

**AGENDA
PUBLIC WORKS
COMMITTEE**

**MONDAY, JUNE 8, 2009
ROOM 204
5:00 P.M.**

***G. John Ruffolo, Chairman
Donald K. Holland
Patrick Juliana***

***Ray Misner
Don L. Moldenhauer
Anthony Nudo***

A. APPROVAL OF MINUTES

A-1 Approval of minutes of special meeting held on June 1, 2009.

B. DEFERRED TO COMMITTEE

B-1 Discussion of formal street naming policy.

B-2 Request to sub-name 46th Street from Sheridan Road to Seventh Avenue as "Lemon Street". **(District 2)** *(deferred from April 27, 2009 meeting and June 1, 2009 meeting)* *(City Plan Commission has no recommendation to approve due to a tie vote of 3:3)*

C. REFERRED TO COMMITTEE

C-1 Citizen Request to hold in abeyance sidewalks ordered in at 4801 67th Place. **(District 15)**

C-2 Award of Contract for Project #09-1120 Detention Basin Improvements (3500 Block of 39th Avenue). **(District 5)** Recommendation to be presented at meeting.

C-3 Award of Contract for Project 09-1526 Simmons Public Library – Improved Restroom Access (711 59th Place) to Magill Construction, Elkhorn, Wisconsin in the amount of \$110,000.00. **(District 2)**

C-4 Resolution for special assessments for hazardous walk and driveway approach repair only for Project #08-1012 39th Avenue Reconstruction (67th Street to 60th Street), in the total amount of \$14,973.01 to be levied against the respective parcels of property as shown by a report of the City Engineer and filed in the office of the City Clerk of the City of Kenosha. **(District 15)** *(also referred to Finance Committee)*

C-5 Resolution for special assessments for hazardous walk and driveway approach repair only for Project #08-1208 Sidewalk & Curb/Gutter Program (67th Street to Harrison Rd - 44th Court to 47th Avenue, 43rd Avenue - 75th Street North & Parts of 74th, 73rd, and 71st Street Miscellaneous Locations), in the total amount of \$40,892.22 to be levied against the respective parcels of property as shown by a report of the City Engineer and filed in the office of the City Clerk of the City of Kenosha. **(All Districts)** *(also referred to Finance Committee)*

- C-6 Resolution for special assessments for Project #77-1104 Sump Pump Drain Connections Into Storm Sewers (37th Avenue - 85th Place to 86th Street), in the total amount \$3,512.16 be levied against the respective parcels of property as shown by a report of the City Engineer and filed in the office of the City Clerk of the City of Kenosha. **(District 14)** *(also referred to Finance Committee)*

- C-7 Resolution to a Special Tax Upon Certain Parcels of Land Within the City of Kenosha Pursuant to §5.11F of the Code of General Ordinances, Entitled “Sidewalks and Alleys to be Kept Clean by Responsible Party – Emergency Enforcement” (Snow Removal from Sidewalk). **(All Districts)** *(also referred to Finance Committee)*

- C-8 Resolution - Intent to Assess for hazardous sidewalk and driveway approach only for Project #09-1016 Resurfacing Phase III (38th Avenue – Roosevelt Rd to 73rd St, 41st Place - 19th Ave to 100' East of 18th Ave, 87th Place - 35th to 34th Ave). **(Districts 6, 11, 13, & 14)**

- C-9 Acceptance of Project #08-1406 Simmons Island Restroom Renovations (5001 4th Avenue) which has been satisfactorily completed by Bane Nelson, Kenosha, Wisconsin in the amount of \$79,328.95. **(District 2)** *(also referred to Park Commission)*

- C-10 Acceptance of Project #07-1208 Sidewalk & Curb/Gutter Program (Citywide Locations) which has been satisfactorily completed by Mann Brothers, Inc., Elkhorn, Wisconsin in the amount of \$378,237.71. **(All Districts)**

- C-11 Developer's Agreement By and Between Kenosha Unified School District #1, and the City of Kenosha, Wisconsin and the Kenosha Water Utility. (Indian Trail High School and Academy) **(District 16)** *(City Plan Commission approved 10:0)*

- C-12 Relocation Order for 39th Avenue from 18th Street South to 27th Street for Right-of-Way Improvements and to Authorize Other Actions Necessary to Acquire Fee Title and Interest and Possession of Certain Property. **(District 5)** *(City Plan Commission approved 9:1) (also referred to Finance Committee)*

- C-13 Relocation Order for Easements needed for Stormwater Management and Improvements at 1334 20th Avenue and to Authorize Other Actions Necessary to Acquire Permanent and Temporary Limited Easements and Interest and Possession of Certain Property. **(District 1)** *(City Plan Commission approved 10:0) (also referred to Finance Committee)*

INFORMATIONAL ITEM: Project Status Report

CITIZENS COMMENTS RELATED ONLY TO JURISDICTION OF PUBLIC WORKS
COMMITTEE

ALDERMAN COMMENTS

IF YOU ARE DISABLED AND IN NEED OF ASSISTANCE CALL 653-4050 BEFORE NOON ON THE DATE INDICATED FOR THIS MEETING.

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE MEMEBERS OF THE COMMON COUNCIL MAY BE PRESENT AT THE MEETING, AND ALTHOUGH THIS MAY CONSITUTE A QUORUM OF THE COMMON COUNCIL, THE COUNCIL WILL NOT TAKE ANY ACTION AT THIS MEETING.

B-1



ENGINEERING DIVISION
MICHAEL M. LEMENS, P.E.
DIRECTOR/CITY ENGINEER

STREET DIVISION
JOHN H. PRIJIC
SUPERINTENDENT

FLEET MAINTENANCE
MAURO LENCI
SUPERINTENDENT

WASTE DIVISION
JOSEPH BADURA
SUPERINTENDENT

OPERATIONS COORDINATOR
JANICE D. SCHROEDER

DEPARTMENT OF PUBLIC WORKS

RONALD L. BURSEK, P.E., DIRECTOR

MUNICIPAL BUILDING • 625 - 52ND ST. • RM. 305 • KENOSHA, WI 53140
TELEPHONE (262) 653-4050 • FAX (262) 653-4056

June 4, 2009

To: G. John Ruffolo, Chairman
Public Works Committee

From: Ronald L. Bursek, P.E.
Director of Public Works

Handwritten signature: RLB, dated 6-5-09

Subject: *Street Subnaming Process/Policy*

BACKGROUND/ANALYSIS

Since 1989, the City of Kenosha has been approving "sub-names" for streets on a case-by-case basis with no formally established guidelines or policy. Attempts over the last 10 years to establish a consistent process for sub-naming streets have not been successful as the City Plan Commission and the Public Works Committee have not been able to reach consensus on the issue.

Attached is a summary of the situation drafted by Director Jeff Labahn of the Department of City Development. The report describes the current status of the City's past practice, and provides some alternatives for consideration.

RECOMMENDATION

Review and approve a policy for sub-naming streets.

12/3/84

REPORTS OF COMMITTEES

11459

On motion of Alderman Cullerton, the foregoing proposed ordinance was *Passed* by yeas and nays as follows:

Yeas - Aldermen Roti, Rush, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, W. Davis, Smith, Hagopian, Santiago, Gabinski, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, O'Connor, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schullter, Volini, Orr, Stone - 47.

Nays - None.

Alderman Natarus moved to reconsider the foregoing vote. The motion was lost.

AUTHORITY GRANTED FOR HONORARY STREET NAME SIGNS.

The Committee on Streets and Alleys submitted the following report:

CHICAGO, November 29, 1984.

To the President and Members of the City Council:

Your Committee on Streets and Alleys having had an ordinance (referred on September 6, 1984) entitled Ordinance Authorizing Honorary Street Name Signs begs leave to recommend that Your Honorable Body pass the substitute ordinance transmitted herewith (38th Ward).

This recommendation was concurred in by 7 members of the committee with no dissenting vote.

Respectfully submitted
(Signed) THOMAS W. CULLERTON,
Chairman.

On motion of Alderman Cullerton, the proposed substitute ordinance transmitted with the foregoing committee report was *Passed* by yeas and nays as follows:

Yeas - Aldermen Roti, Rush, Evans, Bloom, Sawyer, Beavers, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Brady, Langford, Streeter, Kellam, Kelley, Sherman, Stemberk, Krystyniak, Henry, Marzullo, Nardulli, Smith, D. Davis, Hagopian, Santiago, Gabinski, Mell, Frost, Kotlarz, Banks, Damato, Cullerton, Laurino, O'Connor, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schullter, Volini, Orr, Stone - 47.

Nays - None.

Alderman Natarus moved to reconsider the foregoing vote. The motion was lost.

The following is said ordinance as passed:

11460

FILE COPY

JOURNAL--CITY COUNCIL--CHICAGO

12/3/84

WHEREAS, The City of Chicago has established a street name and street numbering system that is outstanding in its clarity, and

WHEREAS, Said system is of immeasurable benefit to visitors and citizens of the City of Chicago unfamiliar with certain areas of the City, and

WHEREAS, The continuity of many streets in Chicago has been interrupted by renaming certain street segments to honor worthy persons, ethnic groups, community, neighborhood, or historical areas, etc... now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That whenever this body determines to honor a person, or ethnic group, or to designate a community, or historic area, etc... by naming a street, other public ways or parts thereof and/or parcels of real estate which the City Council has designated by ordinance as part of the City's arterial highway system, the public street, arterial highway, or part thereof shall retain its official name and its legal status, and a suitable sign or signs may be installed at the location designated by proper ordinance indicating the name, ethnic group, community, or historic area, etc.... to be so honored.

SECTION 2. A request for temporary honorary street name signs shall be signed by the alderman or aldermen in which the street or such other public way is located and shall be submitted to the Commissioner of Public Works for necessary action and standardization.

SECTION 3. This ordinance shall take effect and be in force from and after its passage.

**BOARD OF LOCAL IMPROVEMENTS DIRECTED TO
INSTITUTE PROCEEDINGS FOR SPECIFIED
ALLEY IMPROVEMENTS BY SPECIAL
ASSESSMENT.**

The Committee on Streets and Alleys submitted a report recommending that the City Council pass the following proposed order transmitted herewith:

Ordered, That the Board of Local Improvements is hereby requested to institute the necessary proceedings for the paving with concrete, by special assessment, of the roadways of the following described alleys:

Alley bounded by W. 47th Street, S. Archer Avenue, S. Lawndale Avenue and S. Ridgeway Avenue;

Alley bounded by W. 53rd Street, W. 52nd Street, S. Kolmar Avenue and S. Kilbourn Avenue;

W. 53rd Street, the railroad tracks, S. Kolmar Avenue and S. Kilbourn Avenue;

W. 54th Street, the railroad tracks, S. Kenneth Avenue and S. Kostner Avenue;

W. 54th Street, W. 55th Street, S. Cicero Avenue and S. Keating Avenue;

FILE COPY



Alderman Gene Schulter

September 3, 2002

Be It Ordained by the City Council of the City of Chicago:

SECTION 1: Pursuant to an ordinance passed by the City Council of the City of Chicago on the third day of December 1984, printed on page 11460, of the Journal of Proceedings of said date, with authorizes the erection of honorary street name signs, the Commissioner of Transportation shall take the necessary action for the standardization of the Northwest corner of North Lincoln Avenue at West Wilson Avenue (4600 North/2300 West) and the Northeast corner of West Wilson Avenue and North Lincoln Avenue (4600 North/2300 West) to be designated as "Erich and Ingeborg Himmel Way"

SECTION 2: This ordinance shall be in full force and effect from and after passage and publication.

Gene Schulter,
Alderman, 47th Ward

FILE COPY

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 10-4 of the Municipal Code of the City of Chicago is hereby amended by inserting a new Section 10-4-115, as follows:

10-4-115 Honorary street names and related signs.

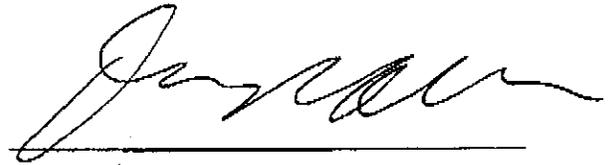
The commissioner of transportation shall erect honorary street signs at times and places designated in orders passed from time to time by the city council, in accordance with the following requirements: (a) an honorary street name shall not change the official name of any portion of the affected street; (b) signs indicating an honorary street name shall include the word "honorary" prominently displayed before the honorary name; (c) honorary street name signs shall not use the same color scheme as official street name signs; (d) after the effective date of this section, no person, group, institution, organization, event or other entity shall be honored by more than one designation of an honorary street name; (e) no honorary street name shall apply to more than one intersection, and no intersection shall include more than four signs indicating an honorary street name; (g) after the effective date of this section, no portion of any street shall be designated with more than one honorary street name.

SECTION 2. The commissioner of transportation and the commissioner of streets and sanitation shall examine the feasibility of developing alternative programs for honoring citizens, groups, institutions organizations and other entities through placement of markers in public places, and shall report the results of their research to the City Council Committee on Transportation and Public Way no later than December 1, 2002.

FILE COPY

SECTION 3. The ordinance to regulate installation of honorary street name signs, passed by the city council on December 3, 1984, and published at pages 11459-11460 of the Journal of Proceedings of the City Council of that date, and as subsequently amended, is hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its passage and approval.

A handwritten signature in black ink, appearing to be 'Thomas Allen', written over a horizontal line.

Alderman, 38th Ward



ENGINEERING DIVISION
MICHAEL M. LEMENS, P.E.
DIRECTOR/CITY ENGINEER

FLEET MAINTENANCE
MAURO LENCI
SUPERINTENDENT

PARK DIVISION
JEFF WARNOCK
SUPERINTENDENT

STREET DIVISION
JOHN H. PRIJIC
SUPERINTENDENT

WASTE DIVISION
ROCKY BEDNAR
SUPERINTENDENT

ADMINISTRATION SUPERVISOR
JANICE D. SCHROEDER

B-1

DEPARTMENT OF PUBLIC WORKS
RONALD L. BURSEK, P.E., DIRECTOR

MUNICIPAL BUILDING · 625 - 52ND ST · RM 305 · KENOSHA, WI 53140
TELEPHONE (262) 653-4050 · FAX (262) 653-4056

TO: G. John Ruffolo, Chairman
Public Works Committee

FROM: Ronald L. Bursek 

SUBJ: Street Subnaming Policy

DATE: 6/1/2009

Attached is a draft of the Street Subnaming Policy developed by City Development for your review.

DRAFT

MEMO

TO: Ron Bursek, Director of Public Works
FROM: Jeffrey B. Labahn, Director of City Development
DATE: May 26, 2009
RE: *Street Subnaming Policy*

The Public Works Committee, at their meeting on April 27, 2009, deferred the request to subname a portion of 46th Street to "Lemon Street" for a period of thirty (30) days. I understand the purpose of the deferral was to consider criteria that would govern street subnaming requests. Subsequent to the committee meeting, Alderman Patrick Juliana contacted me who, in consultation with Alderman Donald Holland, proposed several requirements for street subnaming. The following outline is provided for discussion purposes:

1. ***Street Subnaming.*** Streets may be subnamed by the Common Council, taking under consideration the recommendations of the City Plan Commission and Committee of Public Works. A street subname shall not alter the permanent street name and shall conform to the following requirements:
 - A) ***Eligibility.*** Street subnames must reflect historic significance to the City of Kenosha and/or commemorate an individual or organization that has made a noteworthy contribution to the City of Kenosha.
 - B) ***Application Process.*** Street subname applications shall be submitted to the Department of Public Works for processing. Applications shall contain the necessary documentation to substantiate the street subnaming request in compliance with adopted criteria.
 - C) ***Costs and Fees.*** Applicant shall be responsible for the cost of the production and installation of any approved street subname signage. Applicant shall also be responsible for payment of an annual fee to defer administrative and maintenance costs. Street subname signs shall be removed by the City upon failure by applicant to pay the annual fee.
 - D) ***Sign Specifications.*** Street subname signs will be designed and installed by the City so as to be clearly distinguishable from the permanent street signs. Street subname signs will be non-reflective and have color and lettering style approved by the City.

DRAFT

Ron Bursek, Director of Public Works
Street Subnaming Policy
May 26, 2009
Page 2

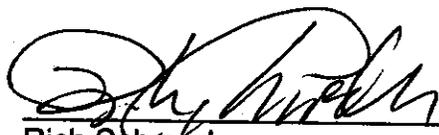
2. ***Existing Street Subnames.*** The Commission may want to discuss various issues pertaining to the existing street subnames with respect to type of signage, term length of designation, etc.
3. ***Ordinance Requirement.*** A new subsection of Chapter V – Streets – Code of General Ordinances will need to be created to formally establish street subnaming.

JBL:sks

VOTE SHEET	Kenosha City Plan Commission	Meeting of April 23, 2009	
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Request to sub-name 46th Street from Sheridan Road to Seventh Avenue as "Lemon Street," District #2.

ACTION TAKEN	AYES	NOES
APPROVE - NO RECOMMENDATION	3	3
DENY		
RECEIVE AND FILE		
FORWARD TO		
	DATE	COPIES
COMMON COUNCIL	5/4/09	All/20 + 1
FINANCE		
LEGAL		
PUBLIC WORKS	4/27/09	1
PARKS		
WATER UTILITY		



Rich Schroeder
Assistant City Planner

FACT SHEET Kenosha City Plan Commission	City Plan Division 625 - 52 nd Street Kenosha, WI 53140 (262) 653-4030	Meeting of April 23, 2009	Item #4
Request to sub-name 46 th Street from Sheridan Road to Seventh Avenue as "Lemon Street," District #2. PUBLIC HEARING			

LOCATION/SURROUNDINGS:

Site: 46th Street/Sheridan Road to Seventh Avenue

NOTIFICATIONS/PROCEDURES:

The alderman of the district, Alderman Moldenhauer, has been notified. This item will also be reviewed by the Public Works Committee, before final approval by the Common Council.

ANALYSIS:

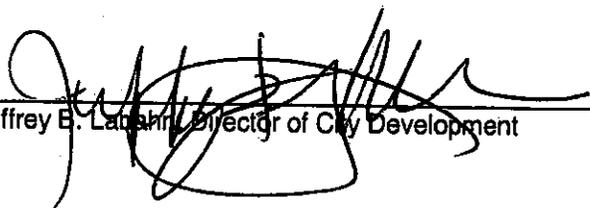
The City has received a request to sub-name 46th Street between Sheridan Road to Seventh Avenue as "Lemon Street." This request is to recognize Lemon Street Gallery and also is the original name of the street.

- The City does not have a policy adopted for sub-naming streets. In the past, requests have been reviewed on a case-by-case basis.
- If the sub-naming is approved, the existing 46th Street sign will remain. An honorary street sub-name sign is usually placed below the official 46th Street sign. It is suggested that the sub-name sign, if approved, be a different color and size so as not to confuse the official name of the street (46th Street) with the sub-name, similar to what was approved for Rotary Drive.

RECOMMENDATION:

Since there is no adopted criteria for street sub-naming petitions, a recommendation is made to approve the request.

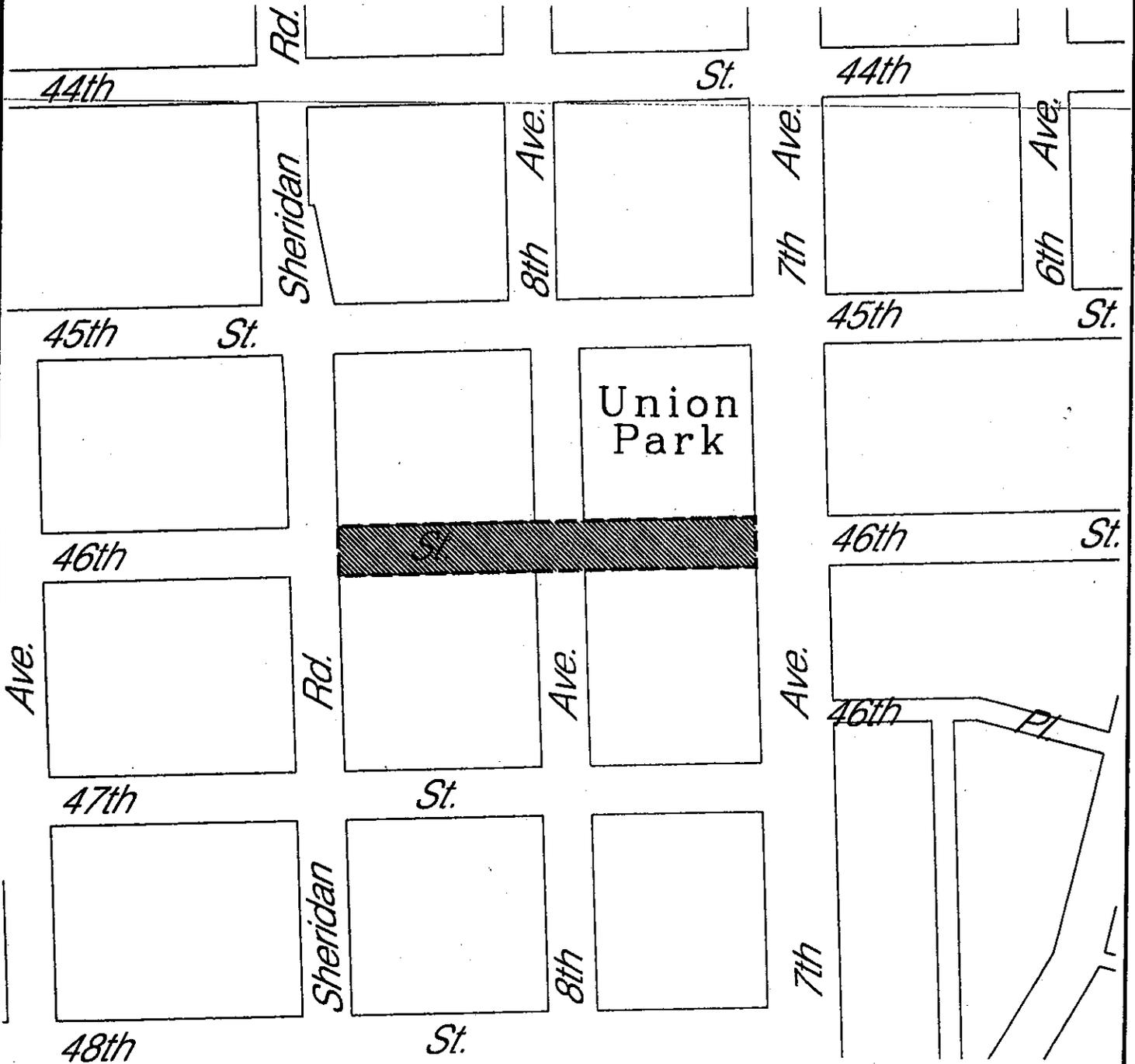

Rich Schroeder, Assistant City Planner
/u2/acct/cp/csusans/CPC/2009/4-23Mtg/fact-RS-LemonSt.odt


Jeffrey E. Latshin, Director of City Development

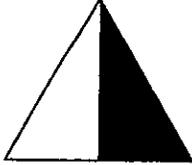
City of Kenosha

Vicinity Map

Street Subnaming - 46th Street 7th Avenue to Sheridan Road
"Lemon Street"



NORTH





CELEBRATING OUR 10TH ANNIVERSARY / 1999 - 2009

www.lemonstreetgallery.org / 262.605.4745 / 4601 Sheridan Road, Kenosha, WI 53140

March 25, 2009

Jeff Labahn
Director of City Development
625 - 52nd Street, Room 308
Kenosha, WI 53140

Dear Jeff,

Zohrab Kaligian referred us to speak to write to you regarding our request to sub-name 46th Street to "Lemon Street". Lemon Street Gallery is celebrating its 10th anniversary this year. In 1926, Kenosha replaced all the street names to a number system to make it easy to navigate our growing city. Lemon Street became 46th. To honor this history, we took the name the name for the gallery. We see the sub-naming starting at 46th Street and Sheridan Road to 7th Avenue (two blocks).

I have attached a template that is being used by our local and state legislatures to write letters of congratulations; it gives you an idea of what we have done for our community in the past decade. In addition, a letter from our Lt. Governor Barbara Lawton, one of the first of many we will be receiving.

Recently, we also initiated the KUPP (Kenosha Union Park Project), to revitalize our neighborhood area; 49th Street north to Washington, and 10th Street (the railroad elevation), east to the lake.

How do we make this possible? I would be happy to set-up an appointment with you if that would help.

Thank you Jeff for your attention, and we look forward to hearing from you.

Franco Tarsitano
Director of Transportation
LEMON STREET GALLERY
10th Anniversary Committee Chair

Kenosha Union Park Project - KUPP
KUPP Development Co-coordinator
www.kenoshaunionparkproject.com

SE LGBT Center of Wisconsin
Board of Directors
Art Ambassador & Curator
<http://www.lgbtsewisc.org/>

f2creativesolutions
CREATIVE Director
f2creativesolutions@gmail.com

Lemon Street Gallery & Artspace, Inc. opened its doors on November 5, 1999 with only thirteen artist-members. Today, the collective includes more than 60 exhibiting artists from the SE Wisconsin NE Illinois region.

During these ten years, Lemon Street's mission has held steadfast, creatively driving our non-profit visual art center toward quality visual arts education, sponsoring and supporting cultural endeavors, and offering a professional forum for artists to exhibit and sell their work.

Lemon Street's commitment to "Celebrate Diversity," is the mainstay of our day to day operation, reflecting the nature, energy and spirit of our founders and our current artist members. The organization has developed the reputation of being a model for start-up artist's collectives, and other non-profit art organizations, regularly mentoring groups toward their goals of organizing artists.

Strong on collaborations and community service, throughout these 10 years Lemon Street has instituted programs that have had a social and economic impact on our community. These programs have had a profound impact on gang diversion, elder care and respite for people with developmental/physical challenges, proving that the arts play a significant role in all people's lives.

Each year Lemon Street's initiatives have played a leading role in Kenosha's art community. Our introduction of Second Saturdays in June 2008 united the Downtown, Harborside, and Union Park districts of Kenosha in organizing a monthly event that invites the community to explore the arts and other businesses in these adjoining business districts.

Recently, Lemon Street initiated the Kenosha Union Park Project (KUPP) by adopting the park in our neighborhood through the "Keep Kenosha Beautiful Program." The KUPP mission is to develop the Union Park neighborhood into the heART of Kenosha's arts district; celebrating the neighborhood's diversity of arts, culture, dining and small businesses with the focus on building a safe, diverse, cohesive haven for all creative people to live.

Like the first 10 years of outstanding achievements, Lemon Street will continue its growth in support of its vision for a vibrant arts community through leadership and passion as it has from its opening day.



STATE OF WISCONSIN

BARBARA LAWTON
LIEUTENANT GOVERNOR

March 16, 2009

Lemon Street Gallery
4601 Sheridan Road
Kenosha, WI 53140

To all at the Lemon Street Gallery:

Congratulations and my sincere gratitude to the team at Lemon Street Gallery for providing a strong cultural heartbeat in the center of Kenosha for a full decade now. The wisdom of 13 founding artists, coming together as a co-op, purchasing the gallery and committed to the neighborhood, is proven in your impressive growth to over 60 members today. Your vision for Kenosha as a place where artists and creativity can flourish unbridled was an animus to the creation of AHA! Kenosha as well, and the region's economic outlook is enriched as you continue to expand your reach.

I've been a fan of the Lemon Street Gallery since my first introduction to this imaginative space. The well-designed exhibit space merits the finest shows; the curriculum appeals to the beginner learning to draw, the traditionalist moving into impressionist painting, high-techies honing digital photography skills and all of us who dream of finding expression in clay or glass or even soap. And the gallery draws neighbors and tourists alike with a full calendar of Friends Fridays, Second Saturdays, exhibit openings, even a picnic and auction. You model the fullest potential for non-profit arts organizations, and I was not surprised to learn that other artist cooperatives regularly solicit your expert advice and seek to emulate your model.

Lemon Street Gallery helps Kenosha imagine a better future for all: your use of arts education to divert gangs and provide respite for people with developmental and physical challenges underscores the deep public value of this innovative cooperative.

Take a deep bow and celebrate your impressive success. The applause you hear comes from every corner of this state and beyond.

Truly yours,

A handwritten signature in black ink that reads "Barbara Lawton".

Barbara Lawton
Lieutenant Governor

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F (608) 267-3571 E ltgov@ltgov.state.wi.us W www.ltgov.wisconsin.gov



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C-1

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MUNICIPAL BUILDING • 625 - 52ND ST. • RM. 305 • KENOSHA, WI 53140
TELEPHONE (262) 653-4050 • FAX (262) 653-4056

June 5, 2009

To: G. John Ruffolo, Chairman
Public Works Committee

From: Michael M. Lemens, P.E.
Director of Engineering/City Engineer

Subject: *Citizen Request to hold in abeyance sidewalks ordered in at 4801 67th Place.*

BACKGROUND/ANALYSIS

Recently the Public Works Committee considered ordering in sidewalks along the vacant property at 4801 67th Place. The property owner submitted a petition requesting that he not be ordered to install walks at this time, because Section 5.05 C.3. of the Code of General Ordinances specifies that sidewalks be installed when the lot is improved with a building. The petitioner is claiming that he plans to build on the property within the next couple of years, and he would like to hold off on the sidewalks so they don't get damaged by construction.

In the past, typically the affected property owners are granted a period of time to complete the necessary walk installation, and it would seem reasonable to require that the work be done within one year.

RECOMMENDATION

Recommend to deny the request, but allow the abutting property owner be granted a year in which to complete the necessary work; and if the property owner does not complete the work within this time, then this matter will be considered for the 2010 sidewalk program.

4715 67th Place
Kenosha WI 53142

May 22, 2009

Mr. Ron Bursek
Public Works Administrator
625 52nd Street
Room 305
Kenosha, WI 53140

RE: 4801 67th Place

Dear Mr. Bursek:

I am writing to you regarding a notice that I received about my vacant land parcel located at 4801 67th Place.

I do not want to install a sidewalk in front of the lot at this time. I intend to build a house in the next couple of years and would prefer to wait until then before installing a sidewalk.

If you have any questions, please call me at (262) 652-4571.

Sincerely,

Jerry D. Jensen



100_8949.JPG



Engineering Division
 Michael M. Lemens, P.E.
 Director/City Engineer

Street Division
 John H. Prijic
 Superintendent

C-2

Fleet Maintenance
 Mauro Lenci
 Superintendent

Waste Division
 Rocky Bednar
 Superintendent

Administrative Supervisor
 Janice D. Schroeder

DEPARTMENT OF PUBLIC WORKS

Ronald L. Bursek, P.E., Director

Municipal Building · 625 52nd ST · RM 305 · Kenosha, WI 53140
 Telephone (262) 653-4050 · Fax (262) 653-4056

June 5, 2009

To: G. John Ruffolo, Chairman
 Public Works Committee

From: Michael M. Lemens, P.E.
 Director of Engineering / City Engineer

Subject: Project: Detention Basin Improvements

Location: 3500 Block of 39th Avenue

The Department of Public Works, Engineering Division has opened bids for the above referenced project.

This project consists of the excavation of a four feet deep permanent pond in the existing dry storm water detention basin and the alteration of the incoming and outgoing storm sewers to take into account the new detention basin configuration.

Alternate D is for the disposal of 15,000 CY of excavated soil, that is suitable for structural fill, at an existing City soil stockpile along future 39th Avenue at about 22nd Street.

Following is the list of bidders:

	Base Bid	Alternate D
Mann Brothers, Elkhorn, WI	\$576,849.30	\$58,200.00
Reesmans Excavating, Burlington, WI	\$597,435.65	\$66,000.00
A.W. Oakes & Son, Racine, WI	\$667,320.50	\$84,000.00
Super Western, Menomonee Falls, WI	\$677,789.61	\$73,500.00
Hoffman Construction, Black River Falls, WI	\$699,570.01	\$66,000.00
Bane Nelson, Kenosha, WI	\$707,224.95	\$112,500.00
The Wanasek Corp., Burlington, WI	\$714,773.90	\$72,000.00
Willkomm Excavating, Union Grove, WI	\$730,472.69	\$101,700.00
C.W. Purpero, Oak Creek, WI	\$764,123.10	\$55,500.00
Ryan Incorporated Central, Janesville, WI	\$785,974.86	\$117,000.00
DK Contractors, Pleasant Prairie, WI	\$806,695.06	\$97,800.00
BCF Construction Corp., Waukesha, WI	\$915,587.25	\$90,000.00
Edgerton Contractors, Oak Creek, WI	\$1,143,634.53	\$114,000.00
John Keno and Company, Chicago, IL	\$1,224,039.15	\$71,250.00

Mann Brothers, Elkhorn, Wisconsin, has submitted the low qualified bid. Staff is working with the Finance Director to verify available funding and will be submitting a recommendation at the meeting.

MML/kjb

cc: Carol Stancato, Director of Finance



Engineering Division
Michael M. Lemens, P.E.
Director/City Engineer

Street Division
John H. Prijic
Superintendent

C-3

Fleet Maintenance
Mauro Lenci
Superintendent

Waste Division
Rocky Bednar
Superintendent

Administrative Supervisor
Janice D. Schroeder

DEPARTMENT OF PUBLIC WORKS

Ronald L. Bursek, P.E., Director

Municipal Building · 625 52nd ST · RM 305 · Kenosha, WI 53140
Telephone (262) 653-4050 · Fax (262) 653-4056

June 4, 2009

To: G. John Ruffolo, Chairman
Public Works Committee

From: Michael M. Lemens, P.E.
Director of Engineering / City Engineer

Subject: Project: Simmons Public Library – Improved Restroom Access

Location: 711 59th Place

The Department of Public Works, Engineering Division has opened bids for the above referenced project. Engineer's Estimate was \$155,000.00. Budget amount was \$155,000.00.

This project consists of improvements to two lower level restrooms and the conversion of a first floor storage room into a restroom.

Following is the list of bidders:

	Base Bid
Magill Construction, Elkhorn, WI	\$99,800.00
Rasch Construction, Kenosha, WI	\$118,500.00
Boller Construction, Waukegan, IL	\$119,100.00
Redwood Construction, Union Grove, WI	\$123,890.00
Camosy, Inc., Kenosha, WI	\$127,000.00
United Construction, Racine, WI	\$127,700.00
Absolute Construction Enterprises, Racine, WI	\$134,000.00
Platt Construction, Franklin, WI	\$137,331.00
Bane Nelson, Kenosha, WI	\$149,111.00

It is recommended that this contract be awarded to Magill Construction, Elkhorn, Wisconsin for the base bid amount of \$99,800.00 plus \$10,200.00 in contingency for unforeseen conditions (if needed), for total award amount of \$110,000.00. Funding is from CIP Line Item LI-05-001.

MML/kjb

cc: Carol Stancato, Director of Finance

BOARD OF TRUSTEES

Keeshia T. Jones, President
Patrick McGuire, Vice President
Diane Kastelic, Treasurer
Fr. James R. Braun
Susan K. Edwards
Louise Mattioli
Thomas J. Noer
Paul Trombino, Jr.
Carl G. Van Dyke

Douglas Baker, Director
262-564-6300 Voice
262-564-6370 Fax
812 56th Street, PO Box 1414
Kenosha, WI 53141-1414
dbaker@kenosha.lib.wi.us
mykpl.info

MEMORANDUM 09-07

DATE: June 3, 2009
TO: City of Kenosha Common Council
FROM: Douglas Baker
RE: Simmons Library Improved Restroom Access Project - #LL-05-001

On behalf of the Kenosha Public Library, let me recommend that the contract for the Simmons Library Improved Restroom Access Project be awarded to the low bidder, Magill Construction of Elkhorn, WI, in the amount of \$110,000 to allow for unknown conditions beyond the base bid of \$99,800. This fits within the amount budgeted for this project in the 2009-2013 Capital Improvement Plan.

This project will add a unisex restroom on the main floor of the Simmons Library, and will completely remodel the restrooms on the lower level. This project will improve restroom accessibility, functionality, security, and aesthetics at Simmons Library. This remodeling project will maintain the landmark historic character of the Simmons Library building.

I thank you very much for your careful consideration of our request.

c: Mayor Keith G. Bosman
Frank J. Pacetti, City Administrator

RESOLUTION NO. _____

BY: FINANCE COMMITTEE

**TO LEVY SPECIAL ASSESSMENTS AGAINST
BENEFITED PROPERTY BASED UPON FINAL
CONSTRUCTION COSTS RESPECTING
IMPROVEMENTS IN STREET RIGHT-OF-WAY
(sidewalks and/or driveway approaches)**

BE IT RESOLVED, by the Common Council of the City of Kenosha, Wisconsin that special assessments are levied against benefited property based upon final construction costs respecting improvements in street-of-way consisting of construction of sidewalks and/or driveway approaches for Project #08-1012 (39th Avenue - 67th Street to 60th Street) in the total amount of \$14,973.01, as shown by a report of the City Engineer filed in the office of the City Clerk of the City of Kenosha in accordance with the Final Resolution No. 48-08 authorizing such improvements in the street right-of-way.

Adopted this 15th day of June, 2009.

APPROVED:

Keith G. Bosman, Mayor

ATTEST:

Debra L. Salas, Deputy City Clerk

RESOLUTION NO. _____

BY: FINANCE COMMITTEE

**TO LEVY SPECIAL ASSESSMENTS AGAINST
BENEFITED PROPERTY BASED UPON FINAL
CONSTRUCTION COSTS RESPECTING
IMPROVEMENTS IN STREET RIGHT-OF-WAY
(sidewalks and driveway approaches)**

BE IT RESOLVED, by the Common Council of the City of Kenosha, Wisconsin that special assessments are levied against benefited property based upon final construction costs respecting improvements in street-of-way consisting of construction of sidewalks and/or driveway approaches for Project #08-1208 (67th Street to Harrison Rd - 44th Court to 47th Avenue, 43rd Avenue - 75th Street North & Parts of 74th, 73rd, and 71st Street, Miscellaneous Locations) in the total amount of \$40,892.22, as shown by a report of the City Engineer filed in the office of the City Clerk of the City of Kenosha in accordance with the Final Resolution No. 60-08 authorizing such improvements in the street right-of-way.

Adopted this 15th day of June, 2009.

APPROVED:

Keith G. Bosman, Mayor

ATTEST:

Debra L. Salas, Deputy City Clerk

RESOLUTION NO. _____

BY: FINANCE COMMITTEE

**TO LEVY SPECIAL ASSESSMENTS AGAINST
BENEFITED PROPERTY BASED UPON FINAL
CONSTRUCTION COSTS RESPECTING
IMPROVEMENTS IN STREET RIGHT-OF-WAY
(Sump Pump Drain Connections into Storm Sewers)**

BE IT RESOLVED, by the Common Council of the City of Kenosha, Wisconsin that special assessments are levied against benefited property based upon final construction costs respecting improvements in street-of-way consisting of construction of sump pump drain connections into storm sewers for Project #77-1104 (37th Avenue - 85th Place to 86th Street) in the total amount of \$3,512.16, as shown by a report of the City Engineer filed in the office of the City Clerk of the City of Kenosha in accordance with the Final Resolution No. 109-08 authorizing such improvements in the street right-of-way.

Adopted this 15th day of June, 2009.

APPROVED:

Keith G. Bosman, Mayor

ATTEST:

Debra L. Salas, Deputy City Clerk

RESOLUTION NO. _____

BY: FINANCE COMMITTEE

To Levy A Special Tax Upon Certain Parcels of Land Within the City Of Kenosha Pursuant to §5.11F. of the Code of General Ordinances, Entitled "Sidewalks and Alleys to be Kept Clean by Responsible Party - Emergency Enforcement" (Snow Removal from Sidewalks) - If Invoices Therefor Are Not Paid Within Thirty (30) Days of Issuance

WHEREAS, following notice to and failure of certain property owners to remove sidewalk accumulation pursuant to §5.11 of the Code of General Ordinances, it was ordered removed, through private contract, by the Director of Public Works, pursuant to §5.11 of the Code of General Ordinances.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that, pursuant to §5.11F. of the Code of General Ordinances, a special tax in the amount of \$15,675.50 be, and is hereby, levied against the respective parcels of property as shown by a report of the Department of Public Works and filed in the office of the City Clerk of the City of Kenosha, if invoices therefor are not paid within thirty (30) days of issuance.

Adopted this 15th day of June, 2009.

APPROVED:

Keith G. Bosman, Mayor

ATTEST:

Debra L. Salas, Deputy City Clerk

RESOLUTION NO. _____

BY: COMMITTEE ON PUBLIC WORKS

**PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY ASSESSMENTS
FOR
HAZARDOUS SIDEWALK AND/OR DRIVEWAY APPROACH**

**PROJECT #09-1016
RESURFACING PHASE III**

WHEREAS, it is expedient, necessary and in the best interest of the City of Kenosha, and for benefit of the property affected thereby that improvements in street right-of-ways: sidewalk, and/or driveway approaches.

**(38th Avenue – Roosevelt Rd to 73rd Street, 41st Place - 19th Avenue to 100' East of 18th Avenue,
87th Place - 35th Avenue to 34th Avenue)**

NOW, THEREFORE, BE IT RESOLVED, By the Common Council of Kenosha, Wisconsin:

1. The Common Council hereby declares its intention to exercise its police power under Section 66.60, Wisconsin Statutes, to levy special assessments on all property fronting upon both sides of the street within the above limits for benefits conferred upon property by improvement of the streets enumerated above.
2. Said public improvement shall include the improvements in street right-of-ways: sidewalk, and/or driveway approaches.
3. The Common Council determines that the improvements constitute an exercise of the police power and the amount assessed against each parcel shall be based on a per front foot or per square foot rate.
4. The assessments against any parcel may be paid in a lump sum or in three (3) annual installments, at the election of the property owner.

5. The Board of Public Works is directed to prepare a report consisting of:
 - a. Preliminary plans and specifications for said improvements.
 - b. An estimate of entire cost of the proposed improvements and in street right-of-way.
 - c. Schedule of proposed assessments.

6. Upon receiving the report of the Board of Public Works (Public Works Committee), the Clerk is directed to give notice of public hearings on such report, as specified in Section 66.60(7) of the Wisconsin Statutes. The hearings shall be held at the Municipal Office Building at a time set by the Clerk, in accordance with Section 66.60(7), Wisconsin Statutes.

Adopted this 15th day of June, 2009.

APPROVED: _____
MAYOR
KEITH G. BOSMAN

ATTEST: _____
DEPUTY CITY CLERK
DEBRA L. SALAS



Engineering Division
Michael M. Lemens, P.E.
Director/City Engineer

Street Division
John H. Prijic
Superintendent

Fleet Maintenance
Mauro Lenci
Superintendent

Waste Division
Rocky Bednar
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DEPARTMENT OF PUBLIC WORKS

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June 4, 2009

To: G. John Ruffolo, Chairman, Public Works Committee
Donald Ruef, Chairman, Park Commission

From: Michael M. Lemens, P.E.
Director of Engineering/City Engineer

Subject: Acceptance of Project #08-1406 Simmons Island Restroom Renovations

Location: 5001 4th Avenue

Please be advised that the above referenced project has been satisfactorily completed by Bane Nelson, Kenosha, Wisconsin. This project consisted of remodeling restroom facilities including restroom accessories and fixture removal and replacement, painting, plumbing and electrical.

It is recommended that the project be accepted in the final amount of \$79,328.95. Original contract amount was \$77,700.00 plus \$7,300.00 for contingency for a total contract amount of \$85,000.00.

MML/kjb



Engineering Division
Michael M. Lemens, P.E.
Director/City Engineer

Street Division
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Superintendent

Fleet Maintenance
Mauro Lenci
Superintendent

Waste Division
Rocky Bednar
Superintendent

Administrative Supervisor
Janice D. Schroeder

DEPARTMENT OF PUBLIC WORKS

Ronald L. Bursek, P.E., Director

Municipal Building · 625 52nd ST · RM 305 · Kenosha, WI 53140
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June 4, 2009

To: G. John Ruffolo, Chairman,
Public Works Committee

From: Michael M. Lemens, P.E.
Director of Engineering/City Engineer

Subject: Acceptance of Project #07-1208 Sidewalk & Curb/Gutter Program

[Handwritten signature and date 6-4-09]

Location: Citywide

Please be advised that the above referenced project has been satisfactorily completed by Mann Brothers, Inc., Elkhorn, Wisconsin.

It is recommended that the project be accepted in the final amount of \$378,237.71. Original contract amount was \$376,880.00 plus additional quantities not to exceed total contract amount of \$549,000.00.

MML/kjb

VOTE SHEET	Kenosha City Plan Commission	Meeting of June 4, 2009	
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Developer's Agreement By and Between Kenosha Unified School District No. 1 and the City of Kenosha, Wisconsin and the Kenosha Water Utility, District #16. (Indian Trail High School and Academy)

ACTION TAKEN	AYES	NOES
APPROVE	10	0
DENY		
RECEIVE AND FILE		
FORWARD TO		
	DATE	COPIES
COMMON COUNCIL	6/15/09	20 & 1
FINANCE		
LEGAL		
PUBLIC WORKS	6/8/09	1
PARKS		
WATER UTILITY	6/29/09	1
EMAIL TO CLERKS		
PUBLIC NOTICE		


 Rich Schroeder
 Assistant City Planner

FACT SHEET Kenosha City Plan Commission	City Plan Division 625 - 52 nd Street Kenosha, WI 53140 (262) 653-4030	June 4, 2009	Item # 8
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Developer's Agreement By and Between Kenosha Unified School District No. 1 and the City of Kenosha, Wisconsin and the Kenosha Water Utility, District #16. (Indian Trail High School and Academy)

LOCATION/SURROUNDINGS:

Site: Indian Trail High School and Academy
Zoned: IP Institutional Park

NOTIFICATIONS/PROCEDURES:

The alderman of the district, Alderman Downing, has been notified. This item will also be reviewed by the Public Works Committee, before final approval by the Common Council and must also be approved by the Board of Water Commissioners.

ANALYSIS:

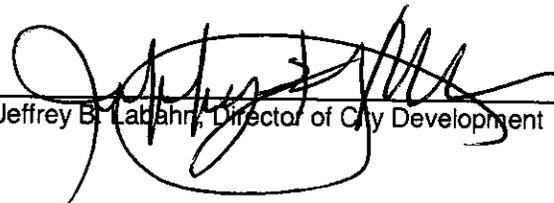
- A condition of approval of the site plan for the new high school was that Kenosha Unified School District (KUSD) enter into a Developer's Agreement for the off site improvements.
- Under the agreement, the City will construct 56th Street at KUSD's expense. KUSD will be responsible for improvements to CTH K including installation of the traffic signal.
- The agreement has been reviewed by City Departments, the City Attorney's office and KUSD Staff.

RECOMMENDATION:

A recommendation is made to approve the attached agreement.



Rich Schroeder, Assistant City Planner
/u2/acct/cp/csusans/CPC/2009/6-4Mtg/fact-RS-DA-KUSD-ITA.odt



Jeffrey B. Labahn, Director of City Development

DEVELOPERS AGREEMENT
By And Between Kenosha Unified School District #1, and
the City of Kenosha, Wisconsin and
the Kenosha Water Utility
Indian Trail High School and Academy

This Developers Agreement, hereinafter referred to as **AGREEMENT**, is made by and between Kenosha Unified School District #1, hereinafter referred to as **OWNER**, the Kenosha Water Utility, hereinafter referred to as **UTILITY**, and the City of Kenosha, a municipal corporation of the State of Wisconsin, located in Kenosha County, Wisconsin, hereinafter referred to as **CITY**.

WHEREAS, OWNER desires to construct a new school on the real estate described in Exhibit "A"; and

WHEREAS, OWNER has obtained Site Plan approval from **CITY**; and

WHEREAS, OWNER must also enter into a developers agreement for proposed public improvements; and

WHEREAS, UTILITY is the accepting and approving agency for **CITY** with respect to sanitary sewerage and water supply systems for real estate, and **UTILITY** is willing to approve the provision of sanitary sewerage and water supply to real estate subject to the terms and conditions of **AGREEMENT**.

NOW, THEREFORE, in consideration and mutual promises and undertakings of the parties, including approval by **CITY** of the Site Plan and the agreement of **OWNER** to construct improvements in accordance with the following terms, conditions, and design standards, **CITY, UTILITY, and OWNER** agree as follows:

I. IMPROVEMENTS AND DESIGN STANDARDS

A. Streets

1. **OWNER** shall be responsible for the cost of all public improvements to be completed by **CITY**. Public improvements to be completed by **CITY**, include design, engineering, bidding, construction installation and inspection, for 56th Street identified on the Street Plan, including sidewalks as noted, street lights, sanitary sewer and required parkway trees attached hereto as Exhibit "B". **OWNER** shall pay **CITY** for all improvements completed by **CITY** or contractor hired by **CITY** within thirty (30) days of receiving an invoice from **CITY**. **CITY** shall reimburse **OWNER** and any successor any interest for project costs for project improvements benefiting tax parcel #80-4-222-343-0490 by placing a deferred Special Assessment on said parcel; and, within thirty (30) days after receiving each of ten (10) annual installments from parcel owner, paying the amount on principal and interest collected each year to **OWNER**. If said parcel owner elects to pay the special assessment in full, or the balance due at any time, then **CITY** will make payment to **OWNER** when and as

this amount is collected. **OWNER** shall rough grade to the subgrade of 56th Street and associated sidewalk grade.

B. Sidewalks

1. **CITY**, except as hereafter provided, shall construct and install sidewalks within and abutting real estate along 56th Street, in accordance with the Street Plan attached hereto as Exhibit "B". **OWNER** shall pay **CITY** for installation of sidewalks within 30 days of receiving an invoice from **CITY**. The sidewalks shall be installed with four (4") inches of Portland cement concrete over a two (2") inch aggregate base along both sides of each street. The sidewalks shall be five (5') feet in width. Sidewalks shall be installed prior to building occupancy where practical, but not later than six (6) months from the date of occupancy. In the event the sidewalk is not installed prior to issuance of a certificate of occupancy, **OWNER** shall provide **CITY** with an assurance in an amount determined by the City Engineer.
2. For any public sidewalks installed by **OWNER**, **CITY** shall accept all such sidewalks located within real estate upon:
 - a. completion in accordance with plans and specifications;
 - b. construction and delivery without defect, damage, or non-conformance;
 - c. delivery to **CITY** of certified copies of reproducible mylar as-built drawing thereof; and
 - d. receipt of lien waivers from all contractors.

Said acceptance of sidewalks shall be upon recommendation of the City Engineer, Board of Public Works and formal action by the Common Council. The City Engineer shall inspect said sidewalks without unreasonable delay upon request by **OWNER** and issue written notice to **OWNER** to correct any defects, damage, or nonconformity which may be discovered. Sidewalks found to contain any defect, damage or nonconformity shall be reinspected by the Administrator of Public Service and shall not be accepted until corrective action is taken.

3. **OWNER** shall construct a ten (10') foot wide asphalt bike/pedestrian trail along 60th Street. The trail shall be constructed in lieu of sidewalks on the north side of 60th Street and **OWNER** shall provide **CITY** with an Easement for any portion of the trail located on **OWNER'S** property.

C. Sanitary Sewerage System

1. **UTILITY** shall allow **OWNER** to extend and connect its sanitary sewerage system to the sanitary sewerage system of **UTILITY** which will serve real estate at the cost and expense of **OWNER**, subject to payments, permits, and other fees required under any special assessment or other applicable ordinances or regulations enacted and applied on an equal and nondiscriminatory basis.

2. Sanitary sewer service shall be subject to applicable user fees.

D. Water System

1. **OWNER** shall construct, furnish, install and provide at his/her cost and expense a complete system of water distribution throughout real estate and within the 56th Street right-of-way, in accordance with the Sanitary Sewer and Water Main Plan, attached hereto as Exhibit "C", and in accordance with approved specifications. Said system shall be approved by the Wisconsin Department of Natural Resources or Wisconsin Department of Commerce.
2. **UTILITY** shall allow **OWNER** to extend and connect its water system to the water system of **UTILITY** which will serve real estate at the cost and expense of **OWNER**, subject to payments, permits and other fees as required under any special assessment or other applicable ordinances or regulations enacted and applied on an equal and nondiscriminatory basis.
3. Water service shall be subject to payment of applicable user charges.

E. Storm and Surface Water Drainage

1. **OWNER** shall obtain all required permits, construct, furnish, install and provide at its cost and expense adequate facilities for storm and surface water drainage throughout real estate in accordance with the Grading and Drainage Plan attached hereto as Exhibit "D", and in accordance with **CITY** criteria for design of storm sewers.
2. **OWNER** shall construct and/or modify storm water retention basins, including construction of a new outlet structure and overflow pipe, in accordance with the Grading and Drainage Plan attached hereto as Exhibit "E". All work shall be completed prior to any Occupancy Approval.
3. **OWNER** shall provide the **CITY** an executed and recorded Maintenance Agreement for the stormwater facilities located within the real estate.
4. **CITY** shall assist **OWNER** in obtaining the right to make connections and in procuring easements to **CITY'S** nearest appropriate and available storm sewer or drainage system and in allowing **OWNER** to connect to any future storm sewer or drainage system of **CITY**, which is constructed to serve real estate.
5. **CITY** shall approve all such storm and surface water drainage facilities, including storm and surface water conveyance systems, located in the public right-of-way or within real estate, upon:
 - a. completion in accordance with approved plans and specifications;
 - b. construction and delivery without defect, damage or non-conformance;

- c. delivery to **CITY** of an as-built drawing in a digital form acceptable to the **CITY**; this shall include elevations and structures of all stormwater management facilities.
- d. receipt of lien waivers from all contractors; and
- e. certification by City Engineer of the above.

Approval of the storm and surface water drainage facilities shall be upon recommendation by the City Engineer and formal action by the Common Council. The City Engineer shall inspect said storm and surface water drainage facilities without unreasonable delay upon request by **OWNER**, and issue written notice to correct any defect, damage, or nonconformity which may be discovered. Any element of the storm and surface water drainage system found to contain any defect, damage or nonconformity shall be reinspected by the City Engineer and shall not be accepted until correct action is taken. Upon acceptance by **CITY**, **CITY** shall be responsible for the operation and maintenance of said storm and surface water drainage facilities lying within the public rights-of-way within and abutting said real estate, subject to the Indemnity and Hold Harmless Agreement of **OWNER** herein provided. **CITY** may specially assess benefited property or initiate a user fee for the cost of maintenance thereof.

- 6. Storm and surface water which flows on to any abutting private property may be tied into existing drain tiles, if available, at the perimeter of real estate with the permission of the abutting property owner where approved by the City Engineer.
- 7. **OWNER** is not required to procure easements or construct surface and storm water improvements outside of real estate. **OWNER** understands, however, that **CITY** may do same and specially assess benefited property therefor with respect to the proportionate benefit received. Should **CITY** take such action, **OWNER** does not waive any right it may have to notice, hearing, or legal challenge.
- 8. **OWNER** shall during the term of **AGREEMENT**, indemnify, defend, and hold harmless **CITY**, **UTILITY**, and officers and employees thereof from and against any and all claims, damages, judgments, costs, expenses, and attorneys' fees which any of them may pay, sustain or incur should any person or party incur property loss or damage arising out of the design or construction of the storm and surface water drainage system, provided that the legal counsel representing any indemnified person or party shall be selected by **OWNER**, and provided further, that **CITY** and **UTILITY** shall cooperate with **OWNER** and **OWNER'S** legal counsel in defending against any such claim. **CITY** and **UTILITY** shall be permitted to assist in the defense of any such claim.
- 9. **OWNER**, prior to construction of any improvement that includes utility installation, shall grade real estate to within six (6") inches of subgrade, including the 56th Street right-of-way, and submit proof thereof to **CITY**.

Upon written application, the City Engineer may delay or modify this requirement for good cause.

F. Street Lamps

1. **CITY** shall, at **OWNER'S** cost and expense, install or contract with WE Energies for installation of street lamps within 56th Street right-of-way as recommended by the Traffic Engineer in accordance with the Street Lighting Plan, Exhibit "F". Cost of street lamp operation shall be the responsibility of **CITY**. The use of wood poles is prohibited.

G. Street Signs, Regulatory Signs, and Traffic Signals

1. **OWNER** shall reimburse **CITY** in an amount equal to its actual cost of the materials for and installation of street name signs at all intersections within real estate within thirty (30) days after being billed therefor. Street designations shall be in conformance with **CITY** requirements.
2. **OWNER** shall reimburse **CITY** in an amount equal to its actual cost of materials and installation of all regulatory signs required by **CITY** within the real estate, within thirty (30) days after being billed therefor.
3. **OWNER** shall be responsible for the actual cost and installation of traffic control signals at the 60th Street entrance and for any required improvements to 60th Street entrance as required by the Kenosha County Highway Department.

H. Construction Management

1. **OWNER**, or other entity authorized by **OWNER**, shall obtain permits and comply with the requirements of Chapter XXXIII of the Code of General Ordinances entitled, "Land Disturbing Erosion and Sediment Control Ordinance." Owner shall be responsible for removing all soil stockpiles prior to Occupancy Approval.
2. **CITY** and/or **UTILITY** shall provide engineering and inspection services during the installation of water, sanitary sewer, storm sewer, drainage, paving and sidewalk construction for adherence to approved plans and specifications. The cost of the inspection shall be billed to **OWNER** who shall pay the bill within thirty (30) days of receipt. This inspection shall not relieve **OWNER**, **OWNER'S** engineer, or **OWNER'S** contractor from their responsibility to install the infrastructure to proper horizontal and vertical alignment as shown on the approved plans or from providing as-built drainage. Any and all testing services deemed necessary by **CITY** and/or **UTILITY** shall be paid for by **OWNER**. Payment and hiring of testing services shall be accomplished by the Utility Engineering Services Division with reimbursement from **OWNER** to the Utility Engineering Services Division. **OWNER** shall pay for the cost of TV inspection of the completed sanitary and storm sewers when performed by or for **UTILITY**.

3. At the time a grading or mass grading Erosion Control Permit is issued, the **OWNER** shall post a cash assurance with the **CITY** in the amount of Five Thousand (\$5,000.00) Dollars to guarantee that the conditions of the Erosion Control Permit and Chapter XXXIII of the Code of General Ordinances are being followed as they relate to maintaining the public right-of-way and storm sewer system. The cash assurance shall be used if the **CITY** in its sole discretion determines that the **OWNER** or his/her contractor have not kept the right-of-ways clean from mud-tracking, if there is damage to the Stormwater Drainage Improvements, or if erosion and sediment controls are not being maintained. If the cash assurance is depleted prior to completion of the project, the **OWNER** shall post another cash assurance in the same amount. The cash assurance shall be refunded to the **OWNER** once all streets and stormwater drainage improvements are accepted by the **CITY**.
4. Construction of public improvements can commence only upon written authorization of **CITY** and **UTILITY**, which authorization shall not be unreasonably withheld.

II. DEDICATION AND ASSURANCE OF COMPLETION OF IMPROVEMENTS

- A. Subject to all other provisions of **AGREEMENT** and the exhibits hereto attached, **OWNER** shall, without charge to **CITY** or **UTILITY** upon completion of all of the above-described improvements located in public areas, unconditionally give, grant, convey and fully dedicate same to **CITY** and **UTILITY**, its successors and assigns, forever, free and clear of all encumbrances whatever, together with, including without limitation because of enumerations, all structures, mains, streets, conduits, pipes, lines, plant machinery, equipment appurtenances and habiliments which may in any way be a part of or pertain to above described improvements and together with any and all necessary easements for access thereto. After such dedication, **CITY** and **UTILITY** shall have the right to connect or integrate same into their related facilities as **CITY** and **UTILITY** shall determine, with no payment to, award of damages, or consent of **OWNER**. Dedication shall not constitute acceptance of any improvement by **CITY** or **UTILITY**. All improvements will be accepted by **CITY** or **UTILITY** in writing in the manner herein set forth, where in conformance with **AGREEMENT**.
- B. Prior to approval by **CITY** of any development of real estate, **OWNER** shall deposit with the Clerk-Treasurer of **CITY** an assurance for completion of all improvements therein, in an amount established by the City Engineer and Utility General Manager that will reasonably compensate **CITY** and **UTILITY** for their cost of completion of any improvements not timely completed by **OWNER** in accordance with plans and specifications.
- C. If and to the extent that **OWNER** shall properly complete portions of improvements for which it shall have deposited an assurance with the Clerk-Treasurer of **CITY**, then, upon request of **OWNER**, the Clerk-Treasurer of **CITY** shall, upon recommendation of City Engineer or General Manager of **UTILITY**,

accordingly reduce the amount of the assurance required in proportion to the work completed. Prior to the release of any amount of the assurance, **OWNER** shall submit to **CITY** and **UTILITY** a waiver of lien from all contractors and subcontractors.

- D. The nature and form of any assurance required hereby must be approved by the City Attorney as protecting **CITY** and **UTILITY** and providing access to funds required to timely complete improvements in accordance with approved plans and specifications. Should assurance funds be insufficient, **CITY** and **UTILITY** may perform required work and specially assess benefited real estate therefor.
- E. Assurance shall mean a cash bond or irrevocable letter of credit approved by the City Attorney.

III. GUARANTEE OF STREETS, SIDEWALKS AND TRENCH BACKFILL

- A. **OWNER** shall guarantee sidewalk and all utility improvements installed by **OWNER** herein against defects due to faulty materials or workmanship of which it is notified in writing for a period of one (1) year from the date of acceptance of any improvement by the Common Council. **OWNER** shall perform and pay for any required repairs.
- B. In order to assure compliance with said guarantee, **OWNER** shall deposit with **CITY** a cash bond or irrevocable letter of credit in an amount determined sufficient by **CITY** and **UTILITY** to support guarantee.

IV. CITY'S RESPONSIBILITIES

- A. **CITY** shall process and issue building permits without unreasonable delay after application so long as there is compliance with standards for the issuance thereof set forth in applicable City and State laws, rules or regulations. Ordinances governing **CITY** building and occupancy permits shall be applicable as they exist on the date of permit issuance and upon satisfaction of all applicable Site Plan Conditions of Approval.

V. CONSTRUCTION AND FINANCE

- A. Granular trench backfill shall be used for all trenches within the public street right-of-way. **CITY** shall test granular backfill for proper compaction and shall charge **OWNER** therefor, for its actual cost.
- B. Inspection fees shall be computed at **CITY** or **UTILITY** employee's hourly rate plus indirect costs.

VI. MISCELLANEOUS

- A. **CITY** represents that the provision of AGREEMENT are consistent with its Zoning and Code of General Ordinances, or if inconsistent, are lawfully inconsistent therewith.

- B. All notices, requests, demands and other matters required to be given or which may be given hereunder shall be in writing and shall be deemed given when delivered in person or when deposited in the United States mail, registered or certified, return receipt requested, postage paid, addressed to the respective parties at the addresses stated below:

If to **CITY**:
City Clerk
Municipal Building
625 52nd Street
Kenosha, WI 53140

with copies to:
Mayor and City Attorney
Municipal Building
625 52nd Street
Kenosha, WI 53140

If to **UTILITY**:
General Manager
Kenosha Water Utility
4401 Green Bay Road
Kenosha, WI 53144
with a copy to:
City Attorney
(see address above)

If to **OWNER**
Director of Facilities
Kenosha Unified School District #1
3600 52nd Street
Kenosha, WI 53144

- C. Any party hereto may, in law or in equity, by suit, action, or mandamus, or other proceedings, including specific performance, enforce or compel the performance of **AGREEMENT**.
- D. **AGREEMENT** shall be recorded and inure to the benefit of and be binding upon the successors in title and assigns of **OWNER** and upon successor corporate authorities and successor municipalities of **CITY**.
- E. If any provision, covenant, or portion of **AGREEMENT** or its application to any person, entity or property is held invalid or unenforceable by a Court of Law or Equity, such status shall not affect the application or validity or other provisions, covenants, or portions of **AGREEMENT** which can be given effect without the invalid provisions or applications, and to this end, the provisions and covenants of **AGREEMENT** are declared to be severable.
- F. It is understood and agreed by the parties hereto that time is of the essence with respect to the provisions of **AGREEMENT**, specifying dates and deadlines and the parties agree to expeditiously comply therewith.
- G. Copies of all exhibits described herein are appended hereto and are by reference incorporated herein.

VII. AMENDMENTS

- A. The parties may, by mutual consent, amend this **AGREEMENT**, subject to approval thereof by the respective governing bodies of **CITY, UTILITY** and **OWNER**

VIII. AUTHORIZATION

- A. **OWNER** enters into this **AGREEMENT** by authority of action taken by Kenosha Unified School District on the _____ day of _____, 2009.
- B. **CITY** enters into this **AGREEMENT** by authority of action taken by its Common Council on the _____ of _____, 2009.
- C. **UTILITY** enters into this **AGREEMENT** by authority of action taken by its Board on the _____ day of _____, 2009.

IX. EXHIBITS

The exhibits to **AGREEMENT** listed below are made a part of **AGREEMENT**, as approved by **CITY**, and shall be provided to **CITY** and **UTILITY** by **OWNER** on reproducible mylar.

- Exhibit A: Site Plan
- Exhibit B: Street Plan
- Exhibit C: Sanitary Sewer and Water Main Plan
- Exhibit D: Grading and Drainage Plan
- Exhibit E: Tree Planting and Landscape Plan
- Exhibit F: Street Lighting Plan

X. EXECUTION

This **AGREEMENT** is executed as follows:

A. By **OWNER** on the _____ day of _____, 2009.

Pam Stevens
Board President
Kenosha Unified School District #1

Gilbert Ostman
Board Clerk
Kenosha Unified School District #1

STATE OF _____)
COUNTY OF _____) SS

Personally came before me this _____ day of _____, 2009, the above-named *Pam Stevens* and *Gilbert Ostman* to me known to be the person who executed the foregoing instrument and acknowledge the same.

Notary Public, _____
My Commission Is/Expires: _____

B. By **CITY** on the _____ day of _____, 2009.

Keith G. Bosman
Mayor

Michael Higgins
Clerk - Treasurer

STATE OF _____)

COUNTY OF _____)

SS

Personally came before me this _____ day of _____, 2009, the above-named *Keith G. Bosman* and *Michael Higgins* to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Notary Public, _____
My Commission Is/Expires: _____

C. By **UTILITY** on the _____ day of _____, 2009.

Edward St. Peter
General Manager

Donald Holland
Board of Water Commissioners - Chairman

STATE OF _____)

COUNTY OF _____)

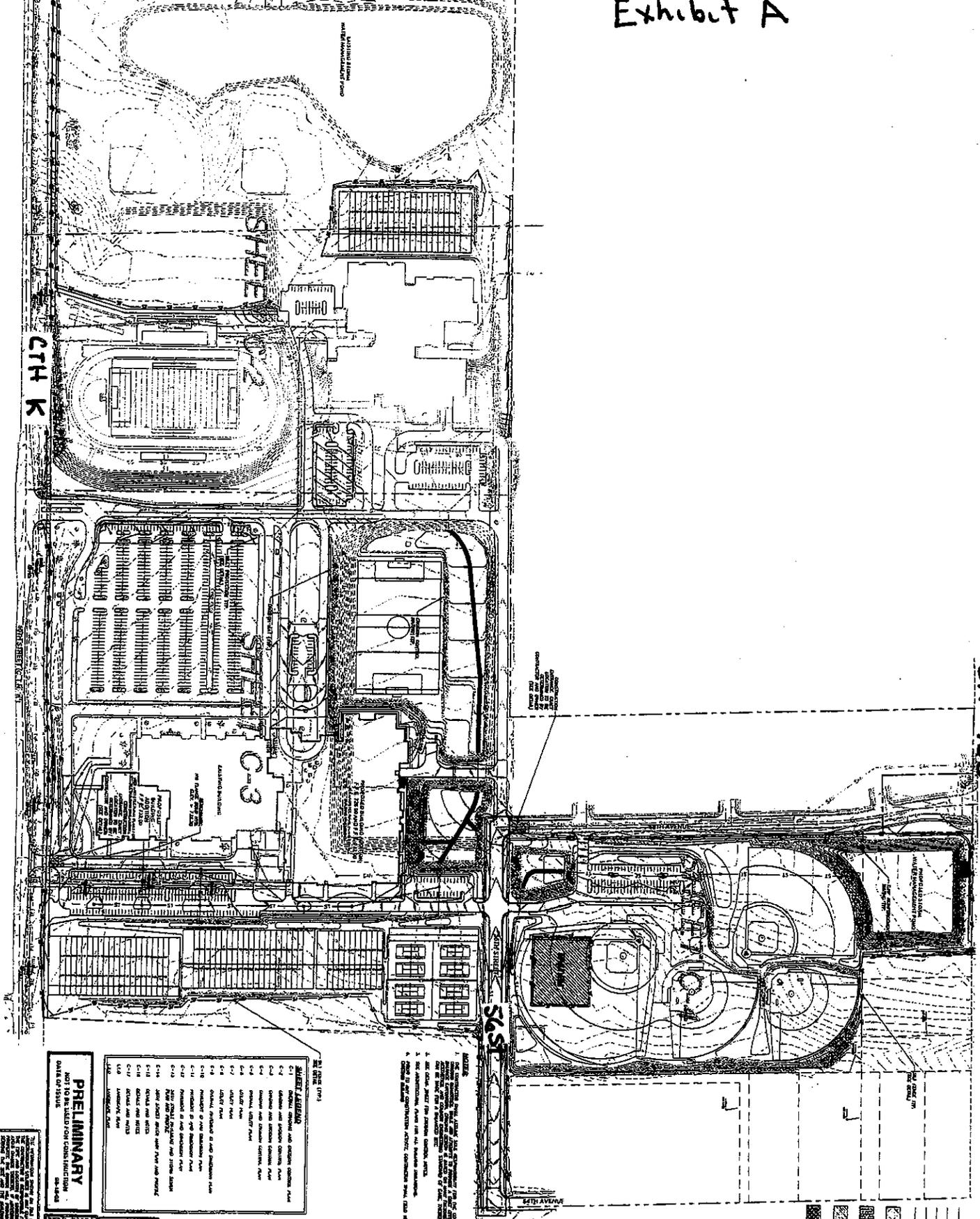
SS

Personally came before me this _____ day of _____, 2009, the above-named *Edward St. Peter* and *Donald Holland* to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Notary Public, _____
My Commission Is/Expires: _____

The following exhibits to the Developers Agreement are on file at the Department of City Development, City of Kenosha, 625 52nd Street, Room 308, Kenosha, WI 53140:

Exhibit B: Street Plan
Exhibit C: Sanitary Sewer and Water Main Plan
Exhibit D: Grading and Drainage Plan
Exhibit E: Tree Planting and Landscape Plan
Exhibit F: Street Lighting Plan



- REVISIONS**
- 1. SEE SHEET C-3 FOR REVISIONS TO THIS SHEET.
 - 2. SEE SHEET C-3 FOR REVISIONS TO THIS SHEET.
 - 3. SEE SHEET C-3 FOR REVISIONS TO THIS SHEET.
 - 4. SEE SHEET C-3 FOR REVISIONS TO THIS SHEET.
- NOTES**
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE CODES.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE CODES.
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE CODES.
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE CODES.
- LEGEND**
- 1-1: Structural steel and column connection. Refer to Section 05110.
 - 1-2: Structural steel and column connection. Refer to Section 05110.
 - 1-3: Structural steel and column connection. Refer to Section 05110.
 - 1-4: Structural steel and column connection. Refer to Section 05110.
 - 1-5: Structural steel and column connection. Refer to Section 05110.
 - 1-6: Structural steel and column connection. Refer to Section 05110.
 - 1-7: Structural steel and column connection. Refer to Section 05110.
 - 1-8: Structural steel and column connection. Refer to Section 05110.
 - 1-9: Structural steel and column connection. Refer to Section 05110.
 - 1-10: Structural steel and column connection. Refer to Section 05110.
 - 1-11: Structural steel and column connection. Refer to Section 05110.
 - 1-12: Structural steel and column connection. Refer to Section 05110.
 - 1-13: Structural steel and column connection. Refer to Section 05110.
 - 1-14: Structural steel and column connection. Refer to Section 05110.
 - 1-15: Structural steel and column connection. Refer to Section 05110.
 - 1-16: Structural steel and column connection. Refer to Section 05110.
 - 1-17: Structural steel and column connection. Refer to Section 05110.
 - 1-18: Structural steel and column connection. Refer to Section 05110.
 - 1-19: Structural steel and column connection. Refer to Section 05110.
 - 1-20: Structural steel and column connection. Refer to Section 05110.
 - 1-21: Structural steel and column connection. Refer to Section 05110.
 - 1-22: Structural steel and column connection. Refer to Section 05110.
 - 1-23: Structural steel and column connection. Refer to Section 05110.
 - 1-24: Structural steel and column connection. Refer to Section 05110.
 - 1-25: Structural steel and column connection. Refer to Section 05110.
 - 1-26: Structural steel and column connection. Refer to Section 05110.
 - 1-27: Structural steel and column connection. Refer to Section 05110.
 - 1-28: Structural steel and column connection. Refer to Section 05110.
 - 1-29: Structural steel and column connection. Refer to Section 05110.
 - 1-30: Structural steel and column connection. Refer to Section 05110.
 - 1-31: Structural steel and column connection. Refer to Section 05110.
 - 1-32: Structural steel and column connection. Refer to Section 05110.
 - 1-33: Structural steel and column connection. Refer to Section 05110.
 - 1-34: Structural steel and column connection. Refer to Section 05110.
 - 1-35: Structural steel and column connection. Refer to Section 05110.
 - 1-36: Structural steel and column connection. Refer to Section 05110.
 - 1-37: Structural steel and column connection. Refer to Section 05110.
 - 1-38: Structural steel and column connection. Refer to Section 05110.
 - 1-39: Structural steel and column connection. Refer to Section 05110.
 - 1-40: Structural steel and column connection. Refer to Section 05110.
 - 1-41: Structural steel and column connection. Refer to Section 05110.
 - 1-42: Structural steel and column connection. Refer to Section 05110.
 - 1-43: Structural steel and column connection. Refer to Section 05110.
 - 1-44: Structural steel and column connection. Refer to Section 05110.
 - 1-45: Structural steel and column connection. Refer to Section 05110.
 - 1-46: Structural steel and column connection. Refer to Section 05110.
 - 1-47: Structural steel and column connection. Refer to Section 05110.
 - 1-48: Structural steel and column connection. Refer to Section 05110.
 - 1-49: Structural steel and column connection. Refer to Section 05110.
 - 1-50: Structural steel and column connection. Refer to Section 05110.

PRELIMINARY

NOT TO BE USED FOR CONSTRUCTION

DATE OF ISSUE: 08-20-2015

1st Floor (800) 325-4511

www.brayarchitects.com

The information on this drawing is the property of Bray Architects, Inc. and is to be used only for the project and location specified. It is not to be used for any other project or location without the written consent of Bray Architects, Inc. The user of this drawing assumes all liability for any errors or omissions. This drawing is not to be used for construction without the approval of the architect.

<p>Sheet No. C-1</p>	<p>Project Title: Addition And Remodeling to Indian Trail Academy</p> <p>Location: Kenosha Unified School District No. 1, 6800 60th Street, Kenosha, WI</p>	<p>Project No. 2045</p> <p>Drawn By: JMS</p> <p>Checked By: JMS</p> <p>Issued For: JMS</p>	<p>Scale: As Shown</p> <p>North Arrow</p>	<p>bray architects</p> <p>1801 W. Hill Street, Kenosha, WI 53142</p> <p>Phone: (815) 399-1111</p> <p>www.brayarchitects.com</p>	<p>Scale/Signature: _____</p>	<p>Consultant: JSD Professional Services, Inc.</p> <p>1000 W. Wisconsin Avenue, Kenosha, WI 53142</p> <p>Phone: (815) 399-1111</p> <p>www.jsdinc.com</p>
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VOTE SHEET	Kenosha City Plan Commission	Meeting of June 4, 2009	
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Relocation Order for 39th Avenue from 18th Street South to 27th Street for Right-of-Way Improvements and to Authorize Other Actions Necessary to Acquire Fee Title and Interest and Possession of Certain Property, District #5.

ACTION TAKEN	AYES	NOES
APPROVE	9	1
DENY		
RECEIVE AND FILE		
FORWARD TO		
	DATE	COPIES
COMMON COUNCIL	6/15/09	20 & 1
FINANCE	6/15/09	
LEGAL		
PUBLIC WORKS	6/8/09	1
PARKS		
WATER UTILITY		
EMAIL TO CLERKS		
PUBLIC NOTICE		


 Rich Schroeder
 Assistant City Planner

FACT SHEET Kenosha City Plan Commission	City Plan Division 625 - 52 nd Street Kenosha, WI 53140 (262) 653-4030	June 4, 2009	Item 10
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Relocation Order for 39th Avenue from 18th Street South to 27th Street for Right-of-Way Improvements and to Authorize Other Actions Necessary to Acquire Fee Title and Interest and Possession of Certain Property, District #5. PUBLIC HEARING

LOCATION/SURROUNDINGS:

Site: 39th Avenue from 18th Street south to 27th Street

NOTIFICATIONS/PROCEDURES:

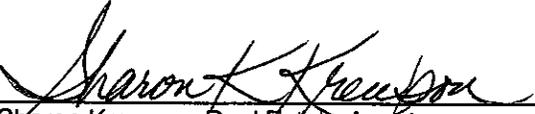
The alderman of the district, Alderman Carpenter, has been notified. This item will also be reviewed by the Public Works Committee and Finance Committee, before final approval by the Common Council.

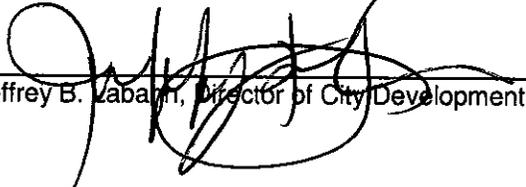
ANALYSIS:

- > The Resolution detailing the Relocation Order for 39th Avenue from 18th Street south to 27th Street for the Right-of Way Project is attached as Exhibit "A".
- > The Resolution gives the City of Kenosha authority to acquire by Eminent Domain, Fee Title, Permanent and Temporary Limited Easements, needed for the 39th Avenue right-of-way Project. Under Chapter 32.05 of the Wisconsin Statutes, the interest to be acquired are attached as Exhibit "B".

RECOMMENDATION:

A recommendation is made to approve the Resolution detailing the Relocation Order for the 39th Avenue Right of-Way Project.


Sharon Krewson, Real Estate Agent


Jeffrey B. Labahn, Director of City Development

**PLAT OF RIGHT-OF-WAY
REQUIRED FOR
THE
39TH AVENUE
RELOCATION ORDER
FROM
16TH STREET TO 27TH STREET**

PROPOSED RIGHT OF WAY BEING A PART OF THE
NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION 23,
NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION 24
TOWNSHIP 22 NORTH, RANGE 22 EAST
OF THE FOURTH PRINCIPAL MERIDIAN
COUNTY OF KENOSHA, WISCONSIN

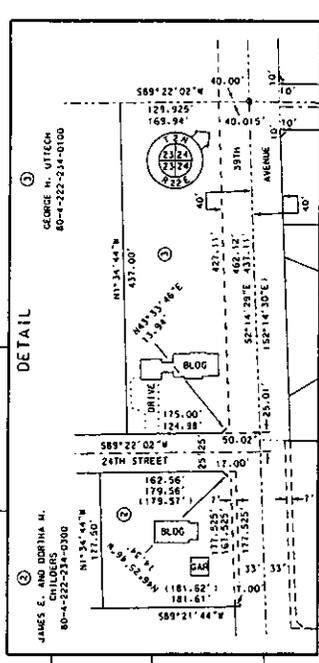
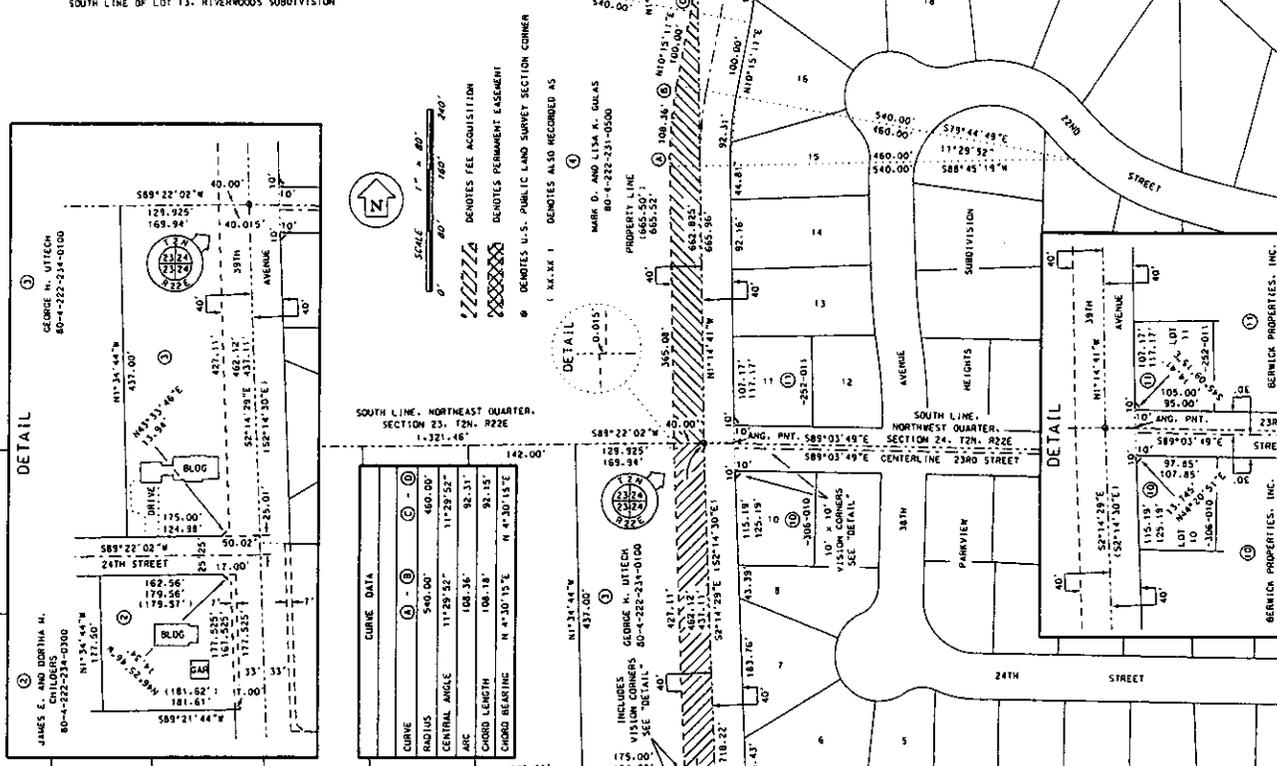
CITY OF KENOSHA, WISCONSIN
AND IN THE
TOWNSHIP OF SHORE

CITY OF KENOSHA
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
625 32ND STREET - ROOM 302
KENOSHA, WI 53140
DATE: MAY 5, 2009
DRAWN BY: A. L. RAMVUH

**BEGIN
RELOCATION
ORDER**

PARCEL NUMBER	OWNER(S)	INTEREST REQUIRED	AREA OF EXISTING ROAD (R/W)	AREA OF REMAINING PROPERTY
1	CHURCH OF THE NAZARENE	FEF	3.717 ACRES	50 S.F.
2	JAMES E. AND DORITHA M. CHILDERS	FEF	0.736 ACRES	0.030 ACRES
3	GEORGE H. WITTECH	FEF	1.230 ACRES	0.403 ACRES
4	MARK D. AND LISA A. GULAS	FEF	22.72 ACRES	0.476 ACRES
5	STEVEN MITCHELL	FEF	0.487 ACRES	50 S.F.
6	CITILMORCAGE, INC.	FEF	0.550 ACRES	50 S.F.
7	ROGER L. AND JOHNA M. PUES	FEF	1.145 ACRES	0.041 ACRES
8	BERNICK PROPERTIES, INC.	FEF	0.500 ACRES	50 S.F.
9	BERNICK PROPERTIES, INC.	FEF	0.286 ACRES	50 S.F.

31.82 ACRES * DENOTES ACREAGE FROM TAX PARCEL ASSESSMENT
S.F. DENOTES SQUARE FEET



CURVE DATA

CURVE	RADIUS	CENTRAL ANGLE	ARC	CHORD LENGTH	CHORD BEARING
1	540.00'	11°29'52"	11°29'52"	92.31'	N 4°30'15"E
2	480.00'	11°29'52"	11°29'52"	92.31'	N 4°30'15"E

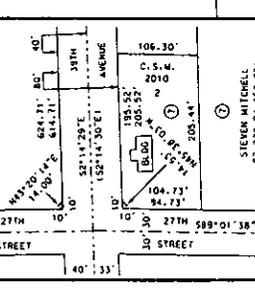
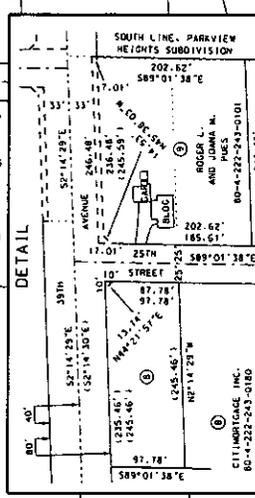


EXHIBIT A

PLAT OF RIGHT-OF-WAY
REQUIRED FOR
THE
39TH AVENUE
RELOCATION ORDER
FROM
18TH STREET TO 27TH STREET

PROPOSED RIGHT OF WAY BEING A PART OF THE
NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION 23,
AND THE
NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION 24
TOWNSHIP 2 NORTH, RANGE 22 EAST
IN THE
TOWN OF RIVERWOODS
COUNTY OF KENOSHA,
STATE OF WISCONSIN

CITY OF KENOSHA
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
629
KENOSHA, WI. 53140
DATE: MAY 5, 2009
DRAWN BY: R. L. KANNUN

NOTE
RIVERWOODS SUBDIVISION PLAT
IS SHOWN HERE
PROTECTIVE AREA THIN
LINE



TO SOUTH LINE OF LOT 13, RIVERWOODS SUBDIVISION
TO SOUTH LINE, OUTLOT 2, C.S.M. 2517

18th Street

39th Avenue

331.91'

429.29'

461.17'

335.64'

335.00'

335.00'

335.00'

335.00'

335.00'

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335.00'

335.00'

335.00'

335.00'

335.00'

589°25'33"W

882.93'

589°00'01"E

40.00'

589°00'

RESOLUTION # _____

BY: THE MAYOR

**Relocation Order for 39th Avenue from 18th Street South to 27th Street
for Right-of-Way Improvements and to Authorize Other Actions
Necessary to Acquire Fee Title and Interest and
Possession of Certain Property.**

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin that:

1. It is declared and determined to be in the public interest to acquire fee title interest to certain property necessary for 39th Avenue, approximately 3,981 feet from 18th Street south to 27th Street under authority of Section 62.22, Wisconsin Statutes, shown on a map marked Exhibit "A", and legally described on Exhibit "B", which are on file in the office of the City Clerk, and incorporated herein by reference.
2. The Director of the Department of City Development, or designees thereof, on behalf of the City of Kenosha and upon compliance with Subsection (2), respecting Appraisal, and Subsection (2.a.) respecting negotiation, shall make and give notice of a Jurisdictional Offer under Subsections (3), (3.m.) and (4) of Section 32.05, Wisconsin Statutes. If any owner has not accepted the Jurisdictional Offer within the periods limited in Subsection (6) or fails to consummate an acceptance as provided therein, the City of Kenosha, through the Director of the Department of City Development, or designees thereof, shall make an award of damages in the manner and sequence of acts provided in Subsection (7) and obtain right to possession with respect to such property under Subsection (8) of Section 32.05, Wisconsin Statutes.
3. The City Attorney or other legal counsel retained by the City shall represent the City of Kenosha in any related actions or proceedings.
4. The Director of the Department of City Development, or designees, in accordance with Section 32.05(1)(a), Wisconsin Statutes, shall within twenty (20) days of the adoption of the Resolution/Relocation Order, file a copy thereof with the Kenosha County Clerk.

Adopted this ____ day of _____ 2009

ATTEST:

Debra L. Salas, Deputy City Clerk

APPROVE:

Keith G. Bosman, Mayor

EXHIBIT B

Parcel 1 Project 08-1020 39th Avenue R-O-W
Church of the Nazarene

To

City of Kenosha, a Municipal Corporation
Part of Kenosha County Tax Parcel No. 07-222-23-405-001
Filename: Church_of_the_Nazarene_1.doc
e-mailed to csusans@kenosha.org on May 11, 2009

Fee title in and to a part of the land described in a Warranty Deed recorded in Volume 1060, Page 315, Document 659582, on October 16, 1979 with the Kenosha County Register of Deeds Office, in the Southeast Quarter of Section 23, Town 2 North, Range 22 East of the Fourth Principal Meridian, in the City of Kenosha, Kenosha County, State of Wisconsin and being more particularly described as follows:

Commencing at the northeast corner of the Southeast Quarter of said Section 23; thence South 2°14'29" East along the east line of said Quarter Section, 1,289.05 feet (recorded as 1,289.405 feet on Ellison Stahl North Unit "A" subdivision plat), to the easterly extension of the north line of 27th Street; thence South 88°54'57" West along the easterly extension of said north line, 40.01 feet to the northwest corner of the intersection of 39th Avenue and 27th Street, and the point of beginning; thence South 88°54'57" West along said north line, 10.00 feet; thence North 43°20'14" East, 14.00 feet to the west line of 39th Avenue; thence South 2°14'29" East along said west line, 10.00 feet to the point of beginning; containing 50 square feet of land, more or less.

The above described is herein dedicated as part of the 39th Avenue and 27th Street right-of-way.

EXHIBIT B

Parcel 2 Project 08-1020 39th Avenue R-O-W
James E. and Dortha M. Childers

To

City of Kenosha, a Municipal Corporation
Part of Kenosha County Tax Parcel No. 80-4-222-234-0300
Filename: Childers_2.doc
e-mailed to csusans@kenosha.org on May 11, 2009

Fee title in and to a part of the land described in a Warranty Deed recorded in Document 1224996, on June 27, 2001 with the Kenosha County Register of Deeds Office, in the Southeast Quarter of Section 23, Town 2 North, Range 22 East of the Fourth Principal Meridian, in the Town of Somers, Kenosha County, State of Wisconsin and being more particularly described as follows:

Commencing at the southeast corner of the Southeast Quarter of said Section 23; thence North 2°14'29" West along the east line of said Quarter Section, 1,993.94 feet to the easterly extension of the south line of the parcel of land described in said Document 1224996; thence South 89°21'44" West along the easterly extension of said south line, 33.01 feet to the point of beginning; thence North 2°14'29" West along the west line of 39th Avenue, 177.525 feet to the southwest corner of the intersection of 39th Avenue and 24th Street; thence South 89°22'02" West along the south line of 24th Street, 17.00 feet; thence South 46°25'46" East, 14.34 feet; thence South 2°14'29" East parallel to, and 40 feet west of, the east line of said Quarter Section, 167.525 feet to Grantor's south property line; thence North 89°21'44" East along said south line, 7.00 feet to the point of beginning; containing 0.030 acres of land, more or less.

The above described is herein dedicated as part of the 39th Avenue and 24th Street right-of-way.

EXHIBIT B

Parcel 3 Project 08-1020 39th Avenue R-O-W
George H. Uttech
To
City of Kenosha, a Municipal Corporation
Part of Kenosha County Tax Parcel No. 80-4-222-234-0100
Filename: Uttech_3.doc
e-mailed to csusans@kenosha.org on May 11, 2009

Fee title in and to a part of the land described in a Warranty Deed recorded in Volume 1325, Page 986, Document 807982, recorded on September 19, 1988 with the Kenosha County Register of Deeds Office, in the Southeast Quarter of Section 23, Town 2 North, Range 22 East of the Fourth Principal Meridian, in the Town of Somers, Kenosha County, State of Wisconsin and being more particularly described as follows:

Beginning at the northeast corner of the Southeast Quarter of said Section 23; thence South 2°14'29" East along the east line of said Quarter Section, 437.11 feet to the north line of 24th Street; thence South 89°22'02" West along said north line, 50.02 feet; thence North 43°33'46" East, 13.94 feet; thence North 2°14'29" West parallel to, and 40 feet west of, the east line of said Quarter Section, 427.11 feet to the north line of said Quarter Section; thence North 89°22'02" East along said north line, 40.015 feet to the point of beginning; containing 0.403 acres of land, more or less.

The above described is herein dedicated as part of the 39th Avenue and 24th Street right-of-way.

EXHIBIT B

Parcel 4 Project 08-1020 39th Avenue R-O-W
Mark D. and Lisa K. Gulas
To
City of Kenosha, a Municipal Corporation
Part of Kenosha County Tax Parcel No. 80-4-222-231-0500
Filename: Gulas_4.doc
e-mailed to csusans@kenosha.org on May 11, 2009

Fee title in and to a part of the land described in a Personal Representative's Deed recorded as Document 1036057, on September 19, 1996 with the Kenosha County Register of Deeds Office, in the Northeast Quarter of Section 23, Town 2 North, Range 22 East of the Fourth Principal Meridian, in the Town of Somers, Kenosha County, State of Wisconsin and being more particularly described as follows:

Beginning at the southeast corner of the Northeast Quarter of said Section 23; thence North 1°14'41" West along the east line of said Quarter Section, 662.825 feet to the north radial line of curve No. 3 on Certified Survey Map 2517, a certified survey map recorded as Document 1476709, on April 19, 2006 with said registry; thence southwesterly along the arc of a circular curve that is concave northwesterly 92.31 feet, said curve having a central angle of 11°29'52", a radius of 460.00 feet and a chord which bears South 4°30'15" West a distance of 92.15 feet; thence South 10°15'11" West, 100.00 feet; thence southwesterly along the arc of a circular curve that is concave southeasterly 108.36 feet, said curve having a central angle of 11°29'52", a radius of 540.00 feet and a chord which bears South 4°30'15" West a distance of 108.18 feet; thence South 1°14'41" East parallel to the east line of said Quarter Section, 365.08 feet to the south line of said Quarter Section; thence North 89°22'02" East along said south line, 40.00 feet to the point of beginning; containing 0.4745 acres of land, more or less.

The above described is herein dedicated as part of the 39th Avenue right-of-way.

EXHIBIT B

Parcel 5 Project 08-1020 39th Avenue R-O-W
Permanent Easement
Regency Hills-Riverwoods LLC
To
City of Kenosha, a Municipal Corporation
Part of Kenosha County Tax Parcel No. 07-222-23-102-014
Filename: Regency_Hills_Easement_5.doc
e-mailed to csusans@kenosha.org on May 11, 2009

A Permanent Easement for the right, permission and authority to adjust grade, or to construct and/or fill slopes, and to construct, install, operate and maintain storm water drainage channels and appurtenances (inlets, drainage pipe, etc.), and for road construction support structures including end-walls, and rip-rap, as needed for the 39th Avenue road construction project, or as in the future deemed needed and necessary, on a part of Lot 14 of Riverwoods, a subdivision recorded as Document 1566201 on August 25, 2008 with the Kenosha County Register of Deeds Office, and being a part of the Northwest Quarter, the Northeast Quarter, the Southwest Quarter and the Southeast Quarter of the Northeast Quarter of Section 23, Town 2 North, Range 22 East of the Fourth Principal Meridian, in the City of Kenosha, Kenosha County, State of Wisconsin, and including for such purpose the right to preserve, protect, remove or plant any trees, shrubs or vegetation that Grantee deems desirable, along with the right to operate the necessary equipment thereon and the right of ingress and egress when required; additionally Grantor agrees not to alter or change the ground elevation within the easement area by more than 0.4 feet, and to keep easement area free and clear of any and all structures not approved by Grantee; said easement area being more particularly described as follows:

Beginning at the northeast corner of Lot 14 of said subdivision; thence South 1°14'41" East along the east line of said Lot 14, a distance of 300.00 feet; thence South 89°25'04" West parallel to the north line of said lot, 50.00 feet; thence North 1°14'41" West parallel to the east line of said Lot 14, a distance of 300.00 feet; thence North 89°25'04" East along the north line of said lot, 50.00 feet to the point of beginning; containing 0.344 acres of land, more or less.

EXHIBIT B

Parcel 6 Project 08-1020 39th Avenue R-O-W
George W. Pietkiewicz

To

City of Kenosha, a Municipal Corporation
Part of Kenosha County Tax Parcel No. 07-222-23-101-010
Filename: Pietkiewicz_6.doc
e-mailed to csusans@kenosha.org on May 11, 2009

Fee title in and to a part of the land described in a Warranty Deed recorded in Volume 333, Pages 276-77, Document 316311, on October 22, 1949 with the Kenosha County Register of Deeds Office, in the Northeast Quarter of Section 23, Town 2 North, Range 22 East of the Fourth Principal Meridian, in the City of Kenosha, Kenosha County, State of Wisconsin and being more particularly described as follows:

Commencing at the northeast corner of the Northeast Quarter of said Section 23; thence South $1^{\circ}14'41''$ East along the east line of said Quarter Section, 33.00 feet to the point of beginning; thence continuing South $1^{\circ}14'41''$ East along said east line, 916.165 feet; thence northwesterly along the arc of a circular curve that is concave southwesterly 92.31 feet, said curve having a central angle of $11^{\circ}29'52''$, a radius of 460.00 feet and a chord which bears North $6^{\circ}59'37''$ West a distance of 92.15 feet; thence North $12^{\circ}44'33''$ West, 100.00 feet; thence northwesterly along the arc of a circular curve that is concave northeasterly 108.36 feet, said curve having a central angle of $11^{\circ}29'52''$, a radius of 540.00 feet and a chord which bears North $6^{\circ}59'37''$ West a distance of 108.18 feet; thence North $1^{\circ}14'41''$ West parallel to the east line of said Quarter Section, 582.345 feet; thence North $45^{\circ}53'18''$ West, 28.46 feet; thence North $1^{\circ}14'41''$ West parallel to the east line of said Quarter Section, 17.00 feet to the south line of 18th Street; thence North $89^{\circ}28'06''$ East along said south line, 60.005 feet to the point of beginning; containing 0.7205 acres of land, more or less.

The above described is herein dedicated as part of the 39th Avenue and 18th Street right-of-way.

EXHIBIT B

Parcel 7 Project 08-1020 39th Avenue R-O-W
Steven Mitchell
To
City of Kenosha, a Municipal Corporation
Part of Kenosha County Tax Parcel No. 07-222-24-350-021
Filename: Mitchell_7.doc
e-mailed to csusans@kenosha.org on May 11, 2009

Fee title in and to a part of Parcel 2 of Certified Survey Map 2010, said certified survey map recorded as Document 1081424 on January 2, 1998 with the Kenosha County Register of Deeds Office, in Northwest Quarter of the Southwest Quarter of Section 24, Town 2 North, Range 22 East of the Fourth Principal Meridian, in the City of Kenosha, Kenosha County, State of Wisconsin and being more particularly described as follows:

Beginning at the northeast corner of the intersection of 39th Avenue and 27th Street, this point being the southwest corner of Parcel 2 of said Certified Survey Map 2010; thence North $2^{\circ}14'29''$ West along the east line of 39th Avenue, 10.00 feet; thence South $45^{\circ}38'03''$ East, 14.53 feet to the north line of 27th Street; thence North $89^{\circ}01'38''$ West along said north line, 10.00 feet to the point of beginning; containing 50 square feet of land, more or less.

The above described is herein dedicated as part of the 39th Avenue and 27th Street right-of-way.

EXHIBIT B

Parcel 8 Project 08-1020 39th Avenue R-O-W
Citimortgage Inc

To

City of Kenosha, a Municipal Corporation
Part of Kenosha County Tax Parcel No. 80-4-222-243-0180
Filename: Citimortgage_8.doc
e-mailed to csusans@kenosha.org on May 11, 2009

Fee title in and to a part of the land described in a Sheriff's Deed recorded in Document 1577038, on January 26, 2009 with the Kenosha County Register of Deeds Office, in the Southwest Quarter of Section 24, Town 2 North, Range 22 East of the Fourth Principal Meridian, in the Town of Somers, Kenosha County, State of Wisconsin and being more particularly described as follows:

Commencing at the southwest corner of the Southwest Quarter of said Section 24; thence North 2°14'29" West along the west line of said Quarter Section, 1,915.33 feet to the westerly extension of the south line of 25th Street; thence South 89°01'38" East along the westerly extension of said south line, 40.06 feet to the southeast corner of the intersection of 39th Avenue and 25th Street, and the point of beginning; thence South 89°01'38" East along the south line of 25th Street, 10.00 feet; thence South 44°21'57" West, 13.74 feet to the east line of 39th Avenue; thence North 2°14'29" West along said east line, 10.00 feet to the point of beginning; containing 50 square feet of land, more or less.

The above described is herein dedicated as part of the 39th Avenue and 25th Street right-of-way.

EXHIBIT B

Parcel 9 Project 08-1020 39th Avenue R-O-W
Roger L. and JoAna M. Pues

To

City of Kenosha, a Municipal Corporation
Part of Kenosha County Tax Parcel No. 80-4-222-243-0101
Filename: Pues_9.doc
e-mailed to csusans@kenosha.org on May 11, 2009

Fee title in and to a part of the land described in a Warranty Deed recorded in Document 1009286, on December 8, 1995 with the Kenosha County Register of Deeds Office, in the Southwest Quarter of Section 24, Town 2 North, Range 22 East of the Fourth Principal Meridian, in the Town of Somers, Kenosha County, State of Wisconsin and being more particularly described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 24; thence South $2^{\circ}14'29''$ East along the west line of said Quarter Section, 446.70 feet to the westerly extension of the south line of Lot 6 of Parkview Heights, a recorded subdivision with said registry; thence South $89^{\circ}01'34''$ East along the westerly extension of said south line, 40.06 feet to the southwest corner of said Lot 6, and the point of beginning; thence South $2^{\circ}14'29''$ East parallel to, and 40 feet east of, the west line of said Quarter Section, 236.48 feet; thence South $45^{\circ}38'03''$ East, 14.53 feet to the north line of 25th Street; thence North $89^{\circ}01'38''$ West along said north line, 17.01 feet to the east line of 39th Avenue; thence North $2^{\circ}14'29''$ West along the east line of 39th Avenue, 246.48 feet to the westerly extension of the south line of said Lot 6; thence South $89^{\circ}01'34''$ East along the westerly extension of said south line, 7.01 feet to the southwest corner of said Lot 6, and the point of beginning; containing 0.041 acres of land, more or less.

The above described is herein dedicated as part of the 39th Avenue and 25th Street right-of-way.

EXHIBIT B

Parcel 10 Project 08-1020 39th Avenue R-O-W
Berwick Properties, Inc
To
City of Kenosha, a Municipal Corporation
Part of Kenosha County Tax Parcel No. 07-222-24-306-010
Filename: Berwick_10.doc
e-mailed to csusans@kenosha.org on May 11, 2009

Fee title in and to a part of Lot 10 of Parkview Heights, a recorded subdivision with the Kenosha County Register of Deeds Office, said Parkview Heights being a redivision of Outlot 3 of Certified Survey Map 2517, recorded on April 19, 2006 as Document 1476709, and being a part of the Southwest Quarter of the Northwest Quarter, and part of the Northwest Quarter of the Southwest Quarter of Section 24, Town 2 North, Range 22 East of the Fourth Principal Meridian, in the City of Kenosha, Kenosha County, State of Wisconsin; said part of Lot 10 being more particularly described as follows:

Beginning at the southeast corner of the intersection of 39th Avenue and 23rd Street, this point being the northwest corner of said Lot 10; thence South $89^{\circ}03'49''$ East along the south line of 23rd Street, 10.00 feet; thence South $44^{\circ}20'51''$ West, 13.745 feet to the east line of 39th Avenue; thence North $2^{\circ}14'29''$ West along said east line, 10.00 feet to the point of beginning; containing 50 square feet of land, more or less.

The above described is herein dedicated as part of the 39th Avenue and 23rd Street right-of-way.

EXHIBIT B

Parcel 11 Project 08-1020 39th Avenue R-O-W
Berwick Properties, Inc

To

City of Kenosha, a Municipal Corporation
Part of Kenosha County Tax Parcel No. 07-222-24-252-011
Filename: Berwick_11.doc
e-mailed to csusans@kenosha.org on May 11, 2009

Fee title in and to a part of Lot 11 of Parkview Heights, a recorded subdivision with the Kenosha County Register of Deeds Office, said Parkview Heights being a redivision of Outlot 3 of Certified Survey Map 2517, recorded on April 19, 2006 as Document 1476709, and being a part of the Southwest Quarter of the Northwest Quarter, and part of the Northwest Quarter of the Southwest Quarter of Section 24, Town 2 North, Range 22 East of the Fourth Principal Meridian, in the City of Kenosha, Kenosha County, State of Wisconsin; said part of Lot 11 being more particularly described as follows:

Beginning at the Northeast corner of the intersection of 39th Avenue and 23rd Street, this point being the southwest corner of said Lot 11; thence South $89^{\circ}03'49''$ East along the north line of 23rd Street, 10.00 feet; thence North $45^{\circ}09'15''$ West, 14.41 feet to the east line of 39th Avenue; thence South $1^{\circ}14'41''$ East along said east line, 10.00 feet to the point of beginning; containing 50 square feet of land, more or less.

The above described is herein dedicated as part of the 39th Avenue and 23rd Street right-of-way.

EXHIBIT B

Parcel 12 Project 08-1020 39th Avenue R-O-W
Permanent Easement
City of Kenosha, a Municipal Corporation
To
City of Kenosha, a Municipal Corporation
Part of Kenosha County Tax Parcel No. 07-222-24-207-002
Filename: City_of_Kenosha_12.doc
e-mailed to csusans@kenosha.org on May 11, 2009

A Permanent Easement for the right, permission and authority to adjust grade, or to construct and/or fill slopes, and to construct, install, operate and maintain storm water drainage channels and appurtenances (inlets, drainage pipe, etc.), and for road construction support structures including end-walls, and rip-rap, as needed for the 39th Avenue road construction project, or as in the future deemed needed and necessary, on a part of Outlot 2 of Certified Survey Map 2517, a certified survey map recorded as Document 1476709 on April 19, 2006 with the Kenosha County Register of Deeds Office, and being a part of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter, and part of the Northwest Quarter of the Southwest Quarter, of Section 24, Town 2 North, Range 22 East of the Fourth Principal Meridian, in the City of Kenosha, Kenosha County, State of Wisconsin, and including for such purpose the right to preserve, protect, remove or plant any trees, shrubs or vegetation that Grantee deems desirable, along with the right to operate the necessary equipment thereon and the right of ingress and egress when required; additionally Grantor agrees not to alter or change the ground elevation within the easement area by more than 0.4 feet, and to keep easement area free and clear of any and all structures not approved by Grantee; said easement area being more particularly described as follows:

Commencing at the southwest corner of Outlot 2 of Certified Survey Map 2517; thence North 1°14'41" West along the west line of said Outlot 2, a distance of 367.00 feet to the point of beginning, said west line being here also the east line of 39th Avenue; thence South 89°00'01" East parallel to the south line of said Outlot 2, a distance of 50.00 feet; thence North 1°14'41" West parallel to the west line of said Outlot 2, a distance of 300.00 feet; thence North 89°00'01" West parallel to the south line of said Outlot 2, a distance of 50.00 feet to the east line of 39th Avenue; thence South 1°14'41" East along said east line, a distance of 300.00 feet to the point of beginning; containing 0.344 acres of land, more or less.

VOTE SHEET	Kenosha City Plan Commission	Meeting of June 4, 2009	
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Relocation Order for Easements needed for Storm Water Management and Improvements at 1334 20th Avenue to Authorize Other Actions Necessary to Acquire Permanent and Temporary Limited Easements and Interest and Possession of Certain Property, District #1.

ACTION TAKEN	AYES	NOES
APPROVE	10	0
DENY		
RECEIVE AND FILE		
FORWARD TO		
	DATE	COPIES
COMMON COUNCIL	6/15/09	20 & 1
FINANCE	6/15/09	
LEGAL		
PUBLIC WORKS	6/8/09	1
PARKS		
WATER UTILITY		
EMAIL TO CLERKS		
PUBLIC NOTICE		



Rich Schroeder
Assistant City Planner

FACT SHEET Kenosha City Plan Commission	City Plan Division 625 - 52 nd Street Kenosha, WI 53140 (262) 653-4030	June 4, 2009	Item 9
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Relocation Order for Easements needed for Storm Water Management and Improvements at 1334 20th Avenue to Authorize Other Actions Necessary to Acquire Permanent and Temporary Limited Easements and Interest and Possession of Certain Property, District #1. PUBLIC HEARING

LOCATION/SURROUNDINGS:

Site: 1334 20th Avenue

NOTIFICATIONS/PROCEDURES:

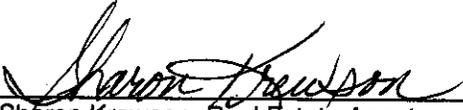
The alderman of the district, Alderman Haugaard, has been notified. This item will also be reviewed by the Public Works Committee and Finance Committee, before final approval by the Common Council.

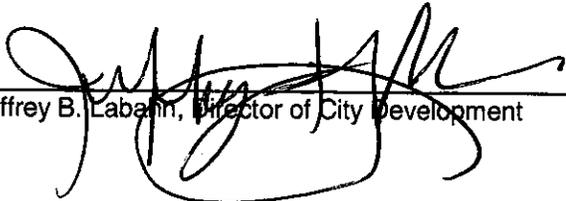
ANALYSIS:

- The Resolution detailing the Relocation Order for Storm Water Management for the property located at 1334 20th Avenue property is attached as Exhibit "A".
- The Resolution gives the City of Kenosha authority to acquire by Eminent Domain, Permanent and Temporary Limited Easements, needed for Storm Water Management in this area. Under Chapter 32.05 of the Wisconsin Statutes, the interest to be acquired are attached as Exhibit "B".

RECOMMENDATION:

A recommendation is made to approve the Resolution detailing the Relocation Order for the Storm Water Management Project at 1334 20th Avenue.


Sharon Krewson, Real Estate Agent


Jeffrey B. Labahn, Director of City Development

RESOLUTION # _____

BY: THE MAYOR

**Relocation Order for Easements needed for Storm Water Management
and Improvements at 1334 20th Avenue and to Authorize Other Actions
Necessary to Acquire Permanent and Temporary Limited Easements and
Interest and Possession of Certain Property**

BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin that:

1. It is declared and determined to be in the public interest to acquire Permanent and Temporary Limited Easement interest to certain property necessary for Storm Water Management of Lot B of Certified Survey Map No. 1551 under authority of Section 62.22, Wisconsin Statutes, shown on a map marked Exhibit "A", and legally described on Exhibit "B", which are on file in the office of the City Clerk, and incorporated herein by reference.
2. The Director of the Department of City Development, or designees thereof, on behalf of the City of Kenosha and upon compliance with Subsection (2), respecting Appraisal, and Subsection (2.a.) respecting negotiation, shall make and give notice of a Jurisdictional Offer under Subsections (3), (3.m.) and (4) of Section 32.05, Wisconsin Statutes. If any owner has not accepted the Jurisdictional Offer within the periods limited in Subsection (6) or fails to consummate an acceptance as provided therein, the City of Kenosha, through the Director of the Department of City Development, or designees thereof, shall make an award of damages in the manner and sequence of acts provided in Subsection (7) and obtain right to possession with respect to such property under Subsection (8) of Section 32.05, Wisconsin Statutes.
3. The City Attorney or other legal counsel retained by the City shall represent the City of Kenosha in any related actions or proceedings.
4. The Director of the Department of City Development, or designees, in accordance with Section 32.05(1)(a), Wisconsin Statutes, shall within twenty (20) days of the adoption of the Resolution/Relocation Order, file a copy thereof with the Kenosha County Clerk.

Adopted this ____ day of _____ 2009

ATTEST:

Debra L. Salas, Deputy City Clerk

APPROVE:

Keith G. Bosman, Mayor

EXHIBIT B

Storm Sewer Easement

Peter A. Gajdos

To

City of Kenosha, a Municipal Corporation

Kenosha County Tax Parcel 10-223-18-230-050

Emailed to csusans@kenosha.org on May 18, 2009

A **Permanent Easement** for the right, permission and authority to construct, install, operate and maintain a storm sewer and appurtenances, on Grantor's premises, including for such purpose the right to operate the necessary equipment thereon and the right of ingress and egress as long as required for such purpose, and including the right to preserve, protect, plant or remove any shrubbery or vegetation that Grantee deems necessary, in and to the following tract of land:

Part of Lot "B" of Certified Survey Map 1551, recorded on February 17, 1992 in Volume 1488, Page 34 with the Kenosha County Register of Deeds Office, in the Northwest Quarter of the Northwest Quarter of Section 18, Town 2 North, Range 23 East of the Fourth Principal Meridian, in the City of Kenosha, Kenosha County, Wisconsin and being further described as follows:

Beginning at the southwest corner of said Lot "B"; thence North 87°59'08" East along the south line of said Lot "B", 69.00 feet; thence North 2°00'52" West, 15.00 feet; thence South 87°59'08" West parallel to said south line, 64.59 feet to the west line of said Lot "B"; thence South 14°23'15" West along said west line, 15.64 feet to the point of beginning;

Grantor further agrees to keep said permanent easement area free and clear of all physical structures so as to afford access at all times, and to not alter the surface grade unless approved by Grantee.

Also, a **temporary construction easement** described as:

Beginning at the southwest corner of said Lot "B"; thence North 87°59'08" East along the south line of said Lot "B", 85.00 feet; thence North 2°00'52" West, 20.00 feet; thence South 87°59'08" West parallel to said south line, 79.11 feet to the west line of said Lot "B"; thence South 14°23'15" West along said west line, 20.85 feet to the point of beginning, excepting therefrom the area previously described above as being permanent easement;

The described temporary construction easement shall include for such purpose the right to operate the necessary equipment thereon and the right of ingress and egress as long as required for such purpose; said temporary construction easement will terminate upon completion of the construction and installation of said storm sewer, and the proper restoration of all easement area.