

ENROLLED ORDINANCE 174-068

SALE OF EXCESS RIGHT OF WAY
CTH I – RIVER ROAD
RIGHT OF WAY ADJACENT TO MUKT 1873999001
TOWN OF MUKWONAGO

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

WHEREAS, the County's adopted Capital Plan contains Capital Project 200427, which reconstructed a section of CTH I in the Town of Mukwonago; and

WHEREAS, certain rights of way have been acquired which could be returned to private ownership; and

WHEREAS, under Section 83.08(4), 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 wishes to sell excess right of way to Randolph and Brenda Schuett, the owners of the adjacent parcel, for the amount of \$1 and other valuable consideration; and

WHEREAS Waukesha County will retain a Permanent Limited Easement to these lands to allow for the right to construct, reconstruct, maintain and access roadway sloping facilities.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the following described parcel containing 0.191 acres of land, more or less, is declared to be excess highway right of way subject to rights retained through a Permanent Limited Easement:

All that part of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 1, Town 5 North, Range 18 East, Town of Mukwonago, Waukesha County, State of Wisconsin more particularly described as follows:

Commencing at the East $\frac{1}{4}$ corner of said Section 1; thence North 88°41'21" West, along the south line of the Northeast $\frac{1}{4}$ of said Section 1, 703.75 feet; thence North 01°22'38" East, 39.26 feet to the Point of Beginning; thence North 88°37'22" West, 266.00 feet; thence North 01°22'38" East, 40.00 feet; thence South 88°37'22" East, 150.00 feet; thence South 01°22'38" West, 20.00 feet; thence South 88°37'22" East, 116.00 feet; thence South 01°22'38" West, 20.00 feet to the Point of Beginning.

Said description contains 0.191 acres more or less.

Subject to a **Permanent Limited Easement** for the right to construct, reconstruct, maintain and access roadway sloping facilities, including for such purpose the right to operate the necessary equipment thereon and the right of ingress and egress as long as required for such public purpose, including the right to preserve, protect, remove or plant thereon any vegetation that the highway authorities may deem necessary or desirable, but

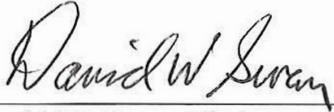
without prejudice to the owner's right to make or construct improvements on said lands or to flatten the slopes, providing said activities will not impair or otherwise adversely affect the highway facilities within the right of way.

BE IT FURTHER ORDAINED that the Public Works Department is authorized to sell such excess rights of way to the adjacent owner, Randolph and Brenda Schuett, for a price of \$1 and other valuable consideration, subject to rights retained through a Permanent Limited Easement,

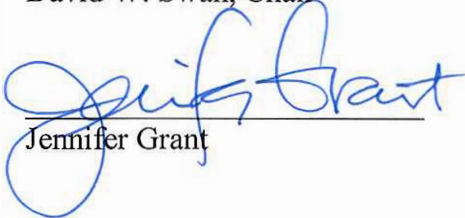
BE IT FURTHER ORDAINED that the County Executive and County Clerk are authorized to sign the necessary documents to effectuate the sale.

SALE OF EXCESS RIGHT OF WAY, CTH I – RIVER ROAD, RIGHT OF WAY
ADJACENT TO MUKT 1873999001, TOWN OF MUKWONAGO

Presented by:
Public Works Committee



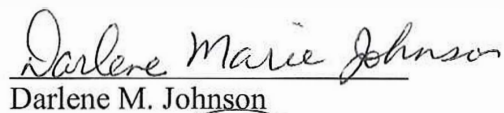
David W. Swan, Chair



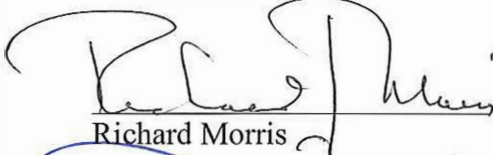
Jennifer Grant

absent

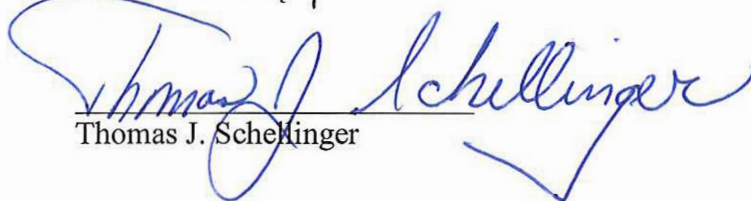
Keith Hammitt



Darlene M. Johnson



Richard Morris

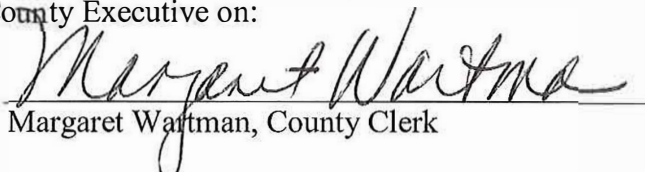


Thomas J. Schellinger

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: 12/2/19, 
Margaret Wartman, County Clerk

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

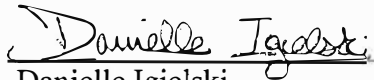
Approved: X
Vetoed: _____

Date: 12-2-2019, 
Paul Farrow, County Executive

FISCAL NOTE

SALE OF EXCESS RIGHT OF WAY
CTH I – RIVER ROAD
RIGHT OF WAY ADJACENT TO MUKT 1873999001
TOWN OF MUKWONAGO

This ordinance authorizes the sale of about 0.191 acres of land originally acquired as a right of way for a highway reconstruction project (#200427) on County Trunk Highway I (River Road). The land has been determined to be excess right of way, with the Department of Public works estimating the value at \$1. The department indicated that the land is essentially without value because the county cut a steep hill into this land. The reason for the sale is because the owner has a pasture fence already on the land that they would like to be able to maintain, rather than paying to move the fence. Proceeds will be deposited into the capital project. No additional funds are being appropriated with this ordinance.



Danielle Igielski
Accounting Services Manager
11/1/2019

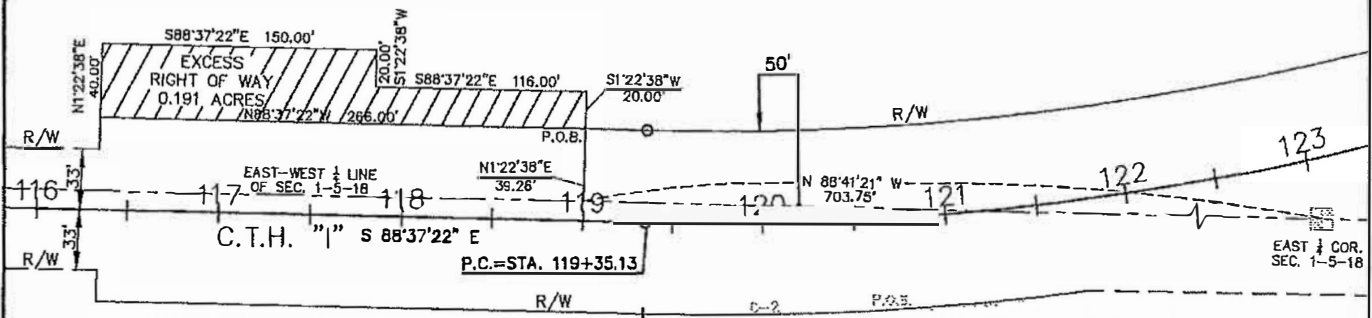
EXHIBIT "A"

EXCESS RIGHT OF WAY CTH I RIVER ROAD

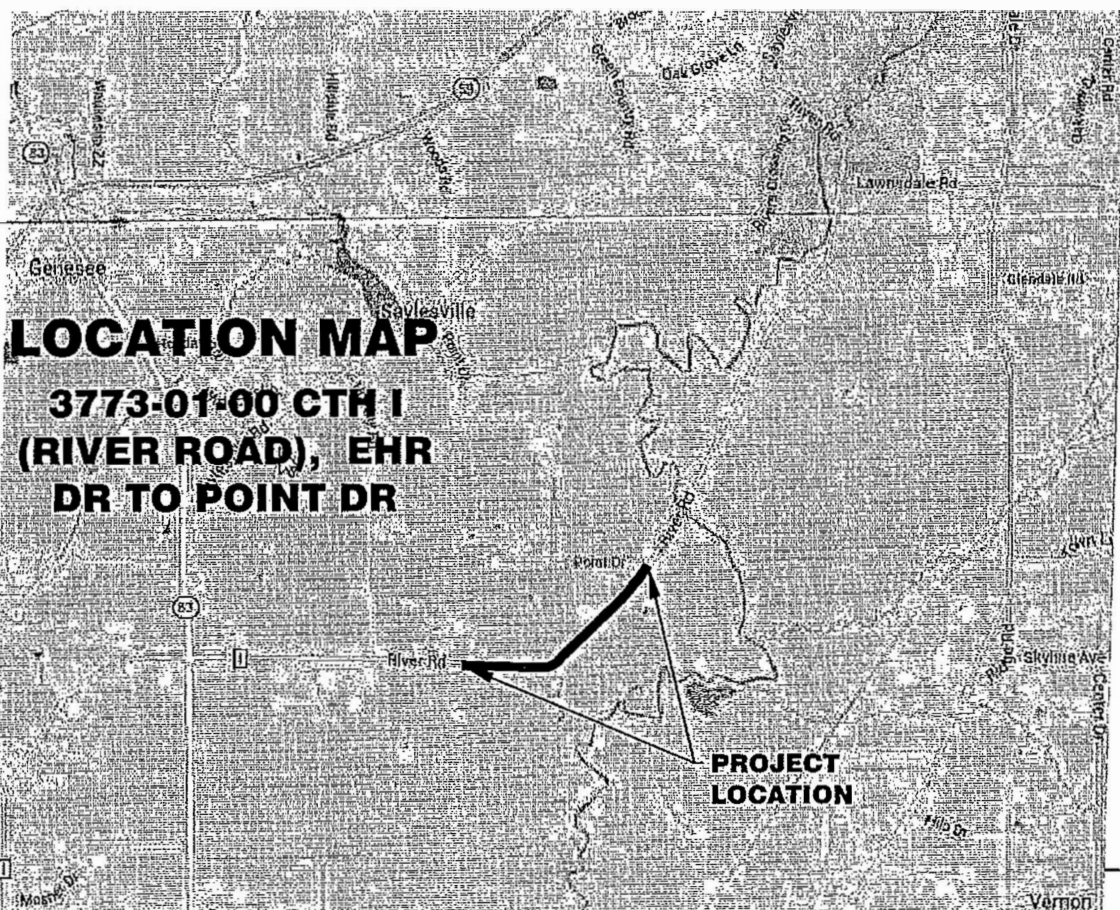
0 50 100
Scale: 1" = 100'



①
RANDOLPH & BRENDA SCHUETT
R. 2508, I. 12, DOC. NO. 2247541
EX. VOL. 1198, P. 332, DOC. NO. 765053
TAX KEY NO. MUKT.1873.999.001



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Ordinance 174-O-071

Sale Of Excess Right Of Way CTH I – River Road Town Of Mukwonago

VOTE RESULTS: Passed By Majority Vote**AYE: 24****NAY: 0****ABSENT: 1**

D1 - Foti	Yes
D2 - Zimmermann	Yes
D3 - Morris	Yes
D4 - Batzko	Yes
D5 - Dondlinger	Yes
D6 - Walz	Yes
D7 - Grant	Yes
D8 - Michalski	Yes
D9 - Heinrich	Yes
D10 - Swan	Motion
D11 - Howard	Yes
D12 - Wolff	Yes
D13 - Decker	Yes

D14 - Wood	ABSENT
D15 - Mitchell	Yes
D16 - Crowley	Yes
D17 - Paulson	Yes
D18 - Nelson	Yes
D19 - Cummings	Yes
D20 - Schellinger	Yes
D21 - Gaughan	Yes
D22 - Wysocki	Yes
D23 - Hammitt	Yes
D24 - Whittow	Yes
D25 - Johnson	Second