

178th BOARD YEAR
LEGISLATIVE ITEMS RECEIVED FOR COMMITTEE REFERRAL

178-O-029	06/26/23 06/26/23	LU	ORD: Amend The Town Of Oconomowoc District Zoning Map Of The Waukesha County Zoning Code For The Town Of Oconomowoc By Conditionally Rezoning Certain Lands Located In Part Of The NE ¼ Of Section 2, T8N, R17E, Town Of Oconomowoc, From The FLP Farmland Preservation District To The R-1 Residential District (RZ115)
178-O-030	06/26/23 06/26/23	LU	ORD: Amend The Text Of Section 3.12 Of The Waukesha County Zoning Code To Remove References To The Downtown Okauchee District And The Existing Floodplain Development Overlay District (RZ120)
178-O-031	07/03/23 07/03/23	LU	ORD: Adopt Text Amendments To The Waukesha County Shoreland And Floodland Protection Ordinance To Modify The Marina Conditional Use Section Standards Relating To The Downtown Okauchee District (RZ121)
178-R-001	07/03/23 07/03/23	LU FI	RES: Authorizing Resolution For Participation In The Wisconsin Department Of Natural Resources Urban Forestry Grant And Urban Forestry Catastrophic Storm Cost-Share Grant Programs
178-O-032	06/30/23 06/30/23	PW	ORD: Grant A Transmission Line Easement To American Transmission Company LLC Within The CTH DR Right-Of-Way In The Village Of Summit
178-O-033	07/03/23 07/03/23	PW FI	ORD: Terminate The 901 Paratransit Service Effective November 1, 2023 And Grandfather Service For Current Paratransit Riders
178-R-002	07/05/23 07/05/23	PW	RES: Declare Localized Emergency Resulting From Conditions Requiring Prompt Repair At The Waukesha Campus Of The University Of Wisconsin-Milwaukee And Authorize Contract For Repairs
178-A-026	6/28/23	EX	APPT: Dee Schriver Appointment Of Waukesha County Representative To The Okauchee Lake Management District
178-A-027	07/03/23	EX	APPT: Michael Becker Reappointment Of Waukesha County Representative To The Ethics Board
178-A-028	07/03/23	EX	APPT: David Hickey Reappointment Of Waukesha County Representative To The Ethics Board
178-A-029	07/03/23	EX	APPT: Kate Weiland-Moores Appointment To The WOW Workforce Development Board
178-O-034	07/05/23 07/05/23	JU HR FI	ORD: Modify The Salary Range Assignment For The Telecommunicator Classification From Open Range 07 To Open Range 09 And Establish A Difficult-To-Fill Shift Incentive For Telecommunicators For Coverage Needs
178-O-035	07/03/23 07/03/23	CB	ORD: Authorization To Enter Into Settlement Agreement In The Condemnation Lawsuit Of Hyman Feldman ET. AL. V. Waukesha County, Case Number 2018-CV-1780

1 AMEND THE TOWN OF OCONOMOWOC DISTRICT ZONING MAP OF THE WAUKESHA
2 COUNTY ZONING CODE FOR THE TOWN OF OCONOMOWOC BY CONDITIONALLY
3 REZONING CERTAIN LANDS LOCATED IN PART OF THE NE ¼ OF SECTION 2, T8N, R17E,
4 TOWN OF OCONOMOWOC, FROM THE FLP FARMLAND PRESERVATION DISTRICT TO THE
5 R-1 RESIDENTIAL DISTRICT
6 (RZ115)
7

8 WHEREAS, after proper notice was given, a public hearing was held and the subject matter of this
9 Ordinance was approved by the Oconomowoc Town Board on May 15, 2023; and
10

11 WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning
12 Commission, which recommended approval and reported that recommendation to the Land Use, Parks
13 and Environment Committee and the Waukesha County Board of Supervisors, as required by Section
14 59.69, Wis. Stats.
15

16 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the
17 Town of Oconomowoc District Zoning Map of the Waukesha County Zoning Code, Waukesha County,
18 Wisconsin, adopted by the Waukesha County Board of Supervisors, on February 26, 1959, is hereby
19 amended to conditionally rezone certain lands located in part of the NE ¼ of Section 2, T8N, R17E, Town
20 of Oconomowoc, from the FLP Farmland Preservation District to the R-1 Residential District, and more
21 specifically described in the “Staff Report and Recommendation” and map on file in the office of the
22 Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference
23 RZ115, subject to the following conditions:
24

- 25 1. The Zoning Amendment shall only amend the zoning on the five (5) acre parcel substantially
26 consistent with Exhibit A. No other lands are to be rezoned.
27
- 28 2. A Certified Survey Map, prepared by a Professional Land Surveyor in the State of Wisconsin,
29 dividing the parcel as proposed, shall be reviewed and approved by the Town Plan Commission,
30 Town Board and Waukesha County Department of Parks and Land Use prior to the issuance of
31 any Zoning or Building Permits.
32
- 33 3. A Declaration of Restrictions shall be prepared and submitted to the Town Planner and Waukesha
34 County Planning and Zoning Staff for review and approval. The restriction must be recorded in
35 the Waukesha County Register of Deeds Office by the owner or petitioner and must state that,
36 pursuant to the Town of Oconomowoc Comprehensive Land Use Plan -2035 and the Waukesha
37 County Comprehensive Plan, five (5) additional development rights remain for the Robert C.
38 Swedberg farm tract and the proposed new lot is entitled to only one (1) dwelling unit. Said
39 restriction must state that the restriction shall apply in perpetuity unless the County
40 Comprehensive Plan Farmland Preservation designation under both the Town of Oconomowoc
41 Comprehensive Land Use Plan – 2035 and the Waukesha County Comprehensive Plan for the
42 property is amended in the future.
43

44 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this
45 Ordinance with the Town Clerk of Oconomowoc.
46

47 BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage,
48 approval and publication.

COMMISSION ACTION

The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code hereby recommends approval of **RZ115 (Swedberg)** in accordance with the attached "Staff Report and Recommendation".

PARK AND PLANNING COMMISSION

June 15, 2023

Abstained from vote

James Siepmann, Chairperson

Robert Peregrine
Robert Peregrine

Richard Morris
Richard Morris

William Groskopf
William Groskopf

Absent

Gary Szpara

Robert Hamilton
Robert Hamilton

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
ZONING MAP AMENDMENT

DATE: June 15, 2023

FILE NO.: RZ115

OWNER: Robert C. Swedberg
W359 N9054 Brown Street
Oconomowoc, WI 53066

APPLICANT: Erik Swedberg
N78 W37503 Tamarack Drive
Oconomowoc, WI 53066

TAX KEY NO.: OCOT 0437.998.002

LOCATION:

The property is described as part of the NE ¼ of Section 2, T8N, R17E, Town of Oconomowoc. More specifically the property is located at W350 N9355 Norwegian Road containing approximately 154 acres.

EXISTING ZONING:

FLP Farmland Preservation District, FLC Farmland Conservation District, C-1 Conservancy Overlay District (Wetlands), C-1 Conservancy Overlay District (Floodplain), Environmental Corridor Overlay District

PROPOSED ZONING:

R-1 Residential District (single-family residential parcel)

EXISTING LAND USE(S):

Residential and agricultural.

PROPOSED LAND USE(S):

Create a 5-acre farm consolidation parcel that would include an existing single-family residence, a barn and a shed.

PUBLIC HEARING DATE:

May 1, 2023

PUBLIC COMMENT:

None.

TOWN PLAN COMMISSION AND TOWN BOARD ACTION:

On May 15, 2023, the Town of Oconomowoc Plan Commission and the Town of Oconomowoc Town Board recommended approval of the request subject to the conditions as noted below.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN (CDP) FOR WAUKESHA COUNTY AND THE TOWN OF OCONOMOWOC CDP:

The property is designated in the Farmland Preservation category on the Comprehensive Development Plan for Waukesha County and in the Prime Agricultural category on the Town Land Use Plan. There are areas of the 154-acre farm parcel that are designated as Farmland Preservation with Environmental Corridor Overlay that are not part of the requested land division and rezoning. The proposal to rezone five (5) acres is consistent with plan recommendations that call for a maximum density of one dwelling unit per 35 acres.

STAFF ANALYSIS:

The 154-acre subject property is located at the northern border of Waukesha County, west of Norwegian Road. There is an existing single family residence, two barns, a shed and a silo clustered together in the south-central portion of the property. The Ashippun River runs through the north portion of the property with areas of environmental corridor, floodplain and wetland adjacent to the river. These environmentally sensitive lands are identified as future town ownership on the Waukesha County Park and Open Space Plan. The town is not interested in pursuing acquisition of these lands at this time. There is also an area of wetlands south of the proposed parcel. The surrounding area is rural farmland.

The petitioner is proposing to create a 5-acre farm consolidation parcel that contains the existing residence, one barn and the shed (Exhibit A). The future plan is to remove the existing residence and build a new residence on the 5-acre parcel. The remnant acreage would remain in agricultural use and would contain the other barn and the silo. Access is from Norwegian Road and is not proposed to change.

The proposed lot is zoned Farmland Preservation (FLP) pursuant to the Waukesha County Zoning Code. Plan designations are Farmland Preservation per the Waukesha County Comprehensive Development Plan and Agricultural Preservation on the Town of Oconomowoc Land Use Plan. The Farmland Preservation District states that new residences or new lots on less than 35 acres shall only be permitted with the creation and rezoning of a new parcel. The overall density of the farm tract must be maintained at one dwelling unit per 35 acres. The Robert C. Swedberg Farm Tract contains 269 acres on two parcels, which provides up to seven (7) density rights. Two (2) density rights are currently accounted for. Because the existing residence on the proposed lot will be removed and replaced with a new residence, the density units available remains unchanged.

The proposed parcel complies with the lot size requirements for a farm consolidation (1 to 5 acres) set forth by the FLP rezoning process, as well as the minimum average width requirements (150 ft.) of the R-1 District. The parcel location and subsequent residence will not limit the agricultural use of the 149-acre remnant farmlands, preserving and maintaining productive and viable agricultural land that adds to the economic base of Waukesha County. The Town and County believe the proposed 5-acre parcel meets the Farmland Preservation District siting standards as the proposed lot encompasses most of the existing structures, which are already clustered together and are located on uncultivated lands. The structures that remain on the agricultural land will continue to be used for agricultural purposes.

STAFF RECOMMENDATION:

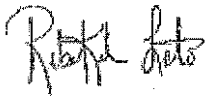
The Planning and Zoning Division Staff recommends **approval** of this request in accordance with the Town of Oconomowoc's recommendations as modified below (modifications or additions to the Town's conditions are in **bold** and deletions are identified in a strikethrough format):

1. The Zoning Amendment shall only amend the zoning on the five (5) acre parcel ~~as shown on~~ **substantially consistent with** Exhibit A. No other lands are to be rezoned.
2. A Certified Survey Map, prepared by a ~~Registered~~ **Professional** Land Surveyor in the State of Wisconsin, dividing the parcel as proposed, shall be reviewed and approved by the Town Plan Commission, Town Board and Waukesha County **Department of Parks and Land Use prior to the issuance of any Zoning or Building Permits.**
3. A Declaration of Restrictions shall be prepared and submitted to the Town Planner and Waukesha County Planning and Zoning Staff for review and approval. The restriction must be recorded in the Waukesha County Register of Deeds Office **by the owner or petitioner** and must state that, pursuant to the Town of Oconomowoc Comprehensive Land Use Plan -2035 and the Waukesha County Comprehensive Plan, ~~three (3)~~ **five (5)** additional development rights remain **for the Robert C. Swedberg farm tract** and the proposed new lot is entitled to only one (1) dwelling unit. Said

restriction must state that the restriction shall apply in perpetuity unless the County Comprehensive Plan Farmland Preservation designation under both the Town of Oconomowoc Comprehensive Land Use Plan – 2035 and the Waukesha County Comprehensive Plan for the property is amended in the future.

If approved as conditioned, the zoning change would be consistent with Town and County Comprehensive Development Plan recommendations as the 35-acre farmland preservation density requirement is being met. The rezoning of five acres of land will allow the petitioner to construct a residence on a new parcel, while not limiting the agricultural use of the remaining farmlands. As conditioned and in accordance with the requirements of the Waukesha County Zoning Code, a Deed Restriction will be recorded to disclose to future owners that there are five (5) density credits remaining on the farm tract after the creation of the five-acre parcel. This will ensure that the 35-acre density is maintained over time and that the vast majority of the land preserved on site remains in productive farmland or open space uses. This furthers the goals of the Farmland Preservation Plan to preserve the last remaining five square mile blocks of productive farmland within the County, adding to the economic base of Waukesha County and preserving the rural landscape.

Respectfully submitted,



Rebekah Leto
Senior Planner

Attachments: Exhibit A – Concept Plan
 Rezoning Map

N:\PRKANDLU\Planning and Zoning\Rezoning\Staff Reports\RZ115 Swedberg oct.doc

LEGAL DESCRIPTION
 PER DOCUMENT NO. 412623

The Northwest 1/4 of Section 2, Township 8 North, Range 17 East, in the Town of Oconomowoc, County of Waushara, Wisconsin, contains a 200' x 200' area of land known as the "Crestline" and is bounded on the north by the crestline of the Ashippun River, on the east by the centerline of the Ashippun River, on the south by the centerline of the Ashippun River, and on the west by the centerline of the Ashippun River. The Crestline is a 200' wide strip of land that is bounded on the north by the crestline of the Ashippun River, on the east by the centerline of the Ashippun River, on the south by the centerline of the Ashippun River, and on the west by the centerline of the Ashippun River. The Crestline is a 200' wide strip of land that is bounded on the north by the crestline of the Ashippun River, on the east by the centerline of the Ashippun River, on the south by the centerline of the Ashippun River, and on the west by the centerline of the Ashippun River.

EXHIBIT A

PLAT OF SURVEY

BEING A PART OF THE NW 1/4, SW 1/4, SE 1/4 AND NE 1/4 OF THE NE 1/4 OF SECTION 2, T.8N., R.17E., TOWN OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN

Concept Plan

LAND MARK
ENGINEERING SCIENCES, INC.
 119 COOLIDGE AVE., SUITE 100
 WAUKESHA, WI 53186
 (414) 719-2769

SURVEYOR:
 MARK AUGUSTINE, PLS

SURVEY FOR:
 ROBERT & MARY JANE SWEDBERG

PROPERTY:
 WISCONSIN NORWEGIAN RD
 OCONOMOWOC, WI 53066

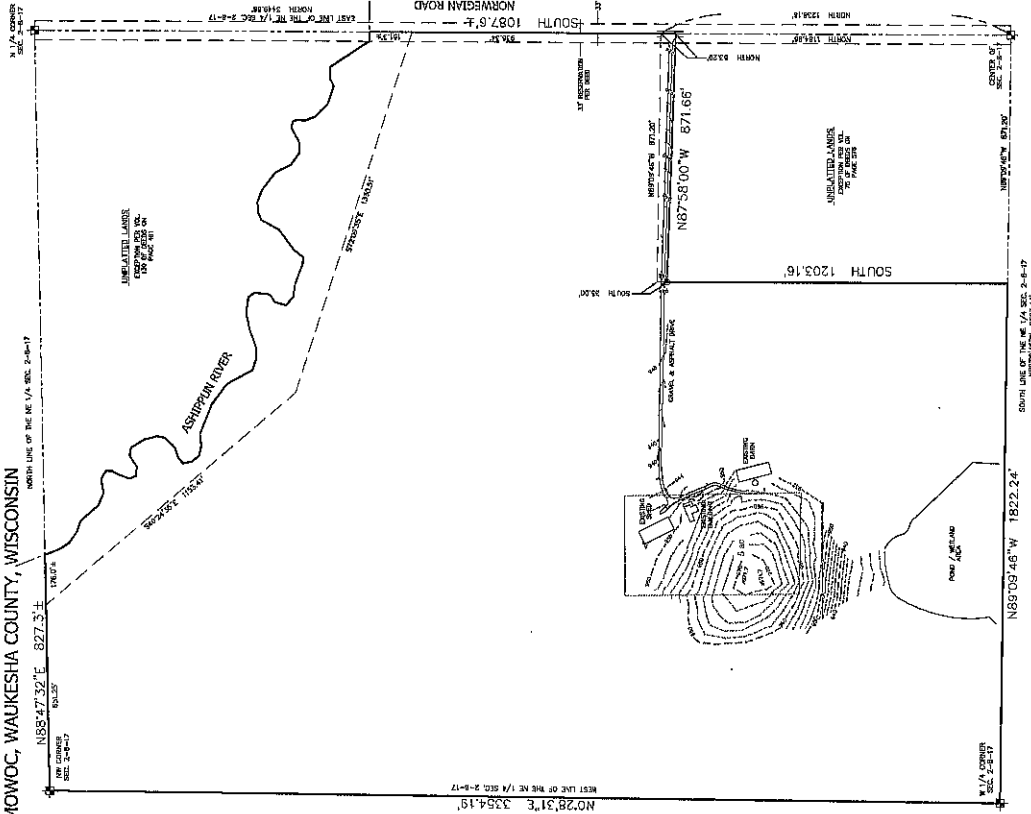
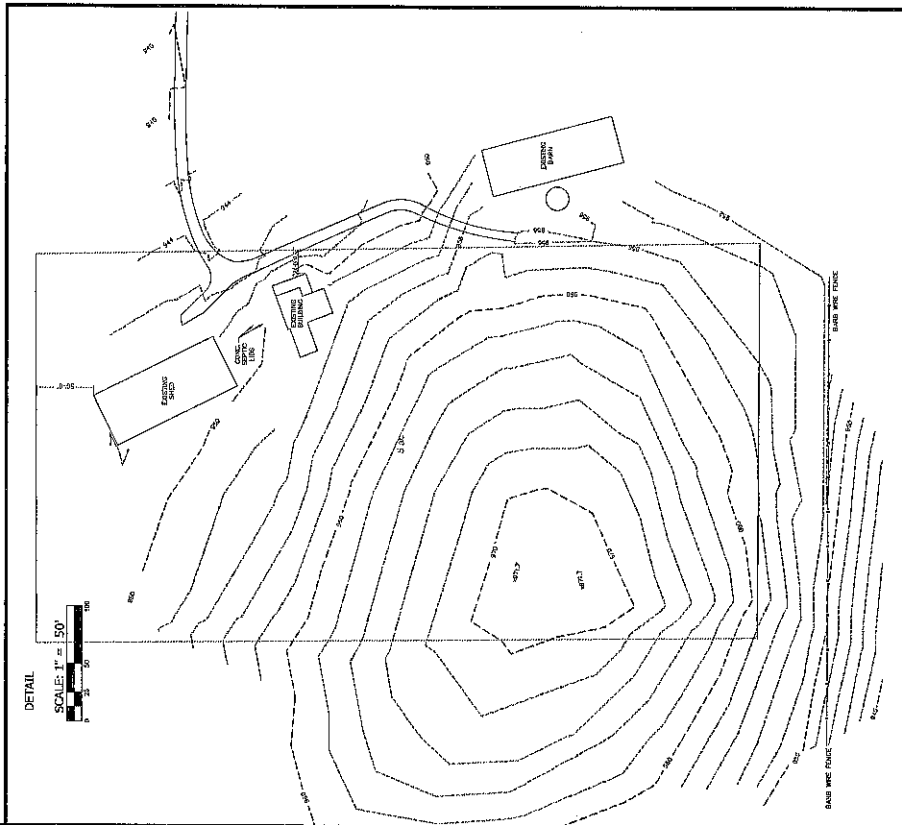


LEGEND

- ⊙ - 1" IRON NAIL FOUND
- EMERGENCY Z CENTER
- EXEMPTION Z CENTER

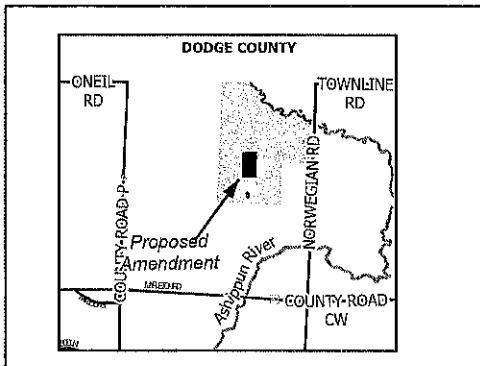
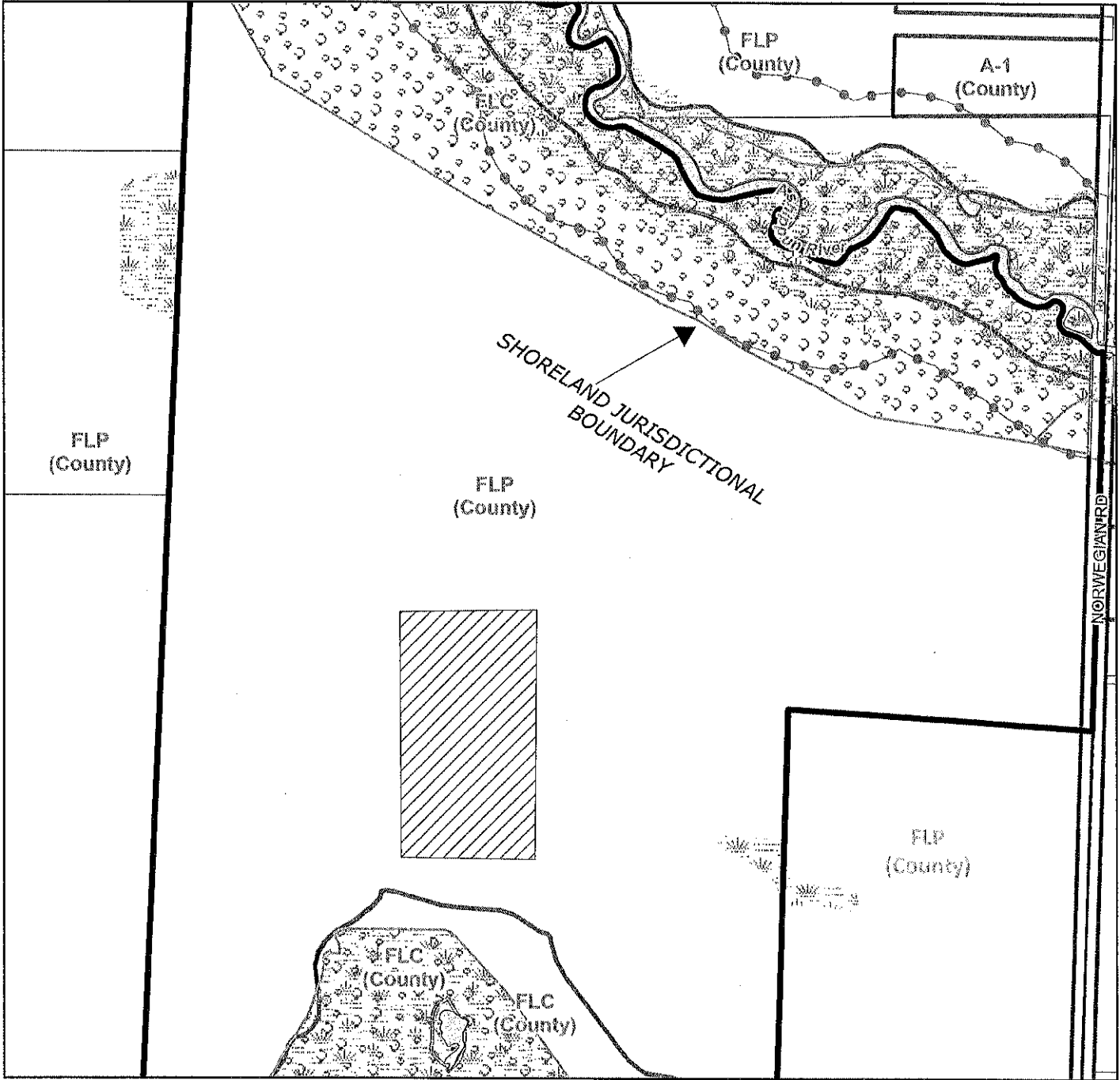
NOTES:




1. ENCUMBRANCES, IF ANY, ARE NOT SHOWN.
2. THE SURVEYOR HAS NO RECORDATION OF ANY ASSESSMENTS, TAXES, ETC., THAT MAY BE PAID ON THE PROPERTY. THE SURVEYOR HAS NO RECORDATION OF ANY ASSESSMENTS, TAXES, ETC., THAT MAY BE PAID ON THE PROPERTY.
3. THE FIELD WORK WAS COMPLETED ON AUGUST 16, 2023.



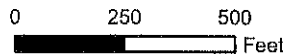
ZONING AMENDMENT

PART OF THE NE 1/4, SECTION 2,
TOWN OF OCONOMOWOC



-  CONDITIONAL COUNTY ZONING CHANGE FROM FLP FARMLAND PRESERVATION DISTRICT TO R-1 RESIDENTIAL DISTRICT
-  EC Environmental Corridor Overlay
-  C-1 Conservancy Overlay

FILE.....RZ115
 DATE OF PLAN COMMISSION.....6/15/23
 AREA OF CHANGE......5 ACRES
 TAX KEY NUMBER.....OCOT 0437.998.002



Prepared by the Waukesha County Department of Parks and Land Use

1 AMEND THE TEXT OF SECTION 3.12 OF THE WAUKESHA COUNTY ZONING CODE
2 TO REMOVE REFERENCES TO THE DOWNTOWN OKAUCHEE DISTRICT AND THE
3 EXISTING FLOODPLAIN DEVELOPMENT OVERLAY DISTRICT
4 (RZ120)
5

6 WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County Zoning
7 Code (Zoning Code) on February 26, 1959; and
8

9 WHEREAS, the Waukesha County Board of Supervisors may make amendments to the Zoning
10 Code pursuant to Section 59.69, Wisconsin Statutes; and
11

12 WHEREAS, in 2019, Enrolled Ordinance 174-07 amended the Waukesha County Shoreland and
13 Floodland Protection Ordinance (Shoreland Ordinance) to, in part, create the Downtown
14 Okauchee District (DOD); and
15

16 WHEREAS, in 2019, substantially parallel amendments to various provisions of the Zoning
17 Code were also adopted in Enrolled Ordinance 174-08 to ensure consistency with state law
18 changes and to ensure consistency between both zoning ordinances; and
19

20 WHEREAS, a corrective ordinance is now needed to the Zoning Code, Section 3.12, regarding
21 Off-Street parking because during the 2019 amendments, there were four references to the DOD
22 or the Existing Floodplain Development Overlay District (EFD) which were inadvertently listed
23 in Sec. 3.12 of the Zoning Code, but are in error as those districts only exist in the Shoreland
24 Ordinance; and
25

26 WHEREAS, the Waukesha County Park and Planning Commission forwarded the proposed
27 amendments and the Staff Report and Recommendation to the Land Use, Parks and Environment
28 Committee and to the Waukesha County Board of Supervisors with its recommendation that the
29 proposed corrective ordinance be approved.
30

31 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
32 that Sec. 3.12 (3) of the Zoning Code be repealed and recreated to read:
33

- 34 (3) Location.
35 The following locational standards apply to all Districts.
36
37 (A) Offset. In any off-street parking area, no vehicle shall be allowed to park
38 closer than ten (10) feet to the abutting lot line.
39
40 (B) Setback. No vehicle shall be parked closer than ten (10) feet to the Base
41 Setback Line.
42
43 (C) Where a development pattern exists with parking located at the rear of
44 Buildings, such as small downtown settings, parking shall be located to
45 the side and rear of Buildings to the greatest extent practicable.
46
47

48 BE IT FURTHER ORDAINED that Sec. 3.12 (4)(A).5.c.ii of the Zoning Code be repealed.

49
50 BE IT FURTHER ORDAINED that Sec. 3.12 (6)B.ii of the Zoning Code be repealed and
51 recreated to read:

52
53 ii. A Recreational Vehicle may not be parked within the C-1 Conservancy
54 Overlay District.

55
56 BE IT FURTHER ORDAINED Sec. 3.12 (7)B of the Zoning Code be repealed and recreated to
57 read:

58
59 B. A Conditional Use Permit pursuant to Section 3.08(7)(W) may be sought to permit
60 the parking of commercial or industrial-type vehicles in any zoning district except
61 the C-1 Conservancy Overlay or EC Environmental Corridor Overlay Districts. In
62 the B-3, Q-1, M-1, M-2 and P-I Districts where such vehicles are accessory to an
63 otherwise permitted business, industrial, public and institutional, or quarrying use,
64 a Conditional Use Permit will not be required and there are no limitations as to the
65 number of such vehicles which may be parked on the property except as may be
66 hereinafter established under the provisions of the applicable zoning district, or the
67 approved Conditional Use or site plan/plan of operation.

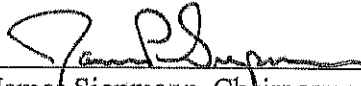
68
69 BE IT FURTHER ORDAINED that the provisions of this ordinance shall be included and
70 incorporated in the Waukesha County Code of Ordinances and may be appropriately renumbered
71 to conform to the numbering system contained therein.

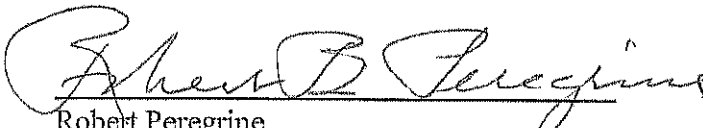
COMMISSION ACTION

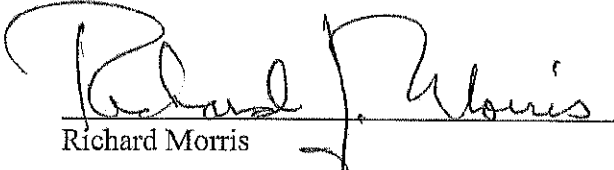
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Zoning Code, hereby recommends approval of (**RZ120 Waukesha County Park and Planning Commission – ZC Text Amendments**) in accordance with the attached “Staff Report and Recommendation.”

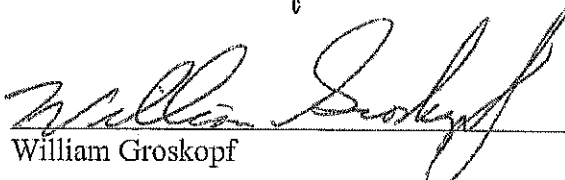
PARK AND PLANNING COMMISSION

June 15, 2023

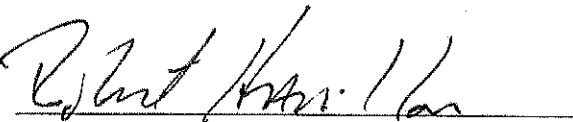

James Siepmann, Chairperson


Robert Peregrine


Richard Morris


William Groskopf

Absent
Gary Szpara


Robert Hamilton

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
TEXT AMENDMENTS TO THE
WAUKESHA COUNTY ZONING CODE

FILE NO.: RZ120
DATE: June 15, 2023
PETITIONER: Waukesha County Park and Planning Commission

REQUEST:

Text amendments to amend Section 3.12 of the Waukesha County Zoning Code to remove erroneous text references to the Downtown Okauchee District and the Existing Floodplain Development Overlay District from the off-street parking section of the code.

PUBLIC HEARING DATE: June 15, 2023

STAFF ANALYSIS:

In 2018, the staff of the Waukesha County Planning and Zoning Division began a set of comprehensive text amendments and codification effort related to the keeping of animals on certain properties in Waukesha County.

Likewise, at about the same time, other staff in the Division began another set of comprehensive text amendments and codification effort establishing a new Downtown Okauchee District (DOD) and related provisions.

In 2019, these parallel sets of amendments were adopted by the County Board to ensure consistency with state law changes and to ensure consistency between both the Waukesha County Zoning Code and the Waukesha County Shoreland and Floodland Protection Ordinance.

However, four references to either the DOD or the Existing Floodplain Development Overlay District (EFD) were later observed and determined to have been inadvertently listed in Section 3.12 of the Waukesha County Zoning Code, which is in error as those districts only exist in the Waukesha County Shoreland and Floodland Protection Ordinance.

Therefore, a corrective ordinance to the Zoning Code, Section 3.12, regarding Off-Street parking now needs to be adopted. Specifically:

Section 3.12(3) of the Zoning Code shall be repealed and recreated to read as follows:

- (3) Location.
The following locational standards apply to all Districts. ~~with the exception of the Downtown Okauchee District (DOD)*. Parking within the DOD District* must comply with the unique parking locational requirements of Section 33(i) of this Ordinance.~~
- (A) Offset. In any off-street parking area, no vehicle shall be allowed to park closer than ten (10) feet to the abutting lot line.
- (B) Setback. No vehicle shall be parked closer than ten (10) feet to the Base Setback Line.

- (C) Where a development pattern exists with parking located at the rear of Buildings, such as small downtown settings, parking shall be located to the side and rear of Buildings to the greatest extent practicable.

*(Editor's Note: * The Downtown Okauchee District (DOD) should not be referenced in the Zoning Code because it does not exist within its jurisdiction. A corrective ordinance will be forthcoming.)*

Section 3.12(4)(A).5.c.ii of the Zoning Code shall be repealed as follows:

- ii. ~~The height is limited to 15 feet in the DOD Downtown Okauchee District*. A waiver with a maximum height of 25 feet can be granted by the Zoning Administrator based on site and surrounding conditions.~~

*(Editor's Note: * The Downtown Okauchee District (DOD) should not be referenced in the Zoning Code because it does not exist within its jurisdiction. A corrective ordinance will be forthcoming.)*

Section 3.12(6)B.ii of the Zoning Code shall be repealed and recreated to read as follows:

- ii. A Recreational Vehicle may not be parked within the C-1 Conservancy Overlay District. ~~A Recreational Vehicle, which is parked in an Existing Floodplain Development Overlay District (EFD)*, must be fully licensed, operable and ready for highway use. A Recreational Vehicle is ready for highway use when it is on wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices and has no permanently attached additions.~~

*Editor's Note: * The Existing Floodplain Development Overlay District (EFD) should not be referenced in the Zoning Code because it does not exist within its jurisdiction. A corrective ordinance will be forthcoming.)*

Section 3.12(7)B of the Zoning Code be repealed and recreated to read as follows:

- B. A Conditional Use Permit pursuant to Section 3.08(7)(W) may be sought to permit the parking of commercial or industrial-type vehicles in any zoning district except the C-1 Conservancy Overlay, ~~or EC Environmental Corridor Overlay Districts or DOD Downtown Okauchee District*~~. In the B-3, Q-1, M-1, M-2 and P-I Districts where such vehicles are accessory to an otherwise permitted business, industrial, public and institutional, or quarrying use, a Conditional Use Permit will not be required and there are no limitations as to the number of such vehicles which may be parked on the property except as may be hereinafter established under the provisions of the applicable zoning district, or the approved Conditional Use or site plan/plan of operation.

*Editor's Note: * The Downtown Okauchee District (DOD) should not be referenced in the Zoning Code because it does not exist within its jurisdiction. A corrective*

~~ordinance will be forthcoming. The Editor also corrected reference to 3.08(7)(W) in this subsection.)~~

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The text amendments to Section 3.12 of the Waukesha County Zoning Code will remove erroneous references to the Downtown Okauchee District and the Existing Floodplain Development Overlay District. The amendments are necessary as those districts only exist within the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance and the amendments will enable the Zoning Code to exist without these references.

Respectfully submitted,

Sandra L. Scherer

Sandy Scherer
Senior Planner

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\RZ120 ZC Text Amendments.Doc

1 ADOPT TEXT AMENDMENTS TO THE WAUKESHA COUNTY SHORELAND AND
2 FLOODLAND PROTECTION ORDINANCE TO MODIFY THE MARINA CONDITIONAL
3 USE SECTION STANDARDS RELATING TO THE DOWNTOWN OKAUCHEE DISTRICT
4 (RZ121)
5

6 WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County
7 Shoreland and Floodland Protection Ordinance on January 23, 1970; and
8

9 WHEREAS, the Waukesha County Board of Supervisors may make amendments to such
10 Ordinance pursuant to Section 59.692, Wisconsin Statutes; and
11

12 WHEREAS, the Waukesha County Department of Parks and Land Use held a public hearing on
13 June 15, 2023; and
14

15 WHEREAS, the proposed amendments have been duly referred, considered and approved by the
16 Waukesha County Park and Planning Commission at its meeting of June 15, 2023; and
17

18 WHEREAS, the Waukesha County Park and Planning Commission has forwarded the proposed
19 amendments and the Staff Report and Recommendation to the Land Use, Parks and Environment
20 Committee and to the Waukesha County Board of Supervisors with its recommendation that the
21 proposed amendments be approved.
22

23 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
24 that the Waukesha County Shoreland and Floodland Protection Ordinance is hereby amended to
25 modify the marina conditional use section standards relating to the Downtown Okauchee District
26 and are more specifically described in the "Staff Report and Recommendation" by reference
27 RZ121, on file in the office of the Waukesha County Department of Parks and Land Use, and
28 made a part of this Ordinance.
29

30 Section 4(g)17.H of the Waukesha County Shoreland and Floodland Protection Ordinance shall
31 be repealed and recreated as follows:
32

33 H. No pier may be permitted to extend beyond the pierhead line if established. The total length
34 of all piers and T's or L's extending from the pier may not exceed the total length of the lake
35 frontage of the property, except in the DOD Downtown Okauchee District, and in no case
36 shall piers, T's or L's extend greater than one hundred fifty (150) feet from shore. In the
37 DOD Downtown Okauchee District, the total length of piers permitted shall be determined
38 based upon the requirements and approval of the Wisconsin Department of Natural
39 Resources and the consideration of the plan commission and zoning agency with regard to
40 concerns such as, but not limited to, on-site parking, traffic circulation and neighborhood
41 compatibility.
42

43 BE IT FURTHER ORDAINED that this Ordinance shall become effective upon passage and
44 publication.
45


46 BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of
47 this Ordinance with each of the town clerks within Waukesha County.

COMMISSION ACTION


The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Protection Ordinance, hereby recommends **approval** of **(RZ121 Waukesha County Park and Planning Commission – SFPO Text Amendments)** in accordance with the attached “Staff Report and Recommendation.”


PARK AND PLANNING COMMISSION

June 15, 2023



James Siepmann, Chairperson


Robert Peregrine


Richard Morris


William Groskopf

Absent
Gary Szpara


Robert Hamilton

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
TEXT AMENDMENTS TO THE WAUKESHA COUNTY SHORELAND AND FLOODLAND
PROTECTION ORDINANCE

FILE NO.: RZ121
DATE: June 15, 2023
PETITIONER: Waukesha County Park and Planning Commission

REQUEST:
Text amendments to the Waukesha County Shoreland and Floodland Protection Ordinance to modify the marina conditional use section standards specifically as they relate to the Downtown Okauchee District (DOD).

PUBLIC HEARING DATE: June 15, 2023

PUBLIC COMMENT: Any hearing comments offered at the June 15, 2023 hearing will be considered as part of the review process.

STAFF ANALYSIS:

The Waukesha County Planning and Zoning staff was recently approached by a property owner within the DOD district that expressed interest in expanding the number of boat slips on his property. The DOD district was created to apply to the downtown Okauchee area. The district recognizes Okauchee's unique land use pattern in a mixed use setting and provides for re-development opportunities within several use zones.

Because the Conditional Use option for marinas currently limits the total length of piers (including T's and L's) to a number that is equal to the lake frontage on a property, the inquiring owner would not have been able to expand. In response to learning that, he indicated that he believed that a pier expansion made his restaurant business more viable thus better ensuring its long term success and survival. He noted that viable business was a goal of the DOD district. Planning and Zoning staff and the Oconomowoc town planner agreed that an exception to the frontage provision had merit within the DOD. The marina standards were written prior to the DOD being written into the ordinance. Because of the urban or downtown setting and more compact development pattern, it was felt that the DOD could be excepted from this provision and the section amended but that piers, T's or L's should not extend greater than 150 feet from the shore so that navigation is not adversely affected. The proposed amendment would also include a requirement that the determination of the total pier length permitted within the DOD shall be determined based on the WDNR requirements and their approval as well as the consideration by the Town Plan Commission and the Waukesha County Park and Planning Commission as part of the marina Conditional Use process. Specifically:

Section 4(g)17.H of the Waukesha County Shoreland and Floodland Protection Ordinance shall be repealed and recreated as follows:

- H. No pier may be permitted to extend beyond the pierhead line if established. The total length of all piers, and T's or L's extending from the pier may not exceed the total length of the lake frontage of the property, except in the DOD Downtown Okauchee District, and in no case shall piers, T's or L's extend greater than one hundred fifty (150) feet from shore. In the DOD Downtown Okauchee District, the

total length of piers permitted shall be determined based upon the requirements and approval of the Wisconsin Department of Natural Resources and the consideration of the plan commission and zoning agency with regard to concerns such as, but not limited to, on-site parking, traffic circulation and neighborhood compatibility.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. This exception will apply to the DOD only and therefore will provide some access flexibility for lots, including those that may be somewhat narrow, and contain a marina that would also like to have more slips or pier footage than what is currently allowed in order to accommodate additional customers. A maximum length of 150 feet is still required and approval from the WDNR, and the Town and County Plan Commissions is also required. The consideration of on-site parking, traffic circulation and neighborhood compatibility will ensure that expansions will not create nuisance conditions. Staff feels that some additional flexibility for marinas within the DOD will help the business climate in an area where re-investment has been identified as important in maintaining a mixed use environment. Therefore, this amendment request is within the purpose and intent of the Waukesha County Shoreland and Floodland Protection Ordinance and the Town and County Development Plans in that while flexibility is provided there is still oversight as to the length of piers allowed so that safety in navigation is ensured.

Respectfully submitted,

Sandra L. Scherer

Sandy Scherer
Senior Planner

N:\PRKANDLU\Planning And Zoning\Rezoning\Staff Reports\RZ121 SFPO Text Amendments.Doc

1 AUTHORIZING RESOLUTION FOR PARTICIPATION IN THE WISCONSIN
2 DEPARTMENT OF NATURAL RESOURCES URBAN FORESTRY GRANT AND URBAN
3 FORESTRY CATASTROPHIC STORM COST-SHARE GRANT PROGRAMS
4

5 WHEREAS, the Wisconsin Department of Natural Resources (“DNR”) makes available grants
6 for the funding of urban and community forestry projects or urban forestry catastrophic storm
7 projects specified in sections 23.097(1g) and (1r), Wis. Stats.; and
8

9 WHEREAS, the DNR requires adoption of a Resolution by the local governing body supporting
10 the grant application and designating an authorized representative to act on its behalf; and
11

12 WHEREAS, Waukesha County recognizes the impacts of an invasive species, Emerald Ash
13 Borer, a non-native, invasive wood boring beetle that has resulted in significant tree canopy loss
14 throughout the park system presenting ecological and safety concerns in parks, greenways, golf
15 courses, and along recreational trails as trees die; and
16

17 WHEREAS, Waukesha County is interested in conducting a complete tree inventory of
18 designated use areas and developing an associated Urban Forestry and Wood Utilization
19 Management Plan to include a scope of work and prioritization for future removals and
20 replacement plantings that will aid in safeguarding from potential future pests/disease (the
21 “Project”); and
22

23 WHEREAS, the Waukesha County Department of Parks and Land Use intends to apply for a
24 \$25,000 grant with a 50% in-kind cash or donation cost-share from the DNR for the purpose of
25 carrying out the Project; and
26

27 WHEREAS, the grant funding will be available for one year and will be accounted for in the
28 2024 annual budget; and
29

30 WHEREAS, the Waukesha County Department of Parks and Land Use attests to the validity and
31 veracity of the statements and representations contained in the grant application.
32

33 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA
34 RESOLVES that the Waukesha County Department of Parks and Land Use through its Park
35 System Manager shall submit a grant application on behalf of Waukesha County to the DNR,
36 execute the cost-share agreement subject to the approval of Corporation Counsel, comply with
37 all local, state, and federal rules, regulations and ordinances relating to this project and the cost-
38 share agreement, and complete all necessary actions required for the Project and the grant.
39

40 BE IT FURTHER RESOLVED that the Waukesha County Department of Parks and Land Use
41 will cover the 50% cost share requirement of the total project costs.

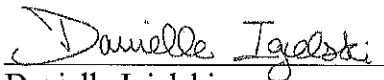
FISCAL NOTE

AUTHORIZING RESOLUTION FOR PARTICIPATION IN THE WISCONSIN
DEPARTMENT OF NATURAL RESOURCES URBAN FORESTRY GRANT AND URBAN
FORESTRY CATASTROPHIC STORM COST-SHARE GRANT PROGRAMS

This resolution authorizes the Waukesha County Department of Parks and Land Use to apply for \$25,000 in grant funding from the Wisconsin Department of Natural Resources (DNR) under the state's Urban Forestry Grant and Urban Forestry Catastrophic Storm cost-share grant program. The department plans to apply for this grant program to fund hiring a vendor to establish a plan to address and limit the impact of the invasive Emerald Ash Borer beetle on trees within the park system.

This grant program requires a 50% or \$25,000 local match for project expenses and the grant covers the other 50%. The local match will mostly consist of existing staff time spent working with a vendor to develop the plan.

The Department will be incorporating the \$25,000 for contracted services into their 2024 adopted budget request.



Danielle Igielski
Accounting Services Manager
6/30/2023

1 GRANT A TRANSMISSION LINE EASEMENT TO AMERICAN TRANSMISSION
2 COMPANY LLC WITHIN THE CTH DR RIGHT-OF-WAY IN THE VILLAGE OF SUMMIT
3

4 WHEREAS, Waukesha County operates and improves a system of county highways; and
5

6 WHEREAS, the County maintains jurisdiction over CTH DR in the Village of Summit; and
7

8 WHEREAS, certain rights-of-way have been granted to Waukesha County by the State of
9 Wisconsin, Department of Transportation adjacent to CTH DR; and
10

11 WHEREAS, the American Transmission Company, LLC (ATC) has requested that Waukesha
12 County grant an Electric Transmission Line Easement over lands owned by Waukesha County;
13 and

14 WHEREAS, ATC has provided an offer to purchase said easement rights for the amount of Five
15 Hundred Twenty Nine Dollars and No/100 (\$529.00); and

16 WHEREAS, said easement is described as follows:
17

18 A variable width easement which crosses a part of the grantor's premises, located in the
19 Northwest Quarter of the Northwest Quarter of Section 24, in Township 7 North, Range 17 East,
20 in the Village of Summit, Waukesha County, Wisconsin, more fully described as follows:
21 Commencing at the Northwest Corner of said Section 24; thence South 00°45'02" East along the
22 west line of said Northwest Quarter, 39.8 feet; thence North 89°14'58" East, 455.63 feet to the
23 northwest corner of the grantor's property and the Point of Beginning; thence North 89°15'25"
24 East along the south right of way of Delafield Road and the north property line of the grantor,
25 59.3 feet; thence South 51 °52'15" East, 115.6 feet; thence South 00°00'43" East, 14.3 feet;
26 thence South 89°38'10" East, 18.4 feet; thence South 51°52'15" East, 65.3 feet to the north line
27 of the existing transmission line easement; thence North 69°54'24" West along said north line,
28 111.9 feet to the north right of way of Interstate '94'; thence North 52°53'06" West along said
29 north right of way of Interstate '94', 144.0 feet to the Point of Beginning. Containing 6,023
30 square feet (0.138 acres) more or less and subject to restrictions, reservations, rights of way and
31 easements of record.
32

33 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
34 that it accepts the offer from ATC to purchase above-described easements rights for the sum of
35 \$529.00 and the Public Works Department is authorized to grant said Electric Transmission Line
36 Easement to the American Transmission Company, LLC (ATC).
37

38 BE IT FURTHER ORDAINED that the County Executive and County Clerk are authorized to
39 sign the necessary documents to effectuate the grant of the easement.

**ELECTRIC TRANSMISSION LINE
EASEMENT**

Wis. Stat. Sec. 182.017(7)

Wis. Stat. Sec. 196.491(3e)

Not subject to Wis. Stat. § 77.22(1).

Document Number

The undersigned Grantor, Waukesha County, a quasi-municipal corporation, (hereinafter called the "Grantor"), in consideration of the sum of \$529.00 Five Hundred Twenty Nine and no/100 dollars and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey unto American Transmission Company LLC, a Wisconsin limited liability company, its manager ATC Management Inc., a Wisconsin corporation, (hereinafter jointly referred to as "Grantee"), their successors and assigns, the perpetual right and easement to construct, install, operate, maintain, repair, replace, rebuild, remove, relocate, inspect and patrol a line of structures, comprised of wood, concrete, steel or of such material as Grantee may select, and wires, including associated appurtenances for the transmission of electric current, together with communication signals and equipment restricted solely for the purpose of electric utility communication, upon, in, over and across property owned by the Grantor in the Village of Summit, County of Waukesha, State of Wisconsin, described as follows:

Part of the Northwest ¼ of the Northwest ¼, Section 24, T07N-R17E, Village of Summit, Waukesha County, Wisconsin.

Recording Area

Name and Return Address
Steigerwaldt Land Services
Attn: Real Estate Dept.
856 North 4th Street
Tomahawk, WI 54487

Parcel Identification Number(s)
SUMT0670986

The legal description and location of the Perpetual Easement Strip is as shown on the Exhibit B, attached hereto and incorporated by reference in this easement document.

The easement is expressly subject to the terms hereof, including those set forth in Exhibit A, attached hereto and incorporated by reference, and has the following specifications:

EASEMENT STRIP:

Length: Approximately 245 feet

Width: Approximately 60 feet

TRANSMISSION STRUCTURES:

Type: Braced Tangent, Vertical Dead End

Number: 2

Maximum height above existing ground level: 105 feet

TRANSMISSION LINES:

Maximum nominal voltage: 138,000 volts

Number of circuits: 1

Number of conductors: 3

Number of static wires: 1

Maximum height above
Landscape (ground level): 20.7 feet

The Grantee is also granted the associated necessary rights to: 1) Enter upon the easement strip for the purposes of exercising the rights conferred by this easement. 2) Construct, install, operate, maintain, repair, replace, rebuild, remove, relocate, inspect and patrol the above-described facilities and other appurtenances that the Grantee deems necessary. 3) Trim, cut down and remove any or all brush, trees and overhanging branches now or hereafter existing on said easement strip. The Grantee shall, after receiving consent from Grantor (which consent shall not be unreasonably withheld, conditioned or delayed) have the right to cut down and/or remove such dead, dying, diseased, decayed, leaning trees or tree parts now or hereafter existing on the property of the Grantor located outside of the Perpetual Easement Strip that in Grantee's reasonable judgment may interfere with Grantee's full use of the Perpetual Easement Strip for the purposes stated herein or that pose a threat to the safe and reliable operation of the Electric Transmission Facilities, together with the right and permission and authority to enter upon the property of Grantor adjacent to the easement area in a reasonable manner for such purpose.

MEH-SMT0010

The Grantee shall pay a reasonable sum for all damages to property, crops, fences, livestock, lawns, roads, fields, recreational trail, sanitary sewer lift station and field tile (other than brush and trees trimmed or cut down and removed), caused by the construction, maintenance, replacement or removal of Grantor's facilities or the exercise of any rights hereunder by Grantor or its agents.

Grantor, for itself, its successors and assigns, agrees that it will not locate any dwelling or mobile home intended for residential occupancy within the limits of the easement strip. Grantor, for itself, its successors and assigns, further agrees that within the limits of the easement strip it will not construct, install or erect any structures or fixtures, including but not limited to swimming pools, construct any non-residential type buildings or store any inflammable goods or products, plant trees or shrubs, or change the grade more than one (1) foot without first securing the prior written consent of the Grantee except as allowed below.

Consistent Uses Allowed: The Grantor reserves the right to use the easement area for purposes which are not inconsistent with the purpose of this easement nor interfere with the Grantee's full enjoyment of the easement rights granted herein. Grantor reserves the right to grant easement rights to other persons or entities as the Grantor deems appropriate, provided the easement rights are not inconsistent with the purpose of this easement nor interfere with the Grantee's full enjoyment of the easement rights granted herein. Grantor reserves the absolute right to maintain, construct, reconstruct, relocate and operate a recreational trail and associated appurtenances within the easement area. The Grantor shall not be under obligation or commitment to notify Grantee or obtain consent for activities related to the trail.

Continual Operation of Lake Country Trail: The Grantor's grounds shall at all times remain open for public use. If the Grantee must perform work in any area that will in any way interfere with or detour the travelling public, Grantee will seek prior approval from Grantor, which approval shall not be unreasonably withheld, delayed or denied. Excepting, however, in cases of Emergencies when access shall be immediate.

Grantee's exercise of rights hereunder shall not in any way interfere with the rights granted to the Village of Summit pursuant to that certain Land Use Permit dated January 6., 2001 between the Town (now Village) of Summit and Waukesha County, including but not limited to its right to use and maintain the present existing Sanitary Sewer Lift Station building and associated improvements as shown on Exhibit B. Rights, agreements, privileges and uses allowed in Land Use Permit shall not be limited by this easement in any way. The Grantee shall pay a reasonable sum for damages to the Sanitary Sewer Lift Station building and associated improvements caused by the construction, installation, operation, maintenance, repair, replacement, rebuilding, removal, relocation, inspection, or patrolling of Grantor's facilities or the exercise of any rights hereunder by Grantor or its agents.

Indemnification and Hold Harmless: In consideration of the foregoing grant, Grantee will indemnify, save, and hold harmless the Grantor, its successors and assigns, from any and all claims, liabilities, losses, costs, damages or expenses for injury or death of any person and any damages to property arising out of Grantee's exercise of any of its rights under this easement; excepting, however, any claims, liabilities, losses, costs, damages or expenses arising out of the negligence or willful misconduct on the part of the Grantor, its successors and assigns, employees, agents and invitees. Grantor acknowledges that Grantee is a regulated utility that operates pursuant to an Open Access Transmission Tariff (the "Tariff") approved from time to time by the Federal Energy Regulatory Commission. Further, Grantor agrees that no provision in this Agreement is intended to alter or modify the Tariff in any way and that therefore no contractual indemnification or other liability is created or imposed on Grantee by this Agreement in excess of the liability imposed on Grantee by such Tariff.

Governing Law: This easement shall be construed and enforced in accordance with the laws of the State of Wisconsin.

Invalidity: If any term or condition of this easement, or the application of this easement to any person or circumstance, shall be deemed invalid or unenforceable, the remainder of this easement, or the application of the term or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and condition shall be valid and enforceable to the fullest extent permitted by law.

Insurance: Grantee shall provide for itself and require its contractors, subcontractors, agents and assigns entering Grantor's land to maintain statutory worker's compensation, commercial automobile liability, and commercial general liability insurance with Grantor, its boards, commission, agencies, officers, employees, and representatives as additional insured. Commercial general liability and commercial automobile liability shall be in the amount of not less than \$1,000,000 per occurrence.

Binding on Future Parties: This easement is binding upon the heirs, successors and assigns of the parties hereto, and shall run with the lands described herein. Grantee's right to assign is restricted. Grantee shall not assign this easement or rights attendant thereto without the prior, written approval of Grantor.

The parties hereto do hereby agree to the terms and conditions set forth in Exhibit A. The term "utility" on said Exhibit A shall mean Grantee. The term "landowner" on said Exhibit A shall mean Grantor.

WITNESS the signature(s) of the Grantor this _____ day of _____, 20____.

GRANTOR: Waukesha County

Signature

Signature

Printed Name

Printed Name

Title

Title

Notary Area on following page

ACKNOWLEDGEMENT

STATE OF WISCONSIN)
) SS
COUNTY OF _____)

Personally came before me this day of _____, 20____, the above named
Paul Farrow, Waukesha County Executive, and the above named Meg Wartman, Waukesha County Clerk, as representatives
of Waukesha County, a quasi-municipal corporation, to me known to be the persons who executed the foregoing instrument
in such capacity and acknowledged the same.

Notary Signature

Printed Name

Notary Public, State of _____

My Commission expires (is) _____

This instrument was drafted by Erik G. Weidig, Waukesha County Corporation Counsel.

EXHIBIT "A"
[Wis. Stat. Sec. 182.017(7)]

In constructing and maintaining high-voltage transmission lines on the property covered by the easement, the utility shall:

1. If excavation is necessary, ensure that the topsoil is stripped, piled and replaced upon completion of the operation.
2. Restore to its original condition any slope, terrace, or waterway, which is disturbed by the construction or maintenance.
3. Insofar as is practicable and when the landowner requests, schedule any construction work in an area used for agricultural production at times when the ground is frozen in order to prevent or reduce soil compaction.
4. Clear all debris and remove all stones and rocks resulting from construction activity upon completion of construction.
5. Satisfactorily repair to its original condition any fence damaged as a result of construction or maintenance operations. If cutting a fence is necessary, a temporary gate shall be installed. Any such gate shall be left in place at the landowner's request.
6. Repair any drainage tile line within the easement damaged by such construction or maintenance.
7. Pay for any crop damage caused by such construction or maintenance.
8. Supply and install any necessary grounding of a landowner's fences, machinery or buildings.

The utility shall control weeds and brush within the easement for the transmission line facilities. No herbicidal chemicals may be used for weed and brush control without the express written consent of the landowner. If weed and brush control is undertaken by the landowner under an agreement with the utility, the landowner shall receive from the utility a reasonable amount for such services.

_____The foregoing statement notwithstanding, the Landowner, by INITIALING IN THE SPACE AT LEFT, hereby grants written consent to the Utility to use HERBICIDAL chemicals for weed and brush control.

The Landowner shall be afforded a reasonable time prior to commencement of construction to harvest any trees located within the easement boundaries, and if the Landowner fails to do so, the Landowner shall nevertheless retain title to all trees cut by the utility.


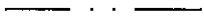



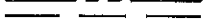
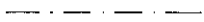


The Landowner shall not be responsible for any injury to persons or property caused by the design, construction or upkeep of the high-voltage transmission lines or towers.

The utility shall employ all reasonable measures to ensure that the landowner's television and radio reception is not adversely affected by the high-voltage transmission lines.

The utility may not use any lands beyond the boundaries of the easement for any purpose, including ingress to and egress from the right-of-way, without the written consent of the landowner.-

EASEMENT DESCRIPTION MAP (EXHIBIT B)

LEGEND

-  PROPERTY LINE
-  SECTION LINE
-  QUARTER SECTION LINE
-  SIXTEENTH LINE
-  TRANSMISSION REFERENCE LINE
-  TRANSMISSION EASEMENT LINE
-  RIGHT OF WAY LINE
-  EXISTING EASEMENT LINE
-  PROPERTY CORNER MONUMENT FOUND



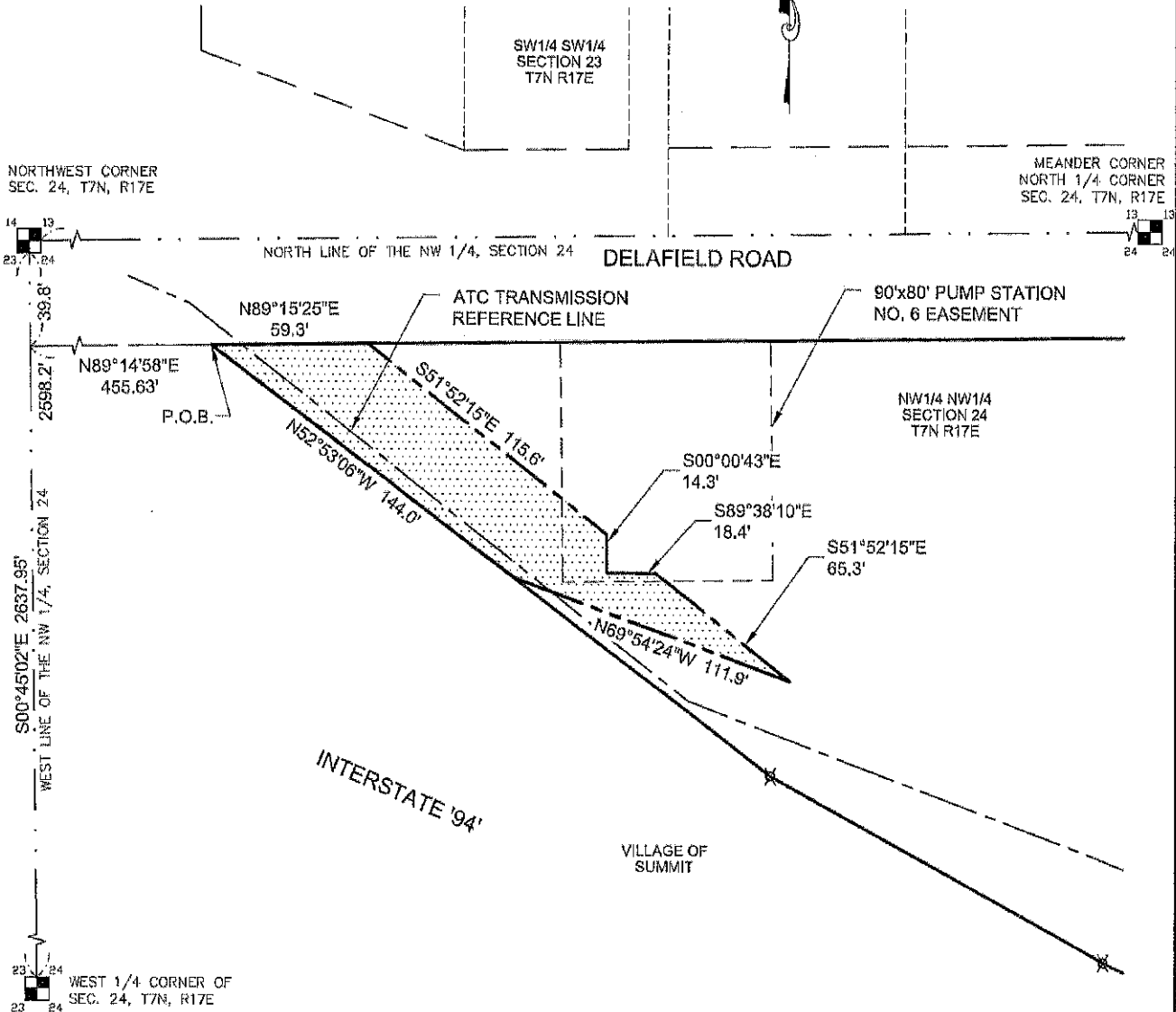
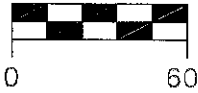
ATC TRANSMISSION LINE EASEMENT
AREA = 0.023 sq. ft. (0.138 acres) +/-

NOTES:
BEARINGS WERE ESTABLISHED USING THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83 2011 (WISCORS CORRECTION).

ELEVATION SHOWN ON THE MAP ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).

THIS DRAWING SHOULD BE USED ONLY AS A REPRESENTATION OF THE LOCATION OF THE EASEMENT BEING CONVEYED. THE EXACT LOCATION OF ALL STRUCTURES, LINES AND APPURTENANCES IS SUBJECT TO CHANGE WITHIN THE BOUNDARIES OF THE RIGHT OF WAY HEREIN GRANTED.

SCALE IN FEET



JSD
MILWAUKEE REGIONAL OFFICE
W238 N1810 BUSSE ROAD, SUITE 100
WAUKESHA, WISCONSIN 53188
P. 262.613.0666

PARCEL NO.:
SUMT0670986



Drawn :	CJH
Date:	03/25/2022
Scale:	1" = 60'
PROJECT NUMBER	22-11355
SHEET NUMBER	1 OF 3

REVISIONS	05/28/2022	04/08/2022	04/21/2023
-----------	------------	------------	------------

EASEMENT DESCRIPTION MAP (EXHIBIT B)

LEGEND

- PROPERTY LINE
- SECTION LINE
- QUARTER SECTION LINE
- SIXTEENTH LINE
- TRANSMISSION REFERENCE LINE
- TRANSMISSION EASEMENT LINE
- RIGHT OF WAY LINE
- EXISTING EASEMENT LINE
- PROPERTY CORNER MONUMENT FOUND

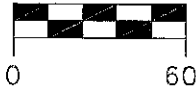
ATC TRANSMISSION LINE EASEMENT
AREA = 6,023 sq. ft. (0.138 acres) +/-

NOTES:
BEARINGS WERE ESTABLISHED USING THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83 2011 (WISCONS CORRECTION),

ELEVATION SHOWN ON THE MAP ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).

THIS DRAWING SHOULD BE USED ONLY AS A REPRESENTATION OF THE LOCATION OF THE EASEMENT BEING CONVEYED. THE EXACT LOCATION OF ALL STRUCTURES, LINES AND APPURTENANCES IS SUBJECT TO CHANGE WITHIN THE BOUNDARIES OF THE RIGHT OF WAY HEREIN GRANTED.

SCALE IN FEET

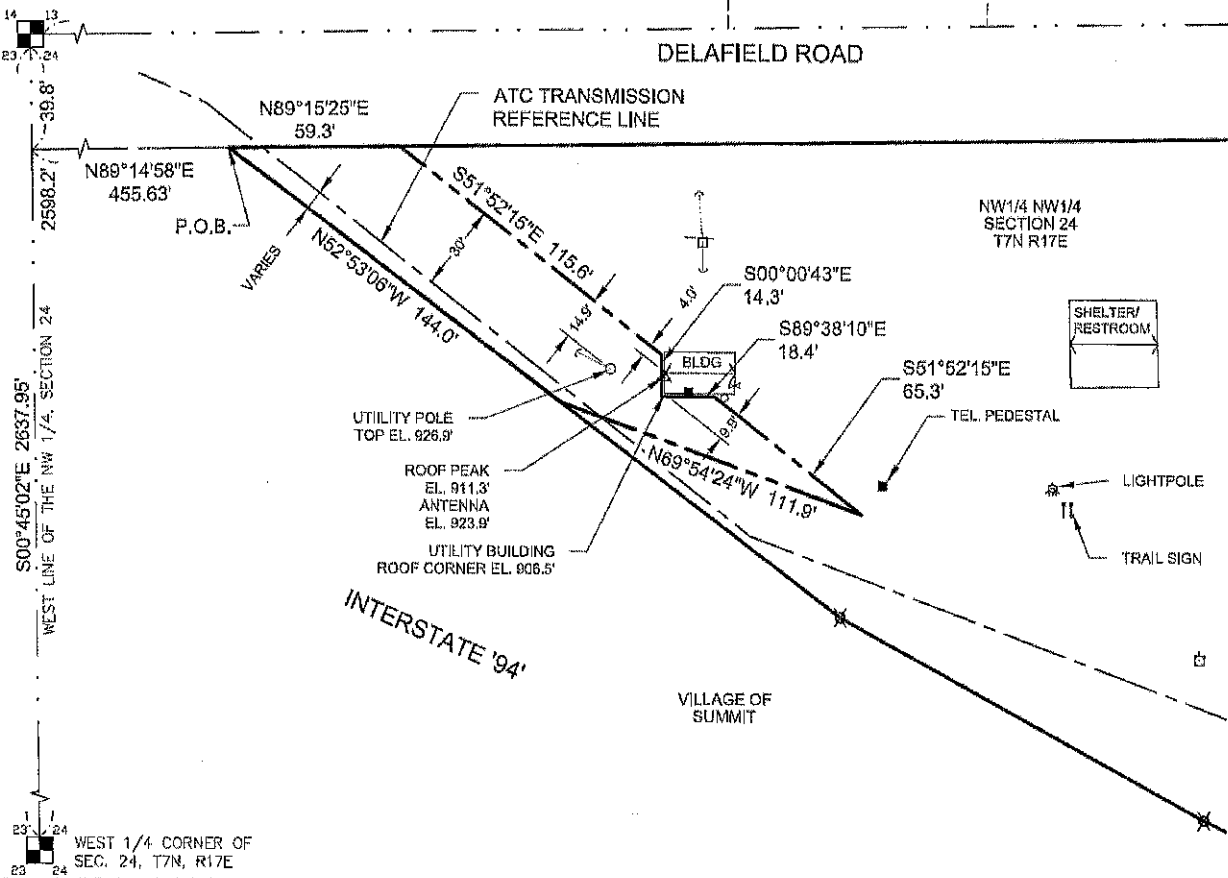


SW1/4 SW1/4
SECTION 23
T7N R17E

NORTHWEST CORNER
SEC. 24, T7N, R17E

MEANDER CORNER
NORTH 1/4 CORNER
SEC. 24, T7N, R17E

DELAFIELD ROAD



JSD
MILWAUKEE REGIONAL OFFICE
W238 N1610 BUSSE ROAD, SUITE 100
WALKESHA, WISCONSIN 53188
P. 262.613.0886

PARCEL NO.:
SUMT0670986

ATC
AMERICAN TRANSMISSION COMPANY



REVISIONS	03/28/2022	04/08/2022	04/21/2023	05/31/2023
-----------	------------	------------	------------	------------

Drawn :	CJH
Date:	03/25/2022
Scale:	1" = 60'
PROJECT NUMBER	22-11355
SHEET NUMBER	2 OF 3

EASEMENT DESCRIPTION (EXHIBIT B)

A variable width easement which crosses a part of the grantor's premises, located in the Northwest Quarter of the Northwest Quarter of Section 24, In Township 7 North, Range 17 East, In the Village of Summit, Waukesha County, Wisconsin, more fully described as follows:

Commencing at the Northwest Corner of said Section 24; thence South 00°45'02" East along the west line of said Northwest Quarter, 39.8 feet; thence North 89°14'58" East, 455.63 feet to the northwest corner of the grantor's property and the **Point of Beginning**; thence **North 89°15'25" East** along the south right of way of Delafield Road and the north property line of the grantor, **59.3 feet**; thence **South 51°52'15" East, 115.6 feet**; thence **South 00°00'43" East, 14.3 feet**; thence **South 89°38'10" East, 18.4 feet**; thence **South 51°52'15" East, 65.3 feet** to the north line of the existing transmission line easement; thence **North 69°54'24" West** along said north line, **111.9 feet** to the north right of way of Interstate '94'; thence **North 52°53'06" West** along said north right of way of Interstate '94', **144.0 feet** to the **Point of Beginning**. Containing **6,023 square feet (0.138 acres)** more or less and subject to restrictions, reservations, rights of way and easements of record.

 MILWAUKEE REGIONAL OFFICE W238 N1610 BUSSE ROAD, SUITE 100 WAUKESHA, WISCONSIN 53186 P. 262.613.0666	PARCEL NO.: SUMT0670986	 AMERICAN TRANSMISSION COMPANY	Drawn : CJH									
			Date: 03/25/2022									
			Scale: NA									
			PROJECT NUMBER: 22-11355									
		<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="width: 100px;"></td> <td style="width: 100px;"></td> <td style="width: 100px; text-align: center;">05/31/2023</td> </tr> <tr> <td style="text-align: center;">REVISIONS</td> <td style="text-align: center;">03/28/2022</td> <td style="text-align: center;">04/08/2022</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">04/21/2023</td> </tr> </table>			05/31/2023	REVISIONS	03/28/2022	04/08/2022			04/21/2023	SHEET NUMBER: 3 OF 3
		05/31/2023										
REVISIONS	03/28/2022	04/08/2022										
		04/21/2023										

1 TERMINATE THE 901 PARATRANSIT SERVICE EFFECTIVE NOVEMBER 1, 2023 AND
2 GRANDFATHER SERVICE FOR CURRENT PARATRANSIT RIDERS

3
4 WHEREAS, the Waukesha County Department of Public Works Transit Services program
5 provides bus service provided by third party contracts administered by the City of Waukesha;
6 and

7
8 WHEREAS, Route 901 is a Waukesha County commuter route provided by Wisconsin Coach
9 Lines, A Coach USA Company; and

10
11 WHEREAS, in compliance with Federal Transit Administration (FTA) and Americans with
12 Disabilities Act (ADA) of 1990, specific transit services must ensure their services, vehicles and
13 facilities are accessible to and usable by individuals with disabilities; and

14
15 WHEREAS, Route 901 service has met the standards to provide Paratransit service which is
16 provided by National Express through a five year contract in effect from May 1, 2018 to April
17 30, 2023 and extended to October 31, 2023; and

18
19 WHEREAS, as of January 1, 2023 Route 901 service levels have fallen below the ADA
20 requirements to provide Paratransit services; and

21
22 WHEREAS, Route 901 Paratransit service area overlaps with other Paratransit service areas,
23 such as City of Waukesha Metrolift and Waukesha County Aging and Disability Resources
24 Center Rideline service; and

25
26 WHEREAS, utilization of the Route 901 Paratransit services has declined by over 90% over the
27 past ten years; and

28
29 WHEREAS, there are currently four Route 901 Paratransit riders and the majority of trips
30 provided can be provided by alternative transit options.

31
32 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
33 that the Route 901 Paratransit service will end effective November 1, 2023.

34
35 BE IT FURTHER ORDAINED that Waukesha County Department of Public Works Transit
36 Services program will provide a grandfathered service provision to the four current Route 901
37 Paratransit riders until December 31, 2024.

FISCAL NOTE

TERMINATE THE 901 PARATRANSIT SERVICE EFFECTIVE NOVEMBER 1, 2023 AND
GRANDFATHER SERVICE FOR CURRENT PARATRANSIT RIDERS

This ordinance would terminate the Route 901 Paratransit service effective 11/01/2023 with a grandfathered service provision that will continue services for current riders until 12/31/2024. The 2023 Transit budget included approximately \$19,000 for the county's share of paratransit costs (after state/federal funding and farebox revenue). The costs to provide grandfathered services through 2024 is unknown currently as the department looks to consider service provider options ahead of the termination of the route. The department plans to include a modest appropriation in the proposed 2024 budget to cover these grandfathered rides.

William Duckwitz

William Duckwitz
Budget Manager
6/30/2023
WW



**Proposed Parameters for Grandfathering 901 Paratransit Passengers
Effective November 1, 2023**

The following parameters are proposed for Grandfathering existing 901 Paratransit Passengers:

Term:

All existing passengers are eligible to continue to utilize the 901 Paratransit service for trips that there is no comparable and available service option until at least December 31, 2024.

Service Area:

The existing service area which is within 1 mile of the Route 901 and Waukesha Metrolift Service Area.

Fares: All fares \$12.50/trip.

Hours: 5:30 am – 6:00 pm

Other parameters:

- Passenger does not move during the grandfather period.
- Passenger does not require a more advance level of service than what is currently provided.

1 DECLARE LOCALIZED EMERGENCY RESULTING FROM CONDITIONS REQUIRING
2 PROMPT REPAIR AT THE WAUKESHA CAMPUS OF THE UNIVERSITY OF
3 WISCONSIN-MILWAUKEE AND AUTHORIZE CONTRACT FOR REPAIRS
4

5 WHEREAS, Waukesha County owns the land and buildings, which serve the University of
6 Wisconsin – Milwaukee at Waukesha; and
7

8 WHEREAS, Waukesha County is responsible for maintaining campus infrastructure, through a
9 partnership agreement with the Regents of the University of Wisconsin that runs through June
10 30, 2040; and
11

12 WHEREAS, the University has undergone extensive HVAC and mechanical upgrades the past
13 10 years, replacing several mechanical, electrical, and plumbing (MEP) components; and
14

15 WHEREAS, during a recent MEP repair it was uncovered that the 2” natural gas line in the MEP
16 tunnels is original to campus construction in 1965, past its useful life, and in a deteriorating
17 condition; and
18

19 WHEREAS, the condition of the 2” gas line and supporting pipe stands have corroded to a level
20 that require prompt replacement during the summer months when the heating system is inactive
21 and when most students are not on campus (the “Project”); and
22

23 WHEREAS, the Project has been publicly bid out twice with no bids received, once in the
24 summer of 2022 and once in the fall/winter of 2022; and
25

26 WHEREAS, the Department of Public Works, Facilities Management division, continued to
27 solicit quotes from five vendors and only received one quote from Grunau Company, Inc. in the
28 amount of \$90,000 for the Project; and
29

30 WHEREAS, if the Project is publicly bid a third time, the gas lines will have to remain in their
31 corroded condition until summer of 2024, risking gas leakage, pipe failure, equipment shut down
32 and school closure; and
33

34 WHEREAS, Section 59.52(29)(b), Wis. Stat. permits a county to contract for the construction,
35 repair, remodeling or improvement of any public work without publicly bidding when the
36 damage or threatened damage to the public facility creates an emergency, as determined by
37 resolution of the Board, in which the public health or welfare of the county is endangered.
38

39 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA
40 RESOLVES that the continued deterioration of the gas line, the need to quickly repair the gas
41 line, and continued delay in said repair resulting from repeating a twice failed public bidding
42 process creates a localized emergency on the university campus, in which the public health or
43 welfare of the County is endangered within the meaning of Section 59.52(29)(b), Wis. Stats., and
44 that said emergency will continue until the gas line is repaired.
45

46 BE IT FURTHER RESOLVED that in light of said emergency, the public bidding procedures of
47 Section 59.52(29)(a), Wis. Stats., need not be followed and the Department of Public Works is
48 authorized to contract with Grunau Company, Inc., in the amount of \$90,000 for completion of
49 the Project.



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

MEMO:

DATE: June 27, 2023
TO: Paul Decker, County Board Chairman
FROM: Paul Farrow, County Executive
RE: Appointment of Dee Schriver to the Okauchee Lake Management District

I am pleased to submit to the County Board for your consideration the appointment of Dee Schriver to the Okauchee Lake Management District as the Waukesha County representative. She will replace Carol Wilson, who recently resigned as the Waukesha County Representative after decades of service in that capacity.

Ms. Schriver has lived on Okauchee Lake for over 20 years and has served as a District Commissioner since 2006, including 10 years as the District Treasurer. She has interests in the environment and healthy lakes including the identification and management of aquatic invasive species in Okauchee Lake and has been very involved in the lake's operation team.

Thank you for your consideration.

cc: Meg Wartman, County Clerk
Dale Shaver, PLU Director



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

MEMO:

DATE: June 30, 2023
TO: Paul Decker, County Board Chairman
FROM: Paul Farrow, County Executive
RE: Appointment of Michael Becker to the Ethics Board

I am pleased to submit to the County Board for your consideration of the re-appointment of Michael Becker to the Ethics Board as the Waukesha County representative. Mr. Becker lives at N29 W26211 Steeplechase Ct. in Pewaukee. He has served 5 terms on this board continually since 2006. If considered, his term will expire April 2026.

Thank you for your consideration.

cc: Deborah Price, Corporation Counsel Office



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

MEMO:

DATE: June 30, 2023
TO: Paul Decker, County Board Chairman
FROM: Paul Farrow, County Executive
RE: Appointment of David Hickey to the Ethics Board

I am pleased to submit to the County Board for your consideration of the re-appointment of David Hickey to the Ethics Board as the Waukesha County representative. Mr. Hickey lives at 117 S. Charles St., Waukesha. Mr. Hickey has served on the Ethics Board since its creation in 1993. He has served 10 terms and is currently Ethics Board Chairman. If considered, his term will expire April 2026.

Thank you for your consideration.

cc: Deborah Price, Corporation Counsel Office



WAUKESHA COUNTY
OFFICE OF THE COUNTY EXECUTIVE

MEMO:

DATE: June 30, 2023
TO: Paul Decker, County Board Chairman
FROM: Paul Farrow, County Executive
RE: Appointment of Kate Weiland-Moores to the WOW Workforce Development Board

I am pleased to submit to the County Board for your consideration the appointment of Kate Weiland-Moores to the WOW Workforce Development Board. She will replace Richard Oakes who completed his term today. Ms. Weiland-Moores term will conclude June 30, 2026.

Ms. Weiland-Moores is the Chief Operating Officer of Concurrency, Inc., a business management and IT consulting firm located in Brookfield. Ms. Weiland-Moores has over 28 years of experience in the staffing and professional services industry and is passionate about helping all people find rewarding work and career opportunities. She also serves on other boards such as the Women and Girls Fund, the Milwaukee Summerfest Tech steering committee, SHRM, and is a supporter and mentor for the Elmbrook School District's Launch program. She currently resides in Greenfield.

Thank you for your consideration.

cc: Meg Wartman, County Clerk
Dale Shaver, PLU Director

1 MODIFY THE SALARY RANGE ASSIGNMENT FOR THE TELECOMMUNICATOR
2 CLASSIFICATION FROM OPEN RANGE 07 TO OPEN RANGE 09 AND ESTABLISH A
3 DIFFICULT-TO-FILL SHIFT INCENTIVE FOR TELECOMMUNICATORS FOR
4 COVERAGE NEEDS
5

6 WHEREAS, there has been increased turnover and difficulty attracting and retaining quality
7 telecommunicator candidates; and
8

9 WHEREAS, the Waukesha County Department of Emergency Preparedness employee turnover
10 rates are exceeding the County's capacity to attract and train employees in a timely manner; and
11

12 WHEREAS, many employers are facing the same tight labor market with low unemployment
13 rates; and
14

15 WHEREAS, a review of the local wages for Telecommunicators last summer indicated the
16 County salaries were not keeping pace; therefore, a one grade salary range adjustment was made
17 in anticipation of the 2023 total compensation market and benefits study; and
18

19 WHEREAS, the total compensation market and benefits study in progress, while not yet final, is
20 indicating that the Telecommunicator salaries are lagging; and
21

22 WHEREAS, it is appropriate to take action to address Telecommunicator salaries in order to
23 attract candidates and retain employees; and
24

25 WHEREAS, it is appropriate to take steps to retain current Telecommunicators who are
26 providing critical dispatch services during this time of high vacancy by moving the
27 Telecommunicator classification from Open Range 07 to Open Range 09; and
28

29 WHEREAS, it is appropriate to provide a salary adjustment of \$3.00/hour upon movement into
30 Open Range 09 as the department has the administrative authority to do a salary adjustment upon
31 movement to the new pay grade and no budget amendment is necessary; and
32

33 WHEREAS, the change in salary range assignment is expected to improve emergency dispatch
34 capacity in the long-term, but there is currently a critical shortage of available staff, and it is
35 appropriate now to provide additional compensation to incentivize workers to cover difficult-to-
36 fill shifts; and
37

38 WHEREAS, to address the current critical shortage of available staff, this ordinance would
39 approve the ability to temporarily provide a \$3.00/hour pay increase for staff working night,
40 weekend, and holiday shifts when the directors of Emergency Preparedness and Administration
41 deem it necessary to ensure appropriate coverage during times of low staffing levels; and
42

43 WHEREAS, it is expected that, through turnover and vacancy of positions at the
44 Communications Center during 2023, there will be sufficient remaining budget authority to
45 accommodate wage rate increases and the difficult-to-fill shift incentive and that these impacts
46 will be incorporated into the 2024 proposed budget.
47

48 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
49 that effective July 29, 2023, the Telecommunicator classification be moved from Open Range 07
50 (\$25.16/hour minimum - \$29.22/hour midpoint - \$33.28/hour maximum) to Open Range 09
51 (\$27.75/hour minimum - \$32.23/hour midpoint - \$36.70/hour maximum).
52

53 BE IT FURTHER ORDAINED that effective June 17, 2023, the Director of Emergency
54 Preparedness and Director of Administration have discretion to jointly agree during periods of
55 critical staffing shortages to commence or terminate, for Telecommunicators working the
56 difficult-to-fill shifts, a shift incentive of \$3/hour for hours worked during the following time
57 periods: weekdays 6 PM – 6 AM, weekends Friday 6 PM – Monday 6 AM, and County
58 recognized holidays.

FISCAL NOTE

MODIFY THE SALARY RANGE ASSIGNMENT FOR THE TELECOMMUNICATOR CLASSIFICATION FROM OPEN RANGE 07 TO OPEN RANGE 09 AND ESTABLISH A DIFFICULT-TO-FILL SHIFT INCENTIVE FOR TELECOMMUNICATORS FOR COVERAGE NEEDS

This ordinance modifies the salary range for telecommunicator positions, increasing from Open Range 07 (\$25.16/hour minimum - \$29.22/hour midpoint - \$33.28/hour maximum) to Open Range 09 (\$27.75/hour minimum - \$32.23/hour midpoint - \$36.70/hour maximum). This is being done to allow for a \$3.00/hour increase in pay for these positions, that otherwise would not be possible within the current salary range maximum for some employees, in order to promote retention and recruitment.

The Department of Emergency Preparedness is experiencing significant vacancy levels within the telecommunicator classification. Reasons for these vacancies include the continuing tight labor market and competition from surrounding county and municipal governments for telecommunicator positions. Due to the work load and extensive training involved with the telecommunicator position, some candidates decide to leave early in training or pursue other, similarly paid positions that do not require as much commitment and stress. Both the total compensation market and benefits study (which is currently underway) and a review of other governments salary ranges indicates that telecommunicator pay is lagging, which makes it more difficult to compete for these positions.

Below is a table illustrating the hourly wages of Waukesha County's telecommunicators compared to other similarly sized and nearby local governments. Waukesha County currently ranks in the bottom half of pay levels among other counties and cities (based on maximum rate). A \$3.00/hour wage increase will put the county in the upper half and be more in-line with higher-paying local governments at the top of list that are most likely to compete for telecommunicator positions due to proximity.

Comparison of Telecommunicator Pay: Before & After Salary Range Change*

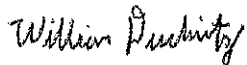
Organization	Min Rate	Max Rate
Milwaukee, City of	\$ 31.38	\$ 38.58
Racine County	\$ 28.35	\$ 38.10
Waukesha, City of	\$ 28.20	\$ 38.06
Waukesha County - Proposed, Open 09	\$ 27.75	\$ 36.70
Dane County	\$ 32.23	\$ 34.78
Walworth County	\$ 25.83	\$ 34.00
Waukesha County - Current, Open 07	\$ 25.16	\$ 33.28
Kenosha County	\$ 24.46	\$ 31.44
Milwaukee County	\$ 23.45	\$ 29.84
Elm Grove, Village of	\$ 22.21	\$ 27.79

*Some local governments salary schedules provide for more rapid progression through the range than Waukesha County.

The annualized cost of this salary range adjustment and related \$3.00/hour increase in pay, including FICA and Wisconsin Retirement Contribution expenses, is estimated at about \$343,000. The partial-year impact in 2023, beginning with the July 29th pay period, is estimated at \$145,000.

This change in salary range assignment is expected to improve emergency dispatch recruitment/retention in the long-term, but there is currently a critical shortage of available staff, so this ordinance also approves a new policy to allow a separate \$3.00/hour increase in pay for telecommunicators working difficult-to-fill hours. This would be a temporary incentive, provided during periods of high vacancy when the directors of Emergency Preparedness and Administration deem it necessary to help incentivize coverage. Difficult-to-fill hours are defined to include weeknights (6:00 PM to 6:00 AM), weekends (Friday 6:00 PM to Monday 6:00 AM), and holiday shifts. This policy would be retroactive to June 17, 2023. The partial-year impact of this policy through the end of 2023, including overtime, is estimated to cost \$94,000.

Department management anticipates being significantly below budget in personnel cost due to vacancy and turnover, which is expected to be sufficient to cover both the salary range adjustment and the difficult-to-fill shift pay incentive. The impacts of the is ordinance will be built into the 2024 proposed budget.



William Duckwitz
Budget Manager
7/5/2023
TL

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

4 WHEREAS, Waukesha County undertook a highway project (Project ID 2788-00-22)
5 to reconstruct and improve the West Waukesha Bypass in the City and Town (now Village) of
6 Waukesha; and

7 WHEREAS, as part of the highway project, the County acquired by eminent domain a
8 temporary limited easement for construction purposes on land owned by Hyman and Karen
9 Feldman (hereinafter "the Feldmans") in the City of Waukesha and further identified as tax key
10 number WAKC 1317 059; and

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

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

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

20 WHEREAS, Waukesha County, DOT and the Feldmans reached a mediated settlement
21 agreement on June 22, 2023, the terms of which are conditioned upon County Board approval;
22 and

23 WHEREAS, the continuation of the litigation causes substantial financial risk to the
24 landowners, Waukesha County and the DOT; and all parties will incur additional, significant
25 expenses if a settlement of the litigation is not reached at this time; and

26 WHEREAS, it has been determined that settlement of the issues in this litigation at this time is
27 in the best interest of Waukesha County.

28 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA
29 ORDAINS that the settlement in the lawsuit of Hyman Feldman et. al. v. Waukesha County,
30 et. al, Case Number 2018-CV-1780 is approved according to the terms of the mediated
31 agreement, which was previously shared with the County Board in closed session.

32 BE IT FURTHER ORDAINED that Waukesha County Corporation Counsel, or his designee, is
33 authorized to negotiate, finalize and execute a settlement agreement and release in accordance
34 with the mediated settlement terms.