

ENROLLED ORDINANCE 167-79

APPROVE LAND USE PERMIT AND TEMPORARY LIMITED EASEMENT TO  
KRIS W. DROEGKAMP FOR CONSTRUCTION AND MAINTENANCE  
OF AN IMPROVED INGRESS AND EGRESS

WHEREAS, Waukesha County owns property located in the Town of Merton in Section 15, Township 8 North, Range 18 East for the purpose of the Bugline Trail Corridor, and

WHEREAS, over this Bugline Trail Corridor property Kris W. Droegkamp currently holds a 33-foot wide easement for ingress and egress from Hartmann Court to land owned by Kris W. Droegkamp, and

WHEREAS, Kris W. Droegkamp wishes to improve and maintain a permanent ingress and egress for the purpose of providing vehicle access from Hartmann Court to property owned by Kris W. Droegkamp across the Bugline Trail Corridor, and

WHEREAS, it is necessary to provide a 66-foot wide Land Use Permit from Waukesha County to Kris W. Droegkamp for the purpose of constructing a 25-foot wide ingress and egress and to provide for a safe trail corridor, and

WHEREAS, it is also necessary to provide a Temporary Limited Easement for the purpose of accessing County-owned lands to properly construct an ingress and egress and provide for a safe trail corridor grade, and

WHEREAS, Kris W. Droegkamp has agreed to install and maintain appropriate warning and traffic signage at the intersection of the Bugline Trail Corridor and the proposed ingress and egress, and

WHEREAS, prior to executing a Land Use Permit, the County has requested the abandonment of Kris W. Droegkamp's current 33-foot wide easement recorded with the Waukesha County Register of Deeds on November 20, 1997 as Document No. 2265363 and he has agreed to do so, and

WHEREAS, in the consideration of said Land Use Permit, Kris W. Droegkamp shall pay to Waukesha County a Land Use Permit fee of \$1,616.00.

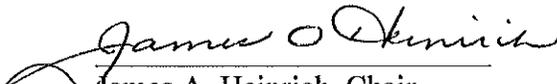
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Land Use Permit and Temporary Limited Easement between Kris W. Droegkamp and Waukesha County, which permits the construction and maintenance of the improved ingress and egress across those lands known as the Bugline Trail Corridor located in the northwest corner of Section 15, Township 8 North, Range 18 East, and is on file in the Office of the Register of Deeds is hereby approved, contingent upon the abandonment of the current 33-foot wide easement of record.

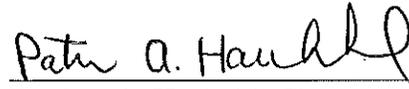
BE IT FURTHER ORDAINED that the Director of the Department of Parks and Land Use may execute the Land Use Permit and Temporary Limited Easement on behalf of Waukesha County.

APPROVE LAND USE PERMIT AND TEMPORARY LIMITED EASEMENT TO  
KRIS W. DROEGKAMP FOR CONSTRUCTION AND MAINTENANCE  
OF AN IMPROVED INGRESS AND EGRESS

Presented by: Land Use, Parks and  
Environment Committee

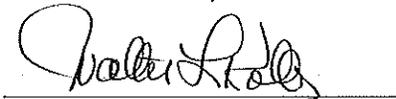
Approved by:  
Finance Committee

  
James A. Heinrich, Chair

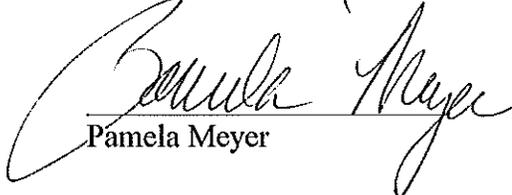
  
Patricia A. Haukoehl, Chair

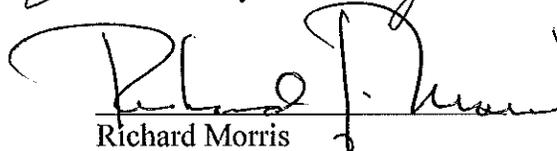
{Absent}  
Jim Batzko

  
Daniel J. Draeger

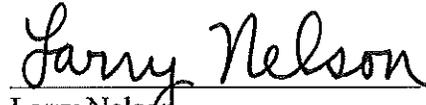
  
Walter L. Kolb

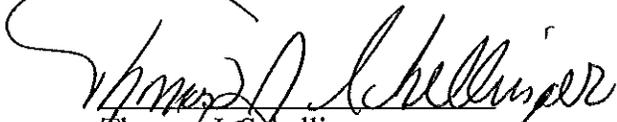
  
Pamela Meyer

  
Pamela Meyer

  
Richard Morris

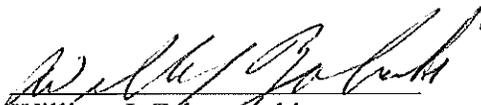
{Absent}  
Fritz-Ruf

  
Larry Nelson

  
Thomas J. Schellinger

absent  
Cathleen A. Slattery

  
Peter M. Wolff

  
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: 2/26/2013,   
Kathy Nikolaus, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_

Date: ~~3-11-13~~ 3-11-13,   
Daniel P. Vrakas, County Executive

Document Number	Document Name
	<p>This LAND USE PERMIT and TEMPORARY LIMITED EASEMENT, made between WAUKESHA COUNTY</p> <p style="text-align: right;">Grantor,</p> <p>and Kris W. Droegkamp</p> <p style="text-align: right;">Grantee.</p> <p><b><u>PROPERTY DESCRIPTION:</u></b> See attached Exhibit A and Exhibit B.</p> <p><b><u>CONDITIONS IMPOSED:</u></b></p> <p>FOR AND IN CONSIDERATION of a sum of One Thousand Six Hundred and Sixteen Dollars (\$1,616.00) and other good and valuable consideration to be paid, WAUKESHA COUNTY, WISCONSIN, a Municipal Corporation and Owner, does hereby permit Kris W. Droegkamp ("Grantee"), his successors and assigns, the right, permission, and authority to construct and maintain a sixty-six (66) feet wide by one hundred (100) feet long ingress and egress across those lands known as the Bugline Trail Corridor located in the Northwest corner of Section 15, Township 8 North, Range 18 East, Waukesha County, State of Wisconsin, and additionally grants Grantee a Temporary Limited Easement for the purpose of accessing County-owned lands to construct an ingress and egress facility pursuant to this Permit. Grantee shall act in accordance with all applicable Federal, State and Local codes and obtain all necessary permits to complete the work contemplated hereby.</p> <p>The location of the Land Use Permit with respect to the premises of Waukesha County is more particularly described in Exhibit A and shown on the plan attached hereto as Exhibit B, both of which are incorporated by reference and made a part hereof. The location of the Temporary Limited Easement shall be the entire width of the Bugline Trail Corridor, extending from the eastern and western limits of the lands covered by the Land Use Permit, as reflected on the attached plan (Exhibit B).</p> <p>Grantee, his successors and assigns 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 they 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 Grantee, his successors, assigns, agents, invitees and guests, in connection with the grant of this Land Use Permit, any and all work of any type which Grantee, his successors and assigns and any of their agents, invitees and/or guests perform or should perform upon the lands subject to this Land Use Permit, and their use of the County lands covered by this Permit.</p> <p>The right, permission and authority is given to Grantee, his successors and assigns to cut down and/or remove those five (5) trees designated for removal on the attached plan (Exhibit B). The removal of additional trees will only be permitted if they are found to interfere with the installation or maintenance of the ingress and egress facility, subject to the written approval of the County of Waukesha by the Waukesha County Department of Parks and Land Use. Restitution for removal of the trees is included in the Land Use Permit fee, to be used by the Waukesha County Department of Parks and Land Use for improvements along the Bugline Trail Corridor.</p> <p>The right, permission and authority is also given to Grantee, his successors and assigns to conduct site grading activities and clearing and grubbing of vegetation, and to implement paving improvements necessary to create the ingress and egress facility. Completion of the grading work to the satisfaction of Waukesha County is a condition of this Permit. The grading work shall be in accordance with that which is depicted on the attached plan (Exhibit B), and shall maintain accessible slopes and safe site distances along the Bugline Trail, per such plan. The grading work shall also include the removal and disposal of the existing timber cattle crossing, as depicted on the attached plan (Exhibit B), and filling and grading work that is necessary to maintain a uniform Bugline Trail Corridor through this area of the site.</p> <p>Grantee and his successors and assigns shall install and maintain appropriate warning and traffic signage at the intersection of the Bugline Trail and the proposed ingress and egress, subject to the</p>
	<p>Name and Return Address</p>

written approval of the County of Waukesha by the Waukesha County Department of Parks and Land Use. The signage shall regulate vehicle and pedestrian traffic through the ingress and egress, and shall inform Trail users of the upcoming intersection, while maintaining unimpeded traffic flow on the Bugline Trail.

Grantee and his successors, assigns and agents agree that the Bugline Trail shall remain open for public use during construction, maintenance, or related activities described in the Land Use Permit. Grantee and his agents shall have the right to enter the lands covered by the Temporary Limited Easement for the purposes of exercising the rights acquired and obligations assumed herein, but Grantee shall promptly and fully restore the premises of the County to the condition existing prior to the entry by Grantee or his agents and said restoration shall be accomplished as per Waukesha County specifications. The restoration shall not apply to any trees which may be permitted to be removed pursuant to the rights granted herein. Grantee shall be liable for prompt restitution for any damage, if any, to vegetation, trail improvements, signs, entrance gates, park improvements and any other fixtures owned by the County and caused by the acts of Grantee, his agents, employees, invitees or guests.

The Temporary Limited Easement granted hereunder shall expire, without further action, at the earlier of 270 days from the date this Permit is executed by the County or the completion by Grantee of the grading activities, tree removal, clearing and grubbing of vegetation and paving improvements necessary to create the ingress and egress facility permitted hereunder.

This Land Use Permit shall run with the land, and may not be revoked except for cause upon written notice by Waukesha County. "Cause" hereunder shall mean the uncured breach of any term of this Land Use Permit or any conduct by Grantee or Grantee's successors in interest blocking or otherwise interfering with the public's use of the Bugline Trail which continues to exist thirty (30) or more days after receipt of written notice of the breach or interference.

The Grantee and his successors and assigns shall, at all times during the term of this agreement, keep in force and effect insurance policies as outlined below, issued by a company or companies authorized to do business in the state of Wisconsin and satisfactory to the Grantor. Such insurance shall be primary. Upon execution of this agreement, Grantee shall furnish the Grantor with a Certificate of insurance which references this agreement. The County shall be given thirty (30) days advance notice of cancellation, nonrenewal, or material reduction of coverages, scope or limits during the term of this agreement. Grantee shall maintain Homeowner's liability insurance covering liability for Grantee's liabilities associated with this Land Use Permit and personal automobile liability insurance covering Grantee's automobiles utilized in connection with this grant of Land Use Permit. Grantee shall require the following insurance from any contractors it retains to construct or maintain properties associated with this grant of Land Use Permit: 1) Commercial General Liability Insurance- Policy shall be written to provide coverage for, but not limited to, the following: premises operations, personal injury, blanket contractual coverage, independent contractors coverage. The County, its boards, commission, agencies, officers, employees and representatives shall be named as additional insured and so stated on the Certificate of Insurance. Limits of liability not less than \$1,000,000 each occurrence and aggregate. 2) Automobile Liability Insurance- Business automobile policy covering all owned, hired and non-owned private passenger autos and commercial vehicles. Limit of liability not less than \$500,000 combined single limit.

All notices to the County shall be sent by certified U.S. Mail, Return Receipt Requested, addressed to the Park System Manager, Waukesha County Department of Parks and Land Use, Park System Division, 515 W. Moreland Blvd, Room AC230, Waukesha, Wisconsin 53188. All notices to Grantee shall be sent by certified U.S. Mail, Return Receipt Requested, addressed to Kris W. Droegkamp, 540 Norton Drive, Hartland, Wisconsin 53029, or Grantee's successor in interest.

As a further condition of the grant of this Land Use Permit and Temporary Limited Easement, Grantee shall abandon his 33-Foot Wide Easement for Ingress and Egress Purposes recorded with the Waukesha County Register of Deeds on November 20, 1997 as Document No. 2265363.

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

IN WITNESS WHEREOF, the said COUNTY OF WAUKESHA has caused these presents to be signed by the Director of Parks and Land Use on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

COUNTY OF WAUKESHA

By: \_\_\_\_\_  
Dale R. Shaver, Director  
Waukesha County Department of Parks  
and Land Use

167-0-079

3.

This Land Use Permit is accepted by Kris W. Droegkamp by his signature this 6<sup>th</sup> day of February, 2017<sup>3</sup>

By: Kris W. Droegkamp  
Kris W. Droegkamp

STATE OF WISCONSIN )  
                                  )SS  
WAUKESHA COUNTY )

Personally came before me this 6<sup>th</sup> day of February, 2017<sup>3</sup>,  
\_\_\_\_\_ and \_\_\_\_\_

Dandra A. Picheren  
Notary Public

This instrument was drafted by Erik G. Weidig

My Commission expires  
July 26, 2015

167-0-079

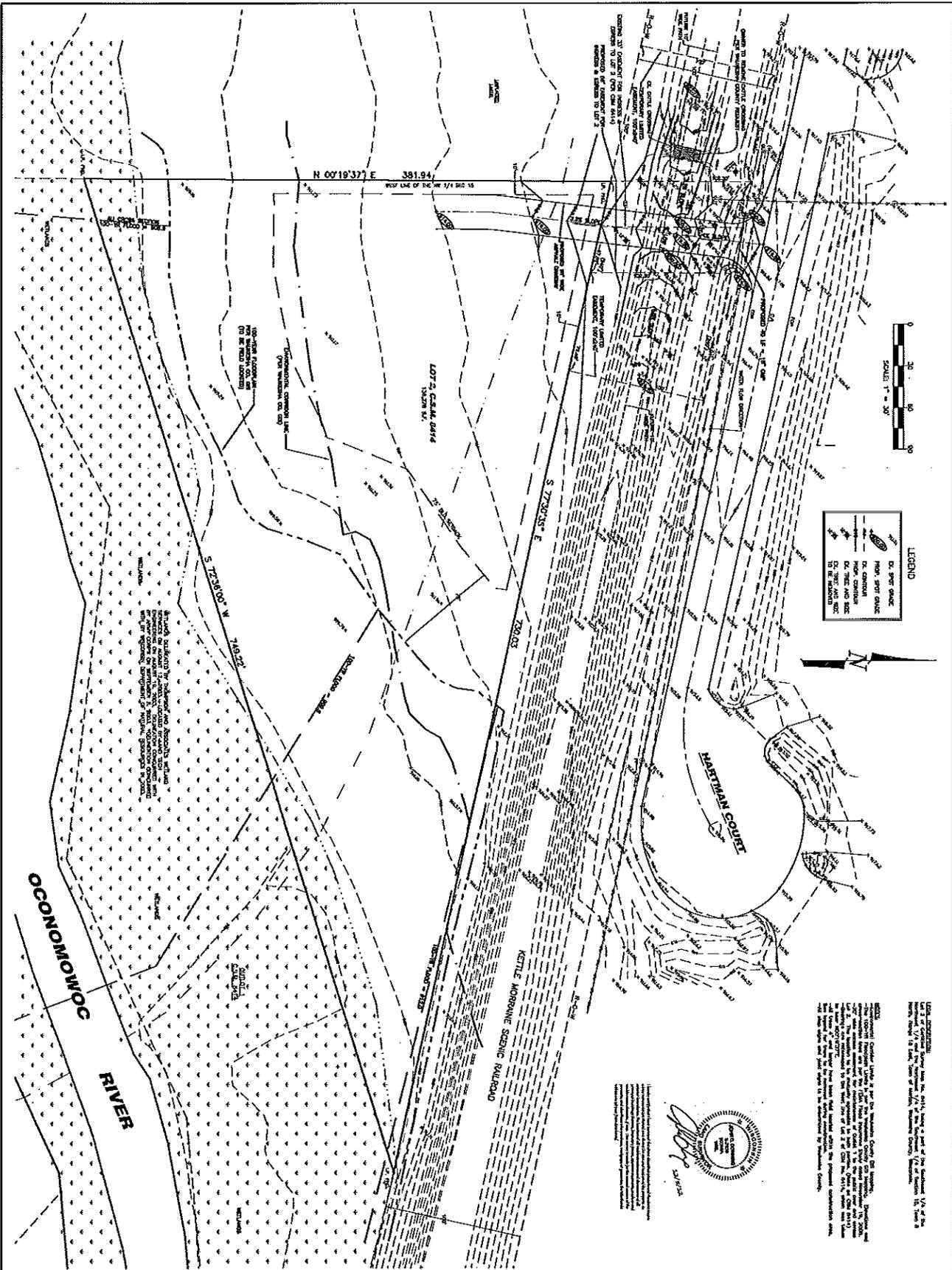
4.

EXHIBIT A - LEGAL DESCRIPTION

**Legal Description for 66' Wide Ingress & Egress to Lot 2 of CSM No. 8414:**

Being part of the SW ¼ of the NW ¼ of Section 15, Town 8 North, Range 18 East, Town of Merton, Waukesha County, Wisconsin, more particularly described as follows:

Commencing at the Northwest corner of Lot 2 of CSM No. 8414, also being the point of beginning of lands hereafter described: thence N00°19'37"E along the west line of said NW ¼, 102.30 feet to a point on the Southerly right-of-way line of Hartman Court; thence S77°30'35"E along said right-of-way line, 67.52 feet to a point; thence S00°19'37"W, 102.30 feet to a point on the North line of said Lot 2; thence N77°30'35"W along said North line, 67.52 feet to the point of beginning.



**LEGEND**

	EASEMENT
	PROPOSED STRUCTURE
	PROPOSED DRIVEWAY
	PROPOSED PARKING AREA
	PROPOSED UTILITY LINE
	PROPOSED FENCE LINE
	PROPOSED TREE
	TREE TO BE REMOVED



**NOTICE OF CONSTRUCTION**  
 The undersigned hereby certifies that the above is a true and correct copy of the proposed site plan for the property described herein, as shown on the attached site plan, and that the same has been approved by the Planning Commission of the Town of Merton, Wisconsin, on this 11th day of November, 2011.

**NOTICE OF RECORDATION**  
 This site plan is being recorded for the purpose of creating a record of the proposed site plan for the property described herein, as shown on the attached site plan, and that the same has been approved by the Planning Commission of the Town of Merton, Wisconsin, on this 11th day of November, 2011.



**LOT 2, CSM 8414**  
**TOWN OF MERTON**  
 MR. KRIS DROEGKAMP

**EXHIBIT B - PROPOSED SITE PLAN**

DATE	07/08
PROJECT NO.	07008
SCALE	1" = 40'
DATE	07/08
PROJECT NO.	07008
SCALE	1" = 40'

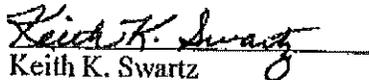
**LAND TECH SURVEYING, LLC**  
 LAND SURVEYING & LAND PLANNING  
 P.O. BOX 15, HARTLAND, WI 53029  
 www.landtechsurveying.com | info@landtechsurveying.com | (262) 367-1200

DATE	REV. NO.	REVISION
8/25/11	1	REVISIONS MADE PER THE DROEGKAMP COMMENTS
12/1/11	2	ADDED TREE 'C' AND LINES FOR COUNTY REQUEST
11/27/11	3	ADDED NEIGHBORHOOD CONSTRUCTION EXISTENCE
11/27/11	3	LOGGED TREES TO BE REMOVED/REMOVED REWORKING PER COUNTY

**FISCAL NOTE**

**APPROVE LAND USE PERMIT AND TEMPORARY LIMITED EASEMENT TO  
KRIS W. DROEGKAMP FOR CONSTRUCTION AND MAINTENANCE  
OF AN IMPROVED INGRESS AND EGRESS**

This ordinance authorizes a permanent land use permit and a temporary limited easement to be issued to Kris W. Droegkamp for the purpose of allowing access rights to County owned land. This includes the permission, authority and rights to construct and maintain a twenty-five feet wide by one hundred feet long ingress and egress across the Bugline Trail Corridor for his driveway access. It also grants a temporary limited easement for 270 days for the purpose of accessing County owned lands related to the permit. A permit fee charge of about \$1,600 will be paid to the County. According to the Parks and Land Use Business Manager, this permit fee revenue has been budgeted for and goes towards achieving their 2013 Budget amount for Parks permit fees and other miscellaneous revenues budgeted at \$11,000.

  
Keith K. Swartz  
Budget Manager  
2/1/13

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-02/26/13

(ORD) NUMBER-1670079

- 1 C. SLATTERY.....AYE
- 3 R. MORRIS.....AYE
- 5 J. BRANDTJEN.....AYE
- 7 J. GRANT.....AYE
- 9 J. HEINRICH.....AYE
- 11 F. RUF.....
- 13 P. DECKER.....AYE
- 15 W. KOLB.....AYE
- 17 D. PAULSON.....AYE
- 19 C. CUMMINGS.....
- 21 W. ZABOROWSKI.....AYE
- 23 K. HAMMITT.....AYE
- 25 G. YERKE.....

- 2 D. FALSTAD.....AYE
- 4 J. BATZKO.....AYE
- 6 J. JESKEWITZ.....AYE
- 8 P. HAUKOHL.....AYE
- 10 D. SWAN.....AYE
- 12 P. WOLFF.....AYE
- 14 P. MEYER.....
- 16 M. CROWLEY.....AYE
- 18 L. NELSON.....AYE
- 20 T. SCHELLINGER....AYE
- 22 P. JASKE.....AYE
- 24 D. DRAEGER.....AYE

TOTAL AYES-21

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS X

TOTAL VOTES-21