

RESOLUTION NO. 2009-139

**RESOLUTION BY THE PUBLIC WORKS, PARKS AND FACILITIES COMMITTEE
AUTHORIZING A LAND EXCHANGE, WHEREBY THE COUNTY WOULD CONVEY TO
GORDON GERKE, 8012 SEVEN MILE ROAD, CALEDONIA, PART OF AN ABUTTING
PARCEL CONTAINING A MOUND SYSTEM SERVING HIS PROPERTY, AND GERKE
WOULD CONVEY TO THE COUNTY A STRIP ALONG HIS LOTLINE GRANTING THE
COUNTY ACCESS TO PARKLAND IN BACK OF THE PROPERTY**

To the Honorable Members of the Racine County Board of Supervisors:

BE IT RESOLVED by the Racine County Board of Supervisors that the conveyance to Gordon Gerke, of a 111.44' x 165' parcel abutting the north end of his property at 8012 Seven Mile Road, Caledonia, and surrounding his mound system, in exchange for the acquisition by the County of a 33' x 367' parcel along the east side of the Gerke property, giving the County access from Seven Mile Road, to its parkland property to the north of the Gerke property, is authorized and approved.

BE IT FURTHER RESOLVED by the Racine County Board of Supervisors that a separate agreement may be entered into by the parties, that for as long as Mr. Gerke owns the property, the County will not allow public access to the property, nor will any roadway be constructed along the access strip, so long as Mr. Gerke continues to allow County employees and contractors to use his driveway to access its parkland, is authorized and approved.

BE IT FURTHER RESOLVED by the Racine County Board of Supervisors that the costs associated with this exchange, including the cost of the appraisal, title report, survey and other closing costs, from the LAWCON administrative account, is authorized and approved.

BE IT FURTHER RESOLVED by the Racine County Board of Supervisors that the inclusion of additional terms and conditions as the Corporation Counsel and the Department of Public Works deem necessary and appropriate, is authorized and approved.

BE IT FURTHER RESOLVED by the Racine County Board of Supervisors that the County Clerk and the County Board Chairman are authorized and approved to execute any contracts, agreements or other documents necessary to carry out the intent of this resolution.

Respectfully submitted,

1st Reading _____

**PUBLIC WORKS, PARKS AND FACILITIES
COMMITTEE**

2nd Reading _____

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BOARD ACTION

Adopted _____
For _____
Against _____
Absent _____

Jeff Halbach, Chairman

Gilbert Bakke, Vice-Chairman

VOTE REQUIRED: Majority

Russell A. Clark, Secretary

Prepared by:
Corporation Counsel

Mike Dawson

Jim E. Kaplan

Diane M. Lange

Donnie Snow

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

Approved: _____

Vetoed: _____

Date: _____,

William L. McReynolds, County Executive

INFORMATION ONLY

WHEREAS, Gordon R. Gerke is the owner of a residence located at 8012 Seven Mile Road, Caledonia, WI 53108;

WHEREAS, Racine County owns the parcel abutting the north end of the Gerke property, which parcel constitutes parkland and extends to the Root River; the County does not have access to this parcel from Seven Mile Road;

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6 **WHEREAS**, in 1994, a mound system, or private on-site wastewater management system
7 (POWTS), serving the Gerke property, was constructed on County property, approximately
8 50 feet north of the property line; previously the Public Works Dept. notified Mr. Gerke that
9 he must either obtain an easement from the County to allow the mound system to remain
10 on County property, or alternatively, remove the mound system from County property;

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12 **WHEREAS**, the parties have agreed that it would be in their best interest to exchange
13 parcels of equal value, so that a parcel containing the mound system would be conveyed
14 to Mr. Gerke, and a parcel consisting of the 33' strip along the east side of the Gerke
15 property would be conveyed to the County, giving the County access to its parkland from
16 Seven Mile Road;

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18 **WHEREAS**, in September, 2009, an appraisal was conducted at the request of the parties,
19 which determined, that for the Gerke property to maintain the same market value after
20 conveyance of the 33' x 367' parcel necessary to give the County access to its parkland,
21 Gerke would convey to the county a 111.44 x 165' parcel abutting the north end of the
22 property and surrounding the mound system;

23

24 **WHEREAS**, as a condition of entering into the land exchange, Mr. Gerke seeks an
25 agreement from the County that so long as he owned the property, the County will not
26 allow public access within the 33' x 367' parcel, and will not construct a roadway within the
27 same parcel, which condition is agreeable to the Public Works Dept. as long as Mr. Gerke
28 continued to allow County employees and contractors to use his driveway to access the
29 parkland, as he has done in the past.