

ENROLLED ORDINANCE 167-92

SALE OF EXCESS RIGHT OF WAY  
PARCEL 22  
CTH L JANESVILLE ROAD

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

WHEREAS, the County's adopted Capital Plan contains Project 200011 to reconstruct and improve CTH L from CTH Y to CTH O in the City of Muskego, and

WHEREAS, certain rights of way have been acquired to carry out this project, and

WHEREAS, the County now possesses certain excess rights of way which could be returned to private ownership, and

WHEREAS, under Section 83.08(4) of the Wisconsin State Statutes, the County Board is empowered to sell excess right of way at public sale or private sale to an owner of adjacent property for fair market value, and

WHEREAS, the City of Muskego has passed a resolution requesting that Waukesha County consider selling this parcel to the City of Muskego, asserting itself to be an owner of adjacent property.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the following described parcel, containing 0.318 acres of land more or less, is declared to be excess highway right of way:

All that part of the Southeast 1/4 of Section 9, Township 5 North, Range 20 East, in the City of Muskego, Waukesha County, Wisconsin, described as follows:

Commencing at the Northeast corner of the Southeast 1/4 of Said Section 9; thence South 01°13'04" East along the East line of said 1/4 Section, 113.05 feet to a point on the reference line of C.T.H. "L"; thence South 62°07'53" West along said reference line, 220.08 feet; thence South 27°59'04" East, 65.00 feet to a point on the East line of Westview Subdivision and the point of beginning. Thence continuing along the East line of said subdivision South 27°59'04" East, 132.34 feet to a point on the North line of said subdivision; thence continuing along the North line of said subdivision North 62°00'56" East, 83.80 feet to a point on the West right of way line of Lannon Drive; thence continuing along said West right of way line North 01°13'04" West, 100.00 feet to a point on the Southerly right of way line of C.T.H. "L", thence continuing along said Southerly right of way line North 79°25'56" West, 68.84 feet; thence continuing along said southerly right of way line South 62°07'53" West, 75.00 feet to the point of beginning.

Said description containing 13,871 square feet or 0.318 acres.

BE IT FURTHER ORDAINED that the Public Works Department is authorized to sell such excess right of way by public sealed bid, subject to an option to purchase/right of first refusal to be granted to the City of Muskego and subject to the Public Works Committee approval of the sale price.

BE IT FURTHER ORDAINED that the City of Muskego's option to purchase/right of first refusal shall be conditioned upon terms approved by the Corporation Counsel and designed to allow the County to recover excess sale proceeds in the event that the City of Muskego shall resell the property at a profit within ten (10) years.

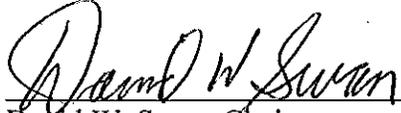
BE IT FURTHER ORDAINED that the County Executive and County Clerk are authorized to sign the necessary documents to grant the option to purchase/right of first refusal to the City of Muskego and effectuate the approved sale.

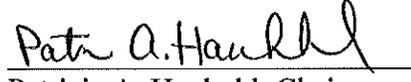
BE IT FURTHER ORDAINED that proceeds from the sale of this excess land shall be accounted for in the Capital Project 200011 CTH L, CTH Y TO Moorland Road that funded the initial land reimbursement or to the Capital Fund if this project is closed out.

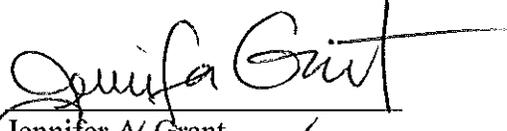
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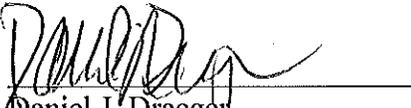
Presented by:  
Public Works Committee

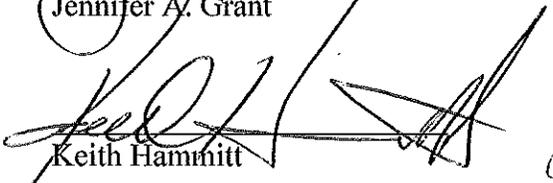
Approved by:  
Finance Committee

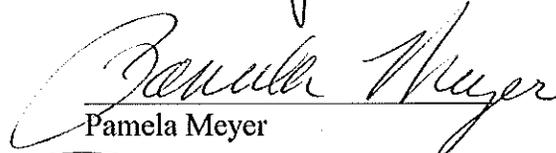
  
David W. Swan, Chair

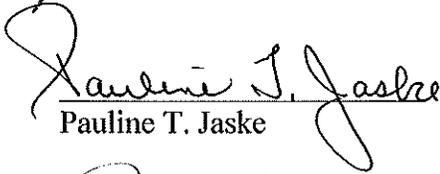
  
Patricia A. Haukohl, Chair

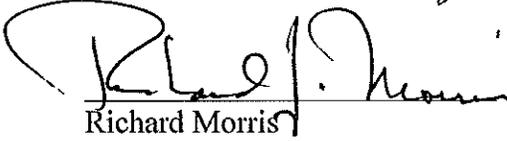
  
Jennifer A. Grant

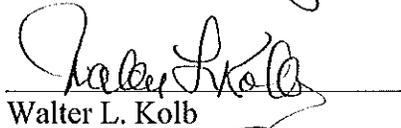
  
Daniel J. Draeger

  
Keith Hammitt

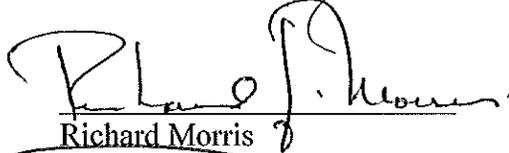
  
Pamela Meyer

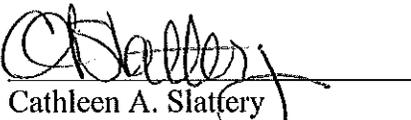
  
Pauline T. Jaske

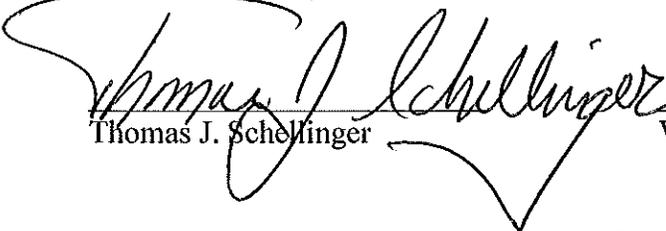
  
Richard Morris

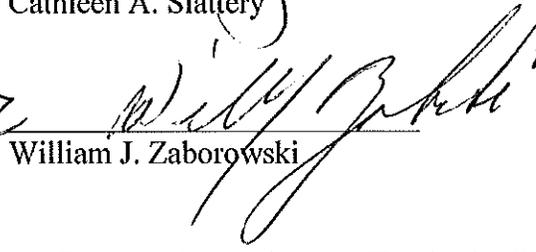
  
Walter L. Kolb

  
Larry Nelson

  
Richard Morris

  
Cathleen A. Slattery

  
Thomas J. Schellinger

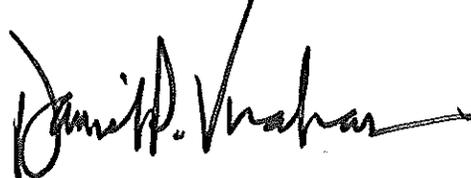
  
William J. Zaborowski

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

Date: 3/26/2013,   
Kathleen Novack, County Clerk

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

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

Date: 4-2-13,   
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-03/26/13

(ORD) NUMBER-1670..92

1 C. SLATTERY.....AYE  
3 R. MORRIS.....AYE  
5 J. BRANDTJEN.....  
7 J. GRANT.....AYE  
9 J. HEINRICH.....AYE  
11 F. RUF.....AYE  
13 P. DECKER.....AYE  
15 W. KOLB.....AYE  
17 D. PAULSON.....AYE  
19 C. CUMMINGS.....AYE  
21 W. ZABOROWSKI.....AYE  
23 K. HAMMITT.....AYE  
25 G. YERKE.....AYE

2 D. FALSTAD.....AYE  
4 J. BATZKO.....AYE  
6 J. JESKEWITZ.....AYE  
8 P. HAUKOHL.....AYE  
10 D. SWAN.....AYE  
12 P. WOLFF.....AYE  
14 P. MEYER.....  
16 M. CROWLEY.....AYE  
18 L. NELSON.....AYE  
20 T. SCHELLINGER...AYE  
22 P. JASKE.....AYE  
24 D. DRAEGER.....AYE

TOTAL AYES-23

TOTAL NAYS-00

CARRIED\_\_\_\_\_

DEFEATED\_\_\_\_\_

UNANIMOUS X

TOTAL VOTES-23

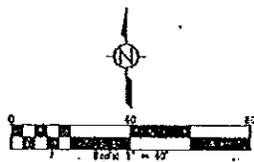
# Sale of Excess Right of Way Parcel 22 CTH L Janeville Road

ALL THAT PART OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 20 EAST, IN THE CITY OF MUSKEGO, WAUKESHA COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 9; THENCE SOUTH 01°13'04" EAST ALONG THE EAST LINE OF SAID 1/4 SECTION, 113.05 FEET TO A POINT ON THE REFERENCE LINE OF C.T.H. "L"; THENCE SOUTH 62°07'53" WEST ALONG SAID REFERENCE LINE, 220.08 FEET; THENCE SOUTH 27°59'04" EAST, 85.00 FEET TO A POINT ON THE EAST LINE OF WESTVIEW SUBDIVISION AND THE POINT OF BEGINNING. THENCE CONTINUING ALONG THE EAST LINE OF SAID SUBDIVISION SOUTH 27°59'04" EAST, 132.34 FEET TO A POINT ON THE NORTH LINE OF SAID SUBDIVISION; THENCE CONTINUING ALONG THE NORTH LINE OF SAID SUBDIVISION NORTH 62°00'50" EAST, 83.80 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF LANNON DRIVE; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE NORTH 01°13'04" WEST, 100.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF C.T.H. "L"; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE NORTH 79°25'56" WEST, 88.84 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT OF WAY LINE SOUTH 62°07'53" WEST, 75.00 FEET TO THE POINT OF BEGINNING.

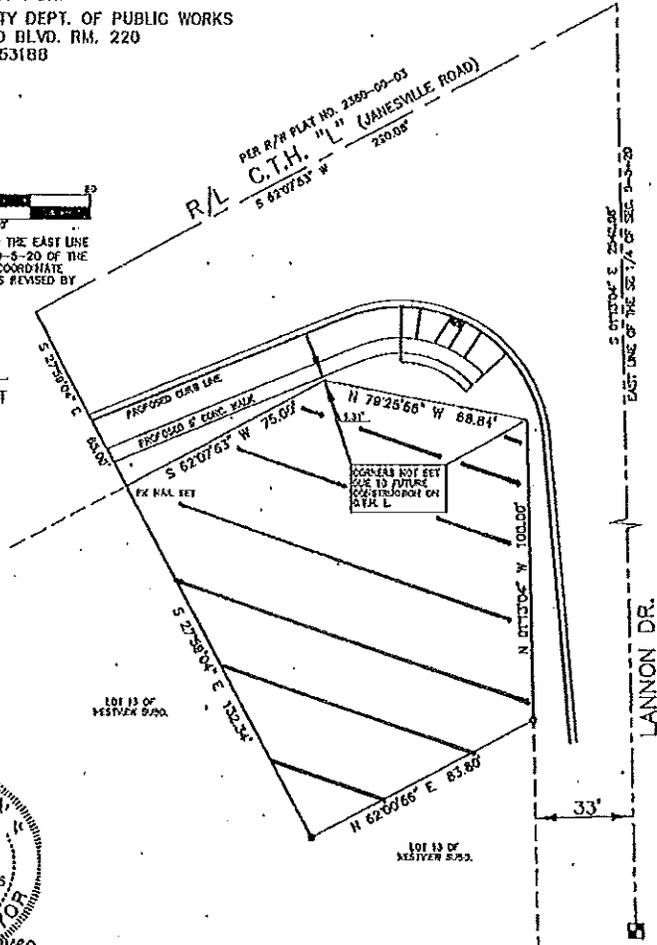
SAID DESCRIPTION CONTAINING 13,871 SQUARE FEET, 0.318 ACRES.

PLAT OF SURVEY FOR:  
WAUKESHA COUNTY DEPT. OF PUBLIC WORKS  
515 W. MORELAND BLVD. RM. 220  
WAUKESHA, WI. 53188



BEARINGS REFERENCED TO THE EAST LINE OF THE SE 1/4 OF SEC. 9-5-20 OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, AS REVISED BY S.E.M.R.P.C. 2012.

**LEGEND**  
• 1/2" REBAR SET



WISCONSIN  
JASON T. MAYER  
S-2844  
Menomonie Falls, WI  
02-08-2013  
JASON T. MAYER  
R.L.S. NO. 2844

THIS IS AN ORIGINAL PRINT ONLY IF SEAL IS IMPRINTED IN RED.  
I have surveyed the above property, and the above map is a true representation thereof and shows the size and location of the property, its exterior boundaries, the location and dimensions of all structures thereon, fences, apparent easements, roadways, and visible encroachments.  
This survey is made for the exclusive use of the present owner of the property; also those who purchase, mortgage, or guarantee the title thereto, within one year from the date hereof.  
THIS INSTRUMENT WAS DRAFTED ON 02-08-2013 BY JASON T. MAYER, R.L.S. 515 W. MORELAND BLVD. RM 220, WAUKESHA, WISCONSIN 53088 (262)516-7740

167-0-092

FISCAL NOTE

SALE OF EXCESS RIGHT OF WAY  
PARCEL 22  
CTH L JANESVILLE ROAD

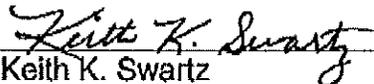
This ordinance authorizes the sale of about 0.318 acres of land originally acquired as right of way for a highway improvement project on County Trunk Highway L (Janesville road), in the City of Muskego. According to Public Works management, this land parcel has been determined to be excess right of way.

The site was a gas station and an auto repair garage which was purchased with reports showing residual low level contamination. During highway construction, hazardous materials were encountered from leaking fuel supply lines to the gas dispensers. Department management does not believe there is much value to the land at this time because it will require substantial clean up costs before it can be used.

Department management indicates that the City of Muskego has passed a resolution in June of 2012 expressing a willingness to acquire this parcel from Waukesha County. The resolution acknowledges the contaminated status of the parcel and the City's desire to re-develop this site. The City may be eligible for clean up funds for the remediation of this site to return to a developable status and to encourage re-development of the site.

This ordinance authorizes the sale of the property by public sealed bid, subject to an option to purchase/right of first refusal to be granted to the City of Muskego, and subject to the Public Work Committee approval. The right to first refusal is conditioned on allowing the County to recover excess sale proceeds in the event that the City of Muskego resells the property at a profit within ten years.

If there are any excess sale proceeds returned from the property sale they will be credited to Capital Project 200011 CTH L, CTH Y to Moorland Road, (which had paid for the original property acquisition) or to the Capital Fund if this project has been closed out. If Project revenues are received from the sale of this parcel, they may be appropriated to pay for additional project expenditures with future County Board approval action.

  
Keith K. Swartz  
Budget Manager

lgw  
3/5/13