

ENROLLED ORDINANCE 169-22

APPROVE LAND USE PERMIT TO WHISPERING RIDGE OWNERS
ASSOCIATION, INC. TO CONSTRUCT, OPERATE, REPAIR AND
MAINTAIN A TRAIL CONNECTION TO THE BUGLINE TRAIL

WHEREAS, Whispering Ridge Estates Owners Association, Inc. is located in the Northwest corner of Section 19, Township 8 North, Range 20 East in Waukesha County, and

WHEREAS, Whispering Ridge Estates Owners Association, Inc. property shares a border with Waukesha County property known as the Bugline Trail, and

WHEREAS, it is deemed desirable to allow Whispering Ridge Estates Owners Association, Inc. to construct, operate, repair and maintain a ten (10) foot wide asphalt trail on Waukesha County property for the purpose of allowing public pedestrian and non-motorized access to the Bugline Trail, in the Village of Lannon, and

WHEREAS, in consideration of said permission, Whispering Ridge Estates Owners Association, Inc. shall pay the normal Land Use Permit Fee of \$75.00.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Land Use Permit between Whispering Ridge Estates Owners Association, Inc. and Waukesha County, which will be placed on file in the office of the Waukesha County Clerk, is hereby approved.

BE IT FURTHER ORDAINED that the Director of the Waukesha County Department of Parks and Land Use may execute the land use permit on behalf of Waukesha County.

BE IT FURTHER ORDAINED that the revenue from the Land Use Permit fee be deposited in the General Fund.

Amendment 169-O-022

Supervisor W. Kolb moved to amend the Third Whereas paragraph, Line 15 as follows:

“delete Sussex and insert Lannon”


Seconded by Supervisor Swan

Vote on amendment: 24 - 0


Vote on ordinance as amended: 24-0

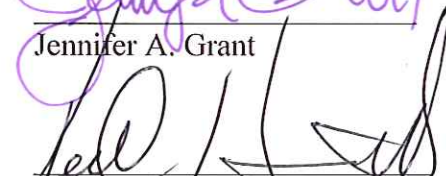
APPROVE LAND USE PERMIT TO WHISPERING RIDGE OWNERS ASSOCIATION, INC. TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN A TRAIL CONNECTION TO THE BUGLINE TRAIL

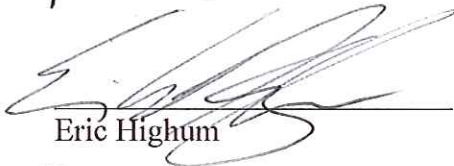
Presented by:
Land Use, Parks, and Environment Committee

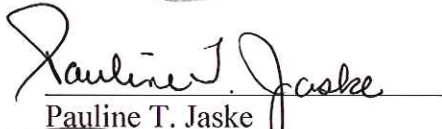

Walter L. Kolb, Chair


Jim Batzko


Jennifer A. Grant


Keith Hammitt


Eric Highum


Pauline T. Jaske


Thomas J. Schellinger

The foregoing legislation adopted ^{as amended} by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: July 1, 2014, Kelley Macgu, Deputy
Kathleen Novack, County Clerk

The foregoing legislation adopted ^{as amended} by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved:

Vetoed:

Date: 7-1-14, Daniel P. Vrakas
Daniel P. Vrakas, County Executive

1 APPROVE LAND USE PERMIT TO WHISPERING RIDGE OWNERS
2 ASSOCIATION, INC. TO CONSTRUCT, OPERATE, REPAIR AND
3 MAINTAIN A TRAIL CONNECTION TO THE BUGLINE TRAIL
4
5

6 WHEREAS, Whispering Ridge Estates Owners Association, Inc. is located in the Northwest
7 corner of Section 19, Township 8 North, Range 20 East in Waukesha County, and
8

9 WHEREAS, Whispering Ridge Estates Owners Association, Inc. property shares a border with
10 Waukesha County property known as the Bugline Trail, and
11

12 WHEREAS, it is deemed desirable to allow Whispering Ridge Estates Owners Association, Inc.
13 to construct, operate, repair and maintain a ten (10) foot wide asphalt trail on Waukesha County
14 property for the purpose of allowing public pedestrian and non-motorized access to the Bugline
15 Trail, in the Village of Sussex, and
16

17 WHEREAS, in consideration of said permission, Whispering Ridge Estates Owners Association,
18 Inc. shall pay the normal Land Use Permit Fee of \$75.00.
19

20 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
21 that the Land Use Permit between Whispering Ridge Estates Owners Association, Inc. and
22 Waukesha County, which will be placed on file in the office of the Waukesha County Clerk, is
23 hereby approved.
24

25 BE IT FURTHER ORDAINED that the Director of the Waukesha County Department of Parks
26 and Land Use may execute the land use permit on behalf of Waukesha County.
27

28 BE IT FURTHER ORDAINED that the revenue from the Land Use Permit fee be deposited in
29 the General Fund.

Document Number	Document Name
-----------------	---------------

This LAND USE PERMIT, made between WAUKESHA COUNTY,

Grantor,
and Whispering Ridge Estates Owners Association, Inc.,
Grantee.

PROPERTY DESCRIPTION:

See attached Exhibit A.

CONDITIONS IMPOSED:

FOR AND IN CONSIDERATION of a sum of Seventy-Five Dollars (\$75.00) and other good and valuable consideration to be paid, WAUKESHA COUNTY, WISCONSIN, a Municipal Corporation and Owner, does hereby permit Whispering Ridge Estates Owners Association, Inc., ("Grantee"), its successors, assigns and agents, the right, permission, and authority to construct, operate, repair and maintain a ten-foot wide asphalt trail across those lands known as the Bugline Trail Corridor located in the Northwest corner of Section 19, Township 8 North, Range 20 East, Waukesha County, State of Wisconsin, for the purpose of allowing public pedestrian and non-motorized access from Grantee's land to Waukesha County's Bugline Trail (the "Permitted Trail"). Grantee shall act in accordance with all applicable Federal, State and Local codes and obtain all necessary permits to complete the work contemplated hereby.

The location of the Land Use Permit with respect to the premises of Waukesha County is shown on the plan attached hereto as Exhibit A, which is incorporated by reference and made a part hereof.

Grantee shall construct and maintain the Permitted Trail in accordance with the trail specifications attached hereto as Exhibit B, and as approved by Waukesha County.

Grantee shall not (a) trim, cut down or remove trees or brush on Waukesha County's property, or (b) install any fencing, fixtures, signs or gates on Waukesha County's property (other than expressly authorized herein) unless it obtains prior written approval from the Waukesha County Department of Parks and Land Use.

Grantee and his successors, assigns and agents shall install and maintain appropriate warning and traffic signage at the intersection of the Bugline Trail and the Permitted Trail, subject to the written approval of the Waukesha County Department of Parks and Land Use. The signage shall inform trail users of the upcoming intersection, while maintaining unimpeded traffic flow on the Bugline Trail.

Grantee and his successors, assigns and agents agree that the Bugline Trail shall remain open for public use during construction, repair, maintenance, or related activities described in Land Use Permit. Grantee and his agents shall have the right to enter the lands covered by Land Use Permit for the purposes of exercising the rights acquired and obligations assumed herein, but Grantee shall

<p>Name and Return Address</p> <p>Waukesha County c/o Department of Parks & Land Use 515 W. Moreland Blvd., AC-230 Waukesha, WI 53188</p>

LANV0068979001

Parcel Identification Number (PIN)

promptly and fully restore the premises of Waukesha County to the condition existing prior to the entry by Grantee or his agents, and said restoration shall be accomplished as per Waukesha County specifications. The restoration shall not apply to any trees which may be permitted to be removed pursuant to the rights granted herein. Grantee shall be liable for prompt restitution for any damage, if any, to vegetation, trail improvements, signs, entrance gates, park improvements and any other fixtures owned by Waukesha County and caused by the acts of Grantee, his agents, employees, invitees or guests.

This Land Use Permit shall run with the land, and may not be revoked prior to the end of the Term except for cause upon written notice by Waukesha County. "Cause" hereunder shall mean the uncured breach of any term of this Land Use Permit or any conduct by Grantee or Grantee's successors in interest blocking or otherwise interfering with the public's use of the Bugline Trail which continues to exist five (5) or more days after receipt of written notice of the breach or interference.

Grantee must maintain the Permitted Trail in a safe condition for the purposes intended and so as to not cause harm or injury to the public. Waukesha County is not responsible for maintenance of the Permitted Trail as part of the Bugline Recreation Trail.

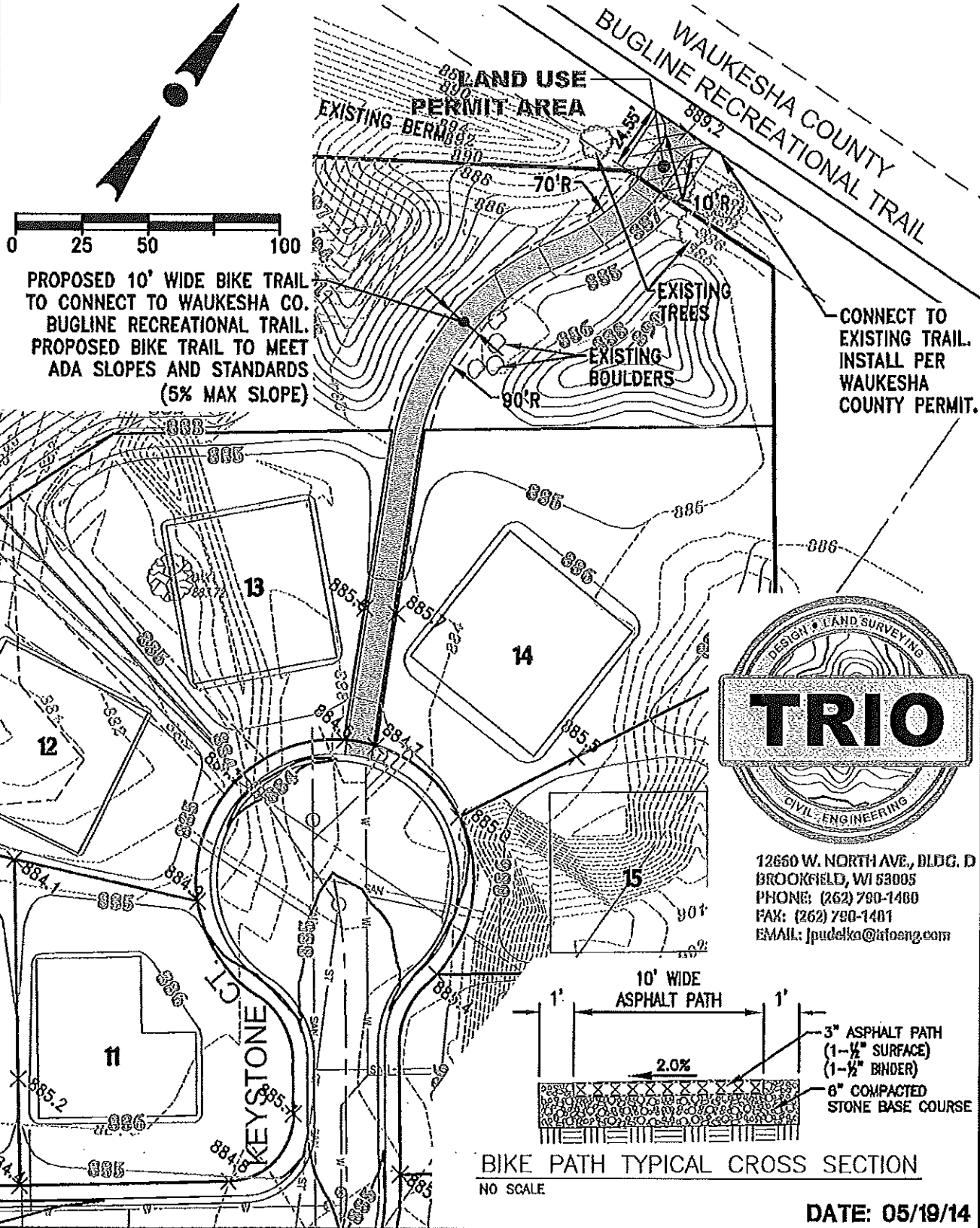
Waukesha County reserves the right to utilize its land and Land Use Permit Area for all purposes, including future trail improvements, signage, pavement and grading.

Grantee, its successors, assigns and agents will defend, indemnify and hold harmless Waukesha County and all of its departments, agencies, boards, officers, employees and agents from any and all liability, loss, damages, expenses and costs, including attorneys fees and expenses, that they 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 Grantee, his successors, assigns, agents, invitees and guests, in connection with the grant of this Land Use Permit, any and all work of any type which Grantee, his successors and assigns and any of their agents, invitees and/or guests perform or should perform upon the lands subject to this Land Use Permit, and their use of the Waukesha County lands covered by this Permit.

The Grantee and his successors, assigns and agents shall, at all times during the Term of this Land Use Permit, keep in force and effect insurance policies as outlined below, issued by a company or companies authorized to do business in the State of Wisconsin and satisfactory to Waukesha County. Such insurance shall be primary. Upon execution of this Land Use Permit, Grantee shall furnish Waukesha County with a certificate of insurance which references this Land Use Permit demonstrating the required coverages. Waukesha County shall be given thirty (30) days advance notice of cancellation, nonrenewal, or material reduction of coverages, scope or limits during the term of this Land Use Permit. Grantee shall maintain Homeowner's liability insurance covering liability for Grantee's liabilities associated with this Land Use Permit and personal automobile liability insurance covering Grantee's automobiles utilized in connection with this grant of Land Use Permit. Grantee shall require the following insurance from any contractors it retains to construct or maintain the Permitted Trail associated with this grant of this Land Use Permit: 1) Commercial General Liability Insurance- Policy shall be written to provide coverage for, but not limited to, the following: premises operations, personal injury, blanket contractual coverage, independent contractors coverage. Waukesha County, its boards, commission, agencies, officers, employees and representatives shall be named as additional insured and so stated on the certificate of insurance. Limits of liability not less than \$1,000,000 each occurrence and aggregate; 2) Automobile Liability Insurance- Business automobile policy covering all owned, hired and non-owned private passenger autos and commercial vehicles. Limit of liability not less than \$500,000 combined single limit.

**PROPOSED TRAIL CONNECTION
TO WAUKESHA COUNTY
BUGLINE RECREATIONAL TRAIL**

**EXHIBIT "A"
WHISPERING RIDGE ESTATES
VILLAGE OF LANNON, WI**

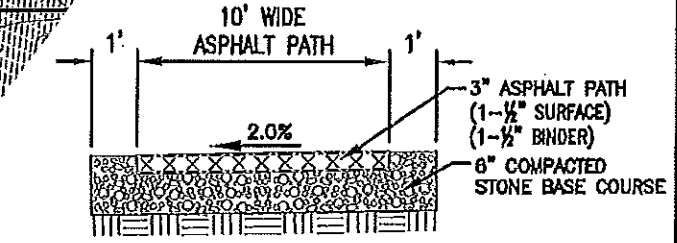


PROPOSED 10' WIDE BIKE TRAIL
TO CONNECT TO WAUKESHA CO.
BUGLINE RECREATIONAL TRAIL.
PROPOSED BIKE TRAIL TO MEET
ADA SLOPES AND STANDARDS
(5% MAX SLOPE)

CONNECT TO
EXISTING TRAIL.
INSTALL PER
WAUKESHA
COUNTY PERMIT.

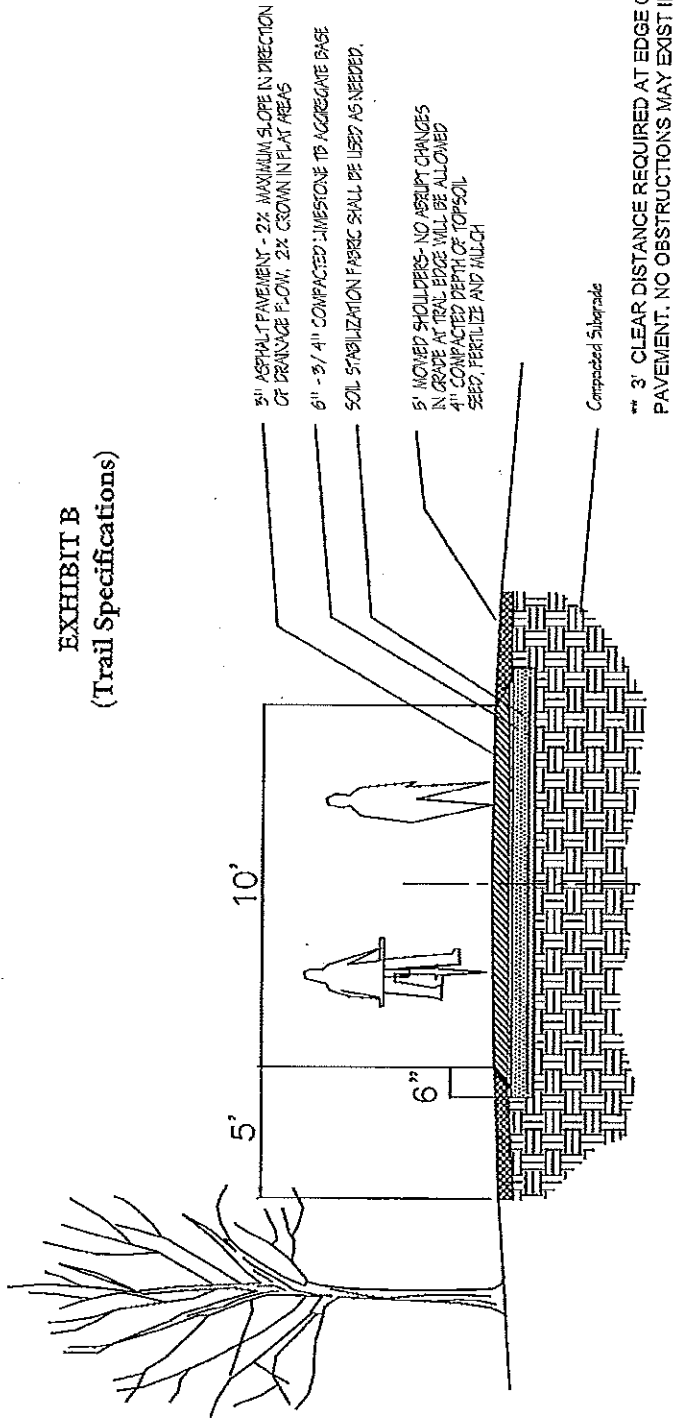


12660 W. NORTH AVE., BLDG. D
BROOKFIELD, WI 53005
PHONE: (262) 790-1400
FAX: (262) 790-1401
EMAIL: jpudefka@infosng.com



DATE: 05/19/14

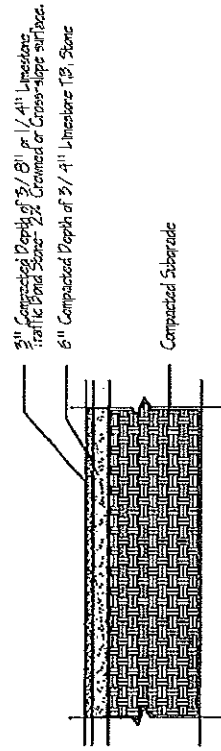
EXHIBIT B
(Trail Specifications)



TYPICAL SECTION - ASPHALT TRAIL

NO SCALE

OR



TYPICAL SECTION

CRUSHED STONE SURFACE RECREATION TRAIL

Dr. P. H. 273 1/22/96

Note: same widths apply as are shown on asphalt trail.

Supl Kolb Amendment

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-06/24/14

(ORD) NUMBER-1690022

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

2 D. Zimmermann.....AYE
 4 J. BATZKO.....AYE
 6 J. WALZ.....AYE
 8 E. HIGHUM.....AYE
 10 D. SWAN.....AYE
 12 P. WOLFF.....AYE
 14 C. PETTIS.....AYE
 16 M. CROWLEY.....AYE
 18 L. NELSON.....AYE
 20 T. SCHELLINGER....AYE
 22 P. JASKE.....AYE
 24 S. WHITTOW.....AYE

TOTAL AYES-24

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-24

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-06/24/14

(ORD) NUMBER-1690022

amended

- | | |
|--------------------------|--------------------------|
| 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..... | 10 D. SWAN.....AYE |
| 11 C. HOWARD.....AYE | 12 P. WOLFF.....AYE |
| 13 P. DECKER.....AYE | 14 C. PETTIS.....AYE |
| 15 W. KOLB.....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-24

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-24