



**CITY OF WAUKESHA**

**Administration**

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<b>Committee:</b> Plan Commission	<b>Date:</b> 10/14/2015
<b>Common Council Item Number:</b> ID#15-3527	<b>Date:</b> 10/20/2015
<b>Submitted By:</b> Brian E. Running	<b>City Administrator Approval:</b> Kevin Lahner, City Administrator <a href="#">Click here to enter text.</a>
<b>Finance Department Review:</b> Rich Abbott, Finance Director <b>RL</b>	<b>City Attorney's Office Review:</b> Brian Running, City Attorney <b>BER</b>
<b>Subject:</b> River Hills Park Pedestrian Access Path	

**Details:**  
In 2014, the City purchased land adjacent to River Hills Estates Subdivision from the School District of Waukesha, for a new park called River Hills Park. The plat of River Hills Estate subdivision showed an access easement from River Hills Drive to the new park land, between two lots in the subdivision. The easement was in favor of the School District, but not the District's successors in interest. The Park, Rec and Forestry Department wants to have a paved access path across the parcel, but since the easement was not in favor of SDW's successors, we had no right to do so. This was the opinion of the title insurance company that did the title work for the purchase. The title company also gave the opinion that the title to the access path was still in the original developer. Therefore, the developer was approached about giving the City access rights across the parcel. The developer, Greg Walsh, agreed. The access could have been by an easement, but the developer was willing to convey the land in fee to the City, and has now executed and delivered a deed. A copy is attached. The developer was willing to do this without compensation, as it is a 15-foot wide parcel with no independent market value. Because all land acquisitions must be approved by the Plan Commission, the acceptance of the deed must be okayed and then recommended to the Common Council.

**Options & Alternatives:**  
(1) Try to negotiate an easement across the parcel instead of taking ownership. This is less desirable than ownership, because an easement would limit our options in the use of the parcel. Since we already have the deed in hand, it would be unusual, to say the least, to hand it back and ask for an easement instead. (2) Reject the deed, do not seek an alternate access, and leave the park with only one public access point. This is undesirable from PRF's point of view.

**Financial Remarks:**  
There is no immediate financial impact to the City.

**Executive Recommendation:**  
Accept the deed and record it with the Register of Deeds.

