

ENROLLED ORDINANCE 179-38

TERMINATION OF OFFER TO PURCHASE AND
AUTHORIZE SALE OF COUNTY GRAVEL PIT

WHEREAS, On October 25, 1967, Waukesha County purchased a parcel of land, Tax Key Number GNT1463998, located at W339 S1742 County Highway C, in the Town of Genesee that contains a gravel pit on the north end and agricultural land on the south; and

WHEREAS, Waukesha County extracted topsoil, gravel and sand from the property to support highway operations; and

WHEREAS, in December of 2000, the Wisconsin Department of Natural Resources promulgated statewide standards under Wisconsin Administrative Code NR 135 requiring the reclamation of non-metallic mines in Wisconsin; and

WHEREAS, in June 2002, Waukesha County executed Contract #0221 with Johnson Sand & Gravel, Inc. ("JSG") to complete mining and reclamation work and operate a yard waste composting facility on the County property; and

WHEREAS, on September 12, 2012, Contract #0221 was extended through September 15, 2022 or through project completion, whichever came first; and

WHEREAS, in 2013, the County obtained a permit from the Wisconsin Department of Natural Resources to remove a 1-acre County-owned closed landfill located on the north end of the property and mine the surrounding materials; and

WHEREAS, through a nationally recognized coordinated yard waste composting operation, a sufficient amount of compost was generated as a topsoil substitute for reclaiming the mined areas of property; and

WHEREAS, reclamation of the mined areas of the property has been completed in accordance with the permits issued by the Town of Genesee; and

WHEREAS, an appraisal of the property was completed by a Wisconsin Licensed Certified General Appraiser in May of 2023; and

WHEREAS, Waukesha County has retained the services of a Real Estate Broker approved by the Finance Committee on July 19, 2023; and

WHEREAS, the marketing of the property is consistent with the Comprehensive Development Plan for Waukesha County (Industrial), Comprehensive Development Plan for the Town of Genesee (Industrial), Waukesha County Zoning Code (M-2 General Industrial) and Town of Genesee Zoning Code (M-2 General Industrial); and

WHEREAS, Waukesha County received an offer to purchase the property that is consistent with the real estate appraisal; and

WHEREAS, On December 19, 2023, the County Board of Supervisors approved the offer to purchase the County Gravel Pit; and

WHEREAS, the approved offer to purchase was amended in June 2024 to extend the Due Diligence Deadline through September 17, 2024; and

WHEREAS, the buyer desires to terminate the previously approved and amended offer to purchase and enter into two new sale agreements to purchase 33.12 acres of the property prior to the end of calendar year 2024 and a sale agreement for the remaining 66.07 acres to close within six to twelve months of acceptance of the new offer; and

WHEREAS, the offer to purchase Parcel 1 and associated outlot (33.12 acres) is for \$1,248,858 and the offer to purchase Parcel 2 (66.07 acres) is for \$4,251,142, totally \$5,500,000 which is the same amount as the accepted offer on December 19, 2023; and

WHEREAS, future use of Tarmann Fund reserves will require approval by the County Board.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the offer to purchase the County Gravel Pit, Tax Key number GNT1463998, located along the east side of CTH C in Section 6 of the Town of Genesee, approved and accepted by the County Board on December 19, 2023 with Briohn Construction, is terminated.

BE IT FURTHER ORDAINED that the offer to purchase 33.12 acres of the County Gravel Pit, Tax Key number GNT1463998, from Briohn Construction, on file in the office of Corporation Counsel and shared and discussed with the Board, is hereby approved.

BE IT FURTHER ORDAINED that the offer to purchase 66.07 acres of the County Gravel Pit, Tax Key number GNT1463998, from Briohn Construction, on file in the office of Corporation Counsel and shared and discussed with the Board, is hereby approved.

BE IT FURTHER ORDAINED that the Director of the Department of Parks and Land Use is authorized to sign one or more purchase agreements in a form to be approved by the Corporation Counsel and any further documents necessary to terminate the original transaction and accept the offers to purchase approved by this ordinance.

BE IT FURTHER ORDAINED that the Clerk and County Executive, or their designee, are authorized to execute any and all other documents necessary or desirable to accomplish the approved sale.

BE IT FURTHER ORDAINED that proceeds from the sale of the County Gravel Pit be deposited into the Parkland Management Cost Center within the Walter J. Tarmann Parkland Acquisition Fund to hold the sale funds.

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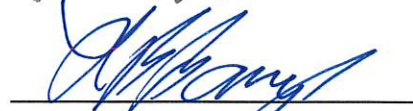
Presented by:
Land Use, Parks & Environment Committee

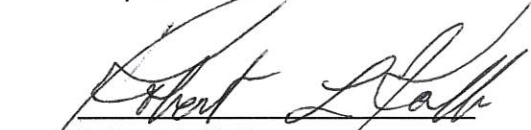
Approved by:
Finance Committee

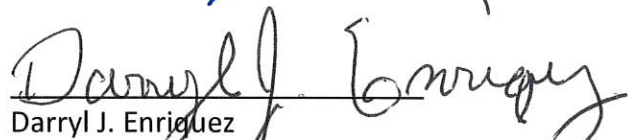

Christine M. Howard, Chair



Gary J. Szpara, Chair


Wayne Euclide


Larry Bangs


Robert L. Kolb

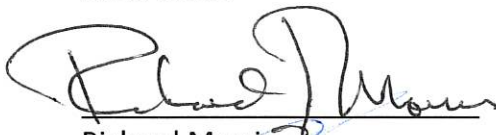

Darryl J. Enriquez

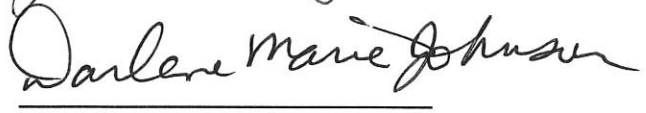

Johnny Koremenos


Wayne Euclide

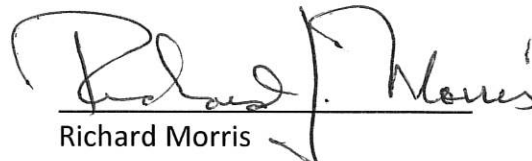

Brian Meier


Joel R. Gaughan


Richard Morris


Darlene M. Johnson


Steve Styza


Richard Morris

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

Date: 9/30/2024, 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: 9/30/2024, Paul Farrow
Paul Farrow, County Executive

VOTE RESULTS >

22

YES

0

NO

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ABSTAIN

3

ABSENT

Ordinance 179-O-039

Ordinance 179-O-039: Termination of Offer to Purchase and Authorize Sale of County Gravel Pit



Passed By Majority Vote

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

6th Meeting, 179th Year of the County Board of Supervisors - September 24 2024 07:27 PM
September 24, 2024

