

ENROLLED ORDINANCE 170-69

ACCEPT TRAIL EASEMENT FROM FOX RIVER CHRISTIAN
CHURCH FOR FUTURE PEBBLE BROOK GREENWAY

WHEREAS, The Waukesha County Development Plan, which incorporates the Waukesha County Parks and Open Space Plan, was adopted by the Waukesha County Board of Supervisors on March 2, 2009, and

WHEREAS, The Pebble Brook Greenway and Trail was identified in the Park and Open Space Plan, and

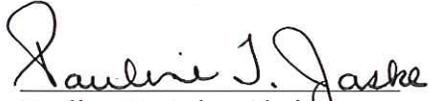
WHEREAS, Fox River Christian Church Inc. owns property along the Pebble Brook corridor, and

WHEREAS, Fox River Christian Church Inc. is supportive of locating a trail on Church property and has offered a Trail Easement to the County for that purpose.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Department of Parks and Land Use is authorized on behalf of Waukesha County to enter into the Trail Easement agreement with Fox River Christian Church Inc. on file with the Parks and Land Use Department in furtherance of the Waukesha County Parks and Open Space Plan.

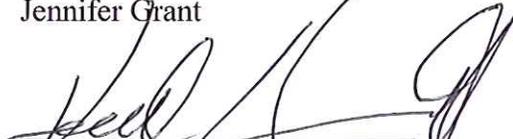
ACCEPT TRAIL EASEMENT FROM FOX RIVER CHRISTIAN
CHURCH FOR FUTURE PEBBLE BROOK GREENWAY

Presented by:
Land Use, Parks, and Environment Committee

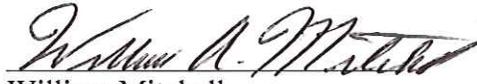

Pauline T. Jaske, Chair


Jim Batzko

Absent
Jennifer Grant


Keith Hammitt


Eric Higham


William Mitchell

Absent
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: 12/15/15, 
Kathleen Novack, County Clerk

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

Approved: X

Vetoed: _____

Date: 12-16-15, 
Paul Farrow, County Executive

TRAIL EASEMENT

Document Number

Name and Return Address:

Fox River Christian Church Inc
Attn: Mark Roberts
S46 W24130 Lawnsdale Road
Waukesha, WI 53189

Parcel Identification Number (PIN): WAKT _____

Recording Area

TRAIL EASEMENT

WHEREAS, FOX RIVER CHRISTIAN CHURCH INC, hereinafter referred to as "FRCC" is the owner of certain lands described in the **attached Exhibit A**, and

WHEREAS, Waukesha County is interested creating a public Trail Easement as described in the **attached Exhibits B-1 and B-2**, through the property hereinafter referred to as the "Church Parcel, and

WHEREAS, FRCC, including its heirs and successors, is willing to extend to the County certain limited uses within the Church Parcel for a portion of the future Pebble Brook Greenway Trail,

NOW THEREFORE, FRCC hereby grants and conveys to Waukesha County, its successors and assigns, a "Trail Easement" to lay out, mark, develop, locate, use, maintain, repair, and replace or relocate a public trail along with appropriate signage over and across the following described premises, the centerline of which is described in the **attached Exhibit B-1**, and which is shown on **Exhibit B-2**, subject to limitations A through F which follow.

A. The Trail Easement shall be a minimum of twenty (20) feet in width, consisting of a ten (10) foot asphalt pavement, the centerline of which is described in **Exhibit B-1** and five (5) foot shoulders on each side of the trail. The cross-section of the Trail Easement is set forth in **Exhibit C**.

B. Within the Trail Easement described in Exhibits B-1 and B-2, the County may temporarily or permanently excavate and grade lands in order to establish grades for the trail in order to properly drain the paved trail. This would include but not be limited to placement of culverts as necessary under such trail for drainage purposes. To the extent land must be disturbed in order to properly slope areas adjacent to this trail, the County agrees to restore such lands.

C. All use of this Trail Easement shall be by foot, snowshoe, ski, bike or other non-motorized use except for authorized Waukesha County Parks System maintenance and policing vehicles or mobility equipment allowed by American with Disabilities Act.

D. Waukesha County has the ability to manage vegetation, through selective planting or removal of trees or other exotic or nuisance plant species in order to maintain and enhance the scenic, natural and ecological value of the trail corridor including mowing of the five (5) foot shoulders.

E. Waukesha County is granted the right to prohibit access to all users through the installation of gates or other obstructions and to limit access by or exclude the public by appropriate means from any portion of the trail corridor not in use from time to time.

F. The County may erect, maintain, and re-erect, as the County deems necessary, at County expense, signs advising lot owners whose lands include those in the Trail Easement of the restrictions created herein. A sign may be placed by the County on such lot owners' lot lines where they intersect the Trail Easement. Such signs shall be not greater than 4 ½ square feet and shall face away from the Trail Easement containing logo and language substantially as follows: Waukesha County Park System Trail Easement Boundary.

IN ADDITION, the following conditions shall apply:

1. If the Church Parcel is subdivided, this Trail Easement shall be noted on said plat and included in the Deed Restrictions filed with the land division instrument, FRCC and its heirs and successors, agree to notify, in writing, each prospective buyer of any lot within said land division instrument as to the existence of this trail and this Trail Easement.

2. If storm water retention/detention facilities are required in any portion of the Trail Easement prior to the time Waukesha County constructs a trail, the location of the Trail Easement may be relocated to a new location on the Church Parcel to be agreed upon by Waukesha County to accommodate engineering of the stormwater facility.

3. Waukesha County may, but is not obligated to, abandon this Trail Easement dependent upon the future negotiations with the landowners to the north and west of the Church Parcel for an alternate trail route.

This Trail Easement shall be governed by and construed in accordance with the Laws of the State of Wisconsin.

This Trail Easement includes the parties' entire understanding with respect to the subject matter hereof and may be modified only by written instrument duly executed, as required, by the parties.

This Trail Easement shall be assignable by the County provided that the assignee will carry out the rights and obligations of this Trail Easement.

The Trail Easement is perpetual, shall run with the land and shall be binding on all parties, their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Trail Easement on the ____ day of _____, 20__.

FOX RIVER CHRISTIAN CHURCH INC, OWNER

By _____

GUY G. CONN III - PRESIDENT

STATE OF WISCONSIN)
WAUKESHA COUNTY) ss.

Personally came before me this ____ day of _____, 20__, the above named GUY G. CONN III, PRESIDENT of FOX RIVER CHRISTIAN CHURCH INC, the owner of lands described in the attachments referenced above, and to me known to be the person who has executed the foregoing document and acknowledged the same.

Notary Public, State of Wisconsin

My Commission Expires:

Accepted by WAUKESHA COUNTY

By _____

STATE OF WISCONSIN)
WAUKESHA COUNTY) ss.

Personally came before me this ____ day of _____, 20__, the above named _____ to be known to be the person who has executed the foregoing document and acknowledged the same on behalf of Waukesha County, being authorized to do so on behalf of said municipal corporation.

Notary Public, State of Wisconsin

My Commission Expires:

THIS DOCUMENT DRAFTED BY:
Anthony S. Zanon, P.E.
Jahnke & Jahnke Associates Inc
711 West Moreland Boulevard

EXHIBIT A

FOX RIVER CHRISTIAN CHURCH, INC PROPERTY LEGAL DESCRIPTION:

Legal Description:

Lot 1 of Certified Survey Map No. _____, as recorded in Volume _____ on Pages _____ - _____ as Document No. _____, being a redivision of Certified Survey Map No. 2383 and part of the Southeast Quarter (SE 1/4) and Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 22, Town 6 North, Range 19 East, Town of Waukesha, Waukesha County, Wisconsin.

EXHIBIT B-1

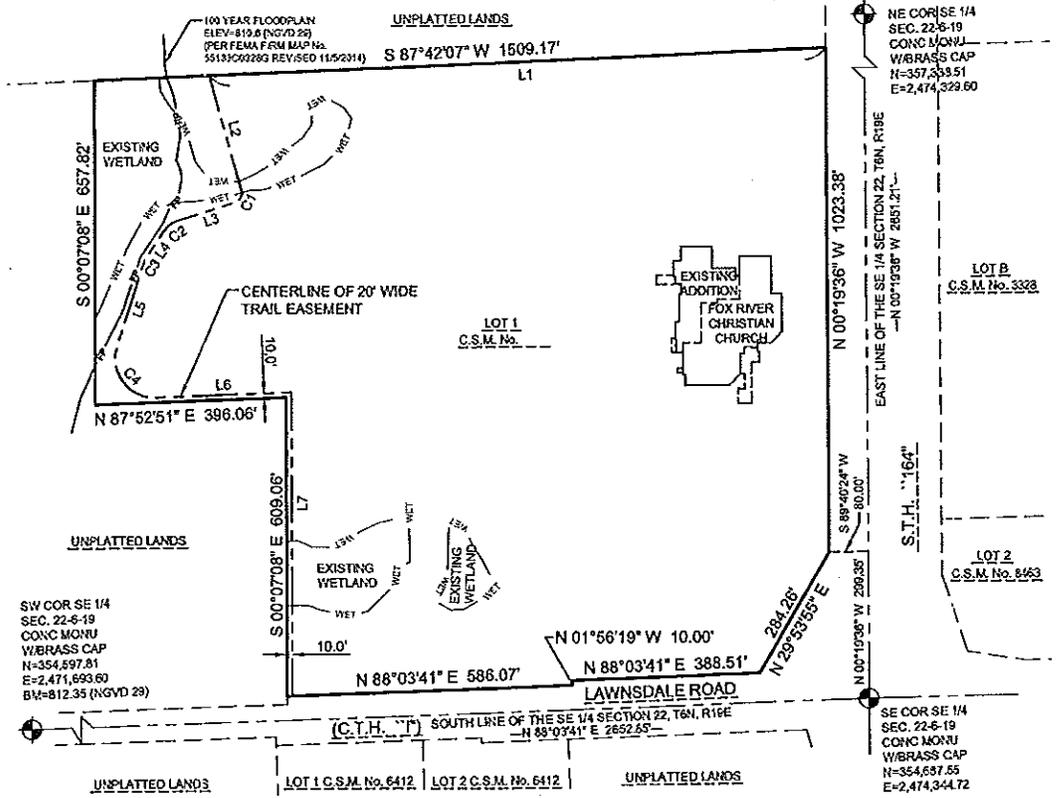
LEGAL DESCRIPTION OF THE CENTERLINE OF A 20' WIDE TRAIL EASEMENT:

Legal Description:

All that part of Lot 1 of Certified Survey Map No. _____, as recorded in Volume _____ on Pages _____ - _____ as Document No. _____, being a redivision of Certified Survey Map No. 2383 and part of the Southeast Quarter (SE 1/4) and Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 22, Town 6 North, Range 19 East, Town of Waukesha, Waukesha County, Wisconsin, bounded and described as follows: Commencing at the northeast corner of said Lot 1; thence South $87^{\circ}42'07''$ West along the north line of said Lot 1, 1270.95 feet to the place of beginning of a centerline of a 20' wide trail easement, said easement lying adjacent to and 10 feet on either side of the following described centerline; thence South $16^{\circ}03'32''$ East 241.65 feet; thence southwesterly 31.00 feet along the arc of a curve, radius of 20.00 feet, curve center lies to the northwest, chord bears South $28^{\circ}20'18''$ West 27.99 feet; thence South $72^{\circ}44'08''$ West 125.02 feet; thence southwesterly 33.28 feet along the arc of a curve, radius of 50.00 feet, curve center lies to the southeast, chord bears South $53^{\circ}39'55''$ West 32.67 feet; thence South $34^{\circ}35'42''$ West 61.06 feet; thence southwesterly 29.09 feet along the arc of a curve, radius of 100.00 feet, curve center lies to the southeast, chord bears South $26^{\circ}15'41''$ West 28.99 feet; thence South $17^{\circ}55'40''$ West 166.69 feet; thence southeasterly 153.65 feet along the arc of a curve, radius of 80.00 feet, curve center lies to the northeast, chord bears South $37^{\circ}05'44''$ East 131.10 feet; thence North $87^{\circ}52'51''$ East 281.18 feet; thence South $00^{\circ}07'08''$ East 619.10 feet to the north right-of-way line of Lawnsdale Road (CTH I) and the point of termination of said easement.

EXHIBIT B-2

TRAIL EASEMENT



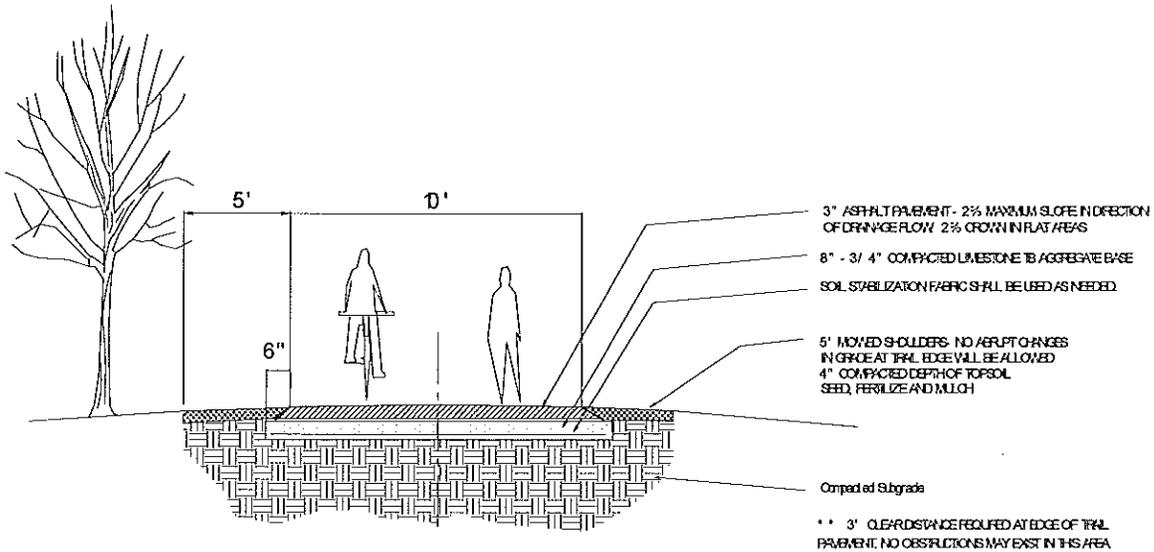
TRAIL EASEMENT CURVE TABLE								
CURVE	ARC	RADIUS	CHORD	BEARING	CEN ANGLE	DEF ANGLE	TAN BEARING	TAN BEARING
C1	31.00'	20.00'	27.99'	S 28°20'18" W	88°47'41"	44°23'50"	N 16°03'32" W	N 72°44'08" E
C2	33.28'	50.00'	32.67'	S 53°39'55" W	38°08'27"	19°04'13"	S 34°35'42" W	S 72°44'08" W
C3	29.09'	100.00'	28.99'	S 26°15'41" W	16°40'01"	08°20'01"	S 17°55'40" W	S 34°35'42" W
C4	153.65'	80.00'	131.10'	S 37°05'44" E	110°02'49"	55°01'25"	N 87°52'51" E	S 17°55'40" W

TRAIL EASEMENT LINE TABLE		
LINE	LENGTH	BEARING
L1	1270.95'	S 87°42'07" W
L2	241.65'	S 16°03'32" E
L3	125.02'	S 72°44'08" W
L4	61.06'	S 34°35'42" W

TRAIL EASEMENT LINE TABLE		
LINE	LENGTH	BEARING
L5	166.69'	S 17°55'40" W
L6	281.18'	N 87°52'51" E
L7	619.10'	S 00°07'08" E

DATE: OCTOBER 21, 2015
 FILE NAME: S5205CSM.DWG
 P.S. WAUKESHA 5359

EXHIBIT C



TYPICAL SECTION - ASPHALT TRAIL

NO SCALE

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-12/15/15 ~~RESOLUTION NUMBER-1700070~~ NUMBER-1700070

- | | |
|--------------------------|-------------------------|
| 1 R. KOLB.....AYE | 2 D. Zimmermann.....AYE |
| 3 R. MORRIS.....AYE | 4 J. BATZKO.....AYE |
| 5 J. BRANDTJEN.....AYE | 6 J. WALZ.....AYE |
| 7 J. GRANT.....AYE | 8 E. HIGHUM.....AYE |
| 9 J. HEINRICH.....AYE | 10 D. SWAN.....AYE |
| 11 C. HOWARD.....AYE | 12 P. WOLFF.....AYE |
| 13 P. DECKER.....AYE | 14 C. PETTIS.....AYE |
| 15 B. MITCHELL.....AYE | 16 M. CROWLEY.....AYE |
| 17 D. PAULSON.....AYE | 18 L. NELSON.....AYE |
| 19 K. CUMMINGS.....AYE | 20 T. SCHELLINGER...AYE |
| 21 W. ZABOROWSKI.....AYE | 22 P. JASKE.....AYE |
| 23 K. HAMMITT.....AYE | 24 S. WHITTOW.....AYE |
| 25 G. YERKE.....AYE | |

TOTAL AYES-25

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS

X

TOTAL VOTES-25