

ENROLLED ORDINANCE 176-81

AUTHORIZATION TO ENTER INTO SETTLEMENT AGREEMENT IN THE CONDEMNATION
LAWSUIT OF HOWARD G. TIMM AND TRICIA M. TIMM V. WAUKESHA COUNTY,
CASE NUMBER 2019-CV-22

WHEREAS Waukesha County undertook a highway project (Project ID 2788-00-22) to reconstruct and improve the West Waukesha Bypass in the City and Town of Waukesha (now Village of Waukesha); and

WHEREAS as part of the highway project and in accordance with Chapters 83 and 32, Wisconsin Statutes, the County acquired by eminent domain a small amount of land in fee title and a temporary limited easement for construction purposes from the property owned by Howard G. Timm and Tricia M. Timm (hereinafter "the Timms") and located in the Heritage Hills Subdivision at 119 Jersey Circle, City of Waukesha; and

WHEREAS pursuant to Chapter 32 of the Wisconsin Statutes, the Timms have appealed the Award of Damages to circuit court for a determination of just compensation to be paid for the property; and

WHEREAS Waukesha County and the Timms were court-ordered to attend mediation; and

WHEREAS Waukesha County and the Timms attended mediation and reached a settlement agreement on October 19, 2021, the terms of which are conditioned upon approval by the State of Wisconsin, Department of Transportation and Waukesha County Board of Supervisors; and

WHEREAS the continuation of the litigation causes substantial financial risk to all parties; and
WHEREAS it has been determined that settlement of the litigation at this time is in the best interest of Waukesha County; and

WHEREAS the State of Wisconsin, Department of Transportation has approved the settlement agreement.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the settlement of the lawsuit of Howard G. Timm and Tricia M. Timm v. Waukesha County, Waukesha County Circuit Court Case Number 2019-CV-22 is approved according to the terms of the settlement agreement, which is on file with the Department of Public Works and was previously shared with the County Board.

BE IT FURTHER ORDAINED that the Waukesha County Corporation Counsel, or his designee, is authorized to finalize the settlement of the lawsuit and execute any documents or releases, as necessary.

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

Date: 11/29/2021, Margaret Wartman
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

Date: 11/30/2021, Paul Farrow
Paul Farrow, County Executive

VOTING RESULTS

AVE 22 | NAY 0 | ABSTAIN | ABSENT 3

Ordinance 176-O-085

Ordinance 176-O-085: Authorization to Enter into Sett...

 **Passed By Majority Vote**

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

D14 - Mommaerts	AVE
D15 - Mitchell	ABSENT
D16 - Crowley	AVE
D17 - Paulson	AVE
D18 - Nelson	AVE
D19 - Vacant	ABSENT
D20 - Schellinger	AVE
D21 - Gaughan	AVE
D22 - Wyszocki	AVE
D23 - Hammitt	AVE
D24 - Whitlow	ABSENT
D25 - Johnson	AVE

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