

ENROLLED ORDINANCE 166-14

APPROVE TEMPORARY LAND USE PERMIT FOR AUTOMOTIVE HOLDING CORPORATION FOR GRADING ON WAUKESHA COUNTY AIRPORT PROPERTY

WHEREAS, Waukesha County owns property North of Bluemound Road in the SE ¼ of Section 22 and the NE ¼ of Section 27, City of Waukesha for the purpose of Airport runway clearance, and

WHEREAS, Automotive Holding Corporation is planning to build a body shop facility on property west of the Waukesha County Airport property north of Bluemound Road, and

WHEREAS, Automotive Holding Corporation has requested to expand their grading limit east of the future Body Shop facility property onto Waukesha County property for the purpose of improving drainage away from their facility, and

WHEREAS, Automotive Holding Corporation has provided an approved grading and erosion control plan to the Waukesha County Department of Parks and Land Use - Land Resources Division and will comply with erosion control permit, and

WHEREAS, it is necessary to provide a Temporary Land Use Permit from Waukesha County to Automotive Holding Corporation, in order that approved land grading can be performed, and

WHEREAS, an administrative fee of \$50.00 for this Temporary Land Use Permit will be charged to Automotive Holding Corporation.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Land Use Permit between Waukesha County and Automotive Holding Corporation, which permits land grading on Airport property and is on file in the Office of the County Clerk, is hereby approved.

BE IT FURTHER ORDAINED that the County Executive and County Clerk may execute said agreement on behalf of Waukesha County.

## **TEMPORARY LAND USE PERMIT**

This Land Use Permit is made between Waukesha County (hereinafter "Owner"), and Automotive Holding Corporation ("Corporation").

### **PROPERTY DESCRIPTION:**

See attached Exhibit "A".

### **PURPOSE OF LAND USE PERMIT:**

This Land Use Permit will allow the Corporation, including its agents, contractors and subcontractors, to grade and landscape on Owner's land for the purpose of grading a 4:1 slope away from proposed building to allow for drainage away from Corporation's property located to the west of Owner's Airport property.

### **TERMS:**

1. FOR AND IN CONSIDERATION of an administrative fee of Fifty dollars (\$ 50.00), the Owner does hereby permit the Corporation, the right, permission and authority to grade and landscape the Owner's Airport Property adjacent to where the Corporation has a proposed building for improving drainage on those lands located in the SE1/4 of SEC 22 & the NE1/4 of SEC 27, T7N, R19E, City of Waukesha, Waukesha County, Wisconsin. The area where the Corporation will grade on the Airport property is hereinafter called the "Land Use Permit Area" and the location of the Land Use Permit Area is shown on the attached Exhibit "A", which is incorporated into this Land Use Permit by reference.
2. The Corporation may not (a) trim, cut down or remove trees or brush on the Owner's property, or (b) install any fencing, fixtures, signs or gates on the Owner's property unless it is within the Department of Park and Land Use – Land Resources approved erosion and grading plan.
3. The Corporation shall have the right of access upon the Land Use Permit Area for the purposes of exercising the rights herein acquired, and the Corporation shall promptly restore the premises per the Department of Parks and Land Use – Land Resources approved site plan. The restoration shall not apply to any trees or brush, which may be permitted to be removed pursuant to the rights granted herein. The Corporation shall be liable to make prompt payment for any damage caused by it or its agents to any of Owner's fences, improvements, signs, entrance gates, park improvements, or any other fixtures or facilities of the Owner and for the unauthorized removal of trees.
4. Hold Harmless: Excepting any claims arising out of negligence or willful acts on the part of the Owner, its employees, agents, or assigns, the Corporation will defend, indemnify and hold harmless the Owner and all of its departments, agencies, boards, 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 to or death of any person or damage to property which results from any action or omission, in whole or in part, negligent or otherwise, of the Corporation or its agents in connection with any use of the Owner's land under this Land Use Permit.
5. Insurance: The Corporation shall furnish the Owner with a Certificate of Insurance adding Waukesha County as additionally insured.
6. Term of Permit: The Corporation will be issued this Temporary Land Use Permit through October 21, 2011, unless conditions of the Department of Parks and Land Use – Land Resources storm water permit have not been met. If storm water permit conditions have not been met, the terms of this Temporary Land Use Permit remain in effect until all storm water conditions are

satisfied and will be terminated only after a successful County inspection of the property. This Temporary Land Use Permit commences on the date the Owner executes this document. If the grade changes to the Airport property are completed and the storm water permit requirements are satisfied this land use permit is also terminated.

- 7. The Owner may revoke this Land Use Permit for any reason. Prior to any revocation for a violation of the terms of this Permit or a change is made to the use of the Land Use Permit Area, the Owner shall give written notice to the Corporation and the Corporation shall thereafter have sixty (60) days to remedy any violation and bring its use of the land into compliance with this Permit.
- 8. Upon revocation or expiration of this Land Use Permit, the Owner may require the Corporation to remove any equipment placed by the Corporation in the Land Use Permit Area at the cost of the Corporation.
- 9. All notices to the Owner shall be sent by certified mail addressed to the Park System Manager, Waukesha County Department of Parks and Land Use, Park System Division, 515 Moreland Blvd., Room AC-230, Waukesha, Wisconsin 53188. All notices to the Corporation shall be sent by certified mail addressed to Automotive Holding Corporation, Attn: Andy Hall, 11011 W. North Ave., Milwaukee, WI 53226
- 10. This Land Use Permit is not transferable or assignable. Should the Corporation dissolve, terminate, merge or change in any other manner, this Land Use Permit terminates. A new entity or landowner may apply to the Owner for a Land Use Permit for the purposes stated herein.

IN WITNESS WHEREOF, the Owner has caused this Land Use Permit to be approved by the Waukesha County Board of Supervisors and signed by its County Executive and its County Clerk as evidenced below.

COUNTY OF WAUKESHA

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Daniel P. Vrakas  
Waukesha County Executive

Date: \_\_\_\_\_

By \_\_\_\_\_  
Kathy Nickolaus  
Waukesha County Clerk

This Land Use Permit is accepted by the Corporation by the signature of its authorized officer this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

By \_\_\_\_\_

(Title) \_\_\_\_\_

Hall Body Shop

This instrument was drafted by:  
Attorney  
Waukesha County Corporation Counsel Office

EXHIBIT "A"

JAHNKE & JAHNKE ASSOCIATES INC.

CONSULTANTS IN

ENGINEERING, PLANNING, SUBDIVISIONS AND SURVEYING

711 W. Moreland Blvd.  
Waukesha, WI 53188-2479

Telephone: 262-542-5797  
Fax: 262-542-7698  
E-Mail: [hlhallengert@jahnkeandjahnke.com](mailto:hlhallengert@jahnkeandjahnke.com)

Grading Easement Granted to Automotive Holding Corporation

Legal Description:

Being part of the Southeast Quarter (SE ¼) of Section 22, and the Northeast Quarter (NE ¼) of Section 27, Township 7 North, Range 19 East, City of Waukesha, Waukesha County, Wisconsin; Commencing at the Southwest corner of the Southeast Quarter (SE ¼) of Section 22; thence North 00°05'27" West 271.98 feet to the north right-of-way line of CTH "JJ" (Bluemound Road); thence South 47°59'27" East 687.90 feet along said north right-of-way line to the place of beginning of the grading easement area hereinafter described; thence continuing South 47°59'27" East along said right-of-way 60.00 feet; thence North 42°00'33" East 441.10 feet; thence North 47°59'27" West 60.00 feet; thence South 42°00'33" West 441.10 feet along the east line of lands described in Volume 962 on page 461 as Document No. 598669 and the place of beginning. Containing a net area of 26,466 square feet (0.608 acres) of land.

Prepared by: John R. Stigler  
Wis. Reg. No. S-1820  
Dated: April 26, 2011

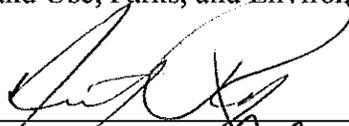
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Land Resources  
Division

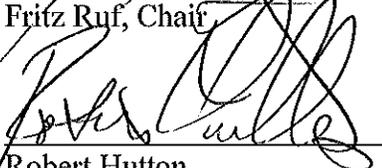
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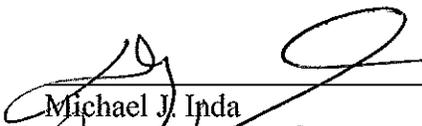
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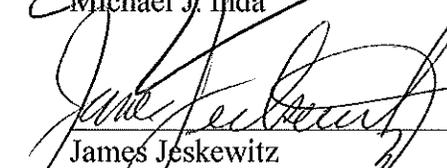
APPROVE TEMPORARY LAND USE PERMIT FOR AUTOMOTIVE HOLDING CORPORATION FOR GRADING ON WAUKESHA COUNTY AIRPORT PROPERTY

Presented by:  
Land Use, Parks, and Environment Committee

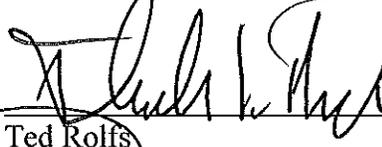
  
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Fritz Ruf, Chair

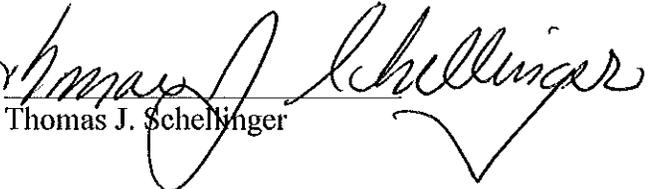
  
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Robert Hutton

  
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Michael J. Inda

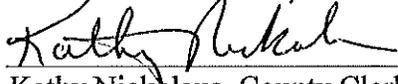
  
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James Jeskewitz

  
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Walter L. Kolb

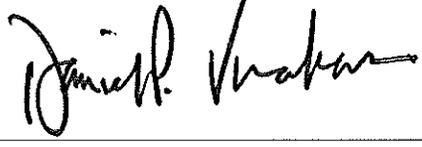
  
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\_\_\_\_\_  
Thomas J. Schellinger

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

Date: 5-27-11,   
\_\_\_\_\_  
Kathy Nickolaus, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_  
Date: 5-31-11,   
\_\_\_\_\_  
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-05/24/11

(ORD) NUMBER-1660014

- 1 D. FALSTAD.....AYE
- 3 R. HUTTON.....AYE
- 5 J. JESKEWITZ.....
- 7 P. HAUKOHL.....AYE
- 9 J. HEINRICH.....AYE
- 11 F. RUF.....AYE
- 13 P. DECKER.....
- 15 P. MEYERS.....AYE
- 17 J. TORTOMASI.....AYE
- 19 S. WIMMER.....AYE
- 21 W. ZABOROWSKI.....AYE
- 23 ~~R. CHIAVEROTTI~~.....AYE
- 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 M. INDA.....AYE
- 16 D. PAULSON.....AYE
- 18 K. CUMMINGS.....AYE
- 20 P. JASKE.....AYE
- 22 P. GUNDRUM.....
- 24 W. KOLB.....AYE

TOTAL AYES-21

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS   X  

TOTAL VOTES-21