

Enrolled 157-22
PROPOSED ORDINANCE 157-23

1
2
3 APPROVE LAND USE PERMIT FOR CONSTRUCTION, OPERATION AND
4 MAINTENANCE OF STORMWATER DRAINAGE SWALE AND CULVERT WITHIN
5 WAUKESHA COUNTY BUGLINE RECREATION TRAIL RIGHT-OF-WAY
6
7

8 WHEREAS it is deemed desirable to allow the Village of Merton to construct, operate and
9 maintain a stormwater drainage swale and culvert within the Waukesha County Bugline
10 Recreation Trail Right-of-Way located in the Village of Merton, and
11

12 WHEREAS, the new drainage swale and culvert will replace and relocate an existing county
13 owned culvert to a more desirable location to reduce flooding of adjacent properties, and reduce
14 maintenance work required on the Bugline Recreation Trail, (refer to Exhibit "A"), and
15

16 WHEREAS it is necessary to provide a Land Use Permit from Waukesha County to the Village
17 of Merton in order that a stormwater drainage swale and culvert can be constructed, and
18

19 WHEREAS it is desirable to waive the Land Use Permit Fee (\$130.00) because the Village of
20 Merton will assume ownership of the culvert, the cost to develop, operate, and maintain said
21 culvert and drainage swale at no cost to the County.
22

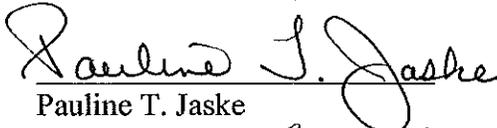
23 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES
24 ORDAIN that the Land Use Permit between Village of Merton and Waukesha County, which
25 permits the construction, operation and maintenance of the stormwater drainage swale and
26 culvert on the Waukesha County Bugline Recreation Trail Right-of-Way, and is on file in the
27 Office of the County Clerk is hereby approved.
28

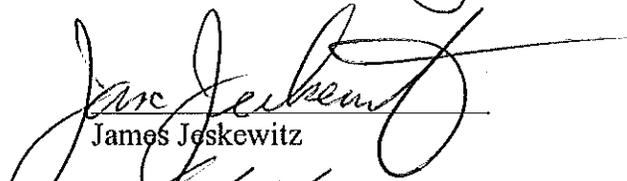
29 BE IT FURTHER ORDAINED that the County Executive and County Clerk may execute said
30 Agreement on behalf of Waukesha County.

APPROVE LAND USE PERMIT FOR CONSTRUCTION, OPERATION AND
MAINTENANCE OF STORMWATER DRAINAGE SWALE AND CULVERT WITHIN
WAUKESHA COUNTY BUGLINE RECREATION TRAIL RIGHT-OF-WAY

Presented by:
Land Use, Parks, and Environment Committee


Walter L. Kolb, Chair


Pauline T. Jaske


James Jeskewitz

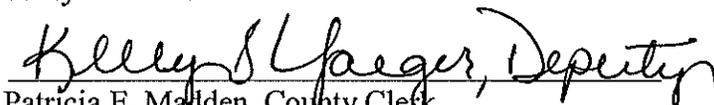

Scott J. Klein


Daniel Pavelko


Vera Stroud


Matt Thomas

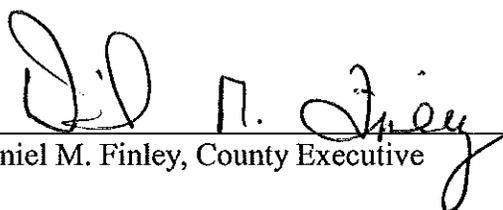
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: June 28, 2002, 
Patricia E. Madden, County Clerk

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

Approved:

Vetoed:

Date: 7-1-02, 
Daniel M. Finley, County Executive

LAND USE PERMIT
FROM WAUKESHA COUNTY
TO VILLAGE OF MERTON

FOR AND IN CONSIDERATION of a sum of zero Dollars (\$ 0) and other good and valuable consideration to be paid WAUKESHA COUNTY, WISCONSIN, a Corporation and Owner, does hereby permit the VILLAGE OF MERTON, its successors and assigns, the right, permission and authority to construct, operate, and maintain subject to the written approval of the County of Waukesha by the Waukesha County Park and Planning Commission, Waukesha County Department of Parks and Land Use, Parks and Environment Committee, Waukesha County Board of Supervisors, and the Waukesha County Executive, a maximum of 79.36 linear feet long by 20.00 linear feet wide drainage easement for the installation, operation and maintenance of an underground culvert and drainage way, together with other pertinent equipment deemed necessary by the Village of Merton in accordance with all applicable Federal, State and Local codes and permits, on the right-of-way of the Waukesha County Bugline Recreation Trail, located within the SW 1/4 of Section 13, Village of Merton, Waukesha County, Wisconsin.

The location of the Land Use Permit with respect to the premises of Waukesha County is shown on the drawing attached hereto, marked Exhibit "A" and made a part hereof.

Village of Merton will defend, indemnify and hold harmless Waukesha County and all of its departments, agencies, board of officers, employees and agents from any and all liability, loss, damages, expenses and costs, including attorneys fees and expenses, that it may suffer or incur as the result of any injury (including death) or damage to person or property which results from any action or omission, negligent or otherwise, of Village of Merton or its agents in connection with the grant of the Land Use Permit and any and all work of any type which the Village of Merton performs or should perform upon the lands subject to this Land Use Permit.

The right, permission and authority is also given Village of Merton its successors and assigns to trim, cut down and/or remove trees and/or brush, wherein the opinion of Village of Merton subject to the written approval of the County of Waukesha by the Waukesha County Department of Parks and Land Use, said trees and/or brush interfere with the installation or maintenance of such facilities or present a hazard to such facilities.

Village of Merton and its agents shall have the right to enter the premises of Waukesha County for the purposes of exercising the rights herein acquired, but the Village of Merton shall promptly and fully restore the premises of the County to the condition existing prior to the entry by the Village of Merton or its agents and said restoration shall be accomplished as per Waukesha County specifications. The restoration shall not apply to any trees or brush, which may be permitted to be removed pursuant to the rights granted herein. The Village of Merton shall be liable for making prompt payment for any damage, if any, to vegetation, fences, parking lots, trail improvements, lawns signs, entrance gates, park improvements and any other fixtures owned by the County and caused by the acts of Village of Merton its agents and employees.

All notices to the County shall be sent by certified mail addressed to the Waukesha County Department of Parks and Land Use, 1320 Pewaukee Road, Room 230, Waukesha, Wisconsin 53188.

157-0-024

3.

This Land Use Permit shall be binding upon and/or inure to the benefits of the successors and assigns of all parties hereto.

This Land Use Permit is accepted by the VILLAGE OF MERTON by the signature of its authorized officers this ____ day of _____, 2002.

By: _____
Name

Title

IN WITNESS WHEREOF, the said COUNTY OF WAUKESHA, has caused these presents to be signed by its County Executive attested to by its County Clerk on this ____ day of _____, 2002.

COUNTY OF WAUKESHA

By _____
Daniel M. Finley
Waukesha County Executive

By _____
Patricia E. Madden
Waukesha County Clerk

STATE OF WISCONSIN)
)SS
WAUKESHA COUNTY)

Personally came before me this _____, day of _____, 2002.

_____ and _____

Notary Public

My Commission Expires

157-0-024

4.

EXHIBIT "A"

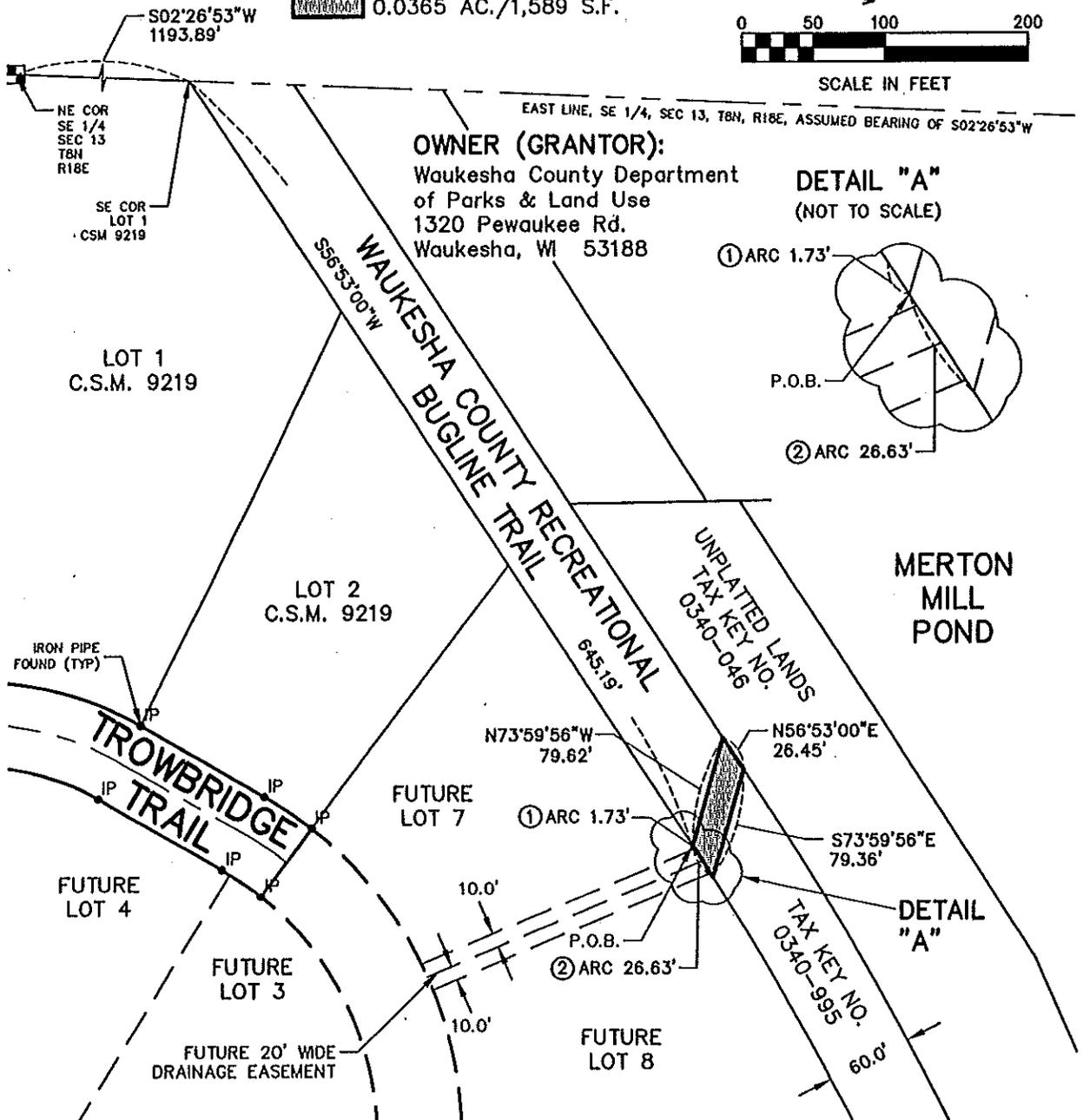
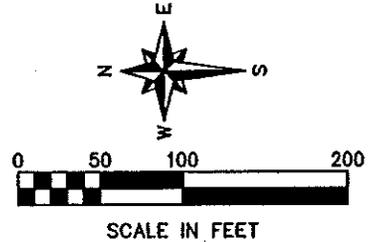
PERMANENT 20' WIDE DRAINAGE EASEMENT

Being part of the Southeast 1/4 of the Southeast 1/4 of Section 13, Town 8 North, Range 18 East, Village of Merton, Waukesha County, Wisconsin.

CURVE TABLE

CURVE NO.	RADIUS	Δ	CHORD	CHORD BRG	ARC	TAN	TANGENT BRG	TANGENT BRG
1	2017.52'	0°02'56"	1.73'	S56°54'28"W	1.73'	0.86'	S56°55'56"W	N56°53'00"E
2	2017.52'	0°45'22"	26.63'	S57°18'38"W	26.63'	13.31'	S57°41'19"W	N56°55'56"E

 DENOTES 20' WIDE DRAINAGE EASEMENT
0.0365 AC./1,589 S.F.



 **Ruekert·Mielke**
engineering solutions for a working world

PREPARED FOR:
Village of Merton
W28343 Sussex Rd.
Merton, WI 53056

PREPARED BY:
Ruekert/Mielke
W233 N2080 Ridgeview Pkwy.
Waukesha, WI 53188

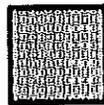
EXHIBIT "A"

PERMANENT 20' WIDE DRAINAGE EASEMENT

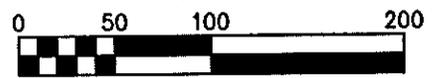
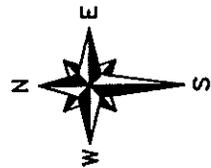
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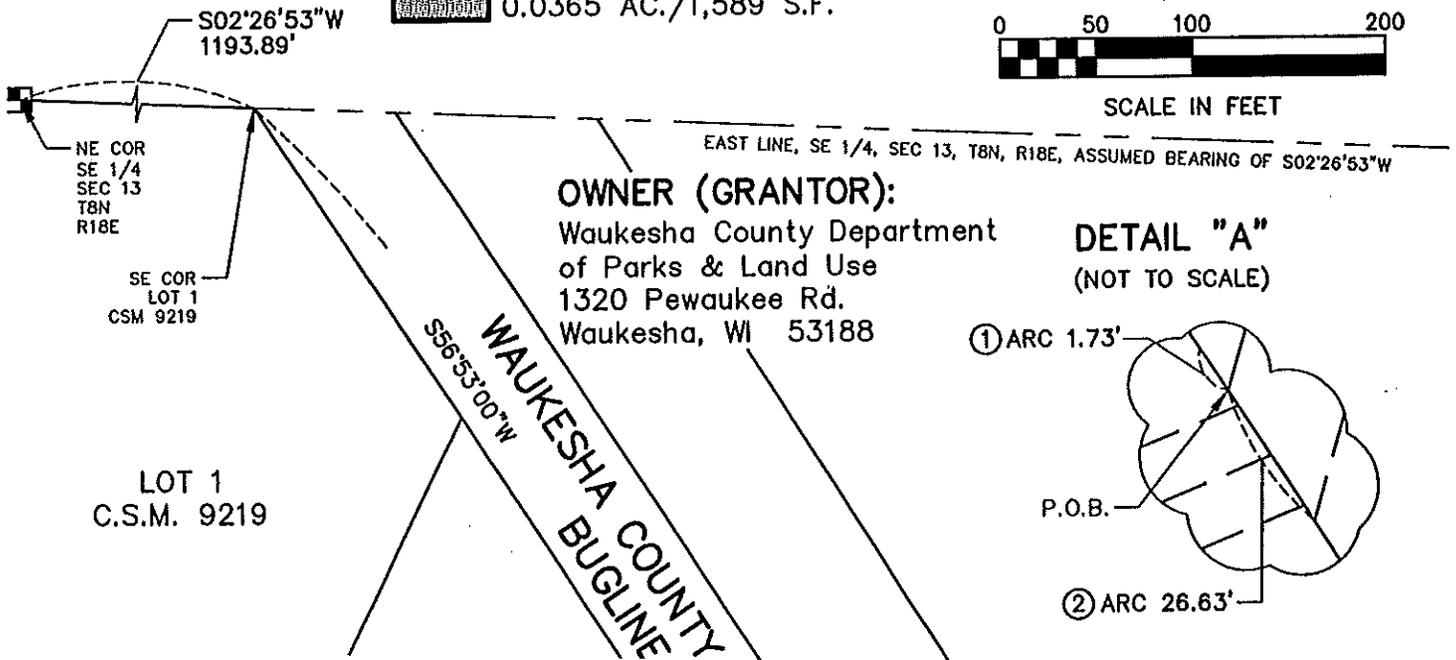
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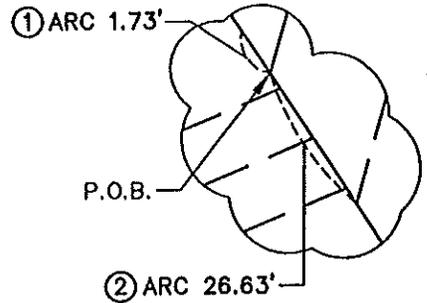
DENOTES 20' WIDE DRAINAGE EASEMENT
0.0365 AC./1,589 S.F.



SCALE IN FEET



DETAIL "A"
(NOT TO SCALE)



V

DATE-06/25/02

NUMBER-1570024

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....
- 19 M. SONNENTAG.....AYE
- 21 W. KOLB.....AYE
- 23 P. PRONOLD.....AYE
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 M. THOMAS.....AYE
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....AYE
- 35 C. SEITZ.....AYE

- 2 R. THELEN.....AYE
- 4 H. CARLSON.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 J. GRIFFIN.....AYE
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....AYE
- 18 D. FANFELLE.....AYE
- 20 M. KIPP.....AYE
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....AYE
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....AYE
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-33

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-33