

ENROLLED ORDINANCE 180-67

AUTHORIZATION TO ENTER INTO SETTLEMENT AGREEMENT IN THE
CONDEMNATION LAWSUIT OF 15600 NATIONAL AVENUE LLC V. WAUKESHA
COUNTY, CASE NUMBER 2025CV423

WHEREAS, Waukesha County, through Waukesha County Capital Project # 201610, undertook a highway project (Project ID 2722-07-22) to rehabilitate Moorland Road (CTH O) in the City of New Berlin; and

WHEREAS, as part of the highway project, the County acquired, by eminent domain, a strip of land and a temporary limited easement for construction purposes owned by 15600 National Avenue LLC and further identified as Waukesha County tax key number NBC 1212-997-001; and

WHEREAS, pursuant to Wis. Stat. Chapter 32, 15600 National Avenue LLC has appealed the Award of Damages to the Circuit Court for a determination of just compensation to be paid for the taking of the property; and

WHEREAS, Waukesha County and 15600 National Avenue LLC reached a settlement agreement on December 10, 2025, the terms of which are conditioned upon County Board approval; and

WHEREAS, the continuation of the litigation causes substantial financial risk to both the landowner and Waukesha County and both parties will incur additional significant expenses if a settlement of the litigation is not reached at this time; and

WHEREAS, it has been determined that settlement of the litigation at this time is in the best interest of Waukesha County.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the settlement in the condemnation litigation against Waukesha County brought by 15600 National Avenue LLC is approved according to the terms of the settlement agreement, which was previously shared with the County Board in closed session.

BE IT FURTHER ORDAINED that Waukesha County Corporation Counsel, or his designee, is authorized to negotiate, finalize, and execute a settlement agreement and release necessary to effectuate the settlement approved by the County Board.

AUTHORIZATION TO ENTER INTO SETTLEMENT AGREEMENT IN THE CONDEMNATION LAWSUIT OF
15600 NATIONAL AVENUE LLC V. WAUKESHA COUNTY, CASE NUMBER 2025CV423

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

Date: 01-30-2026 Jennifer Moore, Deputy
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

Date: 2-2-2026, Paul Farrow
Paul Farrow, County Executive

1 AUTHORIZATION TO ENTER INTO SETTLEMENT AGREEMENT IN THE
2 CONDEMNATION LAWSUIT OF 15600 NATIONAL AVENUE LLC V. WAUKESHA
3 COUNTY, CASE NUMBER 2025CV423
4

5 WHEREAS, Waukesha County, through Waukesha County Capital Project # 201610, undertook
6 a highway project (Project ID 2722-07-22) to rehabilitate Moorland Road (CTH O) in the City of
7 New Berlin; and
8

9 WHEREAS, as part of the highway project, the County acquired, by eminent domain, a strip of
10 land and a temporary limited easement for construction purposes owned by 15600 National
11 Avenue LLC and further identified as Waukesha County tax key number NBC 1212-997-001;
12 and
13

14 WHEREAS, pursuant to Wis. Stat. Chapter 32, 15600 National Avenue LLC has appealed the
15 Award of Damages to the Circuit Court for a determination of just compensation to be paid for
16 the taking of the property; and
17

18 WHEREAS, Waukesha County and 15600 National Avenue LLC reached a settlement
19 agreement on December 10, 2025, the terms of which are conditioned upon County Board
20 approval; and
21

22 WHEREAS, the continuation of the litigation causes substantial financial risk to both the
23 landowner and Waukesha County and both parties will incur additional significant expenses if a
24 settlement of the litigation is not reached at this time; and
25

26 WHEREAS, it has been determined that settlement of the litigation at this time is in the best
27 interest of Waukesha County.
28

29 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
30 that the settlement in the condemnation litigation against Waukesha County brought by 15600
31 National Avenue LLC is approved according to the terms of the settlement agreement, which
32 was previously shared with the County Board in closed session.
33

34 BE IT FURTHER ORDAINED that Waukesha County Corporation Counsel, or his designee, is
35 authorized to negotiate, finalize, and execute a settlement agreement and release necessary to
36 effectuate the settlement approved by the County Board.

ORDINANCE ADMINISTRATIVE FACT SHEET

Title of O/R:	AUTHORIZATION TO ENTER INTO SETTLEMENT AGREEMENT IN THE CONDEMNATION LAWSUIT OF 15600 NATIONAL AVENUE LLC V. WAUKESHA COUNTY, CASE NUMBER 2025CV423	
Submitting Department:	Office of Corporation Counsel	
Department Contact(s): <small>(Include dept. manager or staff who has worked on this ordinance in addition to the dept. head)</small>	Attorney Kimberly Haines Allison Bussler, Director of DPW Brett Wallace, Engineering Services Manager	
Who will appear at committee meetings?	Attorney Kimberly Haines Allison Bussler, Director of DPW Brett Wallace, Engineering Services Manager	
Date of Co. Board Meeting at which you plan O/R to be considered:	01/27/2026	Fiscal Note by DOA? No
Routing Number:	Routing # 400-01-26	

Does this O/R create or abolish any positions or involve other Human Resources issues?
 Yes* No

* If yes, the ordinance should be reviewed by HR prior to submission to Corp. Counsel.

Does this O/R appropriate or transfer expenditure authority, additional resources or change the Budget intent?

Yes* No

*If department staff developed a fiscal impact statement, please send to your assigned budget analyst concurrent with forwarding of O/R to Corp. Counsel.

Does this O/R authorize the execution of any new or extended contracts/leases/MOUs or other agreements that obligate the County?

Yes* No

*If yes, the proposed documents must be forwarded to risk management and Corp. Counsel for approval. The O/R will not be forwarded to the Co. Board until related agreements receive approval. Departments are responsible for putting approved documents on file with the Co. Clerk.

Are there documents (other than contracts, leases or MOUs) that should be included with this O/R before it goes to the County Board office?

Yes* No

If yes, all documents must be received by Corp. Counsel before the ordinance can be forwarded to DOA for review. Contracts or leases that are affected by or are the subject of an O/R must be provided to Corp. Counsel.

Has this O/R been reviewed by Corporation Counsel?

Yes No

Wis. Stat. § 59.14(1m), Summary (for publication purposes): This ordinance will approve a settlement agreement in the condemnation lawsuit against Waukesha County brought by 15600 National Avenue LLC.

Referred on: 01/05/26	File Number: 180-O-068	Referred to: CB
-----------------------	------------------------	-----------------

VOTE RESULTS

23 AYE 0 NAY 0 ABSTAIN 2 ABSENT

Ordinance 180-O-068

Majority Vote of Members Present

Authorization To Enter Into Settlement Agreement In The Condemnation Lawsuit Of 15600 National Avenue LLC v. Waukesha County, Case Number 2025CV423

 **Passed**

D1 - Styza	ABSENT	D10 - Thieme	AYE	D19 - Enriquez	AYE
D2 - Euclide	AYE	D11 - Howard	AYE	D20 - Schellinger	AYE
D3 - Gscheidmeier	AYE	D12 - Wolff	AYE	D21 - Gaughan	AYE
D4 - Batzko	AYE	D13 - Leisemann	AYE	D22 - Szpara	AYE
D5 - Dondlinger	AYE	D14 - Mommaerts	AYE	D23 - Hammitt	M AYE
D6 - Walz	AYE	D15 - Kolb	AYE	D24 - Schroeder	AYE
D7 - LaFontain	S AYE	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Koremenos	ABSENT	D17 - Meier	AYE		
D9 - Heinrich	AYE	D18 - Nelson	AYE		