

Enrolled 158-79
~~PROPOSED ORDINANCE 158-85~~

1
2
3 APPROVE LAND USE PERMIT TO ALLOW WAUKESHA WATER UTILITY TO
4 CONSTRUCT, OPERATE, AND MAINTAIN A WATER MAIN
5 WITHIN MINOOKA PARK IN THE CITY OF WAUKESHA
6

7 WHEREAS it is deemed desirable to allow Waukesha Water Utility to construct, operate, and
8 maintain a water main within Minooka Park in the City of Waukesha, and
9

10 WHEREAS it is necessary to provide a Land Use Permit from Waukesha County to the
11 Waukesha Water Utility to permit the construction, operation and maintenance of a water main
12 within Minooka Park.
13

14 THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS
15 that the Land Use Permit between Waukesha Water Utility and Waukesha County, which
16 permits the construction, operation, and maintenance of a water main within Minooka Park, and
17 is on file in the Office of the County Clerk, is hereby approved.
18

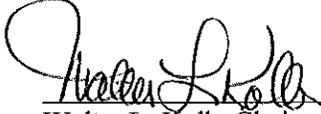
19 BE IT FURTHER ORDAINED that the County Executive and County Clerk may execute said
20 Agreement on behalf of Waukesha County.
21

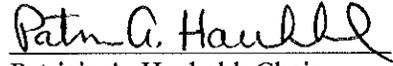
22 BE IT FURTHER ORDAINED that the revenue from the Land Use Permit fee be deposited in
23 the Walter J. Tarmann Parkland Acquisition Fund.

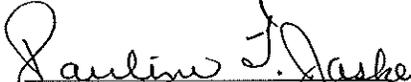
APPROVE LAND USE PERMIT TO ALLOW WAUKESHA WATER UTILITY TO CONSTRUCT,
OPERATE AND MAINTAIN A WATER MAIN WITHIN MINOOKA PARK IN THE CITY OF
WAUKESHA

Presented by:
Land Use, Parks and
Environment Committee

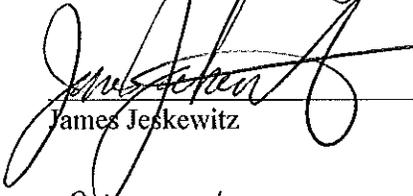
Approved by:
Finance Committee

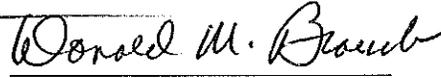

Walter L. Kolb, Chair


Patricia A. Haukohl, Chair

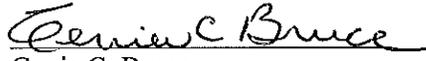

Pauline T. Jaske

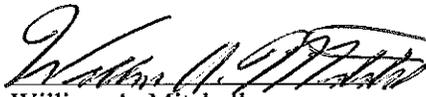
Absent
James R. Behrend

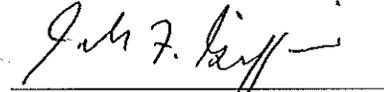

James Jeskewitz


Donald M. Broesch

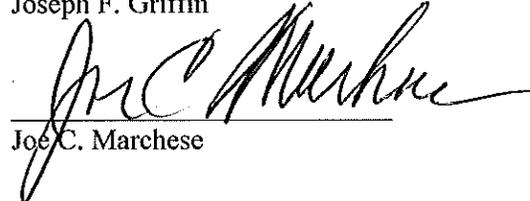
Absent
Scott J. Klein


Genia C. Bruce


William A. Mitchell


Joseph F. Griffin

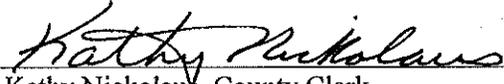

Daniel Pavelko


Joe C. Marchese


Vera Stroud

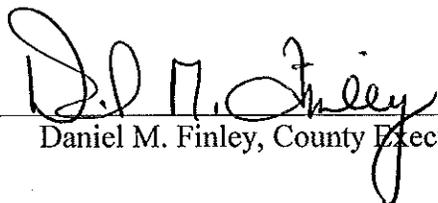

Bonnie J. Morris

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

Date: 10-31-03, 
Kathy Nickolaus, County Clerk

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

Approved:
Vetoed:

Date: 10-31-03, 
Daniel M. Finley, County Executive

LAND USE PERMIT

FROM WAUKESHA COUNTY
TO
WAUKESHA WATER UTILITY

FOR AND IN CONSIDERATION of a sum of One Thousand Dollars and Two Dollars (\$1002.00) and other good and valuable consideration to be paid WAUKESHA COUNTY, WISCONSIN, a Corporation and Owner, does hereby permit the Waukesha Water Utility, its successors and assigns, the right, permission and authority to construct, operate, and maintain subject to the written approval of the County of Waukesha by the Waukesha County Board of Supervisors, the Waukesha County Executive, the Waukesha County Park and Planning Commission, Waukesha County Land Use, Parks and Environment Committee, a maximum of nine hundred fifty two (952) linear feet long by twenty (20) feet wide Land Use Permit for the construction, reconstruction, maintenance, operation of a water main, together with other pertinent equipment deemed necessary by Waukesha Water Utility in accordance with all applicable Federal, State and Local codes and permits, located within Minooka Park, Waukesha County, Wisconsin.

The location of the Land Use Permit with respect to the premises of Waukesha County is shown on the drawings attached hereto, marked Exhibit A and made a part hereof.

Waukesha Water Utility will defend, indemnify and hold harmless Waukesha County and all of its departments, agencies, board of officers, employees and agents from any and all liability, loss, damages, expenses and costs, including attorneys fees and expenses, that it may suffer or incur as the result of any injury (including death) or damage to person or property which results from any action or omission, negligent or otherwise, of Waukesha Water Utility or its agents in connection with the grant of the Land Use Permit and any and all work of any type which the Waukesha Water Utility performs or should perform upon the lands subject to this Land Use Permit.

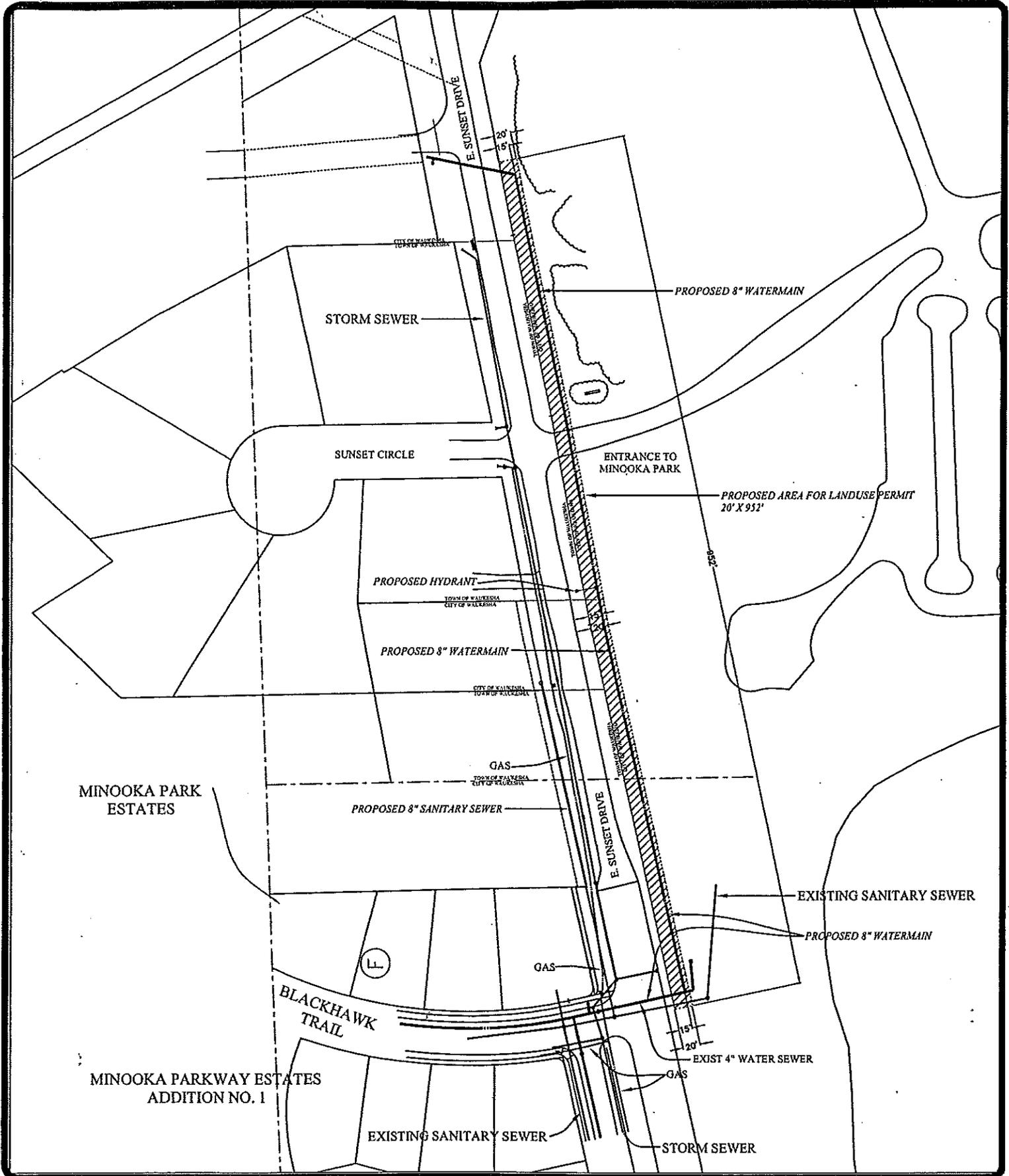
The right, permission and authority is also given Waukesha Water Utility its successors and assigns to trim, cut down and/or remove trees and/or brush, wherein the opinion of Waukesha Water Utility, subject to the written approval of the County of Waukesha by the Waukesha County Department of Parks and Land Use, said trees and/or brush interfere with the installation or maintenance of such facilities or present a hazard to such facilities.

Waukesha Water Utility and its agents shall have the right to enter the premises of Waukesha County for the purposes of exercising the rights herein acquired, but the Waukesha Water Utility shall promptly and fully restore the premises of the County to the condition existing prior to the entry by the Waukesha Water Utility or its agents and said restoration shall be accomplished as per Waukesha County specifications. The restoration shall not apply to any trees or brush which may be permitted to be removed pursuant to the rights granted herein. The Waukesha Water Utility shall be liable for making prompt payment for any damage, if any, to vegetation, fences, parking lots, trail improvements, lawns signs, entrance gates, park improvements and any other fixtures owned by the County and caused by the acts of Waukesha Water Utility its agents and employees.

All notices to the County shall be sent by certified mail addressed to the Waukesha County Department of Parks and Land Use, 1320 Pewaukee Road, Room 230, Waukesha, Wisconsin 53188.

This Land Use Permit shall be binding upon and/or inure to the benefits of the successors and assigns of all parties hereto.

158-0-084



LAND USE PERMIT
FROM WAUKESHA COUNTY
TO
WAUKESHA WATER UTILITY

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FISCAL NOTE

APPROVE LAND USE PERMIT TO ALLOW WAUKESHA WATER UTILITY TO
CONSTRUCT, OPERATE, AND MAINTAIN A WATER MAIN WITHIN
MINOOKA PARK IN THE CITY OF WAUKESHA

This ordinance authorizes the County to enter into an agreement allowing the Waukesha Water Utility to locate a water main in Minooka Park. Under the terms of the agreement, the Water Utility indemnifies the County against any liability in connection with the water main.

The Water Utility would pay a one-time land use permit fee of \$1,002, which would be deposited in the Walter J. Tarmann Parkland Acquisition Fund.



Lawrence M. Dahl
Accounting Services Manager

lmd
10/10/2003
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WAUKESHA COUNTY BOARD OF SUPERVISORS *FD 158-79*

V

DATE-10/28/03

(ORD) NUMBER-1580084

- 1 K. HERRO.....AYE
- 3 D. STAMSTA.....AYE
- 5 J. MARCHESE.....AYE
- 7 J. JESKEWITZ.....AYE
- 9 P. HAUKOHL.....AYE
- 11 K. HARENDA.....
- 13 J. MORRIS.....AYE
- 15 D. SWAN.....AYE
- 17 J. BEHREND.....AYE
- 19 W. MITCHELL.....AYE
- 21 W. KOLB.....NAY
- 23 P. PRONOLD.....AYE
- 25 K. CUMMINGS.....AYE
- 27 D. PAULSON.....AYE
- 29 M. THOMAS.....AYE
- 31 V. STROUD.....AYE
- 33 D. PAVELKO.....
- 35 C. SEITZ.....AYE

- 2 R. THELEN.....AYE
- 4 H. CARLSON.....AYE
- 6 D. BROESCH.....AYE
- 8 J. DWYER.....AYE
- 10 S. WOLFF.....AYE
- 12 J. GRIFFIN.....AYE
- 14 J. LA PORTE.....AYE
- 16 R. MANKE.....NAY
- 18 B. MORRIS.....AYE
- 20 M. KIPP.....NAY
- 22 G. BRUCE.....AYE
- 24 A. SILVA.....AYE
- 26 S. KLEIN.....AYE
- 28 P. JASKE.....AYE
- 30 K. NILSON.....AYE
- 32 P. GUNDRUM.....AYE
- 34 R. SINGERT.....AYE

TOTAL AYES-30

TOTAL NAYS-03

CARRIED Y

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-33