

ENROLLED ORDINANCE 170-81

TRANSFER JURISDICTION OF A PORTION OF COUNTY TRUNK
HIGHWAY VV TO THE VILLAGE OF SUSSEX

WHEREAS, Waukesha County owns and operates a county highway system, and

WHEREAS, Section 83.025(1), Wisconsin Statutes, permits a County Board to make deletions from the County Trunk Highway System with the approval of the Wisconsin Department of Transportation (“WDOT”) and the governing body of the city, village or town in which the proposed deletion is located; and

WHEREAS, the County and the Village of Sussex has negotiated a Jurisdictional Transfer Agreement covering a portion of Silver Spring Drive (CTH VV) for transfer from Waukesha County to the Village of Sussex.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Executive is authorized to execute Jurisdictional Transfer Agreements covering a portion of Silver Spring Drive (CTH VV) for transfer from Waukesha County to the Village of Sussex, copies of which are on file in the office of the County Clerk.

BE IT FURTHER ORDAINED that the County Department of Public Works is directed to take all necessary actions to implement the terms and conditions of said Agreements.

FISCAL NOTE

TRANSFER JURISDICTION OF A PORTION OF COUNTY TRUNK HIGHWAY VV
TO THE VILLAGE OF SUSSEX

This ordinance authorizes the execution of a jurisdictional transfer agreement of approximately a half mile of County Trunk Highway (CTH) VV (Silver Spring Drive) from the County to the Village of Sussex. The portion to be transferred will be from Main Street to Waukesha Avenue/CTH F (formerly known as State Trunk Highway (STH) 74).

This transfer will be in two phases: The first segment (from Main Street to Hickory Drive) will transfer January 31, 2016 and the second segment (from Hickory Drive to Waukesha Avenue) is expected to transfer in 2019, upon the County's completion of road improvements (described below). Upon transfer of each segment, the Village will assume all costs related to maintenance, including signs, signals, pavement markings and snow/ice removal. However, the Village has agreed to assume responsibility for snow/ice removal for both segments beginning in 2016, despite the delayed transfer of ownership for the second segment.

The transfer of the second segment is contingent on the County completing a one-time rehabilitation and repair of this stretch of road, which includes the driving surface, curb and gutter, storm sewer pipes, storm manholes and catch basins, and culverts. The agreement identifies the County as responsible for funding these improvements, contingent on the future appropriation of sufficient funds.

This work is included in current adopted five-year capital plan (capital project #201620). Since the plan was adopted, the County was denied its initial federal funding request, but Public Works staff will be exploring other funding options and will revisit cost estimates in the next capital planning cycle. Currently, the project is expected to begin with design in 2017, land acquisition in 2018 and construction in 2019. According to Department management, the Village will be responsible for their own road improvements to the first segment after transfer, including road realignment.

This transfer is expected to favorably affect ongoing, levy-funded highway maintenance operations by marginally reducing costs for the half mile segment (e.g., salt usage, patrol worker staff time), although the impact is not expected to be large.

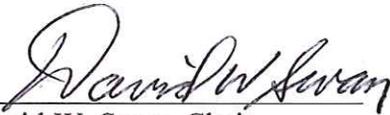


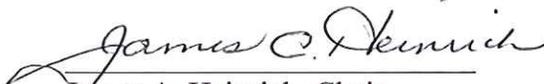
Linda G. Witkowski
Budget Manager
12/28/2015
WD

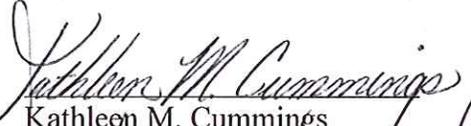
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Presented by:
Public Works Committee

Approved by:
Finance Committee

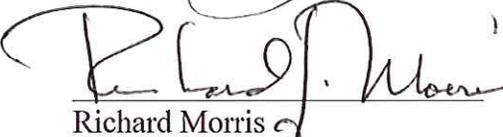

David W. Swan, Chair


James A. Heinrich, Chair


Kathleen M. Cummings

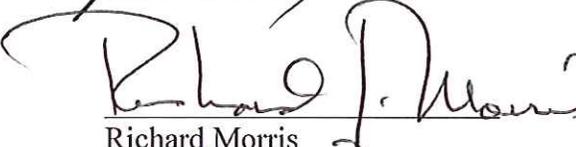

Eric Highum


Keith Hammit


Richard Morris


Robert L. Kolb


Larry Nelson


Richard Morris


Duane E. Paulson


Carl Pettis


Steve Whittow


Steve Whittow

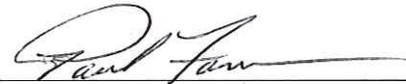

William J. Zaborowski

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

Date: 1/26/16, 
Kathleen Novack, County Clerk

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

Approved: X
Vetoed: _____

Date: 1/27/16, 
Paul Farrow, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-01/26/16

(ORD) NUMBER-1700084

- 1 R. KOLB.....AYE
- 3 R. MORRIS.....AYE
- 5 J. BRANDTJEN.....AYE
- 7 J. GRANT.....AYE
- 9 J. HEINRICH.....AYE
- 11 C. HOWARD.....AYE
- 13 P. DECKER.....AYE
- 15 B. MITCHELL.....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-25

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-25

JURISDICTIONAL TRANSFER AGREEMENT
FOR COUNTY TRUNK HIGHWAY VV

THIS AGREEMENT is entered into this day of , 2016, by and between Waukesha County (the "County") and the Village of Sussex (the "Village").

WHEREAS the County Trunk Highway System has been designed and constructed to serve trips of longer distance and large traffic volumes;

WHEREAS Section 83.025(1), Wisconsin Statutes, permits a County Board to make deletions from the County Trunk Highway System with the approval of the Wisconsin Department of Transportation ("WDOT") and the governing body of the city village or town in which the proposed deletion is located; and

WHEREAS the County and the Village desire to delete a portion of County Trunk Highway VV ("CTH VV") within the Village and as more specifically described below from the County Trunk Highway System and transfer jurisdiction over it to the Village on the terms set forth below.

NOW THEREFORE, the parties hereto do mutually agree as follows:

1. The County agrees to delete that portion of CTH VV from Main St. to the west limits of Waukesha Avenue / CTH F (fka STH 74) from the County Trunk Highway System and to transfer jurisdiction to the Village as further described below:
 - a. The County agrees to delete the portion of CTH VV from Main Street to the west limits of Hickory Drive ("Segment 1") from the County Trunk Highway System and to transfer jurisdiction of Segment 1 to the Village effective January 31, 2016.
 - b. The County agrees to delete that portion of CTH VV from the west limits of Hickory Drive to the west limits of Waukesha Avenue / CTH F (fka STH 74) ("Segment 2") from the County Trunk Highway System and to transfer jurisdiction of Segment 2 to the Village after completing the repair and resurfacing of Segment 2. The repair and resurfacing will include the repair of driving surface, curb and gutter, storm sewer pipes, storm manholes and catch basins, and bridge structure(s). The County further agrees that as a condition of this transfer of Segment 2 it will fund all costs related to those improvements, contingent upon the Waukesha County Board appropriation of sufficient funds to fully fund this project. Plans for the County's repair and resurfacing project for Segment 2 shall be designed to County standards, shall result in a minimum PASER pavement condition rating of 9, and shall include all bridge structure repairs required as a result of the most recent semi-annual bridge inspection report(s). The project plans shall be reviewed and accepted by the Village prior to the

project being bid by the County and the completed project shall be reviewed and accepted by the Village prior to the transfer of Segment 2. The construction project for Segment 2 is tentatively scheduled by the County to take place in 2019 at the earliest.

2. The Village consents to the deletion of Segment 1 and Segment 2 and agrees to accept transfer of jurisdiction of Segment 1 as is effective January 31, 2016. The Village's acceptance of the transfer of jurisdiction of Segment 2 is conditioned upon the County's completion of the repair and resurfacing work referenced in paragraph 1.b. above, and shall be effective upon the completion of said work.
3. The Village agrees that upon acceptance of each Segment referenced above it will assume all costs related to the maintenance of said road including, but not limited to, driving surface, curb and gutter, storm sewer system, snow and ice control, traffic engineering (signs, signals, pavement markings) and structures (bridge and culverts), except that the Village will not take jurisdiction of the traffic signals at the intersection of CTH VV and Waukesha Avenue / CTH F (fka STH 74).
4. The Village agrees that upon acceptance of each Segment referenced above, it will assume responsibility for all permits or work within the highway right of way of said Segment, including driveway and utilities.
5. The County agrees to indemnify and hold the Village harmless from any and all claims which may arise out of the County's ownership, operation and maintenance of each Segment for the period of time prior to the transfer. Notwithstanding the foregoing, nothing herein shall in any way constitute a waiver by the County of any immunity, liability limitation, limitation on the amount recoverable, or other protections available to the County under Section 893.80, Wis. Stats., or any other applicable statute or law.
6. Effective January 31, 2016, despite the planned delay in the transfer of Segment 2, the Village will take responsibility for snow and ice control/removal for Segment 2. The Village agrees to indemnify and hold the County harmless from any and all claims which may arise out of the Village's snow and ice control/removal operations on Segment 2 for the period of time from January 31, 2016 until the transfer. Village will exercise normal standards of care in its snow and ice control/removal operations and will take responsibility for incidental damage to private property, such as mailboxes, but will not be required to repair any curb, pavement or other infrastructure damaged by snow plow operations as those items will be repaired by the County as part of its roadway repair project, unless such damage creates an emergency situation whereby repair is necessary for the safe travel of vehicles upon Segment 2.
7. The Village agrees that as the recipient agency, it will notify property owners along the roadway that a transfer of jurisdiction has occurred and is the proper contacts for issues related to roadway maintenance.
8. The County and the Village acknowledge that consent and approval of the WDOT is required for the above referenced transfers of jurisdiction and shall work together to

obtain this consent and approval.

9. The County and the Village acknowledge that the execution of this Jurisdictional Transfer Agreement has been authorized by their respective governing bodies.

APPROVED

VILLAGE OF SUSSEX

WAUKESHA COUNTY

By _____
Gregory Goetz, Village President

By _____
Paul Farrow, County Executive

Attest:

Susan Freiheit
Village Clerk/Treasurer

FISCAL NOTE

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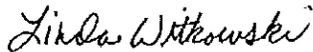
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