

ENROLLED ORDINANCE 178-41

AUTHORIZATION TO ENTER INTO SETTLEMENT AGREEMENT IN THE  
CONDEMNATION LAWSUITS AGAINST WAUKESHA COUNTY BROUGHT BY  
GREGORY BACKUS, VALERIE ZOREK, JAMIE SHIRLEY AND NICHOLAS BROCK

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 (now Village) of Waukesha; and

WHEREAS, as part of the highway project, the County acquired by eminent domain, temporary limited easements for construction purposes on lots owned by several adjacent landowners in the Heritage Hills Subdivision in the City of Waukesha, specifically Gregory Backus, Valerie Zorek, Jamie Shirley, and Nicholas Brock (hereinafter "the Landowners"); and

WHEREAS, pursuant to Chapter 32 of the Wisconsin Statutes, the Landowners have appealed the Award of Damages to the Circuit Court for a determination of just compensation to be paid for the taking of the property in corresponding Case Numbers 18-CV-1379, 18-CV-140, 18-CV-1739 and 18-CV-142; and

WHEREAS, the Landowners have each also filed separate lawsuits against Waukesha County and the State of Wisconsin, Department of Transportation ("DOT") seeking monetary damages and other relief for an alleged change of grade and inverse condemnation in corresponding Case Numbers 21-CV-591, 21-CV-590, 21-CV-594, and 21-CV-592; and

WHEREAS, both lawsuits filed by each Landowner have been consolidated under the 2018 Case Numbers (hereinafter "the Litigation"), and pursuant to orders of the court, all parties have attended mediation sessions, and

WHEREAS, through mediation, Waukesha County, DOT and the Landowners have reached a global, settlement agreement on August 1, 2023, the terms of which are conditioned upon County Board approval; and

WHEREAS, the continuation of the Litigation causes substantial financial risk to the Landowners, Waukesha County and the DOT; and all parties will incur additional, significant expenses if a settlement of the Litigation is not reached at this time; and

WHEREAS, it has been determined that settlement of the Litigation at this time is in the best interest of Waukesha County.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA  
ORDAINS that the settlement in the condemnation Litigation against Waukesha County brought by Gregory Backus, Valerie Zorek, Jamie Shirley and Nicholas Brock, Case Numbers 18-CV-1379, 18-CV-140, 18-CV-1739 and 18-CV-142, respectively, is approved according to the terms of the settlement agreement, which was previously shared with the County Board in closed session.

BE IT FURTHER ORDAINED that Waukesha County Corporation Counsel, or his designee, is authorized to negotiate, finalize, and execute a settlement agreement and release necessary to effectuate the settlement approved by the County Board.

AUTHORIZATION TO ENTER INTO A SETTLEMENT AGREEMENT IN THE  
CONDEMNATION LAWSUITS AGAINST WAUKESHA COUNTY BROUGHT BY GREGORY  
BACKUS, VALERIE ZOREK, JAMIE SHIRLEY AND NICHOLAS BROCK

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

Date: 8/28/2023, 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: 8/28/2023, Paul Farrow  
Paul Farrow, County Executive

VOTE RESULTS >

24

YES

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NO

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ABSTAIN

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ABSENT

**Ordinance 178-O-041**

Ordinance 178-O-041: Authorization to Enter into Settlement Agreement in the Condemnation Lawsuits Against Backus, Valerie Zorek, Jamie Shirley and Nicholas Brock

 **Passed By Majority Vote**

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

5th Meeting, 178th Year of the County Board of Supervisors - August 22 2023 07:35:25

August 22, 2023

