

ENROLLED ORDINANCE 177-30

AUTHORIZATION TO ENTER INTO SETTLEMENT AGREEMENT IN THE EMINENT  
DOMAIN LAWSUIT OF THE ESTATE OF JOSEPH DELMER PUTNA  
V. WAUKESHA COUNTY, CASE NUMBER 2020-CV-264

WHEREAS, Waukesha County undertook a highway project (Project ID 2759-03-00) to reconstruct and improve County Trunk Highway M (North Avenue) in the City of Brookfield; 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 Joseph Delmer Putna at 13300 W. North Avenue in the City of Brookfield; and

WHEREAS, pursuant to Chapter 32 of the Wisconsin Statutes, Joseph Delmer Putna appealed the Award of Damages to circuit court for a jury trial on the determination of just compensation to be paid for the property; and

WHEREAS, Joseph Delmer Putna passed away during the pendency of the lawsuit and his estate has been substituted as a party; and

WHEREAS, the parties were court-ordered to attend mediation, which took place on May 11, 2022, and resulted in a settlement agreement, the terms of which are conditioned upon approval by the 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

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the settlement of the lawsuit of the Estate of Joseph Delmer Putna v Waukesha County, Waukesha County Circuit Court Case Number 2020-CV-264 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 eminent domain 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: July 1 2022, Margaret Warman  
Margaret Warman, County Clerk

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

Approved: X

Vetoed: \_\_\_\_\_

Date: 7/8 / 2022, Paul Farrow  
Paul Farrow, County Executive

VOTING RESULTS

AYE 23 NAY 0 ABSTAIN 0 ABSENT 2

# Ordinance 177-0-031

Ordinance 177-0-031: Authorization To Enter Into Sett...



|                |     |
|----------------|-----|
| D2 - Weil      | AYE |
| D3 - Morris    | AYE |
| D4 - Batzko    | AYE |
| D5 - Grant     | AYE |
| D6 - Walz      | AYE |
| D8 - Michalski | AYE |
| D9 - Heinrich  | AYE |
| D10 - Thieme   | AYE |
| D11 - Howard   | AYE |
| D12 - Wolff    | AYE |
| D13 - Decker   | AYE |

|                   |     |
|-------------------|-----|
| D14 - Mommaerts   | AYE |
| D15 - Kolb        | AYE |
| D16 - Crowley     | AYE |
| D17 - Meier       | AYE |
| D18 - Nelson      | AYE |
| D19 - Enriquez    | AYE |
| D20 - Schellinger | AYE |
| D21 - Gaughan     | AYE |
| D22 - Wysocki     | AYE |
| D23 - Hammitt     | AYE |
| D24 - Bangs       | AYE |
| D25 - Johnson     | AYE |

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