

ENROLLED ORDINANCE 161-48

AUTHORIZATION TO ENTER INTO A COMPROMISE SETTLEMENT
AGREEMENT IN CONDEMNATION CASE ENTITLED ATONEMENT
LUTHERAN CHURCH VS. WAUKESHA COUNTY

WHEREAS, Waukesha County undertook a highway project (Project ID 00-2380(11)(C)) to reconstruct and improve County Trunk Highway L (Janesville Road) in the City of Muskego; and

WHEREAS, as part of the highway project and in accordance with Chapter 32, Wisconsin Statutes, the County acquired by eminent domain a strip of land owned by Atonement Lutheran Church and further identified as Waukesha County tax key number MSKC2167-988; and

WHEREAS, pursuant to section 32.05(9), Wisconsin Statutes, Atonement Lutheran Church has appealed from the award of compensation and has petitioned the circuit court for an assignment to a County Condemnation Commission for a determination of just compensation to be paid for the taking of the property; 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 issues in this 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 litigation entitled "Atonement Lutheran Church vs. Waukesha County" is approved according to the terms of the Final Release of All Claims, which is on file with the Department of Public Works and was previously shared with the Board.

BE IT FUTHER ORDAINED that \$20,000 of revenues received from the City of Muskego be appropriated to increase expenditures \$20,000 for Capital Project 9706 CTH L, CTH O-East County Line for payment of the settlement.

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-10/10/06

(ORD) NUMBER-1610054

1	K. HERRO.....	AYE	2	R. THELEN.....	AYE
3	T. ROLFS.....	AYE	4	R. HUTTON.....	AYE
5	J. MARCHESE.....	AYE	6	D. BROESCH.....	AYE
7	J. JESKEWITZ.....	AYE	8	J. DWYER.....	AYE
9	P. HAUKOHL.....	AYE	10	S. WOLFF.....	AYE
11	K. HAREDA.....	AYE	12	T. SCHELLINGER....	AYE
13	J. MORRIS.....	AYE	14	S. WIMMER.....	AYE
15	D. SWAN.....	AYE	16	R. STEVENS.....	AYE
17	J. BEHREND.....	AYE	18	B. MORRIS.....	AYE
19	W. MITCHELL.....	AYE	20	P. WOLFF.....	AYE
21	W. KOLB.....	AYE	22	G. BRUCE.....	AYE
23	J. TORTOMASI.....	AYE	24	B. KRAMER.....	AYE
25	K. CUMMINGS.....	AYE	26	F. RUF.....	AYE
27	D. PAULSON.....	AYE	28	P. JASKE.....	AYE
29	T. BULLERMANN.....		30	K. NILSON.....	
31	V. STROUD.....	AYE	32	P. GUNDRUM.....	AYE
33	K. HAMMITT.....	AYE	34	R. SINGERT.....	AYE
35	P. MEYER.....	AYE			

TOTAL AYES-33

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-33