

ENROLLED ORDINANCE 174-004

AUTHORIZE DEPARTMENT OF PARKS AND LAND USE TO
EXCHANGE PARKLAND WITH THE VILLAGE OF BIG BEND

WHEREAS, the County Board of Supervisors approved Enrolled Ordinance 152-18 on June 13, 1997 for the purchase of the 27.129 acre Irma King Property (tax key: VNT 2105995 and BBV 2105948) in the Town of Vernon and Village of Big Bend; and

WHEREAS, the County received State of Wisconsin Stewardship Funding support on May 31, 1995 (URGP-49) for the 27-acres of the Irma King Property Acquisition with the grant obligation that the property be used for public outdoor recreation; and

WHEREAS, in June, 1972, the Village of Big Bend purchased 27-acres of land for the Big Bend Lions Park Addition specifically to be used for public outdoor recreation; and

WHEREAS, the Department of Parks and Land Use provided to the Village a Land Use Permit granted April 19, 2000 to construct, operate and maintain a non-motorized recreational trail to access existing Village parklands and play fields; and

WHEREAS, the Village of Big Bend has asked the Waukesha County Department of Parks and Land Use to exchange parkland parcels to allow the Village to expand its outdoor recreation use offerings existing on adjoining Village parkland.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that Waukesha County is authorized to enter into the Land Exchange Agreement between Waukesha County and the Village of Big Bend, pending approval by Wisconsin Department of Natural Resources.

BE IT FURTHER ORDAINED that the Director of the Department of Parks and Land Use or his designee is authorized to fulfill the County's obligations contained in the Land Exchange Agreement.

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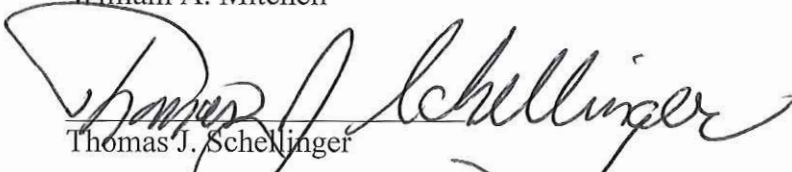
Presented by:
Land Use, Parks, and Environment Committee

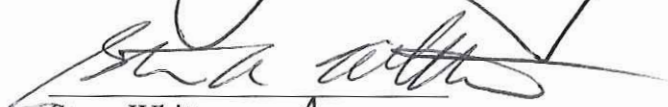

David D. Zimmermann, Chair

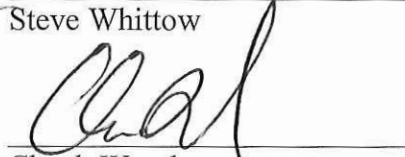

Kathleen M. Cummings


Keith Hammitt



William A. Mitchell


Thomas J. Schellinger


Steve Whittow


Chuck Wood

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

Date: April 26 2019 
Margaret Wartman, County Clerk

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

Approved: X

Vetoed: _____

Date: 4/29/19 
Paul Farrow, County Executive

LAND EXCHANGE AGREEMENT
BETWEEN WAUKESHA COUNTY AND THE VILLAGE OF BIG BEND

WHEREAS, the County of Waukesha, hereinafter referred to as "COUNTY" and the Village of Big Bend, hereinafter referred to as "VILLAGE" are desirous of transferring ownership of park properties, on an even exchange basis, to permit the expansion of the VILLAGE's active community park and permit the COUNTY to maintain natural resource based lands adjacent to the Fox River for Greenway purposes. (Refer to Exhibit A); and

WHEREAS, the County Board of Supervisors approved Enrolled Ordinance 152-18 for the 27.129 acre Irma King Property Acquisition (tax key: VNT 2105995 and BBV 2105948) on June 13, 1997; and

WHEREAS, the COUNTY received State of Wisconsin Stewardship Funding support on May 31, 1995 (URGP-49) for the 27-acres of the Irma King Property Acquisition for public outdoor recreation which required certain restrictions be placed on the property; and

WHEREAS, the VILLAGE received Land and Water Conservation Fund ("LAWCON") Grant 55-0046 and Outdoor Recreation Action Program – Local Park Aids ("ORAP-LPA") Grant #115 funding on June 9, 1972 for the purchase of 27-acres of land for the Big Bend Lions Park Addition Acquisition specifically used for public outdoor recreation; and

WHEREAS, the COUNTY provided the VILLAGE a Land Use Permit granted April 19, 2000 to construct, operate and maintain a non-motorized recreational trail; and

WHEREAS, the COUNTY requests the VILLAGE to permit COUNTY vehicular access for the purpose of accessing adjoining Waukesha County-owned lands for land management activities; and

WHEREAS, the COUNTY and VILLAGE understand the transfer of parkland ownership requires the approval of the State of Wisconsin Department of Natural Resources.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the receipt and adequacy of which are acknowledged, upon approval by County Executive, County Board of Supervisors and the Village of Big Bend Board of Trustees, the COUNTY and the VILLAGE agree to the following terms:

1. The COUNTY will complete the following for COUNTY-owned property:
 - a. Hire qualified firms to provide:
 - i. An appraisal to determine the fair market value of the parcel proposed for the exchange. The appraisal will reflect the raw land value based upon recreational use value.
 - ii. A certified survey of the parcel to be exchanged.
 - iii. Title insurance for the parcel to be exchanged.
 - b. Obtain written approval for the land transfer from the State of Wisconsin Department of Natural Resources.
 - c. Prepare the necessary document to terminate the existing Land Use Permit from the COUNTY to the VILLAGE for the multi-use trail.

2. The VILLAGE will complete the following for VILLAGE-owned property:
 - a. Hire qualified firms to provide:
 - i. An appraisal to determine the fair market value of the parcel proposed for the exchange. The appraisal will reflect the raw land value based upon recreational use value.
 - ii. A certified survey of the parcel to be exchanged.
 - iii. Title insurance for the parcel to be exchanged.
 - b. Obtain written approval for the land transfer from the State of Wisconsin Department of Natural Resources.
 - c. Provide COUNTY with the necessary document to allow COUNTY vehicular access to COUNTY-owned property through VILLAGE parkland.
3. The VILLAGE and COUNTY agree that the expenses incurred for the appraisal, survey, title insurance, recording fees and any other fees associated with this transfer along with the fair market appraised value based on highest and best use of the parkland proposed for transfer will result in a cost neutral transfer of land or even exchange of property, unless mutually agreed upon by both parties.
4. The VILLAGE will annex the parcel currently known as the 27.129 acre Irma King Property (tax key: VNT 2105995) in the Town of Vernon into the Village of Big Bend at the Village's own expense.
5. The VILLAGE and COUNTY agree to place the following deed restriction on the properties to be exchanged: "By acceptance of this deed, the sponsor, for itself and its successors and assigns, hereby covenants and agrees not to sell, lease, assign or mortgage the premises herein without the prior written approval of the Secretary of the Department of Natural Resources, his/her designee, or any successor."
6. The VILLAGE and COUNTY agree to lands being transferred and full acceptance of all grant restrictions placed on each respective property.
7. The VILLAGE and COUNTY agree to the termination of the recreational trail Land Use Permit from the COUNTY to the VILLAGE.

[Signatures Appear on Next Page]

Dated this ____ day of _____, 2019

WAUKESHA COUNTY

By: _____

Paul Farrow
County Executive

Dated this ____ day of _____, 2019

By: _____

Margaret Wartman
County Clerk

Dated this ____ day of _____, 2019

VILLAGE OF BIG BEND

By: _____

James Soneberg
Village President

Dated this ____ day of _____, 2019

VILLAGE OF BIG BEND

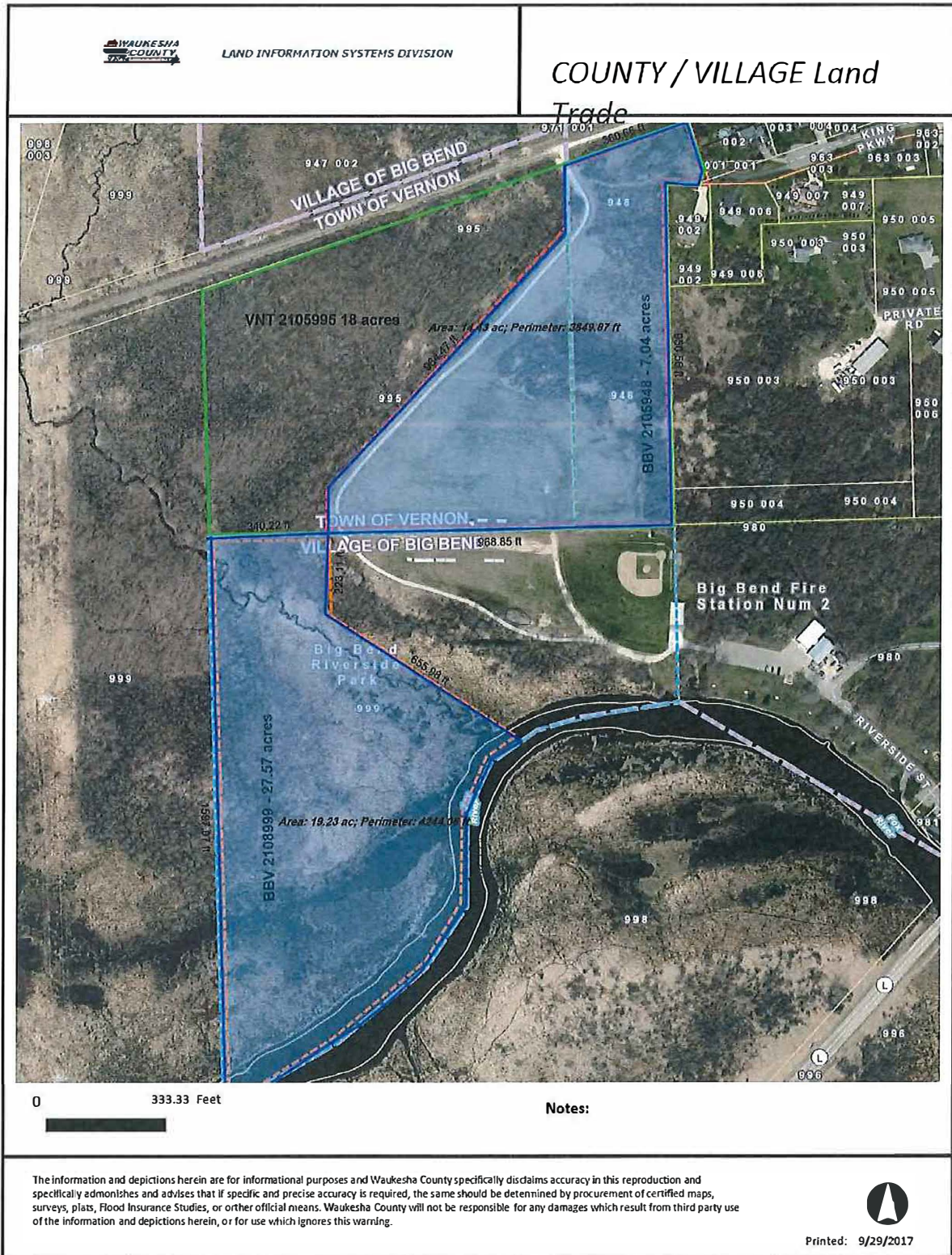
By: _____

Brad Calder
Village Clerk

Attest: _____

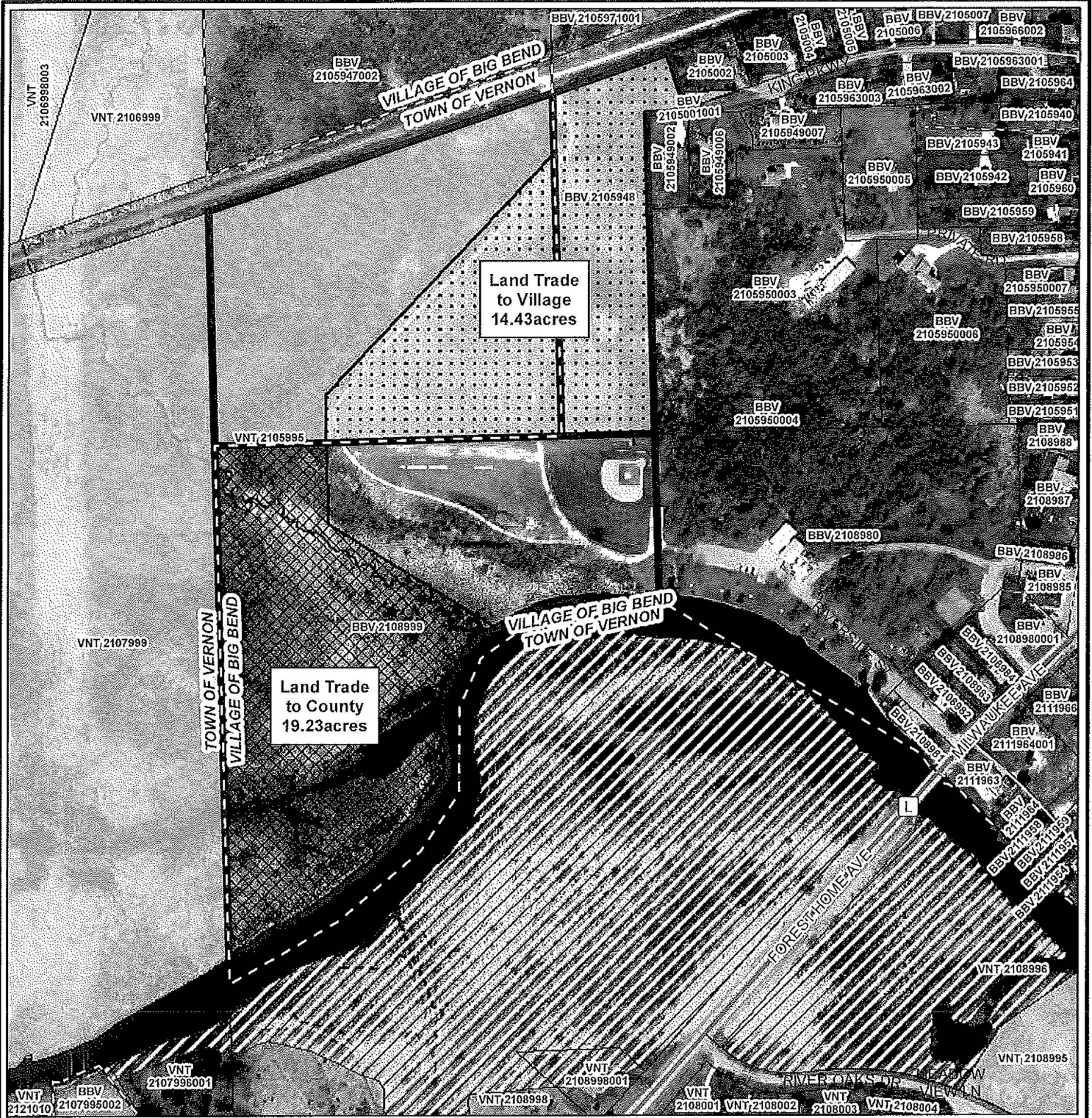
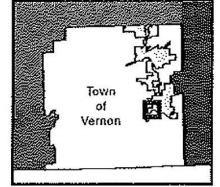
Name, Clerk

Exhibit A – Land Involved in Trade



WAUKESHA COUNTY / VILLAGE OF BIG BEND LAND TRADE

LOCATION



0 100 200 400 Feet

- Civil Division Boundary
- Parcel Boundary
- Subject Parcels

- Current County Greenway
- Proposed County Greenway

- Land Trade to County
- Land Trade to Village

Map created by
Waukesha County LIS
April 2019



Voting Results for Ordinance 174-O-003

Authorize Department Of Parks And Land Use To Exchange Parkland With The Village Of Big Bend

Passed By Majority Vote

AYE: 22

NAY: 0

ABSENT: 3

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

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