" West; thence North 48°31'44" West. 24.81 feet; thence 57.28 feet along the arc of a curve, with the center lying to the Northeast, having a radius of 126.06 feet, and a chord distance of 56.79 feet which bears North 35°30'38" West; thence North 57°21'26" East, 56.00 feet to the point of beginning. Said easement contains 5,177 square feet, 0.1188 acres more or less.

Subject to the following restrictions:

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 right-of-way to Alexandria Backes, in the amount of \$35,500, under the condition that she purchases the adjacent property located at S66 W14523 Janesville Road prior to closing this approved sale.

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 proceeds from the sale of this excess right-of-way land be deposited into the Department of Public Works – Transportation Fund.

SALE OF EXCESS RIGHT-OF-WAY CTH L (JANESVILLE ROAD) CITY OF MUSKEGO

Presented by:  
Public Works Committee

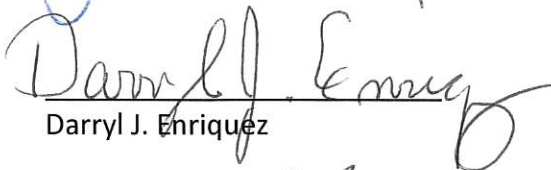
Approved by:  
Finance Committee

  
Keith Hammitt, Chair

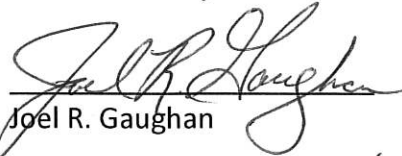
  
James A. Heinrich, Chair

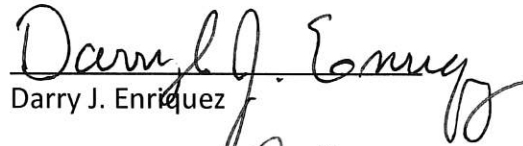
  
James Batzko

 (opposed)  
Larry Bangs

  
Darryl J. Enriquez

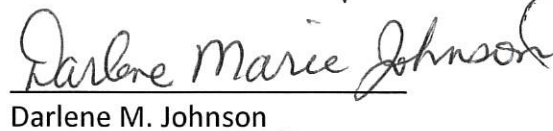
  
James Batzko

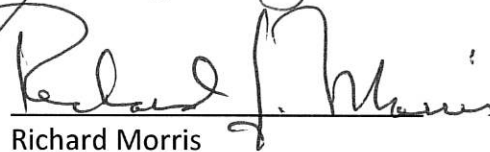
  
Joel R. Gaughan

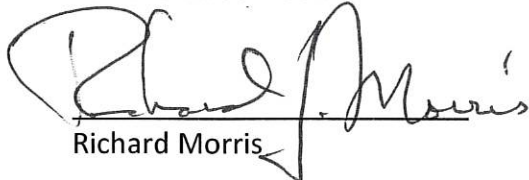
  
Darryl J. Enriquez

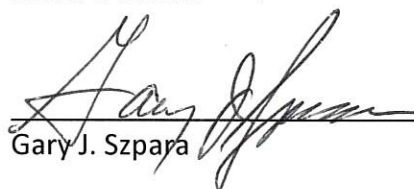
  
Christine M. Howard

  
Joel R. Gaughan


  
Darlene M. Johnson

  
Richard Morris

  
Richard Morris

  
Gary J. Szpara

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

Date: July 5 2023,   
Margaret Wartman, County Clerk

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

Approved: X

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

Date: 7/10/2023,   
Paul Farrow, County Executive

FISCAL NOTE  
SALE OF EXCESS RIGHT-OF-WAY  
CTH L (JANESVILLE ROAD)  
CITY OF MUSKEGO

This ordinance authorizes the sale of about 0.3697 acres of land that was originally acquired as right-of-way for capital project #9706 to reconstruct and improve CTH L (Janesville Road) from CTH O (Moorland Road) to the east county line in the City of Muskego. The Department of Public Works (DPW) has received a sale offer of \$35,500 for the land, which would be deposited, net of any closing costs, in the DPW – Transportation Fund.

*William Duckwitz*

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William Duckwitz  
Budget Manager  
6/6/2023

LEGAL DESCRIPTION

PARCELS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 6642, RECORDED ON JANUARY 22, 1992, IN VOLUME 55 OF CERTIFIED SURVEY MAPS, ON PAGES 182, 183, 184 AND 185, AS DOCUMENT NO. 1699969, BEING A DIVISION OF A PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, IN TOWN 5 NORTH, RANGE 20 EAST, IN THE CITY OF MUSKEGO, WAUKESHA COUNTY, WISCONSIN, EXCEPTING LANDS FOR PUBLIC HIGHWAY PURPOSE BEING DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHWEST CORNER OF PARCEL 1 OF SAID CERTIFIED SURVEY MAP NO. 6642; THENCE ALONG THE NORTHERLY LINE OF SAID CERTIFIED SURVEY MAP NO. 6642 NORTH 57°31'11" EAST, 94.18 FEET; THENCE SOUTH 28°50'55" EAST, 27.05 FEET; THENCE SOUTH 57°21'26" WEST, 95.14 FEET; THENCE NORTH 28°53'09" WEST, 27.39 FEET TO THE POINT OF BEGINNING.

CONTAINING 16,103 SQUARE FEET, 0.3697 ACRES MORE OR LESS.

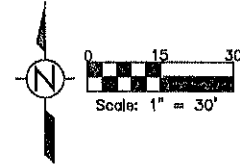
PERMANENT DRAINAGE EASEMENT

BEING PART OF PARCELS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 6642, RECORDED ON JANUARY 22, 1992, IN VOLUME 55 OF CERTIFIED SURVEY MAPS, ON PAGES 182, 183, 184 AND 185, AS DOCUMENT NO. 1699969, BEING A DIVISION OF A PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, IN TOWN 5 NORTH, RANGE 20 EAST, IN THE CITY OF MUSKEGO, WAUKESHA COUNTY, WISCONSIN. BEGINNING AT A POINT ON THE SOUTHERLY RIGHT OF WAY OF C.T.H. "L", THENCE SOUTH 28°50'55" EAST ALONG THE EASTERLY LINE OF PARCEL 2 OF SAID CERTIFIED SURVEY MAP, 118.00 FEET; THENCE 55.08 FEET ALONG A ARC OF A CURVE, WITH THE CENTER LYING TO THE NORTHEAST, HAVING A RADIUS OF 49.54 FEET, AND A CHORD DISTANCE OF 92.55 FEET WHICH BEARS NORTH 80°22'39" WEST; THENCE NORTH 48°31'44" WEST, 24.81 FEET; THENCE 57.28 FEET ALONG A ARC OF CURVE, WITH THE CENTER LYING TO THE NORTHEAST, HAVING A RADIUS OF 126.06 FEET, AND A CHORD DISTANCE OF 56.79 WHICH BEARS NORTH 35°30'38" WEST; THENCE NORTH 57°21'26" EAST, 56.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,177 SQUARE FEET, 0.1188 ACRES MORE OR LESS.

PLAT OF SURVEY FOR:

WAUKESHA COUNTY DEPT. OF PUBLIC WORKS  
515 W. MORELAND BLVD. RM. 220  
WAUKESHA, WI. 53188

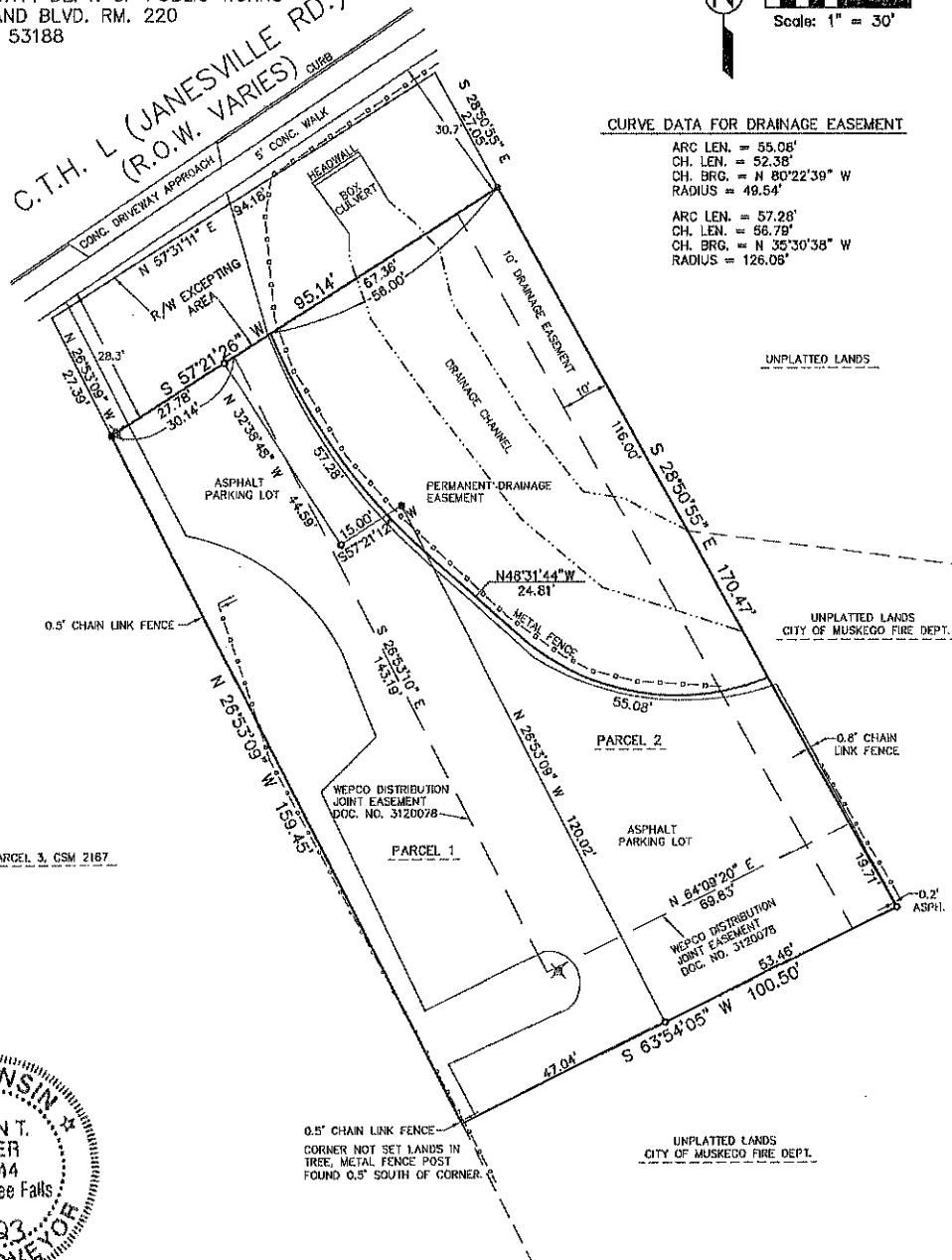


- LEGEND
- P.K. NAIL SET
  - 3/4" REBAR SET
  - ⊗ TELEPHONE BOX

CURVE DATA FOR DRAINAGE EASEMENT

ARC LEN. = 55.08'  
CH. LEN. = 52.38'  
CH. BRG. = N 80°22'39" W  
RADIUS = 49.54'

ARC LEN. = 57.28'  
CH. LEN. = 56.79'  
CH. BRG. = N 35°30'38" W  
RADIUS = 126.08'



WISCONSIN  
JASON T. MAYER  
S-2844  
Menomonee Falls  
WI  
LAND SURVEYOR  
JASON T. MAYER  
P.L.S. NO. 2844

AS OF THE DATE OF THIS SURVEY, NO TITLE POLICY WAS PROVIDED, THEREFORE THIS PLAT OF SURVEY DOES NOT GUARANTEE THE EXISTENCE, SIZE AND LOCATION OF ANY EASEMENTS, ENCUMBRANCES, RESTRICTIONS OR OTHER FACTS THAT COULD OTHERWISE BE DISCLOSED IN A TITLE SEARCH OR CURRENT TITLE POLICY.

THIS IS AN ORIGINAL PRINT ONLY IF SEAL IS IMPRINTED IN RED. "I have surveyed the above property, and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location and dimensions of all structures thereon, fences, apparent easements, roadways, and visible encroachments and is in compliance with Wisconsin Administrative Code AE-7 for property survey standards and is correct to the best of my knowledge and belief.

This survey is made for the exclusive use of the present owner of the property; also those who purchase, mortgage, or guarantee the title thereto, within one year from the date hereof."

THIS INSTRUMENT WAS DRAFTED ON 8-5-2023 BY JASON T. MAYER, P.L.S., WAUKESHA COUNTY DEPT. OF PUBLIC WORKS (262)548-7740



**VOTE RESULTS** >

**19** YES | **5** NO | **0** ABSTAIN | **1** ABSENT

**Ordinance 178-O-025**

Ordinance 178-O-025: Sale of Excess Right-of-Way at CTH L in the City of Muskego

 **Passed By Majority Vote**

D1 - Foti	ABSENT	D10 - Thieme	AYE	D19 - Enriquez	AYE
D2 - Weil	AYE	D11 - Howard	AYE	D20 - Schellinger	NAY
D3 - Morris	AYE	D12 - Wolff	AYE	D21 - Gaughan	AYE
D4 - Batzko	AYE	D13 - Decker	AYE	D22 - Szpara	AYE
D5 - Grant	AYE	D14 - Mommaerts	NAY	D23 - Hammitt	NAY
D6 - Walz	AYE	D15 - Kolb	AYE	D24 - Bangs	NAY
D7 - LaFontain	AYE	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Koremenos	NAY	D17 - Meier	AYE		
D9 - Heinrich	AYE	D18 - Nelson	AYE		