

RESOLUTION NO. 2009-145

**RESOLUTION BY THE PUBLIC WORKS, PARKS AND FACILITIES COMMITTEE
AUTHORIZING THE GRANTING OF A TEMPORARY EASEMENT TO THE VILLAGE
OF MT. PLEASANT FOR THE PURPOSE OF ACCESS TO RACINE COUNTY
PROPERTY FOR CONSTRUCTION AND MAINTENANCE ACTIVITIES**

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

BE IT RESOLVED by the Racine County Board of Supervisors, that the granting of a temporary easement of the Racine County owned recreational trail to the Village of Mt. Pleasant for the purpose of allowing the construction and continued maintenance access of the Pike River Restoration Corridor as described in Exhibit "A" and as shown in Exhibit "B" which is attached hereto and incorporated herein, is authorized and approved under the following terms and conditions:

- 1. That the village of Mt. Pleasant is responsible for maintaining public access during the term of the project.
- 2. Any turf, landscaping, roadway, parking lot or pavement damaged in connection with this project be restored to the satisfaction of Racine County at no expense to Racine County.
- 3. Any equipment or materials stored on the property shall be removed within thirty (30) days upon completion of the project.
- 4. All agreements, legal descriptions and easement forms shall be prepared by the Village of Mt. Pleasant to the satisfaction and approval of the Racine County Corporation Counsel and the Director of Public Works prior to execution.
- 5. Any other terms and conditions as deemed necessary and appropriate by the Corporation Counsel and the Director of Public Works.

BE IT FURTHER RESOLVED by the Racine County Board of Supervisors that the County Clerk and the Racine County Board Chairman are authorized to execute any easement 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 _____

BOARD ACTION

Jeff Halbach, Chairman

Adopted _____

For _____

Against _____

Absent _____

Gilbert Bakke, Vice-Chairman

VOTE REQUIRED: Majority

Russell A. Clark, Secretary

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4
5 Prepared by:
6 Corporation Counsel

Mike Dawson

7
8
9
10 _____
Jim E. Kaplan

11
12 _____
Diane M. Lange

13
14
15 _____
Donnie Snow

16
17 **The foregoing legislation adopted by the County Board of Supervisors of**
18 **Racine County, Wisconsin, is hereby:**

19 **Approved:** _____

20 **Vetoed:** _____

21
22 **Date:** _____,

23
24 _____
25 **William L. McReynolds, County Executive**

26
27
28 **INFORMATION ONLY**

29
30 **WHEREAS**, the Village of Mt. Pleasant is acquiring necessary property and property rights for
31 the construction of the Pike River Phase 5 Project; and,

32
33 **WHEREAS**, the Village of Mt. Pleasant currently has an agreement with WE Energies allowing
34 the only access route currently to the Pike River Corridor; and,

35
36 **WHEREAS**, the Village of Mt. Pleasant has requested that Racine County grant a temporary
37 limited easement once the ownership changes from WE Energies to Racine County accessing
38 the Pike River Restoration Corridor; and,

39
40 **WHEREAS**, the Village of Mt. Pleasant with this access will be conducting restoration
41 construction activities, including hauling of materials and equipment to and from the site, and to
42 maintain the corridor; and,

43
44 **WHEREAS**, the Village of Mt. Pleasant will have unimpeded access allowing to facilitate to
45 continued construction and maintenance of the Pike River; and,

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47 **WHEREAS**, the Village of Mt. Pleasant shall repair the damage to the trail facility owned by
48 Racine County at the Village's cost; and,

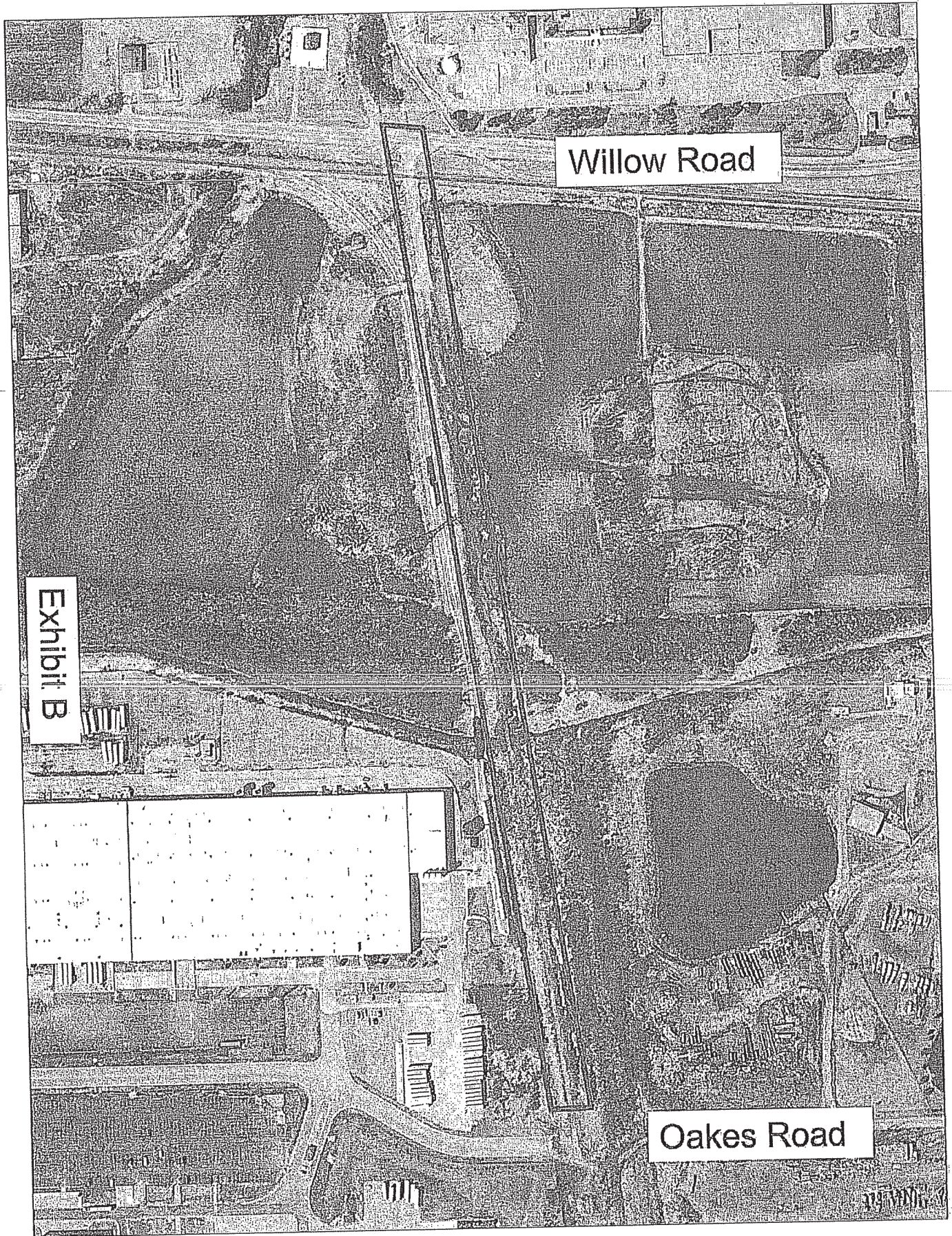
49
50 **WHEREAS**, Racine County finds that the granting of such an easement is in the best interests
51 of the citizens of Racine County and will serve good public policy.

Addendum "A"

That part of the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company right of way 99 feet in width, located in the Southwest ¼ of Section 23, Township 3 North, Range 22 East and Southeast ¼ of Section 22, Township 3 North, Range 22 East, the centerline of said right of way being described as follows: Commencing at the West ¼ Corner of said Section 23; thence South 64 degrees 21 minutes 32 seconds West, 1395.592 feet to the point of beginning, said point being located in the center line of the former main track and the West line of relocated Willow Road; thence North 81 degrees 38 minutes 43 seconds East, a distance of 1282.62 feet to a point on the West line of said Section 23, said point being South 01 degrees 29 minutes 21 seconds East 417.69 feet from the West ¼ corner of said Section 23, thence continuing North 81 degrees 38 minutes 43 seconds East, a distance of 1230 feet more or less, to a point said point being 100 feet west of the west line of Oakes Road extended, to the point of termination, said right of way being a strip of land 99 feet wide, 49.5 feet Northerly of said center line and 49.5 feet Southerly of said center line. Said lands being in City of Racine and Village of Mt. Pleasant, County of Racine, State of Wisconsin.

Grantee acknowledges and agrees that (i) there is nothing of record establishing a right of access to and from the Property, and Grantee agrees to accept title to the Property "as is" and notwithstanding such apparent lack of access, and (ii) Grantor never acquired ownership of the bridge that is located on the Property and no interest in such bridge is conveyed hereunder.

Tax Key No. Part of 23912-1 and Part of 51-151-03-22-22-100-000
Property Address: Lands along Oakes Road and Willow Road



Willow Road

Exhibit B

Oakes Road

THERE WILL BE NO SIGNIFICANT FINANCIAL IMPACT TO RACINE COUNTY.

FINANCE COMMITTEE RECOMMENDATION

After reviewing the Resolution/Ordinance and fiscal information supplied, your Finance Committee recommends FOR--AGAINST adoption.

REASONS

FOR	AGAINST
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____