

# RESOLUTION

## ROCK COUNTY BOARD OF SUPERVISORS

Lori Williams  
Initiated by

Public Works & Parks  
Advisory Committee  
Submitted by



Lori Williams, Parks Director  
Drafted By

February 28, 2017  
Date Drafted

### AUTHORIZING EASEMENT TO IDEAL MIDWEST, LLC TO CROSS PELISHEK TIFFANY NATURE TRAIL

1 **WHEREAS**, Rock County owns the Pelishek Tiffany Nature Trail (PTNT) extending from Clinton  
 2 in Rock County to Allens Grove in Walworth County; and,  
 3  
 4 **WHEREAS**, Ideal Midwest, LLC, desires to obtain an easement across a portion of the said  
 5 property for the purpose of boring underneath the trail as part of a project to install sanitary sewer  
 6 and water lateral; and,  
 7  
 8 **WHEREAS**, a fee of \$500 has been stipulated; and,  
 9  
 10 **WHEREAS**, because the project will have a potentially long-term effect on the trail, it will have to  
 11 be approved by the appropriate committees and Rock County Board of Supervisors.  
 12  
 13 **NOW, THEREFORE, BE IT RESOLVED**, by the Rock County Board of Supervisors duly  
 14 assembled this 23<sup>rd</sup> day of March, 2017, that they approve the easement and right-of-  
 15 way for Ideal Midwest, LLC to cross the Pelishek Tiffany Nature Trail and authorize the County  
 16 Board Chair and County Clerk to sign all documents to complete this transaction.

Respectfully submitted,

#### PUBLIC WORKS COMMITTEE

Absent  
Betty Jo Bussie, Chair

Brent Fox  
Brent Fox, Vice Chair

Eva Arnold  
Eva Arnold

Absent  
Rick Richard

Brenton Driscoll  
Brenton Driscoll

#### COUNTY BOARD STAFF COMMITTEE

J. Russell Podzilni  
J. Russell Podzilni, Chair

Sandra Kraft  
Sandra Kraft, Vice Chair

Eva Arnold  
Eva Arnold

Henry Brill  
Henry Brill

Absent  
Betty Jo Bussie

Mary Mayhinney  
Mary Mayhinney

Louis Peer  
Louis Peer

Alan Sweeny  
Alan Sweeny

Terry Thomas  
Terry Thomas

17-3B-243

AUTHORIZING EASEMENT TO IDEAL MIDWEST, LLC TO CROSS PELISHEK TIFFANY  
NATURE TRAIL  
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FISCAL NOTE:

This resolution authorizes an easement across the Pelishek Tiffany Nature Trail to Ideal Midwest, LLC for the purpose of installing a sanitary sewer and water lateral. Ideal Midwest, LLC will pay the County \$500 for this easement.



Sherry Oja  
Finance Director

LEGAL NOTE:

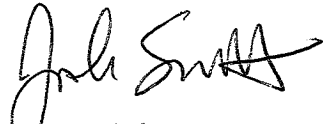
The County Board is authorized to take this action pursuant to §§ 59.01 & 59.51, Wis. Stats.



Jeffrey S. Kuglitsch  
Corporation Counsel

ADMINISTRATIVE NOTE:

Recommended.



Josh Smith  
County Administrator

EXECUTIVE SUMMARY  
AUTHORIZING EASEMENT TO  
IDEAL MIDWEST, LLC TO CROSS PELISHEK TIFFANY NATURE TRAIL

Rock County has owned the 64.3 acres of the Pelishek Tiffany Nature Trail since September 26, 1995, and is working on continued development of this park property via a long-term partnership agreement with the PTNT Foundation. Currently, the trail is open for winter snowmobile use and is open for hiking, bird watching, bicycle use and equestrian use in the summer.

Ideal Midwest, LLC, Clinton, has requested an easement to bore under the trail as part of a sanitary sewer and water lateral project. A sanitary sewer and water lateral pipes will be installed in this bored hole to carry sanitary sewer and water lateral pipes from one side of the trail to the other and distribute it to the desired client. They propose to cross the trail south of Front Street in Clinton, WI. This preferred approach will cause the least amount of disruption and damage to the trail.

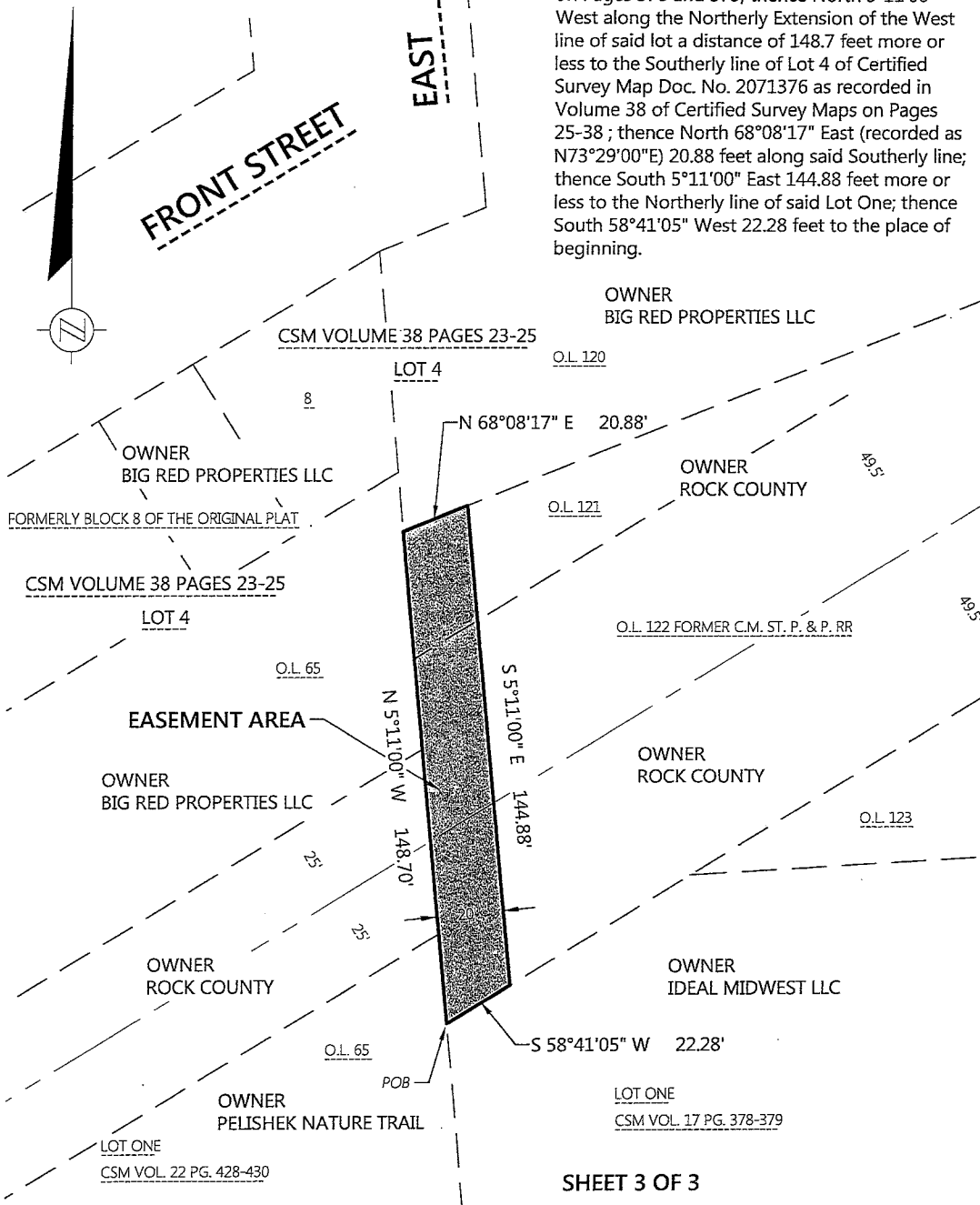
Because this project will have a potentially long-term effect on the trail, it needs to be approved by the appropriate committees and the Rock County Board of Supervisors. A fee of \$500 has been stipulated in accordance with past easements of this nature.

# EXHIBIT "A"

## EXCLUSIVE SANITARY SEWER AND WATER LATERAL EASEMENT

BEING A PART OF OUTLOTS 121 AND 122 OF THE ASSESSOR'S PLAT OF THE VILLAGE OF CLINTON, BEING ALL A PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 8, T. 1 N., R. 14 E. OF THE 4TH P.M., ROCK COUNTY, WISCONSIN

Scale: 1" = 40'  
 0 20 40 80  
 BEARINGS BASED ON THE WEST LINE OF LOT ONE OF CSM VOL. 17 PG. 378, RECORDED AS N 5°11' W



DESCRIBED AS FOLLOWS:  
 Beginning at the Northwest corner of Lot One of Certified Survey Map Doc. No. 1242538 as recorded in Volume 17 of Certified Survey Maps on Pages 378 and 379; thence North 5°11'00" West along the Northerly Extension of the West line of said lot a distance of 148.7 feet more or less to the Southerly line of Lot 4 of Certified Survey Map Doc. No. 2071376 as recorded in Volume 38 of Certified Survey Maps on Pages 25-38 ; thence North 68°08'17" East (recorded as N73°29'00"E) 20.88 feet along said Southerly line; thence South 5°11'00" East 144.88 feet more or less to the Northerly line of said Lot One; thence South 58°41'05" West 22.28 feet to the place of beginning.

OWNER  
 BIG RED PROPERTIES LLC

O.L. 120

CSM VOLUME 38 PAGES 23-25

LOT 4

N 68°08'17" E 20.88'

OWNER  
 BIG RED PROPERTIES LLC

OWNER  
 ROCK COUNTY

FORMERLY BLOCK 8 OF THE ORIGINAL PLAT

O.L. 121

CSM VOLUME 38 PAGES 23-25

LOT 4

O.L. 122 FORMER C.M. ST. P. & P. RR

O.L. 65

EASEMENT AREA

OWNER  
 ROCK COUNTY

OWNER  
 BIG RED PROPERTIES LLC

O.L. 123

OWNER  
 ROCK COUNTY

OWNER  
 IDEAL MIDWEST LLC

O.L. 65

POB

N 5°11'00" W 148.70'

S 5°11'00" E 144.88'

148.70'

144.88'

S 58°41'05" W 22.28'

LOT ONE  
 CSM VOL. 17 PG. 378-379

LOT ONE  
 CSM VOL. 22 PG. 428-430

OWNER  
 PELISHEK NATURE TRAIL

SHEET 3 OF 3

<p>ORDER NO: 32634                  BOOK: SEE FILE                  FIELD CREW: NA                  DRAWN BY: RHL                  DATE: February 27, 2017</p>	<p>ORDERED BY                  IDEAL MIDWEST LLC                  S. STATE RD 140                  CLINTON, WI 53525</p>	<p><b>Batterman</b>                  engineers surveyors planners                  2857 Bartells Drive    Beloit, Wisconsin 53511                  608.365.4464    www.rhbatterman.com</p>
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**EXCLUSIVE SANITARY SEWER AND WATER LATERAL EASEMENT**

THIS INDENTURE, made by the County of Rock, Grantors, of Rock County, Wisconsin, hereby convey and warrant to Ideal Midwest, LLC, Grantee, of Rock County, Wisconsin, for the sum of \_\_\_\_\_ and other good and valuable consideration, an Exclusive Sanitary Sewer and Water Lateral Easement 20 feet wide: described on attached Exhibit A (the "Easement Premises").

See Sheet 3 of 3 for Easement exhibit.

Drafted by and Return to:  
R.H. Batterman & Co., Inc.  
2857 Bartells Drive  
Beloit, WI 53511

The said easement is hereby granted to Grantee and successors and assigns within the area described above to construct, renew, operate and maintain sanitary sewer and water lateral pipes and necessary appurtenances thereto and the right to enter upon the land at all time to construct, renew, operate and maintain within the easement area as described above said sanitary sewer and water lateral pipes and appurtenances.

The performance of Grantee's rights, duties or obligation hereunder is referred to herein as "Easement Work". Grantee agrees that all Easement Work shall be performed in such a manner as to minimize, to the extent reasonably practical, interference with Grantor's operations on the Property.

Grantee agrees to protect, defend, indemnify and hold harmless Grantor and its employees, agents, contractors, tenants, licensees and invitees from and against any and all claims, losses and/or damages, liens, judgments, penalties, reasonable attorneys and consultants fees, expenses and/or liabilities (collectively, "Claims") arising out of the failure of Grantee or any of its employees, agents, contractors or licensees to perform or observe any of its duties or obligations hereunder, or any negligence or willful misconduct by Grantee or any of its employees, agents, contractors or licensees in the performance of any Easement Work.

Grantor expressly reserves all rights related to the Easement Premises not specifically granted to Grantee herein, including, without limiting the generality of the foregoing, (a) the right to pave over, park in, and drive in, on, over and through the Easement Premises, and (b) the right to use the Easement Premises for any other purpose, including, but not limited to, the right to grant and/or dedicate other easements thereon.

Grantee does hereby covenant and agree to replace any disturbed topsoil and to fertilize, reseed or restore such areas arising out of Grantee's construction or subsequent repair or renewal of the system.

Grantee further agrees that the installed facility will be underground except for cleanout covers, if any, which will generally be flush with the ground level.

**IN WITNESS WHEREOF**, the County of Rock, as owner, does hereby certify that they caused the dedication of the easement as described and shown hereon and have hereunto set their hands and seals, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

By: \_\_\_\_\_  
County of Rock -

**STATE OF WISCONSIN )**  
**COUNTY OF ROCK ) ss**

The forgoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017 by \_\_\_\_\_ to me known to be the person who executed the foregoing certificate and acknowledge the same.

\_\_\_\_\_

Notary Public, State of Wisconsin  
My Commission Expires: \_\_\_\_\_