

ENROLLED ORDINANCE 166-12

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF EAGLE AND THE TOWN OF EAGLE ZONING ORDINANCE BY AMENDING CONDITIONS OF ENROLLED ORDINANCE NO. 164-13 (SZT-1669A) FOR CERTAIN LANDS LOCATED IN PARTS OF SECTION 1, T5N, R17E, TOWN OF EAGLE (SZT-1669B)

WHEREAS, the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission, after Public Hearing, and the giving of requisite notice of said hearing and the recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Sections 59.692 and 60.61 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance District Zoning Map for the Town of Eagle, Waukesha County, Wisconsin, adopted on June 23, 1970, and the Town of Eagle Zoning Ordinance adopted on November 10, 2009, are hereby amended to reflect changes in the conditions of Enrolled Ordinance No. 164-13 (SZT-1669A), for certain lands located in parts of Section 1, T5N, R17E, Town of Eagle, and more specifically described in the "Staff Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference (SZT-1669B) subject to the following conditions:

1. A restriction that the lands south east of the railroad tracks not be developed for commercial or industrial use until an approved access is provided from either Road X or from over the railroad tracks, and;
2. A 500 ft. "no disturbance" buffer be maintained from any development to the Jericho Creek, and;
3. An additional 100 ft. wide "no build" buffer area be maintained along the eastern most property line as proposed by Waukesha County staff and be labeled as such provided in Exhibit "A"
4. Compliance with WDNR 216, Wis. Admin. Code shall be adhered to, and;
5. Compliance with WDNR 151, Wis. Admin. Code shall be adhered to, such that overall development with regard to infiltration shall exceed WDNR 151, Wis. Admin. Code and will approach pre-settlement conditions, and;
6. Compliance with Town of Eagle Storm Water Regulations shall be adhered to, and;
7. Smaller more localized wet detention ponds will be utilized to minimize thermal impacts, and;
8. The property owner shall grant access to SEWPRC staff to allow continued or expanded creek monitoring and sampling, and;

9. Adequate public facilities shall be provided to accommodate the development which would take place on these parcels requested for rezoning, and;
- 10(a). Provided that if: (1) improvements such as roads, electricity, gas, and communication services are not commenced on that portion of the lands located on the east side of S.T.H. 59 by March 25, 2018, and (2) construction drawings are not submitted to the Town Engineer by March 6, 2016, then the zoning on that portion of the afore-mentioned lands located on the east side of S.T.H. 59 (said lands now being zoned M-1 Limited Industrial under the Waukesha County Shoreland and Floodland Protection Ordinance) shall revert back to the A-P Agricultural Land Preservation District at the discretion of the Waukesha County Park and Planning Commission, after proper notice is given and a public hearing is convened.
- 10(b). Provided that if: (1) improvements such as roads, electricity, gas, and communication services are not commenced on that portion of the lands described in Exhibit "C" and shown in Exhibit "C" that are located on the east side of S.T.H. 59 by March 25, 2018 and (2) construction drawings are not submitted to the Town Engineer by March 6, 2016, then the zoning on that portion of the aforementioned lands located on the east side of S.T.H. 59, (said lands now being zoned M-1 (Limited Manufacturing) under the Town of Eagle Zoning Code and the M-1 (Limited Industrial) under the Waukesha County Shoreland and Floodland Protection Ordinance) shall revert back to the A-P Agricultural Land Preservation District (in keeping with the Town of Eagle's current land use plan) at the discretion of the Town Board, and after proper notice and a public hearing are convened.
11. Provided that public facilities to accommodate development shall not place an unreasonable burden upon affected local units of government to provide governmental services.

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

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

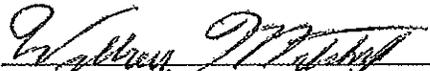
BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

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 SZT-1669B (Camtec, Inc.) in accordance with the attached "Staff Report and Recommendation."

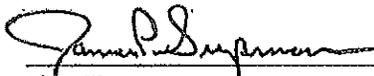
PARK AND PLANNING COMMISSION

April 21, 2011

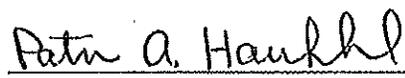
  
William Mitchell, Chairperson

  
Bob Peregrine, Vice Chairperson

  
Gary Goodchild

  
Jim Siepmann

  
Walter Kolb

  
Pat Haukohl

  
(Absent)  
Fritz Ruf

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

**DATE:** April 21, 2011

**FILE NO:** SZT-1669B

**OWNER/PETITIONER:** Camtec, Inc.  
c/o Diane Zakrzewski  
W309 S4860 Commercial Drive  
North Prairie, WI 53153

**TAX KEY NUMBERS:** EGLT 1732.999.001, EGLT 1732.998, and EGLT 1729.996

**LOCATION:**

The subject property is located in Section 1 of the Town of Eagle. It consists of approximately 217.7 acres on the east and west sides of S.T.H. 59, located immediately west of the eastern boundary of the Town of Eagle and approximately 1,000 ft. southwest of the intersection of Piper Road and S.T.H. 59. Approximately 94 acres are on the west side of S.T.H. 59 and approximately 123.7 acres are on the east side of S.T.H. 59. That portion of the property on the east side of S.T.H. 59 is bisected by the Wisconsin Southern Railroad right-of-way.

**PRESENT ZONING:**

The portion of the property located on the west side of S.T.H. 59, which falls entirely under the jurisdiction of the Town of Eagle Zoning Code, was rezoned from the A-1a Agricultural District (3 acre minimum lot size) to the RRE-1 Residential Rural Estate District (3 acre minimum lot size), under the Town of Eagle Zoning Code, in 2008. At the same time, the portion of the property located on the east side of S.T.H. 59 was rezoned from the A-P Agricultural Land Preservation District (35 acre minimum lot size) to the M-1 Limited Industrial District and the C-1 Conservancy District, under the Town of Eagle Zoning Code. Also at the same time, the portion of the property located on the east side of S.T.H. 59 that also falls under the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance (approximately 8.5 acres) was rezoned from the A-P Agricultural Land Preservation District (35 acre minimum lot size) to the M-1 Limited Industrial District and the C-1 Conservancy District. Those zoning amendments (File No. SZT-1669) were subject to the conditions set forth in Waukesha County Enrolled Ordinance No. 162-114, which was adopted by the Waukesha County Board of Supervisors on March 25, 2008, and is attached as Exhibit "A".

A subsequent amendment to the conditions of the rezoning (File No. SZT-1669A) was approved by the Eagle Town Board on April 6, 2009, and by the Waukesha County Board of Supervisors on May 26, 2009 (see Waukesha County Enrolled Ordinance No. 164-13, attached as Exhibit "B"). That amendment modified Condition No. 10 of the 2008 rezoning. The original Condition No. 10, as approved in 2008, was as follows:

"Provided that if improvements such as roads, electricity, gas, and communication services are not commenced within 3 years of this approval by Waukesha County, the property shall revert back to agricultural zoning (in keeping with its current land use) at the discretion of the Town Board, and after proper notice and a public hearing are convened."

Condition No. 10, as amended in 2009, is as follows:

“Provided that if improvements such as roads, electricity, gas, and communication services are not commenced within 5 years of the original and if construction drawings are not submitted to the Town Engineer as of March 6, 2011, the property shall revert back to agricultural zoning (in keeping with its current land use) at the discretion of the Town Board, and after proper notice and a public hearing are convened.”

However, comprehensive revisions to the Town of Eagle Zoning Code and the Town of Eagle Zoning Map were adopted by the Town of Eagle on November 10, 2009, which affected the zoning on the subject property. Under the current Town of Eagle Zoning Code, that portion of the property on the west side of S.T.H. 59 is now zoned A-3 Agricultural/Residential (3 acre minimum lot size). The A-1a Agricultural District, which was the zoning on that portion of the property on the west side of S.T.H. 59 prior to the 2008 amendment, and the RRE-1 Residential Rural Estate District, which was the zoning established on that portion of the property on the west side of S.T.H. 59 by the 2008 amendment, no longer exist in the Town of Eagle Zoning Code and have been replaced with the A-3 Agricultural/Residential District. In addition, the M-1 District, under the revised Town of Eagle Zoning Code, is now called the M-1 Limited Manufacturing District, rather than the M-1 Limited Industrial District, but the permitted uses and required lot sizes remain the same.

**PRESENT LAND USE:**

Agricultural.

**PROPOSED ZONING:**

The request is for a modification of Condition No.10 of the previous zoning amendment, as set forth in Town Ordinance No. 08-01A and Waukesha County Enrolled Ordinance No. 164-13, to extend the deadlines for the commencement of improvements and for the submittal of construction drawings to the Town Engineer by five (5) years and to apply the deadlines for development only to that portion of the property located on the east side of S.T.H. 59.

**PROPOSED LAND USE:**

The land on the west side of S.T.H. 59 is proposed to be used for a residential subdivision and the land on the east side of S.T.H. 59 is proposed to be used for a light industrial park.

**PUBLIC HEARING DATE:**

March 7, 2011.

**PUBLIC REACTION:**

There were no public comments at the public hearing.

**TOWN PLANNING AND ZONING COMMISSION ACTION:**

The Town of Eagle Planning and Zoning Commission, at their meeting of March 7, 2011, recommended approval of the request to amend Condition No. 10 of the previous zoning amendment, as set forth in Town Ordinance No. 08-01A and Waukesha County Enrolled Ordinance No. 164-13, to extend the deadlines for the commencement of improvements and for the submittal of construction drawings to the Town Engineer by five (5) years and to apply the deadlines for development only to that portion of the property located on the east side of S.T.H. 59.

**TOWN BOARD ACTION:**

The Eagle Town Board, at their meeting of March 7, 2011, adopted the recommendation of the Town Planning and Zoning Commission. The Town of Eagle Ordinance is attached as Exhibit "C".

**CONFORMANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY AND THE TOWN OF EAGLE COMPREHENSIVE PLAN:**

The zoning on the subject property, as conditionally amended in 2008 and 2009 and as proposed to be amended again, is in conformance with the Comprehensive Development Plan for Waukesha County, which designates that portion of the property on the west side of S.T.H. 59 as Suburban II Density Residential (3.0 to 4.9 acres per dwelling unit) and that portion of the property on the east side of S.T.H. 59 as Industrial. It is also in conformance with the Town of Eagle Comprehensive Plan, which designates that portion of the property on the west side of S.T.H. 59 as Rural Residential (3 acres +) and that portion of the property on the east side of S.T.H. 59 as Industrial.

**OTHER CONSIDERATIONS:**

The requested modification to the previous conditional rezoning is being made due to the downturn in the economy and the fact that very little, if any, development is occurring in the community. As a result of these economic conditions, the petitioner has requested that the time limits for development, which were imposed in 2008 and amended in 2009, be extended for an additional five years.

**STAFF RECOMMENDATION:**

It is the opinion of the Planning and Zoning Division Staff that the request to amend Condition No. 10 of the previous zoning amendment to the Town of Eagle Zoning Map, as set forth in Town Ordinance No. 08-01A, be **approved**, as set forth in the Town of Eagle Ordinance 11-03, which is attached as Exhibit "C".

It is the opinion of the Planning and Zoning Division Staff that the request to amend Condition No. 10 of the previous zoning amendment to the Waukesha County Shoreland and Floodland Protection Ordinance Zoning Map for the Town of Eagle, as set forth in Waukesha County Enrolled Ordinance No. 164-13, be **approved**, with the revised Condition No. 10 to read as follows:

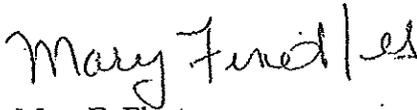
"Provided that if: (1) improvements such as roads, electricity, gas, and communication services are not commenced on that portion of the lands located on the east side of S.T.H. 59 by March 25, 2018, and (2) construction drawings are not submitted to the Town Engineer by March 6, 2016, then the zoning on that portion of the afore-mentioned lands located on the east side of S.T.H. 59 (said lands now being zoned M-1 Limited Industrial under the Waukesha County Shoreland and Floodland Protection Ordinance) shall revert back to the A-P Agricultural Land Preservation District at the discretion of the Waukesha County Park and Planning Commission, after proper notice is given and a public hearing is convened."

The requested modification to the previous condition of approval is reasonable, given the current economic conditions. There is no compelling reason not to extend the time limit for the submittal of construction drawings to the Town Engineer, which is currently March 6, 2011, and not to extend the time limit for the commencement of improvements, such as such as roads, electricity, gas, and communication services, which is currently March 25, 2013, for an additional five (5) years. Further, the zoning is in conformance with the Comprehensive Development Plan for Waukesha County and the Town of Eagle Comprehensive Plan and the land will continue to be farmed until the property is ready for development.

SZT-1669B Camtec, Inc.

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Respectfully submitted,



Mary E. Finet  
Senior Land Use Specialist

Attachments: Exhibits "A" - "C" and Map

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7.

EXHIBIT "A"

ENROLLED ORDINANCE 162-114

★ Amended by Enrolled Ordinance 164 - 13

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF EAGLE ZONING ORDINANCE BY CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PARTS OF SECTION 1, T5N, R17E, TOWN OF EAGLE, FROM THE A-P AGRICULTURAL LAND PRESERVATION DISTRICT (COUNTY AND TOWN) AND THE A-1A AGRICULTURAL DISTRICT (TOWN) TO THE M-1 LIMITED INDUSTRIAL DISTRICT (COUNTY AND TOWN) AND RRE-1 RESIDENTIAL RURAL ESTATE DISTRICT (TOWN) AND C-1 CONSERVANCY DISTRICT (COUNTY) (SZT-1669)

WHEREAS the subject matter of this Ordinance having been approved by the Eagle Town Board on March 3, 2008, after Public Hearing, and the giving of requisite notice of said hearing, and duly referred to and considered by the Waukesha County Park and Planning Commission, and a recommendation for approval, thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Sections 60.61 and 59.692 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the District Zoning Map for the Town of Eagle Zoning Ordinance, adopted by the Town of Eagle on December 1, 1990, is hereby amended to conditionally rezone from the A-P Agricultural Land Preservation District (County and Town) and the A-1a Agricultural District (Town) to the M-1 Limited Industrial District (County and Town) and C-1 Conservancy District (County) certain lands located in parts of Section 1, T5N, R17E, Town of Eagle, east of S.T.H. 59 and more specifically described in the "Staff Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by reference (SZT-1669), subject to the following conditions:

1. A restriction that the lands south east of the railroad tracks not be developed for commercial or industrial use until an approved access is provided from either Road X or from over the railroad tracks, and;
2. A 500 ft. "no disturbance" buffer be maintained from any development to the Jericho Creek, and;
3. An additional 100 ft. wide "no build" buffer area be maintained along the eastern most property line as proposed by Waukesha County staff and be labeled as such provided in Exhibit "A"
4. Compliance with WDNR 216 shall be adhered to, and;
5. Compliance with WDNR 151 shall be adhered to, such that overall development with regard to infiltration shall exceed WDNR 151, and will approach pre-settlement conditions, and;
6. Compliance with Town of Eagle Storm water Regulations shall be adhered to, and;
7. Smaller more localized wet detention ponds will be utilized to minimize thermal impacts, and;
8. The property owner shall grant access to SEWPRC staff to allow continued or expanded creek monitoring and sampling, and;
9. Adequate public facilities shall be provided to accommodate the development which would take place on these parcels requested for rezoning, and;
10. Provided that if improvements such as roads, electricity, gas, and communication services are not commenced within 3 years of this approval by Waukesha County, the property shall revert back to agricultural zoning (in keeping with its current land use) at

File Number: 162-O-114

166-0-012

- the discretion of the Town Board, and after proper notice and a public hearing are convened, and;
11. Provided that public facilities to accommodate development shall not place an unreasonable burden upon affected local units of government to provide governmental services.

BE IT FURTHER ORDAINED that the lands located to the west of S.T.H. 59 and located in part of Section 1, T7N, R17E, Town of Eagle be rezoned to the RRE-1 Residential Rural Estate District subject to the following:

- Compliance with all requirements of the RRE-1 zoning district and the Land Division Ordinance

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

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

BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of provisions of this Ordinance are hereby repealed.

**EXHIBIT "B"**

ENROLLED ORDINANCE 164-13

AMEND THE DISTRICT ZONING MAP OF THE TOWN OF EAGLE ZONING  
ORDINANCE BY AMENDING THE CONDITIONS OF ENROLLED ORDINANCE  
NO. 162-114 (SZT-1669) FOR CERTAIN LANDS LOCATED IN PARTS  
OF SECTION 1, T5N, R17E, TOWN OF EAGLE (SZT-1669A)

WHEREAS the subject matter of this Ordinance having been approved by the Eagle Town Board on April 6, 2009 after Public Hearing, and the giving of requisite notice of said hearing, and duly referred to and considered by the Waukesha County Park and Planning Commission, and a recommendation for approval was made, which was reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Sections 60.61 and 59.692 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the District Zoning Map for the Town of Eagle Zoning Ordinance, adopted by the Town of Eagle on December 1, 1990, is hereby amended to reflect changes in the conditions of Enrolled Ordinance No. 162-114 (SZT-1669) for certain lands located in parts of Section 1, T5N, R17E, Town of Eagle, and more specifically described in the "Staff Report and Recommendation" and map on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance by reference (SZT-1669A), subject to the following conditions:

1. A restriction that the lands south east of the railroad tracks not be developed for commercial or industrial use until an approved access is provided from either Road X or from over the railroad tracks, and;
2. A 500 ft. "no disturbance" buffer be maintained from any development to the Jericho Creek, and;
3. An additional 100 ft. wide "no build" buffer area be maintained along the eastern most property line as proposed by Waukesha County staff and be labeled as such provided in Exhibit "A"
4. Compliance with WDNR 216, Wis. Admin. Code shall be adhered to, and;
5. Compliance with WDNR 151, Wis. Admin. Code shall be adhered to, such that overall development with regard to infiltration shall exceed WDNR 151, Wis. Admin. Code, and will approach pre-settlement conditions, and;
6. Compliance with Town of Eagle Storm Water Regulations shall be adhered to, and;
7. Smaller more localized wet detention ponds will be utilized to minimize thermal impacts, and;
8. The property owner shall grant access to SEWPRC staff to allow continued or expanded creek monitoring and sampling, and;

9. Adequate public facilities shall be provided to accommodate the development which would take place on these parcels requested for rezoning, and;
10. Provided that if improvements such as roads, electricity, gas, and communication services are not commenced within 5 years of the original and if construction drawings are not submitted to the Town Engineer as of March 6, 2011, the property shall revert back to agricultural zoning (in keeping with its current land use) at the discretion of the Town Board, and after proper notice and a public hearing are convened, and;
11. Provided that public facilities to accommodate development shall not place an unreasonable burden upon affected local units of government to provide governmental services.

BE IT FURTHER ORDAINED that the lands located to the west of S.T.H. 59 and located in part of Section 1, T7N, R17E, Town of Eagle be rezoned to the RRE-1 Residential Rural Estate District subject to the following:

Compliance with all requirements of the RRE-1 zoning district and the Land Division Ordinance

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

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

BE IT FURTHER ORDAINED that all ordinances inconsistent with or in contravention of provisions of this Ordinance are hereby repealed.

*\*Original rezone was approved by the Waukesha County Board of Supervisors on March 25, 2008 and by the Eagle Town Board on March 3, 2008*



STATE OF WISCONSIN

TOWN OF EAGLE

WAUKESHA COUNTY

Ordinance No. 11-03

AN ORDINANCE TO REPEAL AND RECREATE A CONDITION  
WITHIN ORDINANCE NO. 08-01A  
REGARDING THE REZONING OF CERTAIN LANDS  
IN THE TOWN OF EAGLE, WAUKESHA COUNTY, WISCONSIN

WHEREAS, upon the petition of the owner, Camtec, Inc., to rezone certain property then located in the A-1a Agricultural and A-P Land Preservation Districts and following a public hearing on December 6, 2006, joint public hearings with Waukesha County on February 4, 2008 and April 6, 2009, and receipt of the Planning and Zoning Commission's recommendation the Town Board of the Town of Eagle adopted Ordinance No. 08-01A on April 6, 2009; and

WHEREAS, Ordinance No. 08-01A, in pertinent part, conditionally rezoned the property described in the Exhibit "A" and shown in the Exhibit "B" (copies of which are attached hereto and incorporated by reference) to Ordinance No. 008-01A from the A-1a Agricultural and A-P Land Preservation Districts to the M-1 Limited Industrial District subject to the eleven (11) enumerated conditions set forth within Ordinance No. 08-01A; and

WHEREAS, condition number 10 under the first "Now Therefore" paragraph in Ordinance No. 08-01A provides for the reversion of the zoning granted under Ordinance No. 08-01A for the property described in the Exhibit "A" and shown in the Exhibit "B" if the improvements specified in said Condition 10 are not commenced within five (5) years of the date of the original approval and construction drawings are not submitted to the Town Engineer as of March 6, 2011; and

WHEREAS, since approval of Ordinance No. 08-01A, the local economy, including the economy of the Town of Eagle as it relates to commercial development, has been impacted by a severe national recession; and

WHEREAS, on November 1, 2010, Camtec, Inc., the owner of the subject property, filed a petition with the Town of Eagle requesting that the Town amend Condition 10 to extend the time for compliance with its provisions for an additional five (5) years; and

WHEREAS, the owner's petition has been submitted to the Town of Eagle Plan Commission for report and recommendation; and

WHEREAS, the Town of Eagle held a joint public hearing on March 7, 2011 with a staff representative of the Waukesha County Department of Parks and Land Use to consider the owner's petition; and

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WHEREAS, required public notice of that public hearing has been provided consistent with the Town's zoning regulations; and

WHEREAS, the future land use map in the Town's comprehensive plan shows the subject property as industrial; and

WHEREAS, the Plan Commission has recommended to the Town Board that additional time be given to allow compliance with the aforementioned condition; and

WHEREAS, the Town Board adopted a new zoning code and zoning map in 2009 which changed the name of one or more of the zoning classifications affecting the subject lands;

NOW, THEREFORE, the Town Board of the Town of Eagle do ordain as follows:

Section 1. Ordinance No. 08-01A, Condition number 10 under the first "Now Therefore" paragraph, is hereby repealed and recreated to read as follows:

10. Provided that if: (1) improvements such as roads, electricity, gas, and communication services are not commenced on that portion of the lands described in the Exhibit "A" and shown in the Exhibit "B" that are located on the east side of STH 59 by March 25, 2018, and (2) construction drawings are not submitted to the Town Engineer by March 6, 2016, then the zoning on that portion of the aforementioned lands located on east side of STH 59, (said lands now being zoned M-1 (Limited Manufacturing) under the Town of Eagle zoning code and M-1 (Limited Industrial) under the Waukesha County Shoreland and Floodland Protection Ordinance) shall revert back to the A-P Agricultural Land Preservation District (in keeping with the Town of Eagle's current land use plan) at the discretion of the Town Board, and after proper notice and a public hearing are convened.

Section 2. All other terms and conditions of Ordinance No. 08-01A not specifically amended herein shall remain in full force.

Section 3. SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 4. This ordinance shall take effect upon its approval by the Waukesha County Board of Supervisors pursuant to Section 60.62(3) of the Wisconsin Statutes and its subsequent posting or publication as provided by law.

Dated this 7<sup>th</sup> day of March 2011.

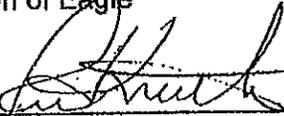
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Town of Eagle

By:   
Robert Kwiatkowski,  
Town Chairman

Attest:

  
Lynn M. Pepper, Town Clerk

Published/posted this 28th day of March, 2011.

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**EXHIBIT "A"****Legal Description - Lands Requested to be Rezoned to M-1 Limited Industrial (Composite Description)**

All that part of the Northeast Quarter (NE 1/4) and Southeast Quarter (SE 1/4) of Section 1, Town 5 North, Range 17 East, Town of Eagle, Waukesha County, Wisconsin; Commencing at the northeast corner of the Northeast Quarter (NE 1/4) of said Section 1; thence South 01°24'21" East along the east line of said Northeast Quarter (NE 1/4) 930.24 feet to the place of beginning of the lands hereinafter described; thence continuing South 01°24'21" East along said east line 2013.27 feet to the southeast corner of said Northeast Quarter (NE 1/4) of Section 1; thence South 01°21'40" East along the east line of the Southeast Quarter (SE 1/4) of said Section 1, 1326.66 ± feet to the north line of Certified Survey Map No. 9498 recorded in Volume 87 of Certified Survey Maps on page 24, thence South 02°41'22" West along the north line of said Map No. 9498 and Certified Survey Map No. 3592 and its extension 1810.00 ± feet to the west line of the Wisconsin Southern Railroad Company right-of-way; thence North 44°06'33" East along said west right-of-way line 42.00 ± feet; thence South 89°41'22" West along the north line of lands described in Document No. 3363853, 715.34 ± feet; thence North 13°12'25" East 93.83 ± feet; thence North 21°37'22" East 1125.36 ± feet; thence North 50°39'09" West 79.22 feet to the centerline of STH "59"; thence North 39°20'51" East 139.56 ± feet along said centerline of STH "59"; thence northeasterly 1390.14 feet along said centerline and the arc of a curve of radius 5650.00 feet, chord bears North 33°11'37" East 1386.63 ± feet; thence North 24°08'30" East along said centerline 927.61 ± feet to the south line of Certified Survey Map No. 8739 recorded in Volume 77 of Certified Survey Maps on Page 275; thence North 88°35'39" East along said south line 813.53 feet to the place of beginning. Containing a gross area of 129.4 acres ± of land.

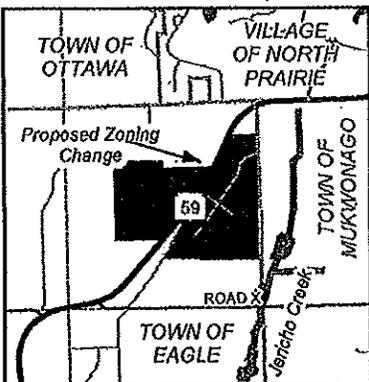
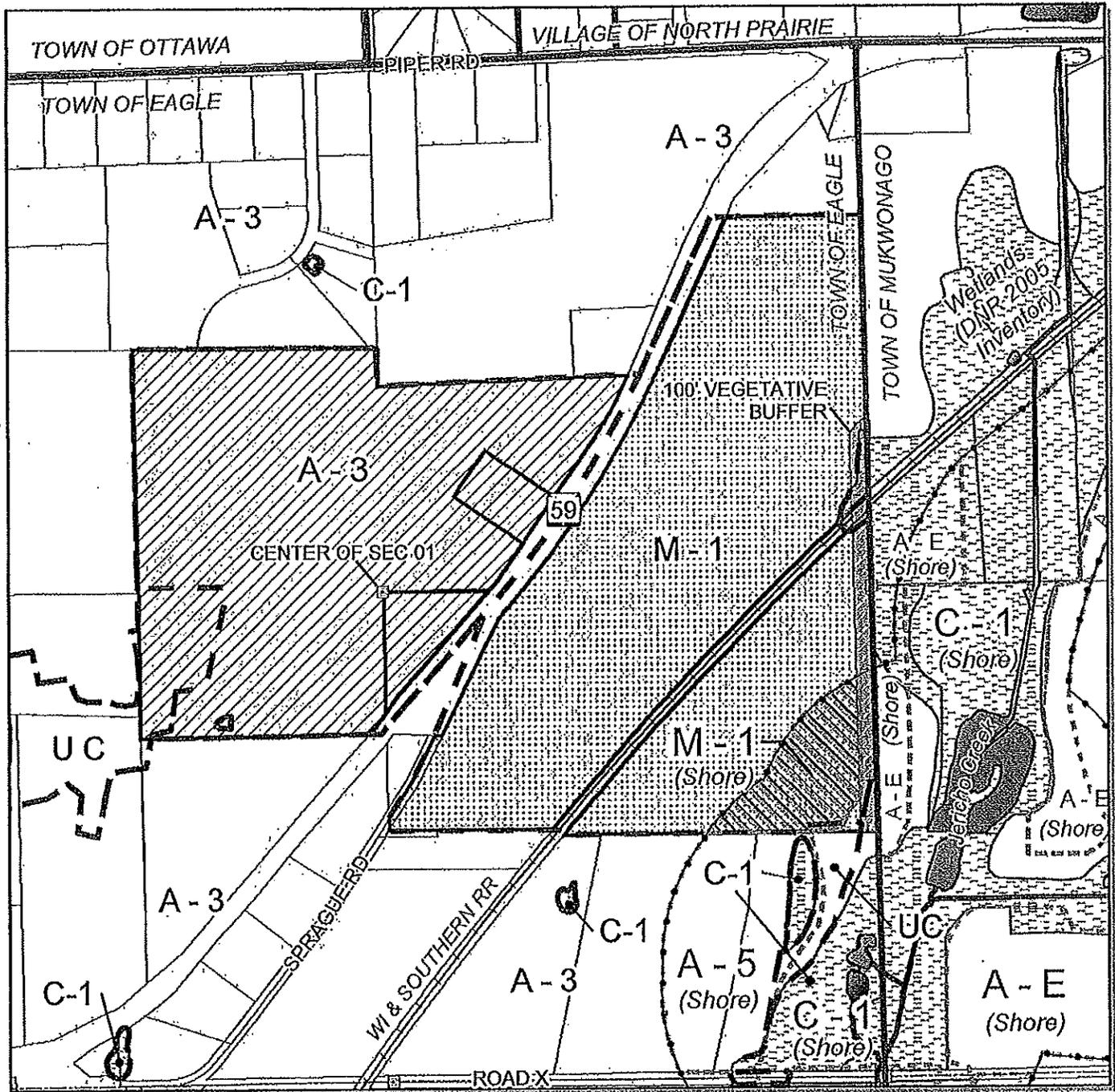
EXCEPTING therefrom the existing Wisconsin Southern Railroad Company Right-of-way.

Prepared by: John R. Stigler  
Wis. Reg. No. S-1820  
Dated February 12, 2008



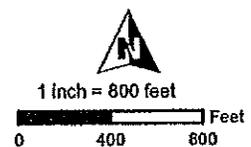
# ZONING MAP AMENDMENT

PART OF SECTION 01  
TOWN OF EAGLE



-  2008 TOWN ZONING CHANGE FROM A-P AGRICULTURAL LAND PRESERVATION TO M-1 LIMITED INDUSTRIAL (123.7 AC)
-  2008 TOWN ZONING CHANGE FROM A-1a AGRICULTURAL TO RRE-1 RESIDENTIAL RURAL ESTATE, SUBSEQUENTLY ZONED A-3 AGRICULTURAL/RESIDENTIAL PER COMPREHENSIVE REVISION TO TOWN ZONING MAP (94.0 AC)
-  2008 SHORELAND ZONING CHANGE FROM A-P AGRICULTURAL LAND PRESERVATION TO M-1 LIMITED INDUSTRIAL (8.5 AC)

FILE.....SZT-1669B  
 DATE.....4/21/2011  
 AREA OF CHANGE.....217.7 ACRES  
 TAX KEY NUMBERS....EGLT 1732.998, .999.001 & 1729.996

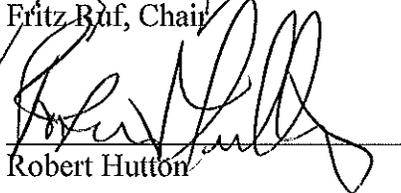


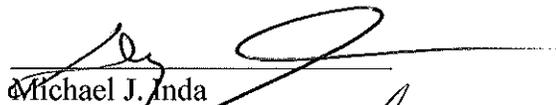
Prepared by the Waukesha County Department of Parks and Land Use

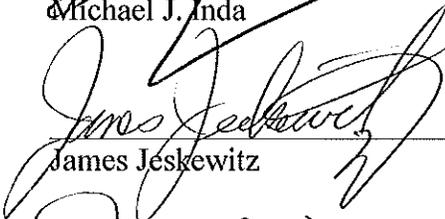
AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION  
ORDINANCE DISTRICT ZONING MAP OF THE TOWN OF EAGLE AND THE TOWN  
OF EAGLE ZONING ORDINANCE BY AMENDING CONDITIONS OF ENROLLED  
ORDINANCE NO. 164-13 (SZT-1669A) FOR CERTAIN LANDS LOCATED IN  
PARTS OF SECTION 1, T5N, R17E, TOWN OF EAGLE (SZT-1669B)

Presented by:  
Land Use, Parks, and Environment Committee

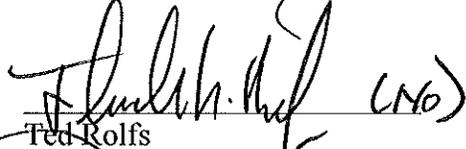
  
\_\_\_\_\_  
Fritz Ruf, Chair

  
\_\_\_\_\_  
Robert Hutton

  
\_\_\_\_\_  
Michael J. Anda

  
\_\_\_\_\_  
James Jeskewitz

  
\_\_\_\_\_  
Walter L. Kolb

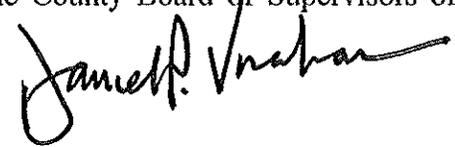
  
\_\_\_\_\_  
Ted Rolfs

  
\_\_\_\_\_  
Thomas J. Schellinger

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

Date: 5-27-11,   
\_\_\_\_\_  
Kathy Nickolaus, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_  
Date: 5-31-11,   
\_\_\_\_\_  
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-05/24/11

(ORD) NUMBER-1660012

1 D. FALSTAD.....AYE  
3 R. HUTTON.....AYE  
5 J. JESKEWITZ.....  
7 P. HAUKOHL.....AYE  
9 J. HEINRICH.....AYE  
11 F. RUF.....AYE  
13 P. DECKER.....  
15 P. MEYERS.....NAY  
17 J. TORTOMASI.....AYE  
19 S. WIMMER.....AYE  
21 W. ZABOROWSKI.....AYE  
23 ~~K. CHIAPEROTTI~~.....AYE  
25 G. YERKE.....NAY

2 T. ROLFS.....  
4 J. DWYER.....AYE  
6 J. BRANDTJEN.....AYE  
8 T. SCHELLINGER.....AYE  
10 D. SWAN.....AYE  
12 P. WOLFF.....AYE  
14 M. INDA.....AYE  
16 D. PAULSON.....AYE  
18 K. CUMMINGS.....AYE  
20 P. JASKE.....AYE  
22 P. GUNDRUM.....  
24 W. KOLB.....AYE

TOTAL AYES-19

TOTAL NAYS-02

CARRIED X

DEFEATED \_\_\_\_\_

UNANIMOUS \_\_\_\_\_

TOTAL VOTES-21