

ENROLLED ORDINANCE 177-81

SALE OF EXCESS RIGHT-OF-WAY
AT CTH ES AND CTH Y IN THE
CITY OF NEW BERLIN

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

WHEREAS, the County's adopted Capital Plan in previous years contained Project 9903 to reconstruct and improve CTH Y from CTH I to I-43 in the City of New Berlin; 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 Statutes, the County Board is empowered to sell excess right-of-way at private sale for fair market value to owners of adjacent property; and

WHEREAS, Waukesha County has received an offer to purchase excess right-of-way from John N. Martin, Trustee of the John N. Martin Revocable Trust dated April 8, 2019, the owner of the adjacent parcel, in the amount of Two Thousand Dollars (\$2,000).

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the following described parcel, containing 0.6482 acres of land more or less, is declared to be excess highway right-of-way:

All that part of the Southeast $\frac{1}{4}$ of Section 29, Town 6 North, Range 20 East, City of New Berlin, Waukesha County, Wisconsin, bounded and described as follows: commencing at the Southwest corner of the Southeast $\frac{1}{4}$ of said Section 29, thence north $00^{\circ}32'06''$ west along the west line of the southeast $\frac{1}{4}$ of said section, 454.08 feet, thence north $89^{\circ}27'54''$ east, 122.25 feet to the point of beginning. Thence north $89^{\circ}27'54''$ east, 12.00 feet, thence south $25^{\circ}30'26''$ east, 83.97 feet, thence along an arc of a curve 69.90 feet curving to the left, said curve having a radius of 8,534.47 feet, chord bearing south $54^{\circ}09'18''$ west, chord length 69.90 feet, thence north $04^{\circ}10'16''$ east, 116.92 feet, to the point of beginning.

Containing 3,590 square feet, 0.0824 acres more or less.

also

All that part of the Southeast $\frac{1}{4}$ of Section 29, Town 6 North, Range 20 East, City of New Berlin, Waukesha County, Wisconsin, bounded and described as follows: commencing at the Southwest corner of the Southeast $\frac{1}{4}$ of said Section 29, thence north $00^{\circ}32'06''$ west along the west line of the southeast $\frac{1}{4}$ of said section, 615.92 feet, thence north $89^{\circ}27'54''$ east, 134.25 feet to the easterly right of way of Racine avenue (C.T.H. "Y") and the point of beginning. Thence continuing along said easterly right of way of C.T.H. "Y" north $00^{\circ}32'06''$ west, 49.49 feet to the southerly right of way of the connector road; thence continuing along said southerly right of way of the connector road north $89^{\circ}58'00''$ east, 269.58 feet; thence continuing along said southerly

right of way of the connector road southeasterly along an arc of a curve 53.73 feet curving to the right, said curve having a radius of 195.00 feet, chord bearing south 82°08'23" east, chord length 53.56 feet; thence south 07°40'47" east, 36.58 feet, thence south 49°47'41" west, 198.00 feet; thence north 00°32'06" west, 123.38 feet; thence south 89°27'54" west, 174.70 feet, to the point of beginning.

Containing 24,647 square feet, 0.5658 acres more or less.

Subject to the following restrictions:

All public and private utilities located upon or under the above-described lands, whether by permit or easement, shall have continued right of occupancy and continued right of ingress and egress for personnel and equipment for the purpose of maintaining or improving their transmission and/or distribution facilities located wholly or partially within the above-described lands as of the date of this instrument.

This parcel is encumbered by a 50-foot Michigan-Wisconsin Pipeline Easement.

This parcel is being sold as a landlocked excess property and shall have no right of access to CTH Y (Racine Avenue), CTH ES (National Avenue) or any adjacent streets, alleys, driveways or rights of way.

This property shall not be considered an independent lot and shall not be used for the construction of buildings or improvements. Notwithstanding, this parcel may be assembled with an adjacent property and developed in accordance with all applicable codes, zoning regulations, statutes and municipal requirements.

BE IT FURTHER ORDAINED that the Public Works Department is authorized to sell such excess rights-of-way to John N. Martin, Trustee of the John N. Martin Revocable Trust dated April 8, 2019, in the amount of Two Thousand Dollars (\$2,000).

BE IT FURTHER ORDAINED that the County Executive and County Clerk are authorized to sign the necessary documents to effectuate the approved sale.

BE IT FURTHER ORDAINED that proceeds from the sale of this land be deposited into the Department of Public Works – Transportation Fund.

SALE OF EXCESS RIGHT-OF-WAY AT CTH ES AND CTH Y IN THE CITY OF NEW BERLIN

Presented by:
Public Works Committee

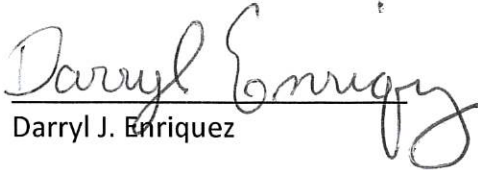
Approved by:
Finance Committee


Keith Hammitt, Chair


James A. Heinrich, Chair

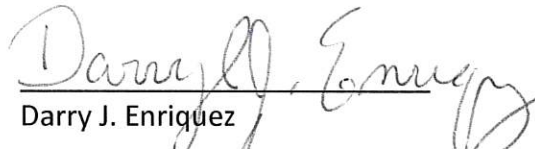

James Batzko


Larry Bangs


Darryl J. Enriquez



James Batzko


Joel R. Gaughan


Darryl J. Enriquez

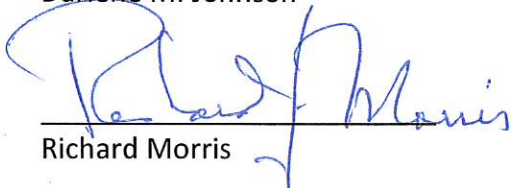
Absent

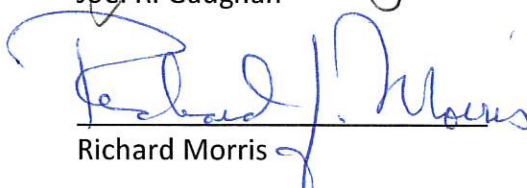
Christine M. Howard


Tyler J. Foti


Darlene M. Johnson


Joel R. Gaughan


Richard Morris


Richard Morris

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

Date: 1/27/2023, 
Margaret Wartman, County Clerk

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

Approved: X
Vetoed: _____

Date: 1/27/2023, 
Paul Farrow, County Executive

FISCAL NOTE
SALE OF EXCESS RIGHT-OF-WAY
AT CTH ES AND CTH Y IN THE
CITY OF NEW BERLIN

This ordinance authorizes the sale of about 0.6482 acres of land that was originally acquired as right-of-way for a highway improvement project (#9903) on County Trunk Highway (CTH) Y (Racine Avenue), from CTH I (Beloit Road) to Interstate 43 in the City of New Berlin. The project was completed in 2010. The land has been determined to be excess right-of-way. The Department of Public Works (DPW) has received an offer of \$2,000 from the owner of the adjacent parcel. The net proceeds will be accounted for in the DPW – Transportation Fund. No additional funds are being appropriated with this ordinance.

William Duckwitz

William Duckwitz
Budget Manager
12/28/2022

PLAT OF SURVEY FOR:

WAUKESHA COUNTY DEPT. OF PUBLIC WORKS
515 W. MORRELAND BLVD., RM 220
WAUKESHA, WI 53188

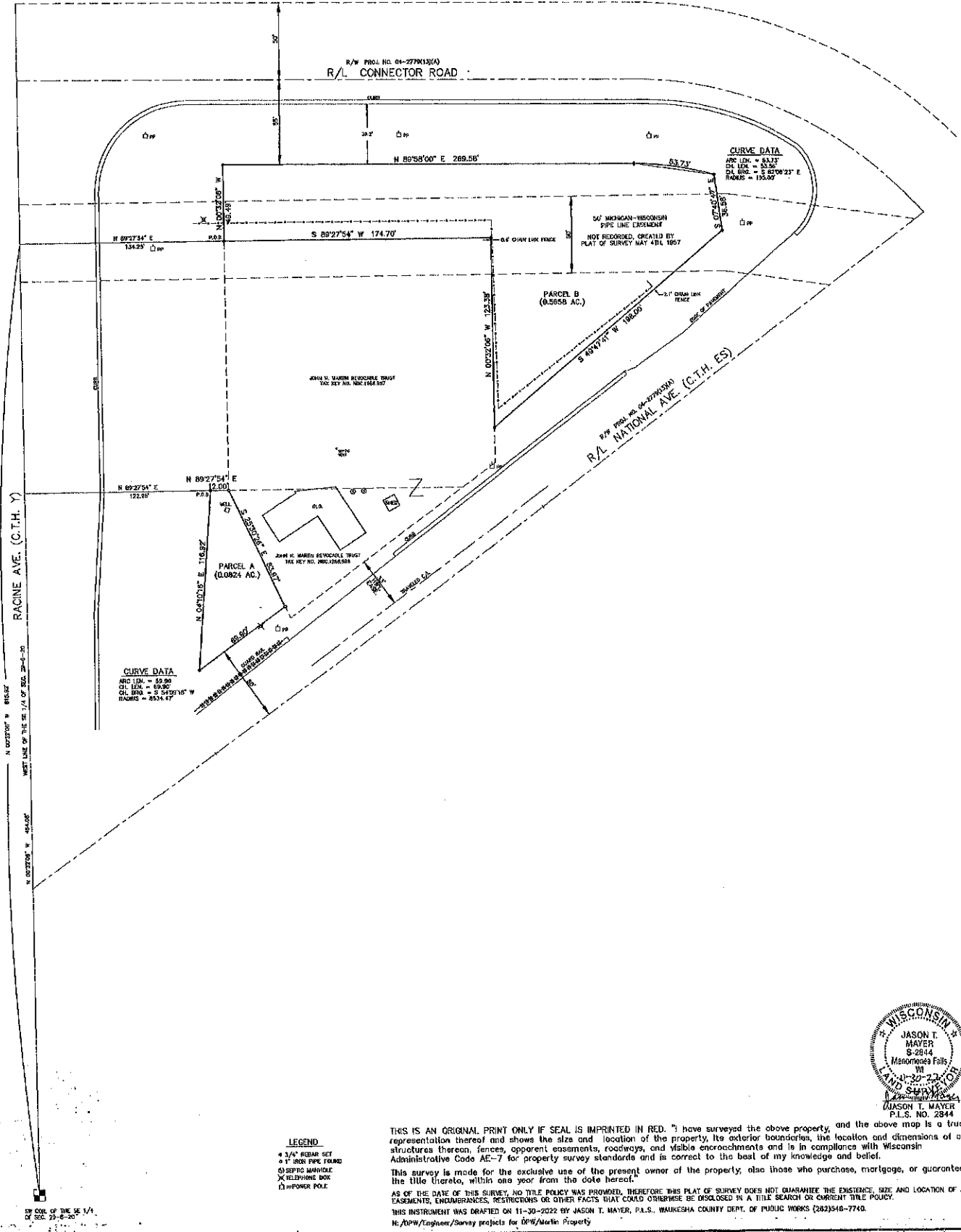


LEGAL DESCRIPTION (PARCEL A)

ALL THAT PART OF THE SOUTHEAST 1/4 OF SECTION 29, TOWN 8 NORTH, RANGE 20 EAST, CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 29, THENCE NORTH 00°32'00\"/>

LEGAL DESCRIPTION (PARCEL B)

ALL THAT PART OF THE SOUTHEAST 1/4 OF SECTION 29, TOWN 8 NORTH, RANGE 20 EAST, CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 29, THENCE NORTH 00°32'00\"/>



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 and is in compliance with Wisconsin Administrative Code AE-7 for property survey standards and is correct to the best of my knowledge and belief.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNER OF THE PROPERTY, ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE HERETO, WITHIN ONE YEAR FROM THE DATE HEREOF.

AS OF THE DATE OF THIS SURVEY, NO TITLE POLICY WAS PROVIDED, THEREFORE THIS PLAT OF SURVEY DOES NOT GUARANTEE THE EXISTENCE, SIZE AND LOCATION OF ANY EASEMENTS, ENCUMBRANCES, RESTRICTIONS OR OTHER FACTS THAT COULD OTHERWISE BE DISCLOSED IN A TITLE SEARCH OR CURRENT TITLE POLICY.

THIS INSTRUMENT WAS DRAFTED ON 11-30-2022 BY JASON T. MAYER, P.L.S., WAUKESHA COUNTY DEPT. OF PUBLIC WORKS (262)340-7740.

N./DPW/Engineer/Survey projects for DPW/Mailin Property

VOTE RESULTS

21 YES

0 NO

0 ABSTAIN

4 ABSENT

Ordinance 177-O-087

Ordinance 177-O-087: Sale of Excess Right-Of-Way at CTH ES and CTH Y in the City of New Berlin



Passed By Majority Vote

D1 - Foti	ABSENT	D10 - Thieme	AYE	D19 - Enriquez	AYE
D2 - Weil	AYE	D11 - Howard	AYE	D20 - Schellinger	AYE
D3 - Morris	AYE	D12 - Wolff	AYE	D21 - Gaughan	AYE
D4 - Batzko	AYE	D13 - Decker	AYE	D22 - Szpara	AYE
D5 - Grant	ABSENT	D14 - Mommaerts	AYE	D23 - Hammitt	AYE
D6 - Walz	AYE	D15 - Kolb	AYE	D24 - Bangs	AYE
D7 - LaFontain	AYE	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Michalski	ABSENT	D17 - Meier	ABSENT		
D9 - Heinrich	AYE	D18 - Nelson	AYE		

11th Meeting, 177th Year of the County Board Supervisors - January 24 2023 07:04:08 PM

January 24 2023

