

RESOLUTION

ROCK COUNTY BOARD OF SUPERVISORS

Public Works Committee
INITIATED BY

Public Works Committee
SUBMITTED BY



Ben Coopman, Public Works Director
DRAFTED BY

June 30, 2010
DATE DRAFTED

Authorizing Issuance of Access Permit and
Executing a Memorandum of Understanding with the
City of Janesville for Access onto County Trunk Highway J for a
Commercial Development Project by SARA Real Estate Investments, LLC.

1 **WHEREAS**, SARA Real Estate Investments, LLC (SARA) of Janesville has proposed
2 construction of a new office related use and incrementally other future commercial building
3 ventures to be located in the City of Janesville on approximately seven (7) acres of land at the
4 southeast corner of State Road 11 (E. Racine Street) and County Trunk Highway J (CTH J) (S.
5 Wright Road); and,

6
7 **WHEREAS**, SARA has applied for access to its site from County Trunk Highway J (CTH J)
8 which is owned, maintained and regulated by Rock County; and,

9
10 **WHEREAS**, there are now, and may be in the future, costs to construct and maintain the
11 requested access and modifications to CTH J for this and other possible developments in the
12 area; and,

13
14 **WHEREAS**, The County expects the costs of these current and future improvements be paid by
15 the developers when they are needed; and,

16
17 **WHEREAS**, The City of Janesville can regulate infrastructure improvements and recover costs
18 of them from the developers, while the County cannot do so.

19
20 **NOW, THEREFORE, BE IT RESOLVED**, by the Rock County Board of Supervisors duly
21 assembled this 15th day of July 2010, that the Rock County Department of Public
22 Works issue the requested access permit subject to the conditions of the permit and satisfactory
23 execution of a Memorandum of Understanding outlining additional terms of agreement; and,

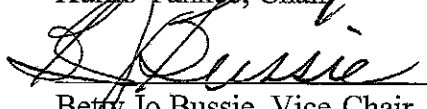
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25 **BE IT FURTHER RESOLVED**, that the County Board Chair and County Clerk are authorized
26 to execute the Memorandum of Understanding on behalf of Rock County.


10-7A-092

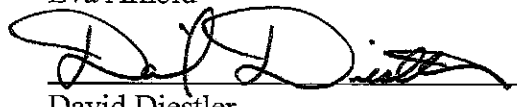
Respectfully submitted,

PUBLIC WORKS COMMITTEE


Kurtis Yankee, Chair

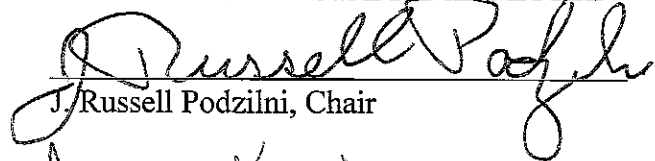

Betty Jo Bussie, Vice-Chair


Eva Arnold


David Diestler

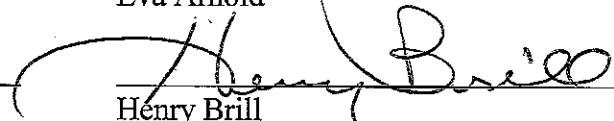

Brent Fox

COUNTY BOARD STAFF COMMITTEE

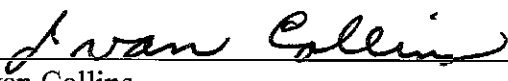

J. Russell Podzilni, Chair


Sandra Kraft, Vice-Chair

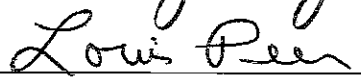
Absent
Eva Arnold

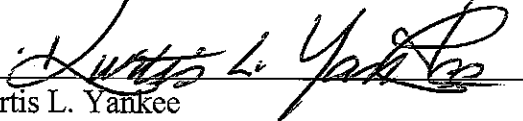

Henry Brill

Absent
Betty Jo Bussie


Ivan Collins

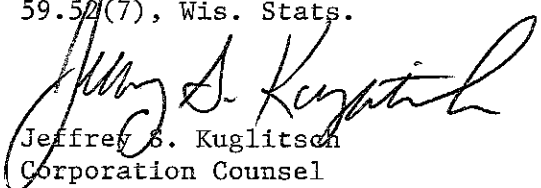

Marilyn Jensen


Louis Peer


Kurtis L. Yankee

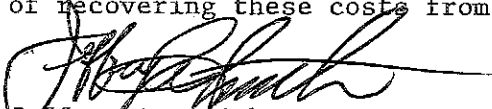
LEGAL NOTE:

The County Board is authorized to take this action under sections 59.03, 59.52(6) and 59.52(7), Wis. Stats.


Jeffrey S. Kuglitsch
Corporation Counsel

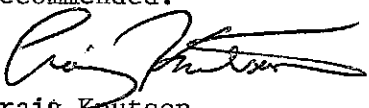
FISCAL NOTE:

As stated in the Resolution and Executive Summary costs for modifications and improvements for the proposed access to CTH J are to be paid for by the City of Janesville. The City has the legal option of recovering these costs from the developers.


Jeffrey A. Smith
Finance Director

ADMINISTRATIVE NOTE:

Recommended.


Craig Knutson
County Administrator

- Executive Summary -

SARA Real Estate Investments, LLC (SARA) has approached the City of Janesville for approval to construct a new office facility at the southeast corner of State Road 11 (E. Racine St.) and County Trunk Highway J (CTH J, also known as S. Wright Road). SARA Real Estate Investments, LLC, has requested an access onto CTH J. The County owns, maintains and controls access to CTH J in that area.

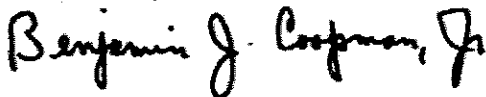
SARA has agreed to pay for the initial work necessary at this time. However, they also plan to do additional phases of construction and it is not known at this time whether more access improvements/modifications to CTH J access point may be needed. Additionally, they own some vacant, commercially zoned property directly adjacent to this development.

This development could require additional modifications to CTH J at some time in the future. These future projects could be quite costly. Timing is unknown.

The County desires to minimize its exposure to these costs due to development that it cannot control or regulate within the City. State statute does not allow Counties to assess for improvements or otherwise command payment, if a future project need arises. Cities can do that, either by Developer's Agreements or by Special Assessments against the property.

The City of Janesville has expressed a willingness to assume this liability by guaranteeing the work will get done and be paid for by the City, if and when needed. They will then exercise their legal options to recover the costs from the developers. To do this, a Memorandum of Understanding has been chosen as the legal method to accomplish the goals without costs to the County.

Respectfully submitted,



Benjamin J. Coopman, Jr., P.E.
Public Works Director

**Rock County Department of Public Works
Division of Highways – Issue Paper**

ISSUE - Consider Driveway Modifications on Controlled Access Highway (CTH J) for SARA Investments, LLC.

DISCUSSION - SARA Investments is a project developer. They seek to build a medical services related building on property they control on the southeast corner CTH J (Wright St.) and STH 11 in the City of Janesville. The route is a controlled access highway and is managed by Rock County.

The developers seek to move an existing driveway into the parcel about one-hundred feet (100') south, build road tapers to facilitate traffic flow and construct a driveway to facilitate opening the building later this year.

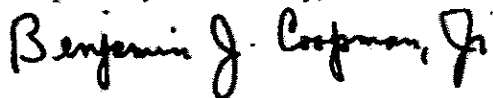
Moving the driveway better aligns it with a service drive into the Dean/St. Mary's Medical Complex across the road. It will still be in conformance with the controlled ordinance as to frequency and spacing of drives. It will further be placed to facilitate future traffic improvements to CTH J, if they should become necessary. These could include islands, traffic signals or a roundabout.

A previous Traffic Impact Analysis (TIA) for the entire area assumed land uses generating higher vehicle turnover and traffic than are currently being proposed or contemplated. A revised TIA is underway.

Significant roadway improvements could be needed in an indeterminable timeframe. To preclude the County having to pay for these improvements resulting from these two developments, the County is requesting a Memorandum of Understanding (MOU) with the City to assure payment to the County for any possible improvements. The City will in turn execute Developer's Agreements to assure all government agencies that these costs can be collected from the developers. This agreement would be mirrored after a previously approved MOU with the City for the Dean/St. Mary's Project. The draft MOU is pending preparation by the City of Janesville. It is hoped that it will be received shortly.

RECOMMENDATION – Issue a temporary, revocable driveway modification permit for one year. If a satisfactory conclusion to the MOU is not reached in that time, the permit shall be cancelled. If there is use occurring of the temporary drive, the Permittee shall cease use and remove the entrance in its entirety.

Respectfully submitted by,



Benjamin J. Coopman, Jr., P.E.
Public Works Director