CITY OF WAUKESHA



Committee:	Date:
Board of Public Works	12/8/2016
Common Council Item Number:	Date:
ID #16-1779	12/20/2016
Submitted By:	City Administrator Approval:
Fred Abadi, Director of Public Works	Kevin Lahner, City Administrator KL
Finance Department Review:	City Attorney's Office Review:
Rich Abbott, Finance Director RA	Brian Running, City Attorney BR

Subject:

Approve proposed Land Acquisition by Waukesha County along a portion of the frontage of City-owned property along Merrill Hills Rd (CTH TT) and a Temporary Limited Easement along a portion of the frontage of City-owned property along Merrill Hills Rd (CTH TT) as part of the West Waukesha Bypass Project.

Details:

Waukesha County as part of the widening for the West Waukesha Bypass needs to acquire a portion of City-owned property (referenced as Parcel 41) see attached Plat.

Parcel 41(Tax ID WAKC1315999) Waukesha County would acquire in Fee \pm 0.080 Acres (3,472 Sq. Ft.). Acquisition in Fee is the full and complete acquisition of the land, including all rights and interests that run with the land. This is the preferred type of interest to be acquired for permanent highway right-of-way.

Parcel 41 (Tax ID WAKC1315999) Waukesha County would retain a Temporary Limited Easement (TLE) \pm 0.004 Acres (153 Sq. Ft). A Temporary Limited Easement (TLE) is limited in purpose and time, and will terminate upon completion of construction. Work to be done within the TLE will range from sloping and blending from the proposed road to the existing ground.

The City of Waukesha will retain one maintenance only access point from the West Waukesha Bypass to be used for sewer maintenance purposes.

Options & Alternatives:

There were no other feasible alternatives.

Financial Remarks:

Waukesha County is offering a payment of \$298.00 for the Fee Acquisition of the land and a payment of \$2.00 for the TLE. Total payment \$300.00.

Executive Recommendation:

Recommend Approval.



THE HIGHLAND GROUP

AUG 2 3 2016

August 22, 2016

BOARD OF PUBLIC WORKS

City of Waukesha 130 Delafield St. Waukesha, WI 53188

Attn: Ms. Margaret Liedtke

CERTIFIED MAIL

Re: CTH TT-Waukesha West Bypass Phase II – STH 59 to Madison St. Waukesha County Project ID #2788-00-22 Parcel #41

Dear Ms. Liedtke:

The Waukesha County Department of Public Works (Waukesha) has chosen The Highland Group to assist them in appraising and acquiring property rights for the above referenced highway project.

In compliance with Wisconsin statutes and federal regulations, you are receiving this letter, along with the enclosed appraisal report, to initiate negotiations for the acquisition of a portion of property owned by the City of Waukesha together with a Temporary Limited Easement needed for construction purposes.

Waukesha's determination of compensation, based on the fair market value of the property, is \$300.00 for the needed right of way and easement. The compensation is allocated as follows:

1.	Loss of land + rounding	\$298.00
2.	Temporary Limited Easement	2.00

If you are not satisfied with the above-stated conclusions of value for your property, you are eligible to obtain an additional appraisal from a qualified appraiser of your choice. Waukesha will pay the reasonable cost of that appraisal. However, for consideration and to qualify the charges for reimbursement, the appraisal must be a full narrative appraisal and a copy must be submitted to this office within 60 days of your receipt of this letter. See the enclosed Appraisal Guidelines and Agreement document for further explanation. Your eligibility for appraisal cost reimbursement will expire on October 24, 2016. If your appraisal report is submitted after the 60-day statutory date, Waukesha will consider it for negotiation purposes; however, it will not be eligible for reimbursement.

- 110 North Third Street, Watertown, Wisconsin 53094 (920) 262-2150 FAX (920) 262-2152

A legal description of the area and interest in real estate to be acquired is included in the enclosed Warranty Deed and Temporary Limited Easement. A copy of the right-of-way plat illustrating the area needed along with a list of landowners is enclosed. The brochure entitled "The Rights of Landowners under Wisconsin Eminent Domain Law" was previously mailed to you.

Should the amount of compensation be acceptable, we request that you have the enclosed Warranty Deed and Temporary Limited Easement signed by two authorized representatives (in **the presence of a Notary Public**) in the spaces provided and return the original(s) to us in the enclosed self addressed stamped envelope. Please keep all documents stamped "COPY". In order for us to record this document with the Register of Deeds, your signature(s) must be witnessed by a Notary Public. Typically, any bank will notarize your signature(s) at no charge.

We sincerely desire the City of Waukesha to be satisfied that their property and rights under eminent domain have been fully considered. Also, we will be pleased to provide any additional information as requested.

Please call our office at 800/646-2150 if you have any questions about the brochure or the acquisition process.

Sincerely, THE HIGHLAND GROUP

Stephen D. Simpson ⁴ Project Manager

SDS/rh

Enclosures

Ms. Liedtke August 22, 2016 Page 2

WARRANTY DEED

Exempt from fee [s. 77.25(2r) Wis. Stats.] lpa1560 04/2016 (replaces lpa1560 08/2011)

THIS DEED, made by **City of Waukesha** GRANTOR, conveys and warrants the property described below to **WAUKESHA COUNTY**, GRANTEE, for the sum of **Two Hundred Ninety Eight and No/100** dollars (\$298.00).

Any person named in this deed may make an appeal from the amount of compensation within six months after the date of recording of this deed as set forth in s. 32.05(2a) Wisconsin Statutes. For the purpose of any such appeal, the amount of compensation stated on the deed shall be treated as the award, and the date the deed is recorded shall be treated as the date of taking and the date of evaluation.

Other persons having an interest of record in the property: None

This is/is not homestead property.

LEGAL DESCRIPTION IS ATTACHED AND MADE A PART OF THIS DOCUMENT BY REFERENCE.

This space is reserved for recording data

Return to The Highland Group 110 N. Third St. Watertown, WI 53094

Parcel Identification Number/Tax Key Number WAKC 1315 999

CITY OF WAUKESHA

Signature	Date		
Print Name and Title			
Signature	Date		
Print Name and Title		Date	
		State of	
)) ss. County)
		On the above date, this instrument was ack named person(s).	
		Signature, Notary Public, State of Wisconsin	n
		Print Name, Notary Public, State of Wiscons	sin
		Date Commission Expires	
	Project ID 2788-00-22	This instrument was drafted by Waukesha County	Parcel No. 41

Legal Description Project ID 2788-00-22 Parcel 41 Fee Acquisition and Access Rights

Fee Title in and to the following tract of land in the City of Waukesha, Waukesha County, State of Wisconsin, described as:

That part of Southeast 1/4 of the Northeast 1/4 of Section 6, and the Southwest 1/4 of the Northwest of Section 5, all in Town 6 North, Range 19 East, Town of Waukesha, Waukesha County, State of Wisconsin, described as follows:

Commencing at the Southeast corner of the Northeast 1/4 of said Section 6; thence North 01°15'52" East, along the east line of said Northeast 1/4 of Section 6, 444.96 feet to a point on a curve and the point of beginning; thence southwesterly 167.33 feet along the arc of said curve to the right, having a radius of 1381.00 feet and a chord bearing and length of South 18°50'16" West, 167.23 feet, thence South 50°43'34" West, 32.04 feet to the east right of way line of Merrill Hills Rd. (CTH TT); thence North 23°01'45" East along said east right of way line of Merrill Hills Rd. (CTH TT), 11.01 feet to a point on a curve; thence northwesterly 239.52 feet along the arc of said curve to the left, having a radius of 1366.00 feet and a chord bearing and length of North 18°00'21" East along said east right of way line of Merrill Hills Rd. (CTH TT), 239.21 feet; thence South 37°32'01" East, 19.36 feet to the a point on a curve; thence southwesterly 45.15 feet along the arc of said curve to the right, having a radius of 1381.00 feet and a chord bearing and length of South 37°32'01" East, 19.36 feet to the a point on a curve; thence southwesterly 45.15 feet along the arc of South 14°25'48" West, 45.15 feet to the point of beginning.

The above described parcel contains 0.080 acres, more or less.

Also, all existing, future, or potential common law or statutory easements or **rights of access** between the right-of-way of the highway, currently designated as Merrill Hills Rd. (CTH TT), and all abutting remaining real property of the owner, whether acquired by separate conveyance or otherwise, where the above described real-estate abuts on the said highway and along the following described real-estate except there shall be one maintenance only access point, to be used by the City of Waukesha for sewer maintenance purposes.

That part of Southeast 1/4 of the Northeast 1/4 of Section 6, and the Southwest 1/4 of the Northwest of Section 5, all in Town 6 North, Range 19 East, Town of Waukesha, Waukesha County, State of Wisconsin, described as follows:

The South 444.96 feet of said Northeast 1/4.

Project I.D. 2788-00-22

TEMPORARY LIMITED EASEMENT Exempt from filing transfer form [s. 77.21(1), 77.22(1) Wis. Stats.] Ipa1577 04/2016 (replaces lpa1577 10/2011)
THIS EASEMENT, made by City of Waukesha GRANTOR, conveys a temporary limited easement as described below to WAUKESHA COUNTY, GRANTEE, for the sum of Two and No/100 dollars (\$2.00) for the purpose of sloping and grading.
Any person named in this conveyance may make an appeal from the amount of compensation within six months after the date of recording of this conveyance as set forth in s. 32.05(2a) Wisconsin Statutes. For the purpose of any such appeal, the amount of compensation stated on the conveyance shall be treated as the award, and the date the conveyance is recorded shall be treated as the date of taking and the

Other persons having an interest of record in the property: None

LEGAL DESCRIPTION IS ATTACHED AND MADE A PART OF THIS DOCUMENT BY REFERENCE.

This space is reserved for recording data

Return to The Highland Group 110 N. Third St. Watertown, WI 53094

Parcel Identification Number/Tax Key Number WAKC 1315 999

CITY OF WAUKESHA

date of evaluation.

Signature	Date	
Print Name and Title		
Signature	Date	Date
		State of Wisconsin)
Print Name and Title) ss. County)
		On the above date, this instrument was acknowledged before me by the named person(s).
		Signature, Notary Public, State of Wisconsin
		Print or Type Name, Notary Public, State of Wisconsin
		Date Commission Expires
	Project ID 2788-00-22	This instrument was drafted byParcel No.Waukesha County41

Legal Description Project ID 2788-00-22 Parcel 41 Temporary Easement

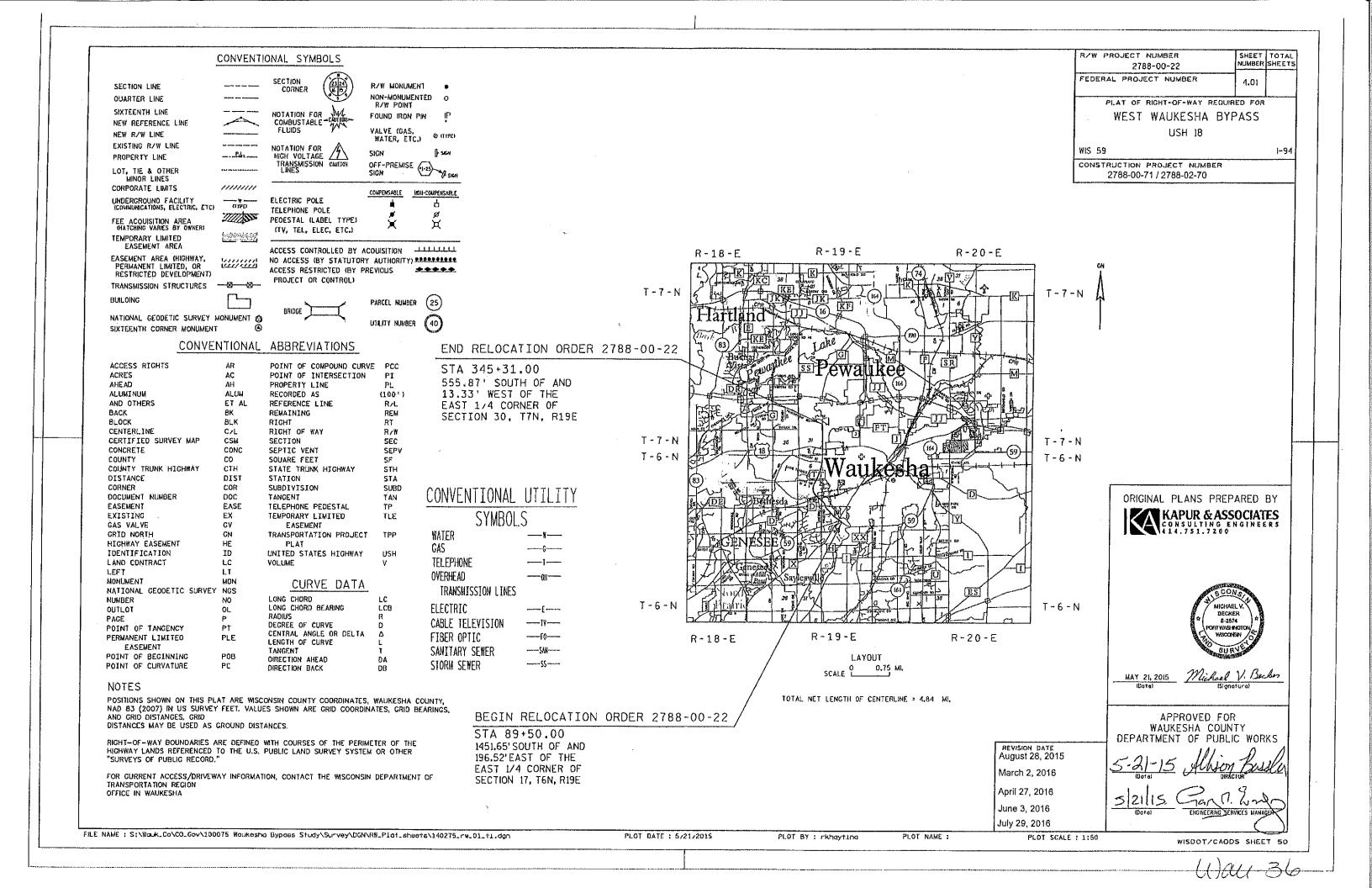
A **Temporary Limited Easement** for the public purpose and right to construct a highway project, including the placement or removal of soil, grading of roadway slopes, and the creation of fill or cut slopes in the temporary limited easement area to match the new roadway grade, as well as the right of ingress and egress as long as required for the construction of the highway project, including the right to operate the necessary equipment thereon, and the right to preserve, protect, remove or plant thereon any vegetation that the highway authorities may deem necessary or desirable. Said easement is more particularly described as follows:

That part of Southeast 1/4 of the Northeast 1/4 of Section 6, Town 6 North, Range 19 East, Town of Waukesha, Waukesha County, State of Wisconsin, described as follows:

Commencing at the Southeast corner of the Northeast 1/4 of said Section 6; thence South 88°37'17" West, along the south line of said Northeast 1/4 of Section 6, 137.06 feet to the point of beginning; thence continue South 88°37'17" East, 6.43 feet to the east right of way line of Merrill Hills Rd. (CTH TT); thence North 23°02'09" East along said east right of way line of Merrill Hills Rd. (CTH TT) 52.27 feet; thence South 16°18'07" West, 49.96 feet to the point of beginning.

The above described parcel contains 0.004 acres, more or less.

The above temporary limited easement is to terminate upon the completion of this project or on the day the highway is open to the traveling public, whichever is later.



SCHEDULE OF LANDS & INTERESTS REQUIRED

4

OWNER'S NAMES ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE SUBJECT TO CHANGE PRIOR TO THE TRANSFER OF LAND INTERESTS TO THE DEPARTMENT.

AREAS SHOWN IN THE TOTAL AREA MAY BE APPROXIMATE AND ARE DERIVED FROM TAX ROLLS OR OTHER AVAILABLE SOURCES AND MAY NOT INCLUDE LANDS OF THE OWNER WHICH ARE NOT CONTIGUOUS TO THE AREA TO BE ACQUIRED.

ARCEL	SHEET	OWNER(S)	INTEREST	TOTAL		QUIRED (ACR		TOTAL	TLE	PLE	PARCE
IMBER 1 (Z)	A.06		REQUIRED	ACRES	NEW	EXISTING	TOTAL	REMAINING	ACRES	ACRES	NUMB
2 (2)	4.06,07,08	THOMAS & JOYCE HOFFMANN JEWEL FOOD STORES INC (STORE 36AY)	TLE	1.798				1.798	0.056		1
3 (2)	4.06	BRETT & AMBER MUELLER	PLE, TLE TLE	29.323				29.323	0.036	0.014	2
4 (2)	4.06	JOSE G & IDA R MEDINA REVOCABLE TRUST	TLE	0.976				0.975	0.050		3
			ILC	1.000				1.000	0.005		4
6 (3)	4.07,09,10	ROBERT F. SMART & CAROLO. SMART	FEE, PLE, TLE, AR	45 339	7.429		7.429	37.910	0.379	0.025	6
7 (3)	4,07	MERLYN W MINSTER	FEE, TLE	0.897	0.004		0.004	0.893	0.059	VIVAJ	7
8 (2)	4.07,09	MERLYN W & KAREN D MINSTER	FEE, TLE	0.915	0.727	1	0.727	0.188	0.032	1	8
g (2)	4.08	ST. JOHN NEUMANN CONGREGATION	TLE	9.000				9.000	0.030	1-22	9
44 (3)	4.00		and investor			_					
11 (3) 12 (2)		WAUKESHA COUNTY PARKS & LAND USE	FEE	1.535	0.219		0.219	1.316		-	11
13	4.09	MICHAEL & SUSAN BELL	FEE, TLE, AR	4.216	0.013		0.013	4.203	0.060	-	12
14	4.10, 11	CHRISTINE K WHITSTONE ELIMINATED	FEE	5.595	5,395		5.595	0.000		-	13
**								-			14
16 (3)	4.11	GIBSON FUND LLP	FEE, TLE, AR	30.984	0.270	10 million - 10	0.270	30.714 *	0.036		16
17 (3)		LEESLEY B & JOAN J HARDY LIVING TRUST	FEE, PLE, TLE, AR		6.755		6.755	-	0.426	0.047	10
18 (5)		MARY H THORP C/O JANET HORNING	FEE, AR	2.860	0.191		0.191	2.669	0.720	0.047	18
19 (3)	4.12	DEBORAH THIEM ROLLO	FEE, AR	4.947	4.947		4.947	0.000			19
20 (4)	4.15,15A	STATE OF WISCONSIN DEPARTMENT OF TRANSPORTATION	TLE	VAST	1				1.001		20
				1	T			10. aut -		1	
21 (4)	4.13	TENLEY C HELLER	FEE, AR	4.320	0.153		0,153	4.167			21
		CHRISTOPH FAMILY TRUST	FEE, PLE, TLE, AR	89.336	12.770	3.090	15.860	73.476	0.665	0.178	22
23		ELIMINATED									23
24 (4)		ELIMINATED			1			1		· · · · · · ·	24
25-4	4.15A	ROBERT V. HARTMANN & DARLENE C. HARTMAN AS TRUSTEES U/D/T	FEE	14.900	2.143	-	2.143	12.757			25
26 (4)	4.15	WAUKESHA STORAGE LLC	TLE	10.167	0.000	0.014	0.014	10.152	0.022		26
27 (5)		RICHARD HASE	FEE,PLE, TLE, AR		0.000		0.014 5.571		0.033	0.068	26
28 (5)		RONALD J PIETROWIAK	FEE, PLE, TLE, AR		0,253		0.253		0.013	0.028	28
29 (3)		ROBERT V HARTMANN TRUSTEE U/D/T JACKIE KANE ET AL C/O JUDITH MANEY	FEE, PLE, AR	0.823	0.011		0.011	0.812	0.013	0.007	29
30 (4)	and the second se	STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURSES	TLE	VAST	0.011		0.011	and an	1.939	0.007	30
			1	VASI					1.939		
31		ELIMINATED	1		-						
32		ELIMINATED									31
33 (2)		SEE PROJECT #2788-00-20	-	-							32 33
34 (2)		ROBERT J JOHNSON FARM TRUST C/O CAROL JEAN HENDRICKS		150 007	0 455		ACC	142 424	0 /21		33
54	7.49	ROULD AND INSOLUTION IN THE INFORMATION OF THE INFORMATION	FEE, TLE, AR	150.887	8,466		3,466	142.421	0.431		34
36 (2)	4.19	HAZEL DANNER & SUCCESSORS	FEE, TLE, AR	17.648	1.227		.227	16.421	0.484	1	36
37		ELIMINATED	Taby Teley Parts	171040	1.267		LILLI	10.421	0,-04	-	37
38 (5)		CHRISTOPH FAMILY TRUST	FEE, TLE, AR	29,179	8,507	1.546 1	0.053	19.126	0.730		38
39 (3)		FHB INVESTMENTS LLC	PLE, TLE, AR	23.445	0.007	4.540	0.055		0.084	0.014	39
40 (3)		ARTHUR FAULKNER	PLE, TLE	0.699				10000	0.029	0.059	40
			T Chy Tel	0.035	1			0.055	0.029	0.029	40
41 (5)	4.21	CITY OF WAUKESHA	FEE, TLE, AR	6.676	0.080	0	0.080	6.596	0.004		41
42 (2)		BROOKSHIRE CONDOMINIUM	4010	11.429	01000				0.019		42
43 (5)		ASON KRAFT		0.350	0,004		.004		0.019		42
44 (5)		EUGENE J & CATHERINE GANIERE	and the second s	4.506	0,004			1	0.037	0.002	43
45 (5)		IMOTHYJNATVIG	and the second sec	0.482	0.010	0	.010	0.472	5.037	0.002	44
		and the second			5.010			0.472			45
46 (5)	4.06	SIBSON FUND LLP	TLE	4.643				4.643	0.081		46
				1.013	-		-	1.010	1.001	-	
47	1F	LIMINATED	a la constante de la constante								47

	PARCEL NUMBER	SHEET	OWNE
	700	4.21	WE ENERGIES - GAS
13	701	4.06-16,18-20	WE ENERGIES - ELECTRIC
	704	4.21	CITY OF WAUKESHA - SANITARY SEWER
	705	4.06-08,13, 15	AT & T WISCONSIN
	708	4.09,10	TOWN OF WALKESHA FOR DRAINAGE FA

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REVISION DATE: 08/28/2015 03/02/2016		DATE: 05/21/2015	SCALE, FEET	HWY: USH 18	STATE R/W PROJ. #2788-00-22
04/27/2018 06/03/2018				COUNTY: WAUKESHA	CONST. PROJ. #2788-00-71,72 ; 27
FILE NAME : S:\Wouk_Co\CO_Gov	\100075 Waukesha Bypass Study\S	Survey\DGN\RW_Plot_sheets\140275_rw_02_ll.dgn	PI	LOT DATE : 7/29/2016	PLOT BY : mmyoskovsky PLOT NAME :

R(S)	INTEREST REQUIRED		
	RELEASE OF RIGHTS RELEASE OF RIGHTS		
	RELEASE OF RIGHTS		
an san an a	RELEASE OF RIGHTS		
CILITIES	RELEASE OF RIGHTS		
22	PLAT SHEET	4.02	

PLOT SCALE : 1:100

USH 18 2788-00-22 4.02

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