

January 27, 2009

**RESOLUTION NO. 2008-131**

**RESOLUTION BY THE PUBLIC WORKS, PARKS AND FACILITIES COMMITTEE  
AUTHORIZING A LICENSE AGREEMENT BETWEEN THE WISCONSIN ELECTRIC  
POWER COMPANY (WE ENERGIES) AND RACINE COUNTY FOR THE  
CONTINUATION OF THE MILWAUKEE RACINE KENOSHA (MRK) BICYCLE TRAIL  
SYSTEM**

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

**BE IT RESOLVED** by the Racine County Board of Supervisors that the license agreement with WE Energies are authorized and approved pursuant to the following conditions:

1. That the purpose of said license agreement is to allow Racine County to operate, maintain, repair, replace and remove the recreational trail for hiking, biking, and cross-country skiing and other similar non-motorized recreational uses for use by the general public.
2. That Racine County shall agree to indemnify, protect, save and hold harmless WE Energies for any liability arising out of the use of said property.
3. That Racine County shall agree to keep premises in good order and satisfactory condition for use as a trail and other permitted uses.
4. That WE Energies or Racine County shall the right to cancel the license agreement at any time with a 90-day notice of such termination.
5. That WE Energies will give permission to Racine County for the use of their land pursuant to said license agreement which is located and shown in Exhibit "A" which is attached hereto and incorporated herein.
6. Such other terms and conditions as the Corporation Counsel and the Public Works Director deem necessary and appropriate.

**BE IT FURTHER RESOLVED** by the Racine County Board of Supervisors that WE Energies agrees to construct a recreational trail on a portion of its lands described in the attached Exhibit "A" comprised of crushed gravel eleven (11) feet wide and six (6) inches in depth after compaction.

**BE IT FURTHER RESOLVED** by the Racine County Board of Supervisors that the start date of the trail shall commence after the completion of the Oak Creek Power Plant Expansion Project but not later than June 1, 2012.

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5 **BE IT FURTHER RESOLVED** by the Racine County Board of Supervisors that the  
6 term of this license shall be for an initial period of five (5) years and continue thereafter on  
7 a year- to-year basis.

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10 **BE IT FURTHER RESOLVED** by the Racine County Board of Supervisors that  
11 any two of the County Executive, the County Clerk and/or the County Board Chairman are  
12 authorized to execute any contracts, agreements or other documents necessary to carry  
13 out the intent of this resolution.

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Respectfully submitted,

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1st Reading \_\_\_\_\_

**PUBLIC WORKS, PARKS AND FACILITIES  
COMMITTEE**

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2nd Reading \_\_\_\_\_

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**BOARD ACTION**

\_\_\_\_\_  
Jeff Halbach, Chairman

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Adopted \_\_\_\_\_

24  
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For \_\_\_\_\_

\_\_\_\_\_  
Gilbert Bakke, Vice-Chairman

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Against \_\_\_\_\_

Absent \_\_\_\_\_

\_\_\_\_\_  
Russell A. Clark, Secretary

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29

VOTE REQUIRED: Majority

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Prepared by:  
Corporation Counsel

\_\_\_\_\_  
Mike Dawson

32  
33

\_\_\_\_\_  
Jim E. Kaplan

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35

\_\_\_\_\_  
Diane M. Lange

36  
37

\_\_\_\_\_  
Donnie Snow

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39

40  
41 **The foregoing legislation adopted by the County Board of Supervisors of**  
42 **Racine County, Wisconsin, is hereby:**

43 **Approved:** \_\_\_\_\_

44 **Vetoed:** \_\_\_\_\_

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**Date:** \_\_\_\_\_,

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\_\_\_\_\_  
**William L. McReynolds, County Executive**

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4 **INFORMATION ONLY**  
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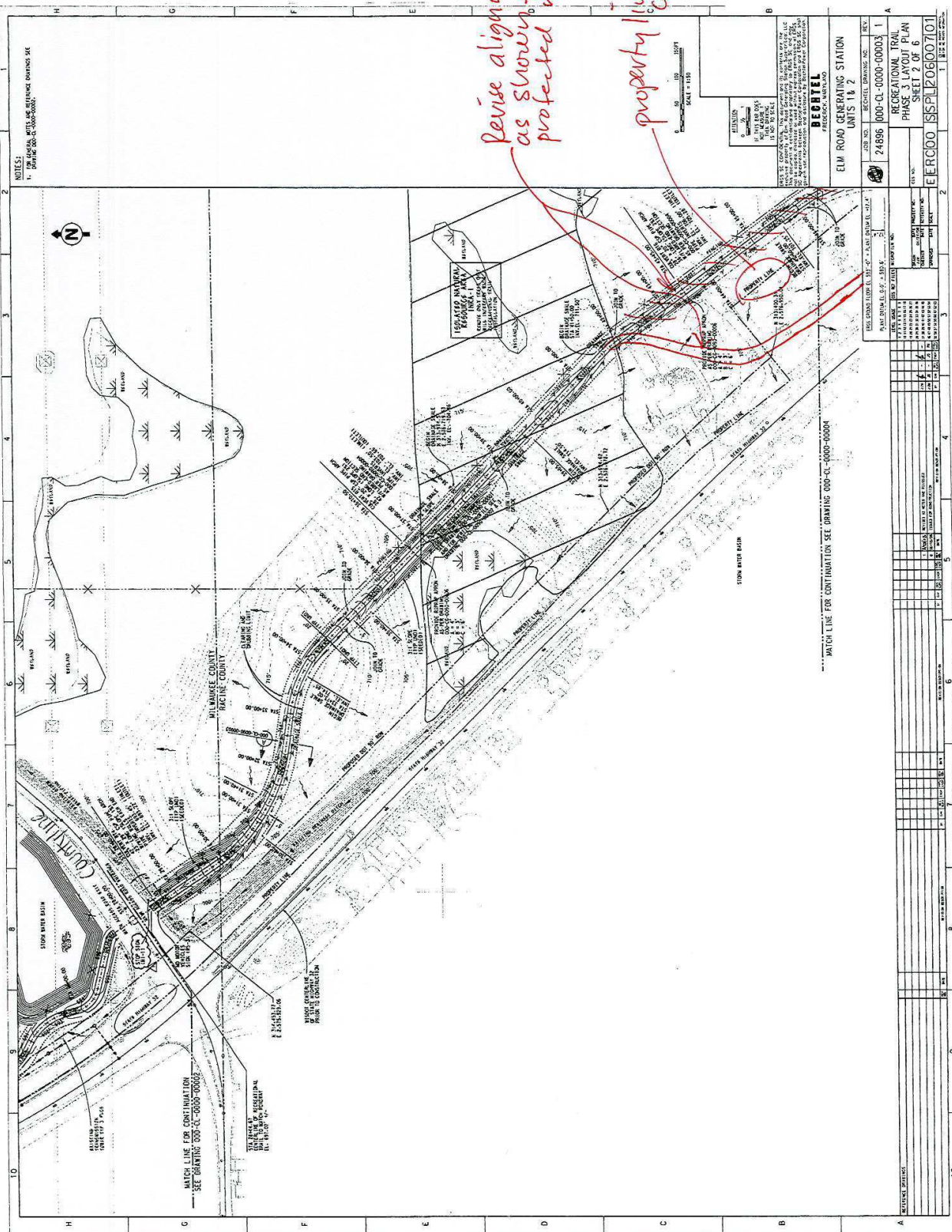
6 **WHEREAS**, in 1976, Racine County entered into a license agreement for the  
7 current usable MRK Recreation trail; and  
8

9 **WHEREAS**, WE Energies is in the process of constructing the Oak Creek Power  
10 Plant Expansion Project, located in the City of Oak Creek, Milwaukee County, Wisconsin;  
11 and  
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13 **WHEREAS**, WE Energies verbally committed to Racine County to construct a  
14 Recreational Trail on certain of its lands in Racine County in association with said  
15 Expansion Project; and  
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17 **WHEREAS**, the construction of said Recreational Trail is located between County  
18 Line Road and Seven Mile Road, shown in Exhibit "A", all being in the Village of  
19 Caledonia, in Racine County; and  
20

21 **WHEREAS**, the start of use date for the Recreational Trail shall commence after  
22 major construction of the Oak Creek Power Plant Expansion Project has been completed,  
23 but no later than June 1, 2012. We Energies shall provide written notice to Racine County  
24 of each date.



Revise alignment  
as shown to avoid  
protected resources

property line not  
correct

Comments by  
Tim Muehleld  
201-2206  
10/1/08

NOTES:  
1. CONSULT WITH US BEFORE MAKING ANY  
CHANGES TO THIS DRAWING.

BEETEL  
ENGINEERING  
INCORPORATED  
1000 WEST 10TH AVENUE  
DENVER, CO 80202  
TEL: 303.733.1100  
WWW.BEETEL-ENG.COM

ELM ROAD GENERATING STATION  
UNITS TM 2

|             |                     |      |   |
|-------------|---------------------|------|---|
| JOB NO.     | 24896               | REV. | 1 |
| PROJECT     | 000-CL-0000-00003   |      |   |
| DATE        | 10/1/08             |      |   |
| SCALE       | AS SHOWN            |      |   |
| DESIGNER    |                     |      |   |
| CHECKER     |                     |      |   |
| DATE        |                     |      |   |
| PROJECT     | RECREATIONAL TRAIL  |      |   |
| PHASE       | PHASE 3 LAYOUT PLAN |      |   |
| SHEET       | SHEET 2 OF 6        |      |   |
| PROJECT NO. | ERC00 ISPLUZ0600701 |      |   |

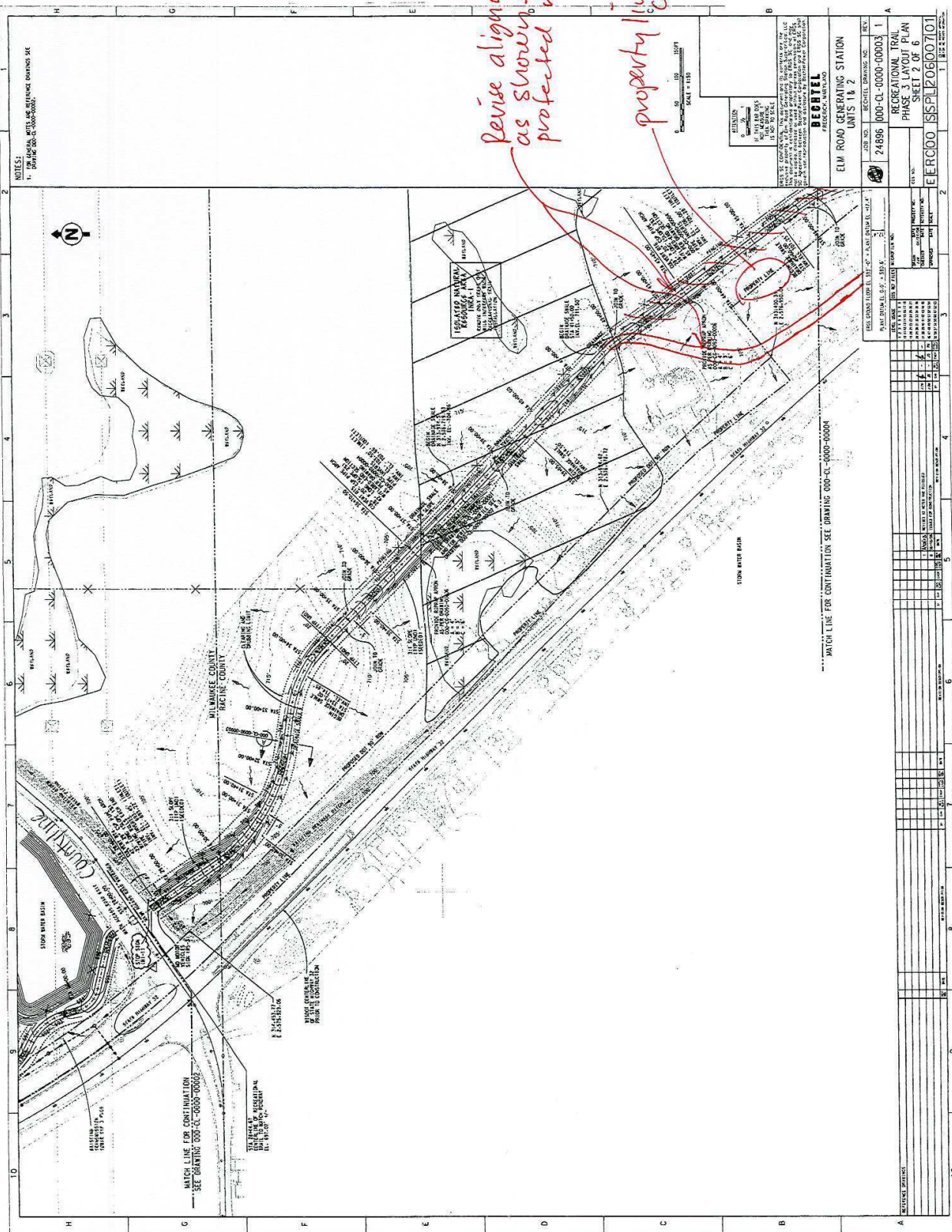
|             |         |    |  |
|-------------|---------|----|--|
| DATE        | 10/1/08 | BY |  |
| DESCRIPTION |         |    |  |
| DATE        |         | BY |  |
| DESCRIPTION |         |    |  |

|     |    |      |         |             |
|-----|----|------|---------|-------------|
| NO. | 1  | DATE | 10/1/08 | DESCRIPTION |
| NO. | 2  | DATE |         | DESCRIPTION |
| NO. | 3  | DATE |         | DESCRIPTION |
| NO. | 4  | DATE |         | DESCRIPTION |
| NO. | 5  | DATE |         | DESCRIPTION |
| NO. | 6  | DATE |         | DESCRIPTION |
| NO. | 7  | DATE |         | DESCRIPTION |
| NO. | 8  | DATE |         | DESCRIPTION |
| NO. | 9  | DATE |         | DESCRIPTION |
| NO. | 10 | DATE |         | DESCRIPTION |

MATCH LINE FOR CONTINUATION  
SEE DRAWING CUP-CC-0000-0000A

MATCH LINE FOR CONTINUATION  
SEE DRAWING CUP-CC-0000-0000B

MATCH LINE FOR CONTINUATION SEE DRAWING CUP-CC-0000-0000A

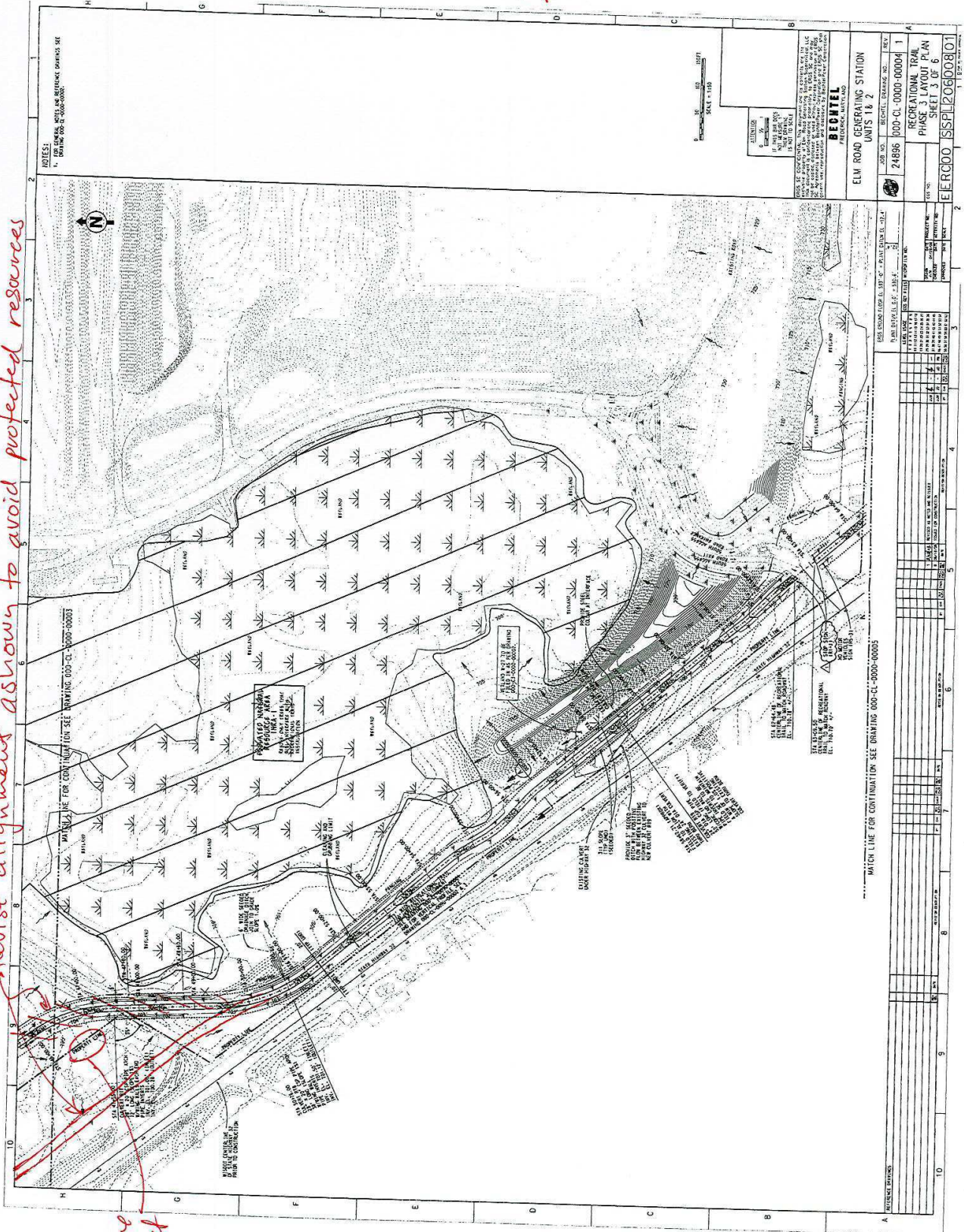




Comments by  
Tim Muenchfeld  
201-2206  
10/1/08

Revise alignment as shown to avoid protected resources

Property line  
not correct



|                  |  |
|------------------|--|
| PROJECT NUMBER   | 24896  |
| PROJECT NAME     | ELM ROAD GENERATING STATION UNITS 1 & 2      |
| CLIENT           | BECHTEL                                      |
| DATE             | 10/1/08                                      |
| DRAWN BY         | [Name]                                       |
| CHECKED BY       | [Name]                                       |
| SCALE            | 1" = 100'                                    |
| PROJECT LOCATION | RECREATIONAL TRAIL PHASE 3 PLAN SHEET 3 OF 6 |
| DRAWING NUMBER   | SSPL2060801                                  |

|                  |  |
|------------------|--|
| DATE             | 10/1/08                                      |
| BY               | [Name]                                       |
| CHECKED          | [Name]                                       |
| SCALE            | 1" = 100'                                    |
| PROJECT LOCATION | RECREATIONAL TRAIL PHASE 3 PLAN SHEET 3 OF 6 |
| DRAWING NUMBER   | SSPL2060801                                  |

|                  |  |
|------------------|--|
| DATE             | 10/1/08                                      |
| BY               | [Name]                                       |
| CHECKED          | [Name]                                       |
| SCALE            | 1" = 100'                                    |
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| BY               | [Name]                                       |
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| SCALE            | 1" = 100'                                    |
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| DRAWING NUMBER   | SSPL2060801                                  |