

ENROLLED ORDINANCE 178-6

SALE OF EXCESS RIGHT OF WAY
USH 18, WAUKESHA WEST BYPASS
CITY OF WAUKESHA

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

WHEREAS, previous County's adopted Capital Plans contained Project 200917 to reconstruct and improve the former county trunk highway (CTH) TT, now U.S. Highway (USH) 18, from Summit Avenue to CTH X in the City and Village of Waukesha; and

WHEREAS, the project, also known as the Waukesha West Bypass, was a partnership with project funding provided by the County, the State of Wisconsin Department of Transportation (WisDOT) and the Federal Highway Administration (FHWA); and

WHEREAS, the real estate required to construct this project was purchased by Waukesha County using funding from the County, WisDOT and FHWA; 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) and 84.09(3)(c) of the Wisconsin Statutes, the County Board is empowered to sell excess right of way with approval by and subject to such conditions and terms authorized by WisDOT; and

WHEREAS, WisDOT has required that all proceeds from the sale of these lands be returned the state project fund to be allocated to reimburse WisDOT for expenses incurred in the sale of these lands, and all remaining funds be deposited by WisDOT to the Waukesha West Bypass project in trust for Waukesha County to reimburse on-going litigation costs incurred by the County; and

WHEREAS, WisDOT has approved the sale of the lands to the adjacent property owners, Robert James Mogensen and Jean Marie Mogensen, for a value of \$86,000 pending approval by Waukesha County.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the following described parcel, containing 0.5237 acres of land more or less, is declared to be excess highway right of way:

That part of the Northwest $\frac{1}{4}$ of Section 5, Town 6 North, Range 19 East, City of Waukesha, Waukesha County, State of Wisconsin, commencing at the Northwest corner of the Northwest $\frac{1}{4}$ of said Section; thence South $00^{\circ}15'52''$ West along the West Line of said $\frac{1}{4}$ Section 41.00 feet; thence North $89^{\circ}41'36''$ East, 76.23 feet to a point on the Easterly right of way line of USH 18 and the point of beginning; thence continuing along said Easterly right of way line South $00^{\circ}38'29''$ West, 89.99 feet; thence North $89^{\circ}42'17''$ East, 252.99 feet; thence North $01^{\circ}15'52''$ East, 90.06 feet; thence South $89^{\circ}41'36''$ West, 253.97 feet to the point of beginning.

Containing 22,813 square feet, 0.5237 acres more or less.

BE IT FURTHER ORDAINED that the Public Works Department is authorized to sell such excess rights of way to Robert James Mogensen and Jean Marie Mogensen, for a value of \$86,000.

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 be returned to WisDOT to be allocated to reimburse WisDOT for expenses incurred in the sale of these lands and remaining funds be deposited by WisDOT to the Waukesha West Bypass project in trust for Waukesha County to reimburse ongoing litigation costs incurred by the County.

SALE OF EXCESS RIGHT OF WAY USH 18, WAUKESHA WEST BYPASS, CITY OF WAUKESHA

Presented by:
Public Works Committee

Approved by:
Finance Committee

Absent

Keith Hammitt, Chair

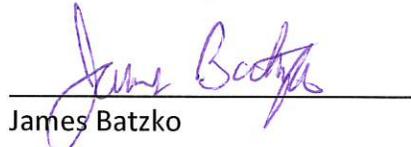

James A. Heinrich, Chair

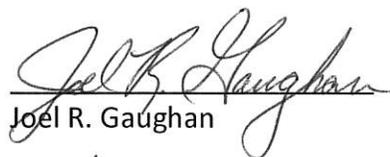

James Batzko

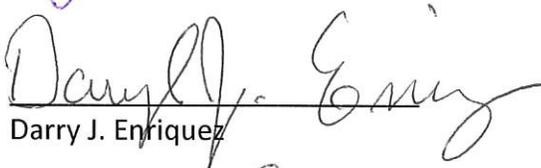

Larry Bangs

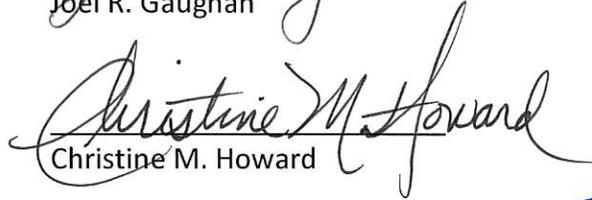
Absent

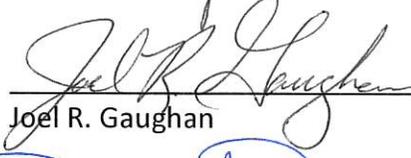
Darryl J. Enriquez


James Batzko


Joel R. Gaughan

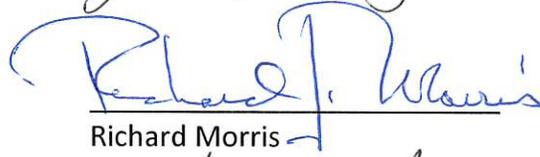

Darryl J. Enriquez

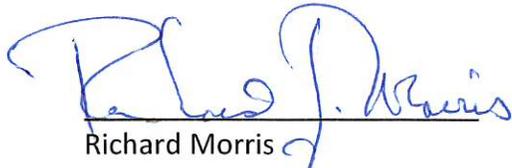

Christine M. Howard


Joel R. Gaughan

Absent

Darlene M. Johnson


Richard Morris


Richard Morris


Gary J. Szpara

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

Date: May 12, 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: May 1, 2023, 
Paul Farrow, County Executive

FISCAL NOTE
SALE OF EXCESS RIGHT OF WAY
USH 18, WAUKESHA WEST BYPASS
CITY OF WAUKESHA

This ordinance authorizes the sale of about 0.5237 acres of land that was originally acquired as right-of-way for a highway improvement project #200917, Waukesha West Bypass. This project is substantially completed, and the land has been determined to be excess right-of-way. The sale price is \$86,000, and the net proceeds after closing costs will be returned to the Wisconsin Department of Transportation (WisDOT) to replenish the funding that was used to make the original purchase. Department management indicates that WisDOT plans to use these funds to reimburse Waukesha County for the ongoing litigation costs related to this project incurred by the County.

William Duckwitz

William Duckwitz
Budget Manager
4/4/2023

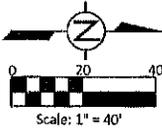
SURVEY DESCRIPTION

THAT PART OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 6 NORTH, RANGE 19 EAST, CITY OF WAUKESHA, WAUKESHA COUNTY, WISCONSIN, COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION; THENCE SOUTH 00°15'52" WEST ALONG THE WEST LINE OF SAID 1/4 SECTION, 41.00 FEET; THENCE NORTH 89°41'36" EAST, 76.23 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF S.T.H. "18" AND THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE SOUTH 00°38'29" WEST, 89.99 FEET; THENCE NORTH 89°42'17" EAST, 252.99 FEET; THENCE NORTH 01°15'52" EAST, 90.06 FEET; THENCE SOUTH 89°41'36" WEST, 253.97 FEET TO THE POINT OF BEGINNING.

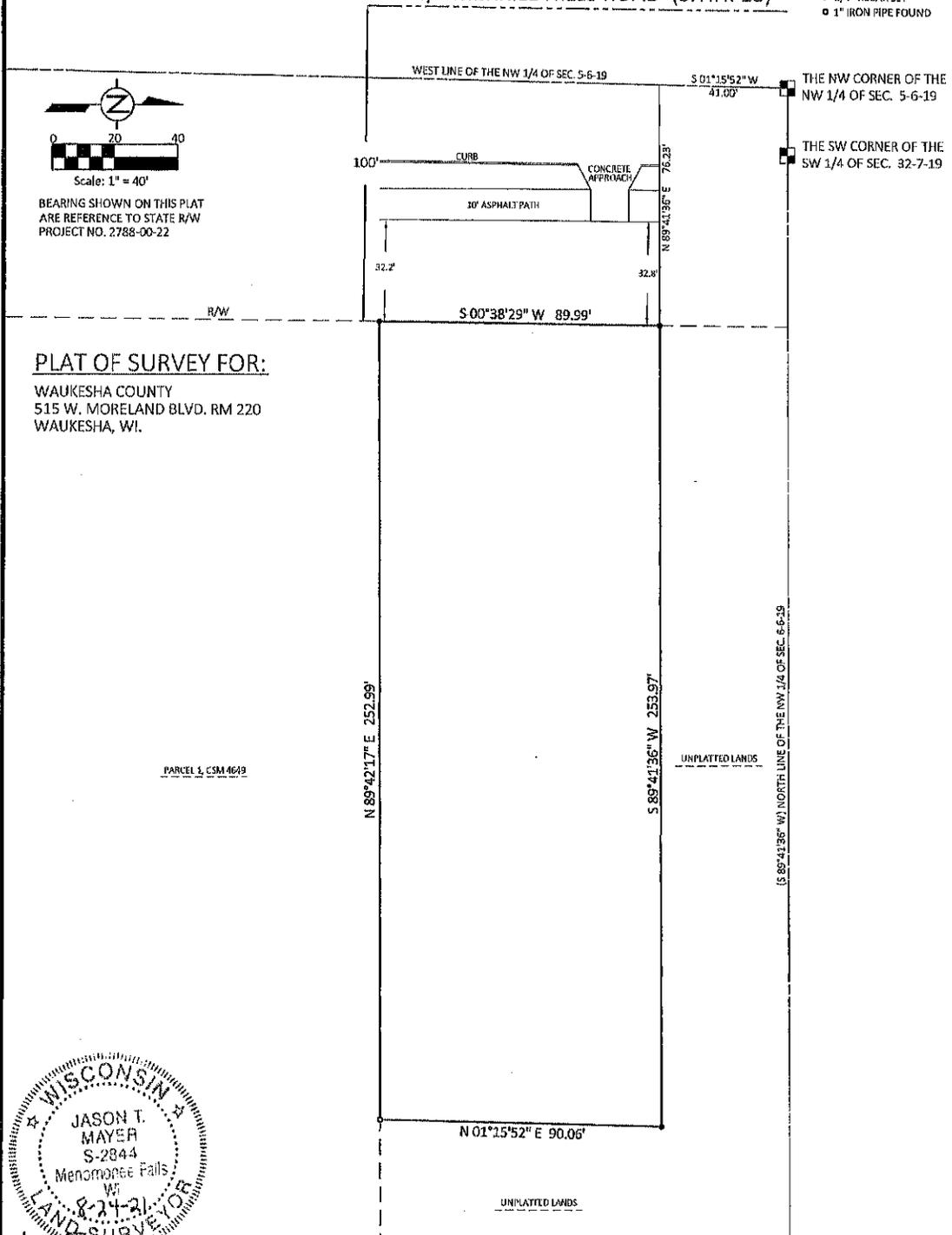
CONTAINING 22,813 SQUARE FEET,
0.5237 ACRES MORE OR LESS.

(STATE R/W PROJECT NO. 2788-00-22)
C/L MERRILL HILLS ROAD (S.T.H. 18)

LEGEND
 ● 3/4" REBAR SET
 ◻ 1" IRON PIPE FOUND



BEARING SHOWN ON THIS PLAT
ARE REFERENCE TO STATE R/W
PROJECT NO. 2788-00-22



PLAT OF SURVEY FOR:

WAUKESHA COUNTY
515 W. MORELAND BLVD. RM 220
WAUKESHA, WI.



JASON T. MAYER
P.L.S. NO. 2844

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 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 thereto, within one year from the date hereof.
 THIS INSTRUMENT WAS DRAFTED ON 8-24-2021 BY JASON T. MAYER, P.L.S., WAUKESHA COUNTY DEPT. OF PUBLIC WORKS. (262)-548-7740

VOTE RESULTS

24

YES

0

NO

0

ABSTAIN

1

ABSENT

Ordinance 178-O-007

Ordinance 178-O-007: Sale Of Excess Right Of Way USH 18, Waukesha West Bypass, City Of Waukesha



Passed By Majority Vote

D1 - Foti	AYE	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 - Koremenos	AYE	D17 - Meier	AYE		
D9 - Heinrich	AYE	D18 - Nelson	AYE		

1st Meeting, 178th Year of the County Board Supervisors - April 25 2023 07:32:13 PM

April 25 2023

