

ENROLLED ORDINANCE 164-65

ACCEPT TRANSFER OF LAND LOCATED IN VILLAGE OF PEWAUKEE FROM  
THE STATE OF WISCONSIN DEPARTMENT OF TRANSPORTATION

WHEREAS, as part of the Highway JJ project, the Wisconsin Department of Transportation (DOT) acquired property from Parnell and Marion Ryan in the Village of Pewaukee, identified as parcel tax key #PWV 0925994 and #PWV 0922990 located in Section 15, T7N, R19E, Village of Pewaukee, Waukesha County, and

WHEREAS, the Waukesha County Development Plan, which incorporates the Waukesha County Park and Open Space Plan, was adopted by the Waukesha County Board of Supervisors on February 27, 2009, and

WHEREAS, the acquisition of this land from the State DOT would implement this plan, and

WHEREAS, the State of Wisconsin, DOT deeded approximately 50 acres of the property to Waukesha County on January 6, 2009 by quit claim deed and recorded that deed on January 20, 2009, and

WHEREAS, in conformance with the Waukesha County Code, the Department of Parks and Land Use's Hazardous Materials Coordinator performed an Environmental Review and determined that there were no environmental concerns with this land, and

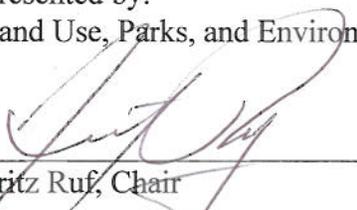
WHEREAS, the restrictive covenants that are part of the deed are acceptable to county officials, and

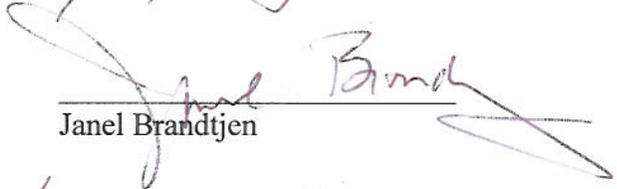
WHEREAS, this parcel lies adjacent to 411.66 acres of land currently owned by Waukesha County and if added to County ownership, it would improve the acres of preservation and allow access to the future Pewaukee River Trail which is planned to run along the western, outside edge of the Pewaukee River Greenway.

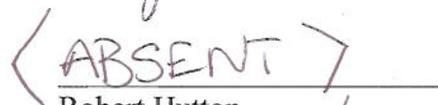
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the transfer of land located in the Village of Pewaukee from the State of Wisconsin, Department of Transportation, shown by a quit claim deed and other documents on file in the Department of Parks and Land Use, recorded in the Waukesha County Register of Deeds office as document number 3620404-003, is accepted.

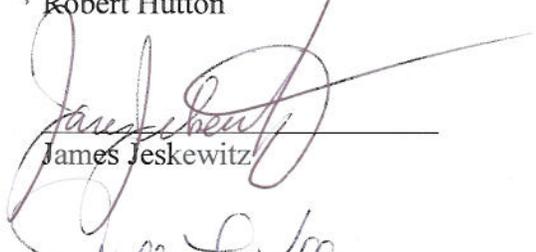
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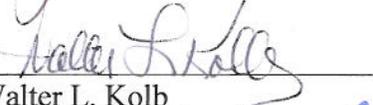
Presented by:  
Land Use, Parks, and Environment Committee

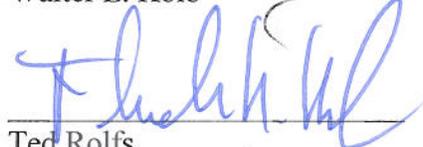
  
Fritz Ruf, Chair

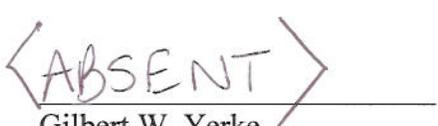
  
Janel Brandtjen

  
Robert Hutton

  
James Jeskewitz

  
Walter L. Kolb

  
Ted Rolfs

  
Gilbert W. Yerke

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

Date: 1-29-10,   
Kathy Nickolaus, County Clerk

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

Approved:   
Vetoed: \_\_\_\_\_  
Date: 2-1-10,   
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-01/26/10

(ORD) NUMBER-1640069

- 1 D. FALSTAD.....AYE
- 3 R. HUTTON.....AYE
- 5 J. JESKEWITZ.....AYE
- 7 P. HAUKOHL.....AYE
- 9 J. HEINRICH.....AYE
- 11 F. RUF.....AYE
- 13 P. DECKER.....AYE
- 15 P. MEYERS.....AYE
- 17 J. TORTOMASI.....AYE
- 19 S. WIMMER.....AYE
- 21 W. ZABOROWSKI.....AYE
- 23 J. PLEDL.....
- 25 G. YERKE.....AYE

- 2 T. ROLFS.....AYE
- 4 J. DWYER.....AYE
- 6 J. BRANDTJEN.....AYE
- 8 T. SCHELLINGER.....AYE
- 10 D. SWAN.....AYE
- 12 P. WOLFF.....AYE
- 14 B. MORRIS.....AYE
- 16 D. PAULSON.....AYE
- 18 K. CUMMINGS.....AYE
- 20 P. JASKE.....AYE
- 22 P. GUNDRUM.....AYE
- 24 W. KOLB.....AYE

TOTAL AYES-24

TOTAL NAYS-00

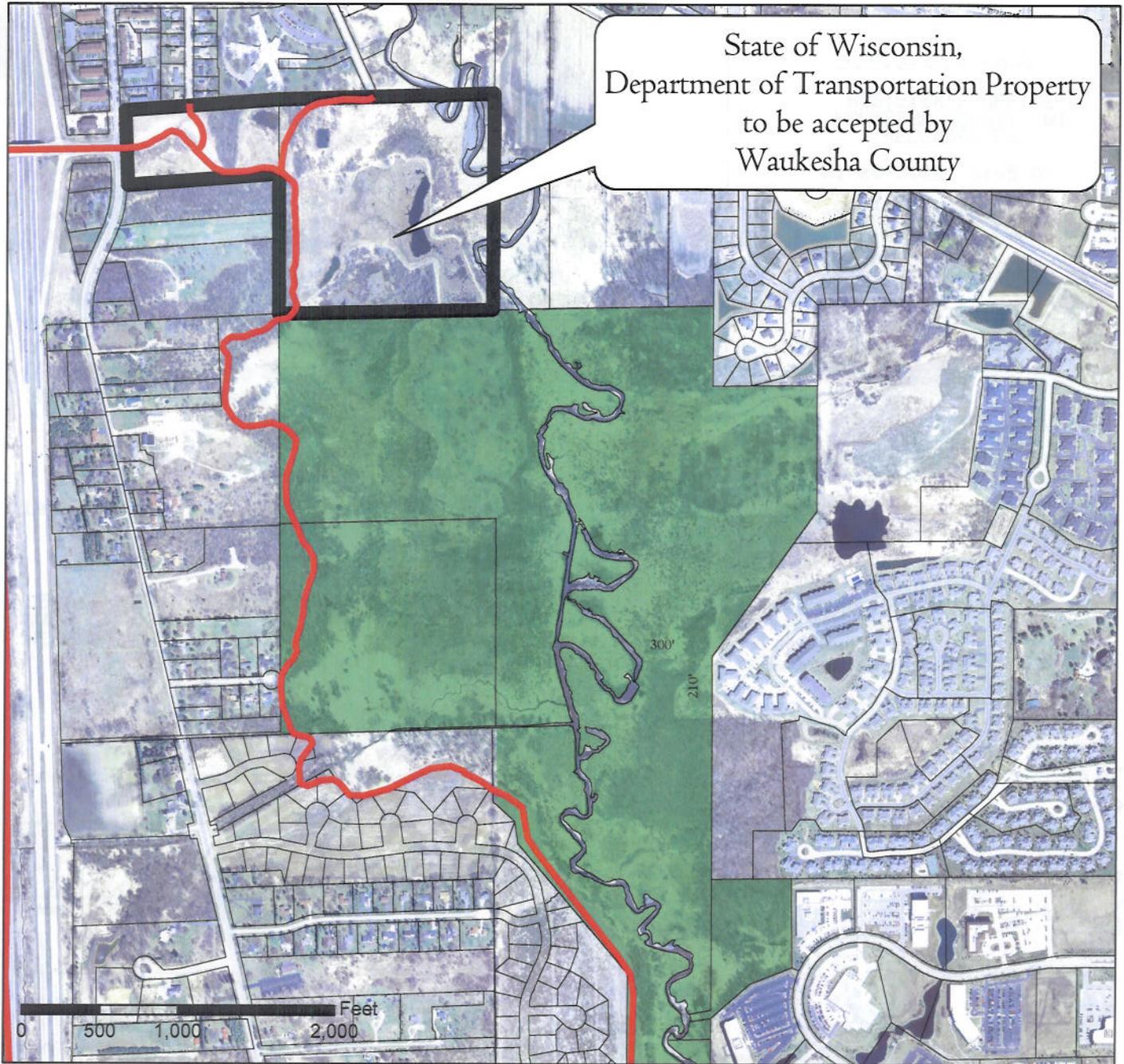
CARRIED\_\_\_\_\_

DEFEATED\_\_\_\_\_

UNANIMOUS   X  

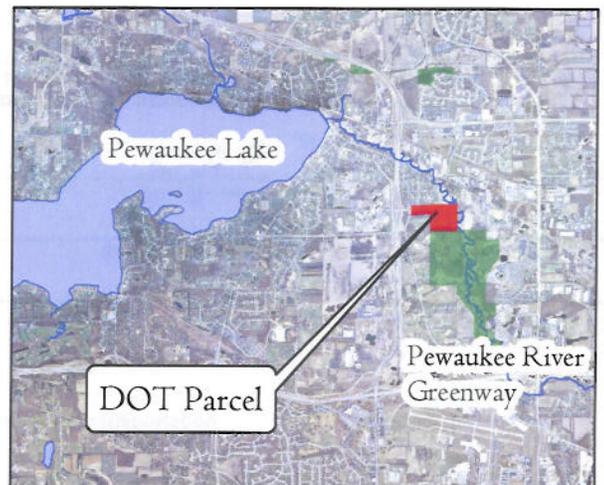
TOTAL VOTES-24

State of Wisconsin,  
 Department of Transportation Property  
 to be accepted by  
 Waukesha County



**EXHIBIT "A"**  
**DOT TRANSFER PROPERTY**

-  DOT Transfer Property
-  Proposed County Trail
-  Waukesha County
-  Stream/Creek
-  Water Body



Prepared By: Waukesha County Department of Parks and Land Use December 2009

*Water:* The hydrology of the CTH JJ Wetland Mitigation Site will not be altered in any way that would effectively drain the site or by any means including pumping, draining, diking, impounding or diverting surface or ground water out of the CTH JJ Wetland Mitigation Site except as approved by WisDOT and the Corps for the purpose of protecting or maintaining the site's wetland status.

*Agricultural Uses:* No removal of developing native vegetation, plowing, tilling, brushing, cultivating, crop planting or other agricultural activities (with the exception of planting native plants to enhance the site and in accordance with the site management plan) may take place within the CTH JJ Wetland Mitigation Site. Also, no planting of agricultural crops such as corn, alfalfa, soybeans, etc. in restoration vegetation zones.

*Recreational motorized vehicles and watercraft prohibited:* There shall be no operation of any motorized vehicles, watercraft, or equipment within the CTH JJ Wetland Mitigation Site. Including but not limited to all terrain vehicles, off-road motorcycles, or boats with electric or gas motors snowmobiles and golf carts.

*Vegetation:* There shall be no removal, cutting, mowing or alteration of any vegetation or change in the natural habitat in any manner, except that WisDOT or any successor owner of the property may take such steps necessary to remove non-native species, manage wildlife, control noxious weeds, eliminate a dangerous condition or public nuisance, or otherwise maintain the property in a native state.

*Enforcement of covenants:* Any actions taken by the Grantee which violate these covenants shall entitle WisDOT or the Corps of Engineers the right to enter upon the property with respect to which said violation exists and remove at the expense of the owner, lessee or occupant thereof, any structure thing or condition that may be or exist thereof contrary to the intent and meaning of the covenants.

Any lease cannot be reassigned and the grantee shall not allow new easements within the CTH JJ Wetland Mitigation Site without written approval from WisDOT.

These covenants and restrictions shall run with and burden the CTH JJ Wetland Mitigation Site as a deed restricted conservation easement with perpetuity and shall bind the grantee; and upon breach or failure of all or any part thereof all rights, title and interest in and to the above described lands shall immediately vest in the grantor, Wisconsin Department of Transportation, the same as if this instrument had not been given.