

ENROLLED ORDINANCE 164-41

BEST PROPERTY ACQUISITION

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 the Best property located in the Village of Menomonee Falls would implement this plan, and

WHEREAS the Walter J. Tarmann Parkland Acquisition Fund was created through Enrolled Ordinance 150-28 for the purpose of acquiring park and open space lands consistent with the Waukesha County Board adopted Park and Open Space Plan for Waukesha County, and

WHEREAS the selling price of the Best property is \$390,000 and related operating costs, such as surveying and appraisal work are estimated to be about \$7,400, and

WHEREAS the 2009 Modified Tarmann Fund Fixed Asset expenditure budget totals \$1,260,000 and approved purchases year to date (prior to this proposed acquisition) in 2009 are estimated to total approximately \$1,015,000, and

WHEREAS the 2009 Adopted Modified Operating Expenditure budget totals \$25,000, and Operating expenditures incurred prior to this proposed land acquisition are estimated to total about \$25,000, and

WHEREAS this requested land purchase and related operating expenditures are estimated to result in this Fund exceeding both its Fixed Asset and Operating expenditure appropriation budget, requiring an additional \$152,400 in Tarmann Fund Balance to fund \$145,000 in higher Fixed Asset expenditure authority and \$7,400 in higher Operating expenditure authority, needed to be appropriated to pay for this land purchase, and

WHEREAS in conformance with the Waukesha County Code, an Environmental Reconnaissance was conducted in which no environmental concerns were discovered, and

WHEREAS although state and federal funding is not currently available for the purchase of the Best property, the Waukesha County Parks and Land Use Department has requested and anticipates receiving a Letter of Retroactivity from the State of Wisconsin, Department of Natural Resources, which maintains the County's eligibility for partial funding of an acquisition, and

WHEREAS, the sale is conditioned upon the granting of a permanent utility easement across the land which will be purchased by the County to allow existing and future utilities to continue to be provided to a residential parcel which is not included in the sale to the County, and

WHEREAS, the Declaration of Easement document has been negotiated by the County and the seller's attorney and is acceptable to all parties.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Department of Parks and Land Use be authorized on behalf of Waukesha County to purchase property located in the Village of Menomonee Falls identified as the Best property, at the purchase price of \$390,000 as set by contract.

BE IT FURTHER ORDAINED that the Waukesha County Department of Parks and Land Use Walter J. Tarmann Parkland Acquisition Fund 2009 Budget be modified by increasing appropriated Tarmann Fund Balance revenue by \$152,400 and by increasing Fixed Asset expenditure appropriations by \$145,000 and Operating expenditure appropriations by \$7,400 to cover the estimated above budget costs of purchasing the Best property.

BE IT FURTHER ORDAINED that the contracts dated August 28, 2009, between the Helen M. Best Trust and Waukesha County to accomplish the purchase, are hereby approved.

BE IT FURTHER ORDAINED that the Declaration of Easement for a permanent utility easement over the land purchased from the Best Trust is hereby approved.

BE IT FURTHER ORDAINED that the Waukesha County Clerk and County Executive are authorized to execute all necessary applications and agreements in order to secure potential state and federal funds for said acquisition.

BE IT FURTHER ORDAINED that any state or federal funds available for this acquisition shall be accounted for in the Walter J. Tarmann Parkland Acquisition Fund Revenue Account to be utilized for future parkland acquisition.

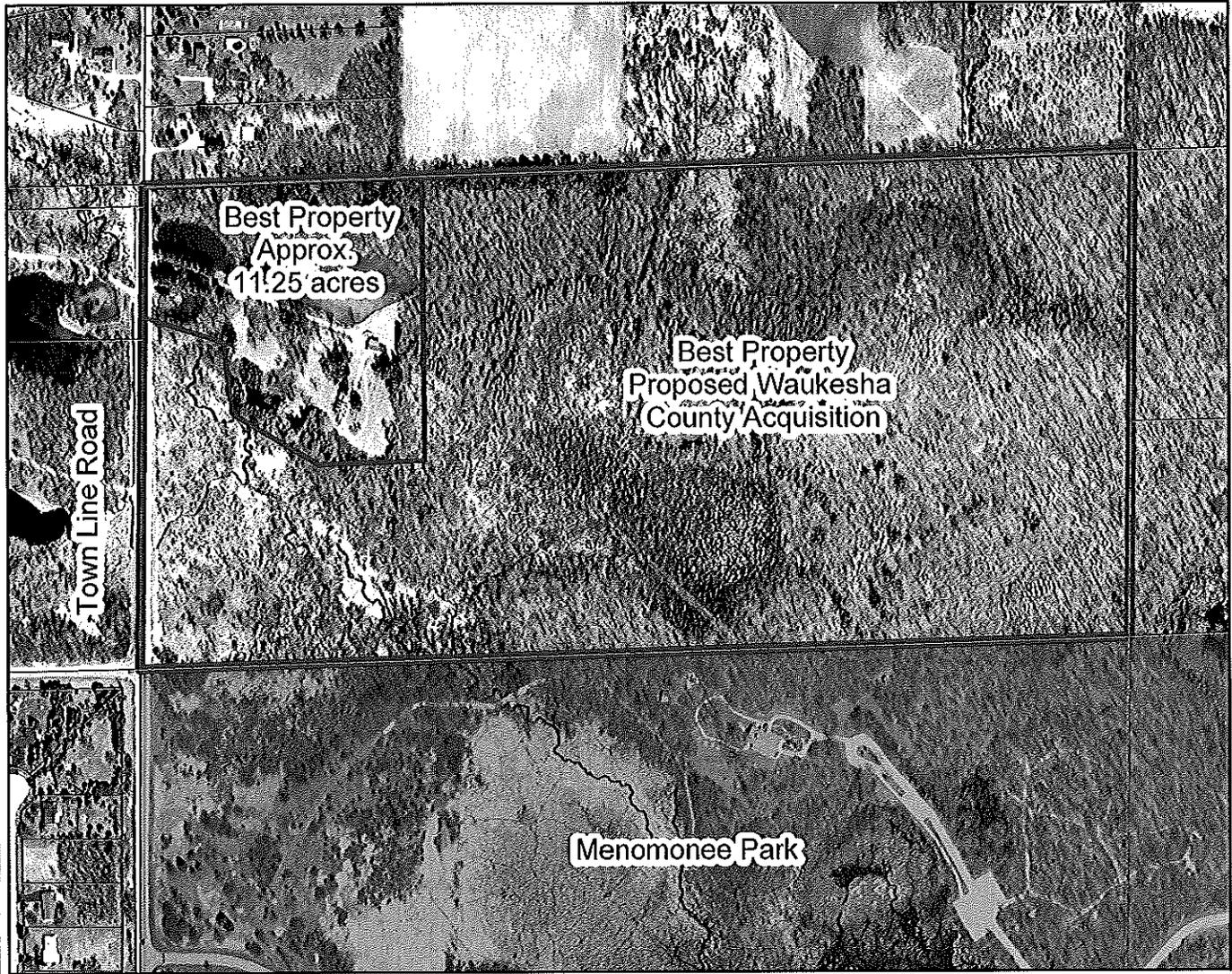
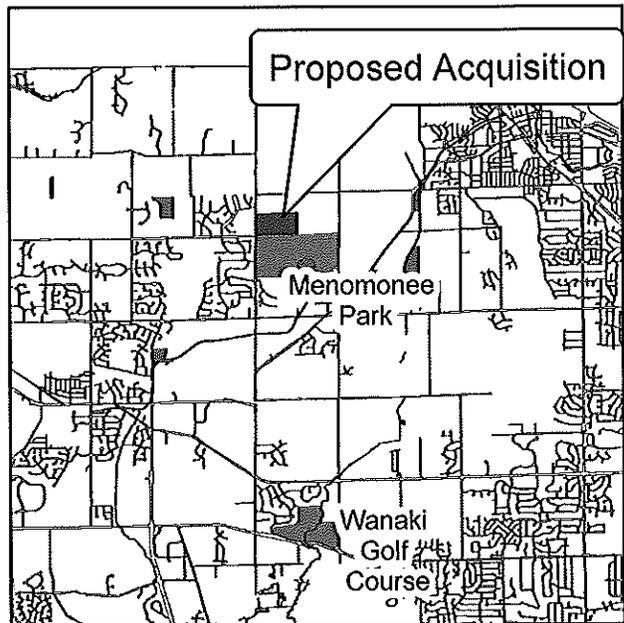


EXHIBIT "A"
Best Property

-  Best Property
-  Waukesha County



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

164-0-041

FISCAL NOTE

BEST PROPERTY ACQUISITION

This ordinance authorizes the County Parks and Land Use Department to purchase approximately 71 acres of land in the Village of Menomonee Falls for \$390,000 (at a cost of \$5,493 per acre), from the Walter J. Tarmann Parkland Acquisition Fund. Additional expenses associated with this land purchase are estimated at about \$7,400 and mainly includes appraisal and survey service costs; document recording fees; and related purchase transaction closing costs.

This ordinance appropriates \$152,400 in additional Tarmann Fund Balance to fund \$145,000 in higher Fixed Asset expenditure authority and \$7,400 in higher operating expenditure authority, due to this land purchase's estimated costs exceeding the current Fixed Asset and Operating expenditure appropriation budget by approximately \$152,400.

Department management indicate that they have requested a letter of retroactivity from the State of Wisconsin Department of Natural Resources (DNR), indicating that the Department may be eligible to receive a Stewardship Grant Reimbursements in the future for up to half of the land purchase price (up to \$195,000), which may partially offset the cost of this land acquisition.

The ordinance results in no direct tax levy impact for 2009.



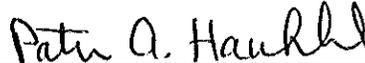
Larry Dahl
Accounting Services Manager
9/1/2009

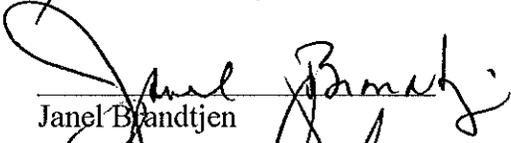
BEST PROPERTY ACQUISITION

Presented by:
Land Use, Parks and
Environment Committee

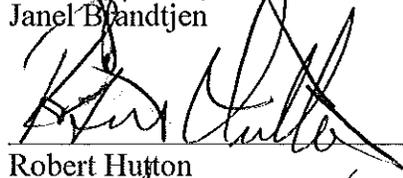
Approved by:
Finance Committee

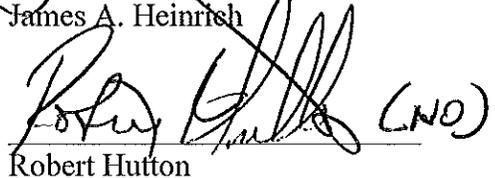

Fritz Ruf, Chair


Patricia A. Haukohl, Chair

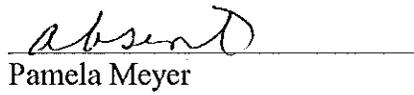

Janel Brandtjen


James A. Heinrich

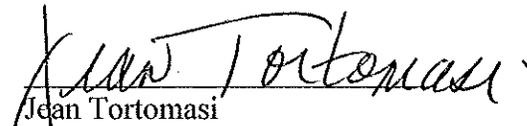

Robert Hutton

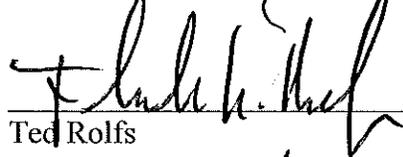

Robert Hutton

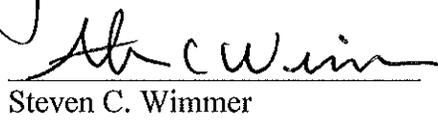

James Jeskewitz


Pamela Meyer

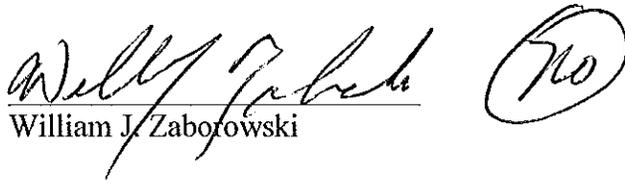

Walter L. Kolb


Jean Tortomasi


Ted Rolfs


Steven C. Wimmer


Gilbert W. Yerke


William J. Zaborowski

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

Date: October 2, 2009, 
Kathy Nickolaus, County Clerk

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

Approved: _____
Vetoed: _____



Date: 10-7-09, _____
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-09/29/09

(ORD) NUMBER-1640041

1 D. FALSTAD.....AYE
 3 R. HUTTON.....
 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.....NAY
 23 J. PLEDL.....NAY
 25 G. YERKE.....AYE

2 T. ROLFS.....
 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.....NAY
 24 W. KOLB.....AYE

TOTAL AYES-²⁰~~19~~

TOTAL NAYS-03

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-22

Supervisor Ruf Voice Voted AYE