

ENROLLED ORDINANCE 168-72

APPROVE LAND USE PERMIT TO AT&T FOR INSTALLATION, OPERATION,  
AND MAINTENANCE OF AN UNDERGROUND VOICE AND DATA CABLE

WHEREAS, AT&T has requested permission to install, operate, and maintain an underground voice and data cable within Waukesha County property, known as the Bugline Trail Corridor, located in Section 26, Township 8 North, Range 19 East, Village of Sussex, Waukesha County, Wisconsin, and

WHEREAS, the underground cable will be installed for the purpose of providing service to the Mammoth Springs Development, in the Village of Sussex, and

WHEREAS, a Land Use Permit from Waukesha County to AT&T is necessary in order that an underground voice and data cable can be installed, and

WHEREAS, in the consideration of said Land Use Permit, AT&T shall pay to Waukesha County a Land Use Permit fee of \$1,415.00.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Land Use Permit between AT&T and Waukesha County, which permits the underground installation, operation, and maintenance of the underground voice and data cable on Waukesha County property located in Section 26, Township 8 North, Range 19 East, and is on file in the Office of the County Clerk, is hereby approved.

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

BE IT FURTHER ORDAINED that the revenue of \$1,415.00 from the Land Use Permit fee from AT&T be deposited in the Walter J. Tarmann Parkland Maintenance Fund.

APPROVE LAND USE PERMIT TO AT&T FOR INSTALLATION, OPERATION,  
AND MAINTENANCE OF AN UNDERGROUND VOICE AND DATA CABLE

Presented by: Land Use, Parks and  
Environment Committee

Approved by:  
Finance Committee


  
James A. Heinrich, Chair

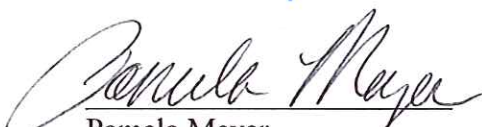
  
Patricia A. Haukohl, Chair

  
Jim Batzko


  
Daniel J. Draeger

  
Walter L. Kolb

  
Pamela Meyer

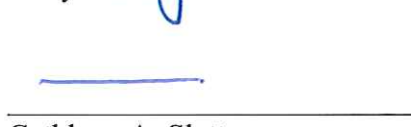
  
Pamela Meyer

  
Richard Morris


  
Fritz Ruf

  
Larry Nelson

  
Thomas J. Schellinger

  
Cathleen A. Slattery

  
David D. Zimmermann

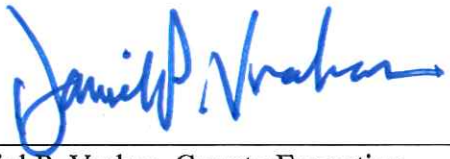
  
William J. Zaborowski

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

Date: 12/17/2013,   
Kathjeen Novack, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_

Date: 12-19-13,   
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-12/17/13

(ORD) NUMBER-1680072

- |                          |                          |
|--------------------------|--------------------------|
| 1 C. SLATTERY.....       | 2 D. Zimmermann.....AYE  |
| 3 R. MORRIS.....AYE      | 4 J. BATZKO.....AYE      |
| 5 J. BRANDTJEN.....AYE   | 6 J. JESKEWITZ.....      |
| 7 J. GRANT.....AYE       | 8 P. HAUKOHL.....AYE     |
| 9 J. HEINRICH.....AYE    | 10 D. SWAN.....AYE       |
| 11 F. RUF.....AYE        | 12 P. WOLFF.....AYE      |
| 13 P. DECKER.....AYE     | 14 P. MEYER.....AYE      |
| 15 W. KOLB.....AYE       | 16 M. CROWLEY.....AYE    |
| 17 D. PAULSON.....AYE    | 18 L. NELSON.....AYE     |
| 19 C. CUMMINGS.....AYE   | 20 T. SCHELLINGER....AYE |
| 21 W. ZABOROWSKI.....AYE | 22 P. JASKE.....AYE      |
| 23 K. HAMMITT.....AYE    | 24 D. DRAEGER.....AYE    |
| 25 G. YERKE.....         |                          |

TOTAL AYES-22

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS X

TOTAL VOTES-22

This LAND USE PERMIT, made between WAUKESHA COUNTY

and AT&T,

Grantor,

Grantee.

**PROPERTY MAP:**

See attached Exhibit A.

**CONDITIONS IMPOSED:**

FOR AND IN CONSIDERATION of a sum of One Thousand Four Hundred and Fifteen Dollars (\$1,415.00) and other good and valuable consideration to be paid, the receipt of which is hereby acknowledged, WAUKESHA COUNTY, WISCONSIN, a Municipal Corporation and Owner ("Grantor"), does hereby permit AT&T ("Grantee"), its successors and assigns, the right, permission, and authority to install, operate, and maintain an underground voice and data cable line beneath a portion of those lands known as the Bugline Trail Corridor, located in Section 26, Township 8 North, Range 19 East, Waukesha County, State of Wisconsin, and hereinafter called the "Land Use Permit Area." The location of the Land Use Permit Area is more specifically described as an area of a maximum of one thousand three hundred sixty-five (1,365) linear feet long by two (2) feet wide, as depicted and detailed on the attached Exhibits "A," "B," and "C," which are incorporated into this permit by reference and made a part hereof. Expansion of the cable line beyond the Land Use Permit Area, or placement of above ground equipment, shall require an additional permit. 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 work contemplated hereby.

Nothing in this permit shall be construed to restrict Waukesha County (the "County") from fully utilizing its property as intended as a recreational trail. The County agrees that such intended use shall not interfere with the underground cable line.

Grantee, its successors and assigns 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 they 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, negligent or otherwise, of Grantee, its successors, assigns, agents, invitees and guests, in connection with the grant of this Land Use Permit, any and all work of any type which Grantee, its successors and assigns and any of its agents, invitees and/or guests perform or should perform upon the lands subject to this Land Use Permit, and its use of the County lands covered by this Permit.

Name and Return Address  
Waukesha County Department of Parks  
and Land Use  
515 W. Moreland Blvd., Room AC230  
Waukesha, WI 53188  
Attn: Steve Brunner

The right, permission and authority is given to Grantee, its successors and assigns to directionally bore 1365 feet of cable on the south side of the Bugline Trail, with the final depth of the cable to be a minimum of 4 feet beneath the land surface.

Grantee may not trim, cut down or remove trees or brush unless it submits a cutting plan to the County and obtains prior written approval of the County of Waukesha by the Waukesha County Department of Parks and Land Use.

Grantee shall promptly restore the premises to the condition existing prior to the entry by Grantee or its agents. Grantee shall be financially liable for any damage caused by it or its agents to any of the County's fixtures or facilities and for the unauthorized removal of trees and/or brush. Completion of vegetative restoration in all disturbed areas is a condition of this permit and subject to written approval of the County of Waukesha by the Waukesha County Department of Parks and Land Use.

Grantee and its successors and assigns shall be responsible for the identification of all easements attached to the lands subject to this Land Use Permit, including the location and removal, relocation or alteration, if necessary, of all underground and overhead utilities.

Grantee and its successors, assigns and agents agree that the Bugline Trail shall remain open for public use during construction, maintenance, or related activities described in the Land Use Permit. Nothing in this permit shall be construed to restrict the County from fully utilizing its property as intended as a recreational trail. The County agrees that such intended use shall not interfere with the underground cable line.

This Land Use Permit shall run with the land, 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 Land Use Permit or any conduct by Grantee or Grantee's successors in interest blocking or otherwise interfering with the public's use of the Bugline Trail which continues to exist thirty (30) or more days after receipt of written notice of the breach or interference. Notwithstanding the foregoing, if at any time Grantee becomes the fee owner of the Bugline Trail Section, this Land Use Permit shall automatically terminate and be of no further force or effect.

The Grantee and its successors and assigns shall, at all times during the term of this Land Use Permit, keep in force and effect insurance policies, issued by a company or companies authorized to do business in the state of Wisconsin and satisfactory to the Grantor. Such insurance shall be primary. Upon execution of this Land Use Permit, Grantee shall furnish the Grantor with a Certificate of Insurance which references this Land Use Permit. 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 Land Use Permit. Grantee and its contractors shall maintain the following insurance coverage:

- (a) Worker's Compensation and Employer's Liability Insurance - Statutory worker's compensation benefits and employers' liability insurance with a limit of liability not less than \$500,000 each accident. A waiver of subrogation endorsement in favor of the County shall be included.
- (b) Commercial General Liability Insurance — Policy shall be written to provide coverage for, but not limited to, the following: personal injury, premises and operations, blanket contractual coverage, broad form property damage, and independent contractors' coverage. Limits of liability shall be not less than \$1,000,000 each occurrence, \$1,000,000 personal injury, and \$1,000,000 general aggregate.
- (c) Business automobile policy covering all owned, hired, and non-owned private passenger autos and commercial vehicles. Limit of liability not less than \$1,000,000 combined single limit.

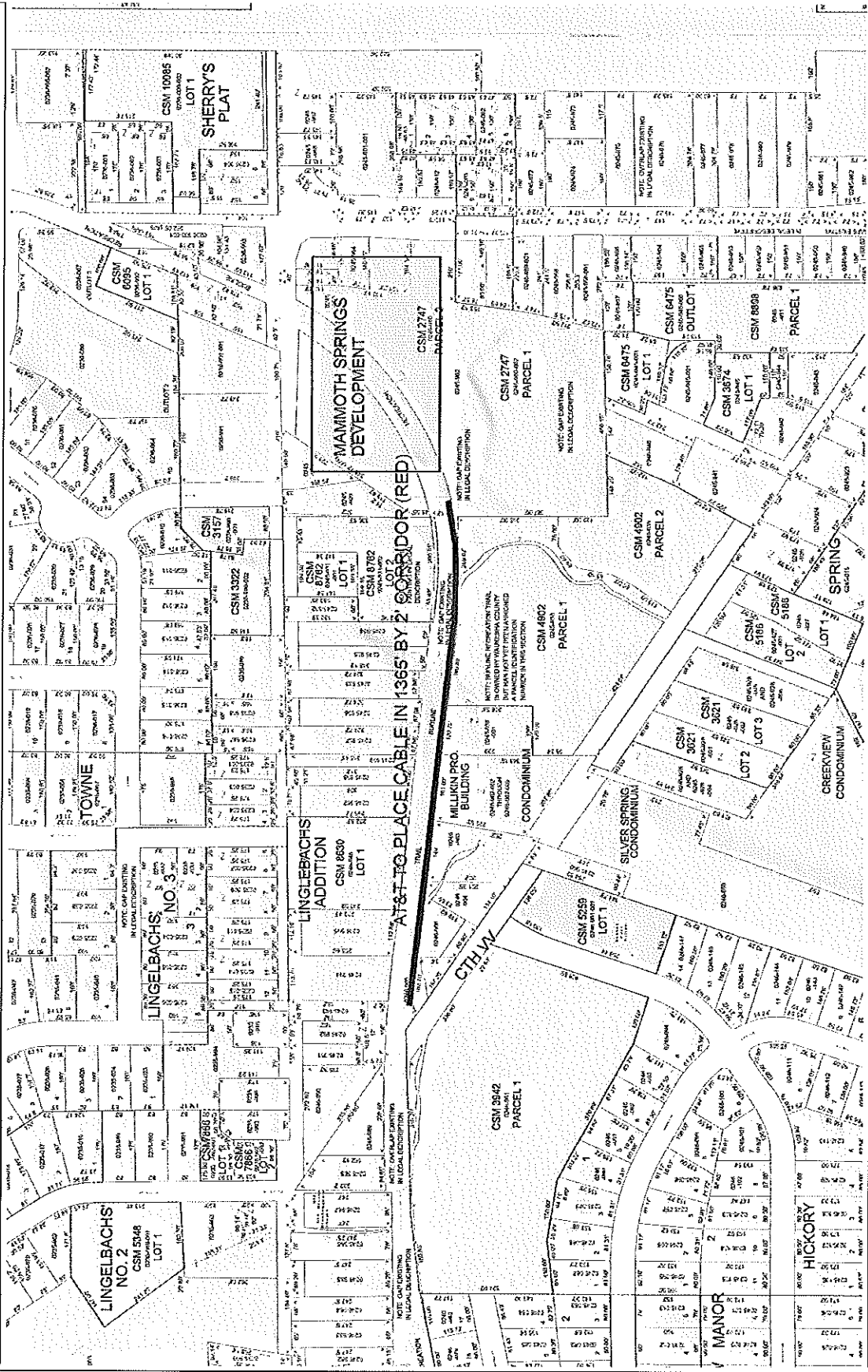






LAND INFORMATION SYSTEMS DIVISION

# AT&T EXHIBIT A - BUGLINE TRAIL



- Legend**
- Retford Parcels
  - Picets
  - Assessor's Plat
  - CSM
  - Condo Plat
  - Subdivision Plat

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

0 230.70 Feet

Related on: 11/27/13

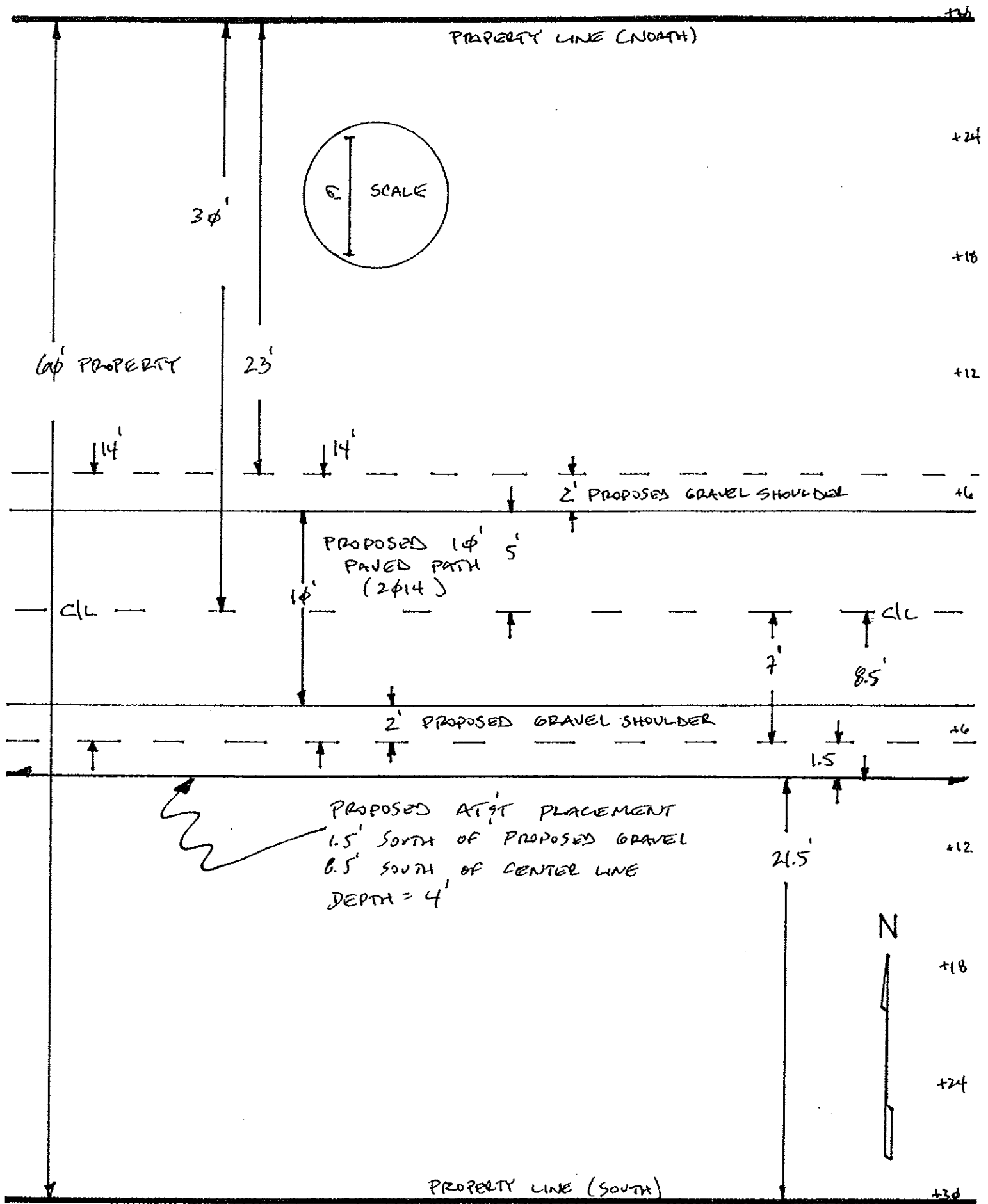
File Number: 168-C-072

Related to: LC-FH

Notes



# BUGLINE TRAIL - ATIT PROPOSAL - EXHIBIT B



# EXHIBIT C



Christopher Duncan  
Design Engineer  
Wisconsin Bell

AT&T  
2005 Pewaukee Rd  
Waukesha, WI 53188-2443

T: 262.896.7425  
F: 262.896.7435  
chris.duncan@att.com  
www.att.com

October 11, 2013

Waukesha County Dept. of Parks & Land Use  
515 W. Moreland Blvd.  
Waukesha, WI 53188

To Whom It May Concern,

In order to serve Mammoth Springs Development in the Village of Sussex, Waukesha County, WI, NE 1/4 SEC 26 T8N R19E, at&t requests a Land Use Permit along the County-owned Bug Line Trail. AT&T presently has facilities on CTH VV and wishes to provide facilities for the growth of the now-vacant Mammoth Springs property.

Specifically, at&t intends to bore 1365' of cable from the northeast corner of the Intersection of CTH VV/Bug Line Trail toward the east. The typical width of the County-owned property along the Bug Line Trail is 60'. The current typical path width is 7' and it is centered through the property. AT&T plans to stay on the south side of the path; the distance from the property line to at&t's proposed placement is 21.5' while the distance from the path to at&t's proposed placement is 5 feet. AT&T is amenable to changing these dimensions in any way the County deems fit. AT&T requests a 2' corridor for documentation purposes.

With respect to depth and cross-section, at&t proposes a depth of 48" minimum. This depth, coupled with the distance from the path, will relegate these facilities out of the scope of any potential conflicts that may arise. Specifically, Waukesha Department of Parks and Land Use made it known that this portion of the Bug Line Trail will be paved in 2014. This requested placement will not conflict with any future paving, and in fact, at&t's proposed path has been designed in accordance with County-proposed future path dimensions (10' path with 2' shoulder).

AT&T will restore all areas in-kind. Based on the measurements performed after all utilities were located along the trail, at&t anticipates no conflicts with existing utilities for the placement of these facilities. Additionally, the proposed placement is within the grassy area for the entirety of this route. Put differently, no trees or shrubbery will be affected. This project will be placed using boring equipment. With exception of the start/stop points, there is zero ground disturbance, and what ground is disturbed will be restored in-kind as a part of this project.

Please contact me with any questions or concerns. Thanks for your consideration.

Regards,

Chris Duncan