

ENROLLED ORDINANCE 176-35

VACATION AND TRANSFER OF COUNTY OWNERSHIP OF BRADON PRESERVE  
OUTLOT 2 AND OUTLOT 3 TO THE CITY OF BROOKFIELD

WHEREAS, Waukesha County, for recreational trail and park purposes, received through plat dedication Outlot 2 and Outlot 3 of Bradon Preserve Subdivision in the City of Brookfield in Section 32, T8N, R20E, and recorded with the Register of Deeds as document number 3358782 on February 2, 2006; and

WHEREAS, Outlot 2 and Outlot 3 have remained in an undeveloped and unimproved state, and have not been used or improved as a street, road, other public way, public square, park or playground; and

WHEREAS, the City of Brookfield is interested in acquiring Outlot 2 and Outlot 3 and currently owns the adjacent land directly to the east for a public park and are proposed for land ownership of the adjacent land directly to the west according to the adopted Park and Open Space Plan as incorporated into the Waukesha County Development Plan; and

WHEREAS, existing City of Brookfield zoning regulations protect and preserve the wetlands contained within Outlot 2 and Outlot 3; and

WHEREAS, Waukesha County is willing to transfer Outlot 2 and Outlot 3 to the City of Brookfield, but in order to do so it must first vacate the dedication conditions on Outlot 2 and Outlot 3, which were dedicated to the County for recreational trail and park purposes, from the plat; and

WHEREAS, upon transfer, the City of Brookfield agrees to grant Waukesha County an easement for future recreational trail purposes in Outlot 2; and

WHEREAS, to accomplish the vacation and ultimate transfer it is necessary for the County to file a petition in Waukesha County Circuit Court in accordance with the requirements of Chapter 236 of the Wisconsin Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that Waukesha County is authorized to petition the Circuit Court of Waukesha County to vacate the dedication conditions on Outlot 2 and Outlot 3 of the Bradon Preserve Subdivision Plat.

BE IT FURTHER ORDAINED that upon vacation of the dedication conditions on Outlot 2 and Outlot 3, the Waukesha County Department of Parks and Land Use and Corporation Counsel are authorized to take all necessary action to deed Outlot 2 and Outlot 3 to the City of Brookfield.

BE IT FURTHER ORDAINED that, as a condition of the transfer, the City of Brookfield shall, at its own expense, provide Waukesha County with the necessary boundary survey and legal description for Outlot 2 and Outlot 3.

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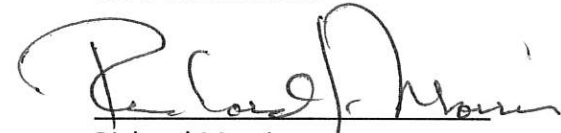
Presented by:  
Land Use, Parks, and Environment Committee


  
William A. Mitchell, Chair

  
Keith Hammitt

  
Thomas A. Michalski

  
Chris Mommaerts


  
Richard Morris

  
Thomas J. Schellinger

**Absent**

Steve Whittow


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

Date: July 30 2021,   
Margaret Wartman, County Clerk

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

Approved: X

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

Date: 7/30/2021,   
Paul Farrow, County Executive

VOTING RESULTS

AYE 23 NAY 0 ABSTAIN 0 ABSENT 2

# Ordinance 176-O-036

Ordinance 176-O-036: Vacation and Transfer of Count...

 **Passed By Majority Vote**

D1 - Foti	AYE	D14 - Mommaerts	AYE
D2 - Zimmermann	AYE	D15 - Mitchell	AYE
D3 - Morris	AYE	D16 - Crowlev	AYE
D4 - Batzko	AYE	D17 - Paulson	AYE
D5 - Dondlinger	AYE	D18 - Nelson	AYE
D6 - Walz	AYE	D19 - Cummings	AYE
D7 - LaFontain	AYE	D20 - Schellinger	AYE
D8 - Michalski	AYE	D21 - Gaughan	AYE
D9 - Heinrich	AYE	D22 - Wysocki	AYE
D10 - Swan	AYE	D23 - Hammitt	AYE
D11 - Hayward	ABSENT	D24 - Whitlow	ABSENT
D12 - Wolff	AYE	D25 - Johnson	AYE
D13 - Decker	AYE		

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VILLAGE OF WASHINGTON FALLS  
CITY OF BROOKFIELD

VILLAGE OF WASHINGTON FALLS  
CITY OF BROOKFIELD

Votigt  
Soccer  
Park

Outlot 2 - 1.5806

Outlot 3 - 56.6115

: LU 2

File Number 176-0036

Refer to

NOTES

- OUTLET 1 - DETENTION POND. EACH INDIVIDUAL LOT OWNER SHALL HAVE AN UNDRAINED FRACTIONAL OWNERSHIP IN OUTLET 1 AND THAT WAUKESHA COUNTY SHALL NOT BE LIABLE FOR ANY FEES OR SPECIAL ASSESSMENTS IN THE EVENT THAT THE COUNTY REPEALS THE OWNERS OF ANY LOTS OR OUTLETS IN THIS SUBDIVISION BY REASON OF TAX DELINQUENCY.
- OUTLET 2 - TO BE GRANTED TO WAUKESHA COUNTY FOR RECREATIONAL TRAIL PURPOSES.
- OUTLET 3 - TO BE GRANTED TO WAUKESHA COUNTY FOR PARK PURPOSES.

BRADON PRESERVE

PART OF THE NORTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF FRACTIONAL SECTION 8, TOWN 7 NORTH, RANGE 20 EAST, AND PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWN 8 NORTH, RANGE 20 EAST, ALL IN THE CITY OF BROOKFIELD, WAUKESHA COUNTY, WISCONSIN.

RESTRICTIONS

**BASEMENT RESTRICTION - GROUNDWATER**  
 ALTHOUGH ALL LOTS IN THE SUBDIVISION HAVE BEEN NOTICED AND APPROVED FOR DEVELOPMENT WITH SINGLE-FAMILY RESIDENTIAL USE IN ACCORDANCE WITH SECTION 238 WISCONSIN STATUTES, SOME LOTS CONTAIN SOIL CONDITIONS THAT, DUE TO THE POSSIBLE PRESENCE OF GROUNDWATER NEAR THE SURFACE, MAY REQUIRE ADDITIONAL SOIL ENGINEERING AND FOUNDATION DESIGN WITH REGARD TO BASEMENT CONSTRUCTION. IT IS RECOMMENDED THAT EACH A LICENSED PROFESSIONAL ENGINEER OR OTHER SOILS EXPERT DESIGN A FOUNDATION AND FOUNDATION THAT WILL BE SUITABLE TO WITHSTAND THE VARIOUS PROBLEMS ASSOCIATED WITH SATURATED SOIL CONDITIONS ON BASEMENT WALLS OR FLOORS OR TAKE OTHER SPECIAL MEASURES TO TAKE SOIL CONDITIONS SHOULD BE SUBJECT TO EACH OWNER'S SPECIAL INVESTIGATION PRIOR TO CONSTRUCTION AND NO SPECIAL REPRESENTATION IS MADE HEREIN.

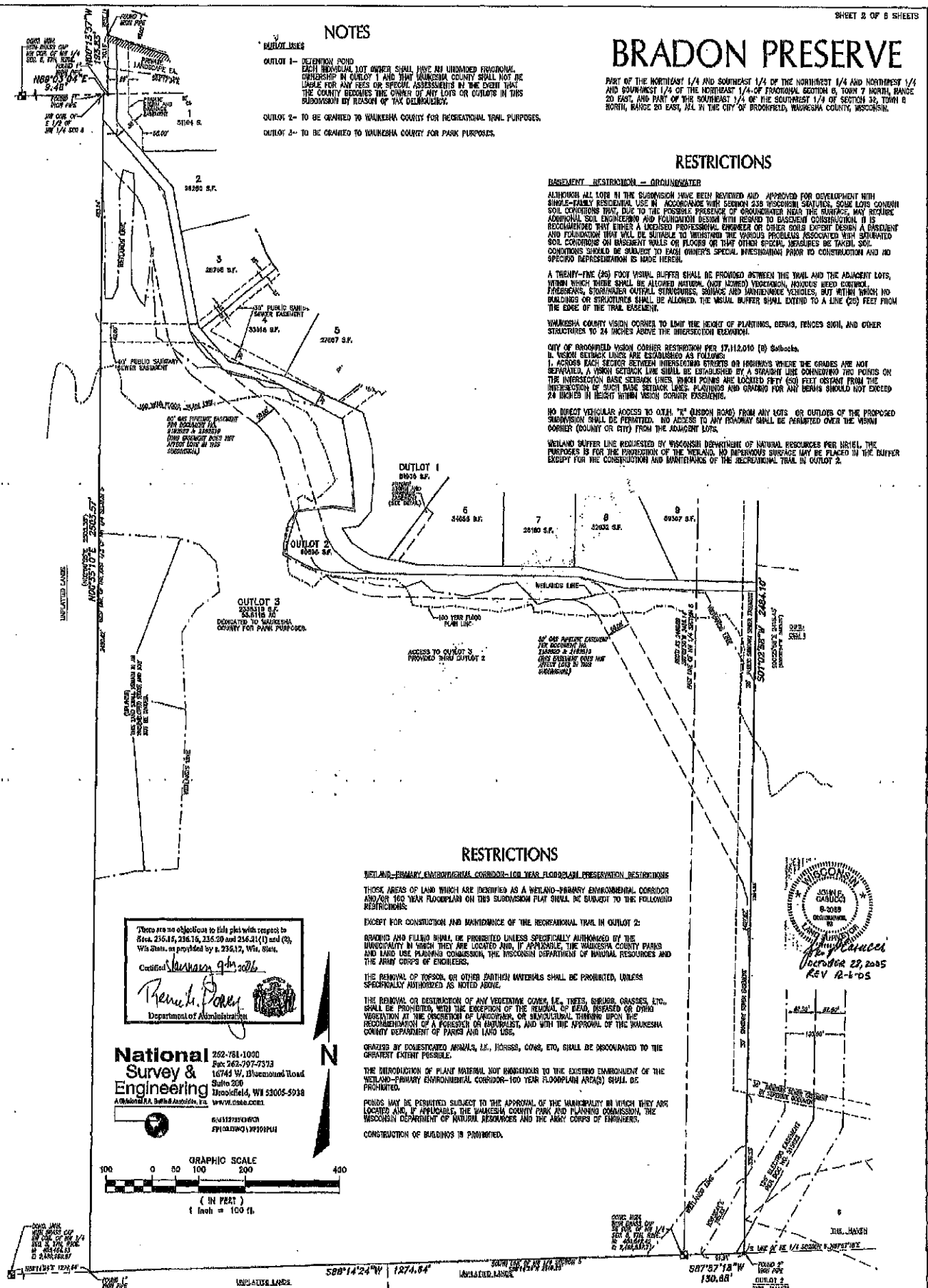
A TWENTY-FIVE (25) FOOT VISUAL BUFFER SHALL BE PROVIDED BETWEEN THE TRAIL AND THE ADJACENT LOTS, WITHIN WHICH THERE SHALL BE ALLOWED NATURAL (NOT TAMED) VEGETATION, HOUSING REED CONTROL, FIREWEEDS, STORMWATER OUTFALL STRUCTURES, STORAGE AND MAINTENANCE VEHICLES, BUT WITHIN WHICH NO BUILDINGS OR STRUCTURES SHALL BE ALLOWED. THE VISUAL BUFFER SHALL EXTEND TO A LINE (25) FEET FROM THE EDGE OF THE TRAIL, RESPECTIVELY.

WAUKESHA COUNTY VISION CORNER TO LIMIT THE HEIGHT OF PLANTINGS, BEAMS, FENCES SIGN, AND OTHER STRUCTURES TO 24 INCHES ABOVE THE INTERSECTION ELEVATION.

CITY OF BROOKFIELD VISION CORNER RESTRICTION PER 17.112.010 (8) Subsects.  
 A. VISION CORNER LINES ARE ESTABLISHED AS FOLLOWS:  
 1. ACROSS EACH SECTOR BETWEEN INTERSECTIONAL STREETS OR (HIGHWAYS) WHERE THE GRADES ARE NOT SEPARATED, A VISION CORNER LINE SHALL BE ESTABLISHED BY A STRAIGHT LINE CONNECTING TWO POINTS ON THE INTERSECTION BASIC SEWER LINES. POINTS ARE LOCATED FIFTY (50) FEET DISTANT FROM THE INTERSECTION OF SUCH BASIC SEWER LINES. PLANTING AND GROWING FOR ANY BEAM SHOULD NOT EXCEED 24 INCHES IN HEIGHT WITHIN VISION CORNER EXISTENCES.

NO DIRECT VEHICULAR ACCESS TO OTHER THAN 7th (BROOK ROAD) FROM ANY LOTS OR OUTLETS OF THE PROPOSED SUBDIVISION SHALL BE PERMITTED. NO ACCESS TO ANY ROADWAY SHALL BE PERMITTED OVER THE VISION CORNER (COUNTY OR CITY) FROM THE ADJACENT LOTS.

WETLAND BUFFER LINE REQUESTED BY WISCONSIN DEPARTMENT OF NATURAL RESOURCES PER H2611. THE PURPOSES IS FOR THE PROTECTION OF THE WETLAND. NO IMPROVISED SURFACE MAY BE PLACED IN THE BUFFER EXCEPT FOR THE CONSTRUCTION AND MAINTENANCE OF THE RECREATIONAL TRAIL IN OUTLET 2.



RESTRICTIONS

**WETLAND-PRIMARY ENVIRONMENTAL CORRIDOR-100 YEAR FLOODPLAIN PRESERVATION RESTRICTIONS**  
 THOSE AREAS OF LAND WHICH ARE IDENTIFIED AS A WETLAND-PRIMARY ENVIRONMENTAL CORRIDOR AND/OR 100 YEAR FLOODPLAIN ON THIS SUBDIVISION PLAT SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

EXCEPT FOR CONSTRUCTION AND MAINTENANCE OF THE RECREATIONAL TRAIL IN OUTLET 2:  
 BROWNS AND FILLING SHALL BE PROHIBITED UNLESS SPECIFICALLY AUTHORIZED BY THE MUNICIPALITY IN WHICH THEY ARE LOCATED AND, IF APPLICABLE, THE WAUKESHA COUNTY PARKS AND LAND USE PLANNING COMMISSION, THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND THE ARMY CORPS OF ENGINEERS.

THE REMOVAL OF TOPSOIL OR OTHER EARTH MATERIALS SHALL BE PROHIBITED, UNLESS SPECIFICALLY AUTHORIZED AS NOTED ABOVE.

THE REMOVAL OR DESTROYING OF ANY VEGETATIVE COVER, I.E., TREES, SHRUBS, GRASSES, ETC., SHALL BE PROHIBITED, WITH THE EXCEPTION OF THE REMOVAL OF DEAD, DAMAGED OR DYING VEGETATION AT THE DISCRETION OF LANDOWNER OR INDIVIDUAL THINKING UPON THE RECOMMENDATION OF A FORESTER OR NATURALIST, AND WITH THE APPROVAL OF THE WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE.

GRAZING BY DOMESTICATED ANIMALS, I.E., HORSES, COWS, ETC., SHALL BE DISCOURAGED TO THE GREATEST EXTENT POSSIBLE.

THE INTRODUCTION OF PLANT MATERIAL NOT INDIGENOUS TO THE EXISTING ENVIRONMENT OF THE WETLAND-PRIMARY ENVIRONMENTAL CORRIDOR-100 YEAR FLOODPLAIN AREAS) SHALL BE PROHIBITED.

PONDS MAY BE PERMITTED SUBJECT TO THE APPROVAL OF THE MUNICIPALITY IN WHICH THEY ARE LOCATED AND, IF APPLICABLE, THE WAUKESHA COUNTY PARK AND PLANNING COMMISSION, THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES AND THE ARMY CORPS OF ENGINEERS.

CONSTRUCTION OF BUILDINGS IS PROHIBITED.

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.31(1) and (2), Wis. Stat., as provided by s. 236.17, Wis. Stat.

Certified Surveyor  
 John P. Gancu  
 Department of Administration

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