

ENROLLED ORDINANCE 178-35

AUTHORIZATION TO ENTER INTO SETTLEMENT AGREEMENT IN THE  
CONDEMNATION LAWSUIT OF HYMAN FELDMAN ET. AL. V. WAUKESHA  
COUNTY, CASE NUMBER 2018-CV-1780

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 a temporary limited easement for construction purposes on land owned by Hyman and Karen Feldman (hereinafter "the Feldmans") in the City of Waukesha and further identified as tax key number WAKC 1317 059; and

WHEREAS, pursuant to Chapter 32 of the Wisconsin Statutes, the Feldmans have appealed the Award of Damages to the circuit court in Case Number 2018-CV-1780 for a determination of just compensation to be paid for the taking of the property; and

WHEREAS, the Feldmans have also filed a separate lawsuit against Waukesha County and the State of Wisconsin, Department of Transportation ("DOT") in Case Number 21-CV-593, seeking monetary damages for an alleged change of grade and inverse condemnation on their land; and

WHEREAS, both lawsuits filed by the Feldmans have been consolidated under the Case Number of 2018-CV-1780 and all parties were court-ordered to attend mediation, and

WHEREAS, Waukesha County, DOT and the Feldmans reached a mediated settlement agreement on June 22, 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 issues in this 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 lawsuit of Hyman Feldman et. al. v. Waukesha County, et. al, Case Number 2018-CV-1780 is approved according to the terms of the mediated 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 in accordance with the mediated settlement terms.

# VOTE RESULTS

23

YES

0

NO

0


ABSTAIN

2

ABSENT

## Ordinance 178-O-035

Ordinance 178-O-035: Authorization to Enter into Settlement Agreement in the Condemnation Lawsuit of Hy Number 2018-CV-1780.

 **Passed By Majority Vote**

D1 - Foti	AYE	D10 - Thieme	AYE	D19 - Enriquez	ABSENT
D2 - Weil	AYE	D11 - Howard	AYE	D20 - Schellinger	AYE
D3 - Morris	AYE	D12 - Wolf	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	AYE	D17 - Meier	AYE		
D9 - Heinrich	ABSENT	D18 - Nelson	AYE		



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CASE NUMBER 2018-CV-1780

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

Date: July 31 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: 7/31/2023, Paul Farrow  
Paul Farrow, County Executive