

ENROLLED ORDINANCE 178-109

AUTHORIZATION TO ENTER INTO SETTLEMENT AGREEMENT IN THE
CONDEMNATION LAWSUIT OF ASSOCIATED BANK, N.A. V. WAUKESHA COUNTY,
CASE NUMBER 23CV470

WHEREAS, Waukesha County undertook a highway project (Project ID 2722-07-22) to rehabilitate Moorland Road (CTH O) in the City of New Berlin; and

WHEREAS, as part of the highway project, the County acquired, by eminent domain, a strip of land and a temporary limited easement for construction purposes owned by Associated Bank, N.A. and further identified as Waukesha County tax key number NBC 1212-990-001; and

WHEREAS, pursuant to Chapter 32 of the Wisconsin Statutes, Associated Bank, N.A. has appealed the Award of Damages to the Circuit Court for a determination of just compensation to be paid for the taking of the property; and

WHEREAS, Waukesha County and Associated Bank, by the Scheduling Order dated July 21, 2023, were ordered to attend mediation; and

WHEREAS, Waukesha County and Associated Bank reached a settlement agreement on February 13, 2024, the terms of which are conditioned upon County Board approval; and

WHEREAS, the continuation of the litigation causes substantial financial risk to both the landowner and Waukesha County and both 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 Associated Bank, N.A. 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.

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ASSOCIATED BANK, N.A. V. WAUKESHA COUNTY, CASE NUMBER 23CV470

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

Date: 3/29/24, 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: 3/29/24, Paul Farrow
Paul Farrow, County Executive

VOTE RESULTS

22

YES

0

NO

0

ABSTAIN

3

ABSENT

Ordinance 178-O-110

Ordinance 178-O-110: Authorization To Enter Into Settlement Agreement In The Condemnation Lawsuit Of A Number 23CV470



Passed By Majority Vote

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

13th Meeting, 178th Year of the County Board of Supervisors - March 26 2024 08:02:29 PM

March 26, 2024

