



**Meeting:** Village Board  
**Meeting Date:** 10/08/2012  
**Agenda Item:** 7e

**Mission Statement**  
Delivering quality services in a courteous, cost-effective and efficient manner.

## VILLAGE BOARD MEETING STAFF REPORT

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**REPORT TO:** Burt R. McIntyre, President  
Village Board of Trustees

**REPORT FROM:** Michael J Kaster, PE, Director of Engineering

**AGENDA ITEM:** Review and take action on Resolution 2012-18, a Relocation Order for the Construction of a Sanitary Sewer Interceptor from Evergreen Avenue approximately 1,300 feet north.

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### **POLICY ISSUE**

Should the Village Board approve the relocation order to acquire permanent easement for the construction of a sanitary sewer interceptor?

### **BACKGROUND INFORMATION**

The Village has discussed and investigated the need for a sanitary sewer interceptor to serve lands north of Evergreen Avenue that currently do not have sewer service. Upon investigation it has been determined that the prudent location for the interceptor sewer is parallel to and west of the unnamed tributary to Lancaster Creek. The proposed interceptor sewer will run from the existing Green Bay Metropolitan Sewerage District "Bay View" interceptor in Evergreen Avenue north to serve areas of the Village and potentially portions of the Town of Pittsfield that are currently not served by sanitary sewer. The initial phase of the project would include construction of interceptor sewer from Evergreen approximately 1,300 feet north, and would also include an eastern segment of sewer to serve Valley Brooke Heights Subdivision.

The resolution is a relocation order for the acquisition of lands required to construct and maintain the proposed interceptor sewer. This is in accordance with sections 32.05, 32.07, 61.34, and 61.36, Wisconsin Statutes. Actual easement acquisition and sewer construction will not begin until the 2013 budget is approved.

### **PRIOR ACTION/REVIEW**

N/A

**FISCAL IMPACT:**

1. Is There A Fiscal Impact?	<u>Yes</u>
2. Is it Currently Budgeted?	<u>Being Considered for 2013</u>
3. If Budgeted, Which Line?	<u>N/A</u>
4. Amount?	<u>\$750,000</u>

**RECOMMENDED ACTION**

Village staff recommends that the Village Board approve the attached resolution.

If the Village Board agrees with this action, the following motion could be used, "***Motion to approve Resolution 2012-18 a Relocation Order for the construction of a sanitary sewer interceptor from Evergreen Avenue approximately 1,300 feet north.***"

**POLICY ALTERNATIVE(S)**

The Village Board could take the following actions:

- Approve resolution 2012-18
- Approve the resolution with modifications
- Deny the resolution and decide how to proceed
- Table the resolution and request additional information

**ATTACHED INFORMATION**

- I. Resolution 2012-18
- II. Approximate Sewer Service Area Map and parcel descriptions

**COPIES FORWARDED TO:**

- I. None

## Resolution 2012-18

### RELOCATION ORDER FOR THE CONSTRUCTION OF SANITARY SEWER INTERCEPTOR

**WHEREAS**, the Village of Howard has determined it necessary to construct an interceptor sewer for sanitary sewer service beginning at the intersection of Evergreen Avenue and an unnamed tributary to Lancaster Creek, extending west approximately 550' along Evergreen Avenue, north approximately 1,300' and east approximately 800', in the Village of Howard; and

**WHEREAS**, the Village Board of Trustees finds it necessary to acquire certain interests and rights in the lands as shown on exhibit "A" attached to this Relocation Order and made part of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Village Board of Howard:

1. The Relocation Order hereto attached including exhibit "A" as prepared by Mau & Associates pursuant to Section 32.05, Wis. Stats., is hereby approved.
2. Public necessity requires the acquisition of certain rights and interests from parcels of property identified on the Relocation Order and located within and adjacent to the aforementioned project in the Village of Howard, Brown County, Wisconsin hereby laid out and established to the lines and widths as shown on exhibit "A".
3. This Resolution together with the attached order is collectively a Relocation Order in accordance with Wis. Stats. 32.05(1) for the purpose of the construction of an interceptor sewer for sanitary sewer service beginning at the intersection of Evergreen Avenue and an unnamed tributary to Lancaster Creek, extending west approximately 550' along Evergreen Avenue, north approximately 1,300' and east approximately 800', and it is also a determination of necessity for the project in accordance with Wis. Stats. 32.07(2).
4. The Village Staff and Attorney of the Village of Howard, Wisconsin are hereby authorized and directed to institute, as necessary, condemnation proceedings to acquire the necessary rights and interest in the parcels of property identified on the Relocation Order.
5. The Relocation Order is made pursuant to the provisions of Chapter 32 and Section 61.34(3) and Section 61.36 of the Wisconsin Statutes.
6. The required rights and interest in the lands as shown on exhibit "A" shall be acquired in the name of the Village of Howard.

### Relocation Order

**WHEREAS**, pursuant to the authority under Sections 32.05 and 61.34, Wis. Stats., the Village of Howard therefore orders and resolves as follows:

1. That said construction of an interceptor sewer for sanitary sewer service beginning at the intersection of Evergreen Avenue and an unnamed tributary to Lancaster Creek, extending west approximately 550' along Evergreen Avenue, north approximately 1,300' and east approximately 800' is hereby laid out and established to the lines shown on exhibit "A".

2. Interests will be required by the Village of Howard, Wisconsin in order to establish, lay out, widen, enlarge, extend, construct, reconstruct, improve or maintain the interceptor sewer for sanitary sewer service beginning at the intersection of Evergreen Avenue and an unnamed tributary to Lancaster Creek, extending west approximately 550' along Evergreen Avenue, north approximately 1,300' and east approximately 800' as designated on the schedule of interests required and to the lines and widths as shown on exhibit "A".
3. Schedule of properties and interest to be acquired in the name of the Village of Howard is as follows:

See schedule of lands and interests required as set forth in exhibit "A" the same of which is attached hereto and incorporated by reference as though fully set forth herein.
4. That this Relocation Order and the attached exhibit "A" shall be recorded in the Office of the Register of Deeds for Brown County within twenty (20) days after the resolution is approved. A copy of this Relocation Order shall also be filed with the Brown County Clerk's office.

Approved and adopted by the Village Board of the Village of Howard this \_\_\_\_\_ day of October, 2012.

\_\_\_\_\_  
Burt McIntyre, Village President

ATTEST:

\_\_\_\_\_  
Chris Haltom, Village Clerk

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Attachments

#### **EXHIBIT A**

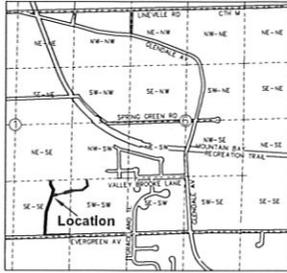
1. Utility Easement Acquisition Exhibit (Mau & Associates drawing no. S-2137)
2. Easement Legal Descriptions – 4 pages.

# Utility Easement Acquisition Exhibit A

PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, T24N-R20E AND ALSO PART OF LOTS 1 AND 2 OF VOLUME 34, CERTIFIED SURVEY MAPS, PAGE 260 (Map #5278), LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, T24N-R19E, BROWN COUNTY RECORDS, VILLAGE OF HOWARD, BROWN COUNTY, WISCONSIN.

100 50 0 100 200 300

Graphic Scale



Sections 1, T24N-R19E & 6, T24N-R20E  
Village of Howard

A TEMPORARY LIMITED EASEMENT (TLE) IS A RIGHT FOR CONSTRUCTION PURPOSES, AS DEFINED HEREIN, INCLUDING THE RIGHT TO OPERATE NECESSARY EQUIPMENT THEREON AND THE RIGHT OF INGRESS AND EGRESS, AS LONG AS REQUIRED FOR SUCH PUBLIC PURPOSE, INCLUDING THE RIGHT TO PRESERVE, PROTECT, REMOVE, OR PLANT THEREON ANY VEGETATION THAT THE EASEMENT AUTHORITIES MAY DEEM NECESSARY OR DESIRABLE. ALL TLEs ARE TO TERMINATE THE DATE THE CONSTRUCTION OF THIS PROJECT IS COMPLETED.

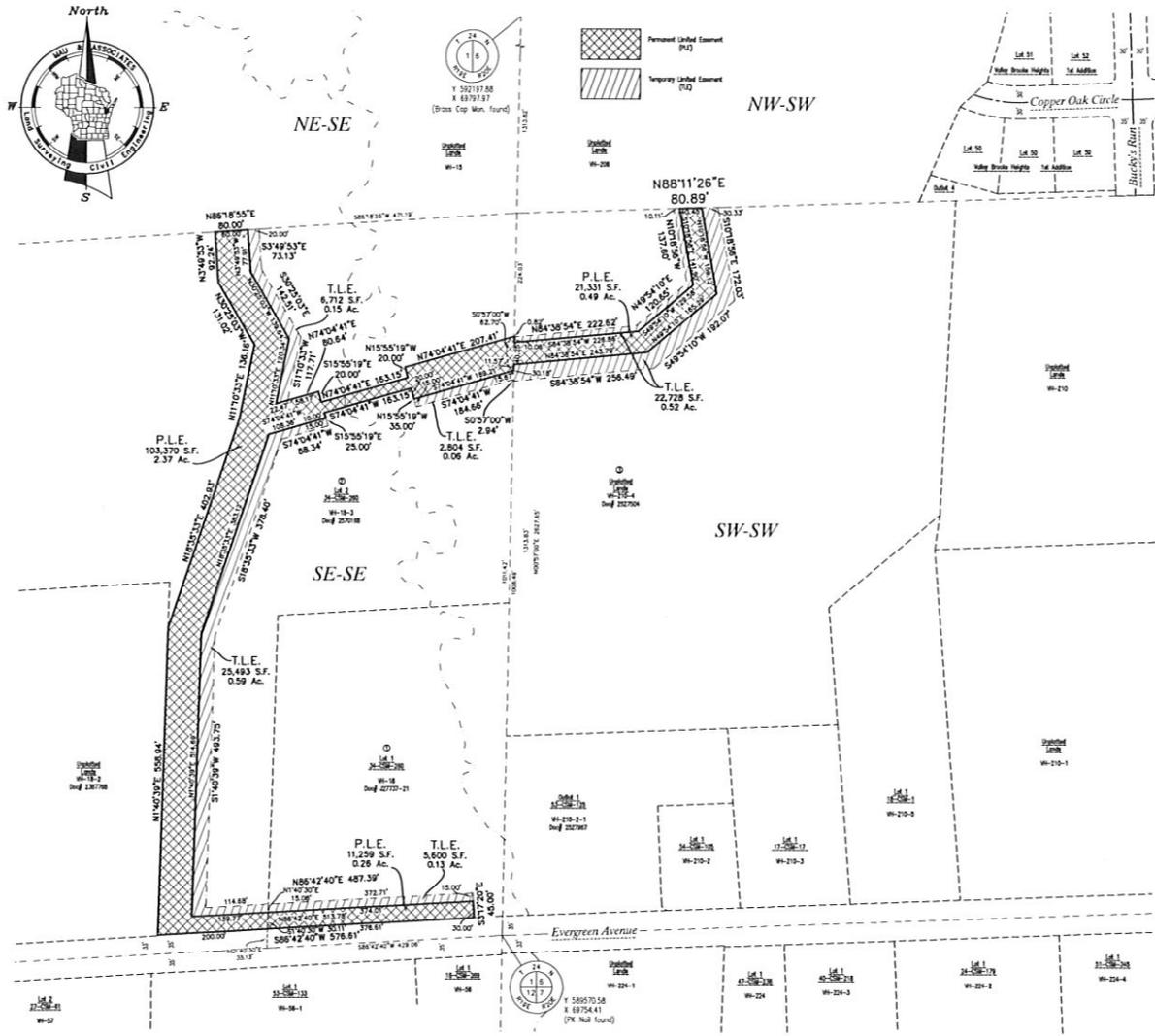
### PERMANENT LIMITED EASEMENT:

This perpetual deed of easement, which shall run with the land and shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties, is granted upon the following conditions:

- The Easement Parcel is given for the purpose of constructing, using, repairing, enlarging and forever maintaining utilities together with the right of access to said Easement Parcel for such purposes.
- That the grantors, shall have the right to use and occupy the above described real estate, providing that such use and occupation will not in any manner disturb, damage, destroy or obstruct said utilities, or any part thereof.
- The grantors covenant and agree that no buildings, structures, landscaping, fences or other improvements shall be erected over and/or under the Easement Parcel or within ten (10) feet of the Easement Parcel.
- The grantee shall have the right of access to said Easement Parcel, and the right to use said premises and the land adjacent thereto for the transportation and laying down of storage materials, tools, and equipment, the depositing and removal of materials, the removal of trees and other vegetation, as well as the right to plant and protect any trees or other vegetation on the Easement Parcel, the removal of any items constructed on or over the Easement Parcel, and for other purposes incidental to construction and maintenance.
- The grantee agrees to restore after completion of construction, maintenance, or other activity, the easement with 4" topsoil, seed, fertilizer and mulch, and further provides that in event any damage is caused to the land or real estate adjacent to the easement, by reason of any negligence of the grantee in entering thereon and using the above described property, said grantee shall compensate the grantors for such damage.
- The grantor herein does hereby covenant with said grantee that he is lawfully seized and possessed of the real estate above described that he has a good and lawful right to convey it or any party thereof; that it is free from all encumbrances, except as hereinafter set forth.

Parcel	Tax Parcel	Owner(s)	Interest Required	PLE Ac.	TLE Ac.	Tree Purchase
①	VH-18	Mark J. Prust, etal 3834 Evergreen Avenue Green Bay, WI 54313	PLE/TLE	11,259 s.f. (0.26 ac)	5,600 s.f. (0.13 ac)	
②	VH-18-3	Kathleen A. Pierquet 3545 S. Timber Trail Suomio, WI 54173	PLE/TLE	103,370 s.f. (2.37 ac)	35,009 s.f. (0.80 ac)	
③	VH-210-4	S02, LLC 244 Sunset Circle Pulaski, WI 54162	PLE/TLE	21,331 s.f. (0.49 ac)	22,728 s.f. (0.52 ac)	

NOTE: OWNER'S NAMES ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE SUBJECT TO CHANGE PRIOR TO THE TRANSFER OF LAND INTEREST.



DATE: 11-15-2011  
DRAWING NO: S-2137

SCALE: 1" = 100'  
PROJECT NO: 11-15-2011  
SHEET NO: 1 OF 1  
FILE: H-15912Exhibit 092412.dwg

Easement Exhibit  
Howard Public Works

BEFORE OF THIS DOCUMENT  
ALL RIGHTS INCLUDING COPYRIGHT ARE  
RESERVED BY MAU & ASSOCIATES. THE USER  
HEREBY AGREES TO THE TERMS AND  
CONDITIONS OF THIS AGREEMENT AND TO  
MAU & ASSOCIATES' LIABILITY FOR THE  
CONTENT OF ANY DATA OR INFORMATION  
ORIGINALLY OBTAINED BY THE USER  
OR ANY OTHER PARTY.

**Mau & Associates**  
LAND SURVEYING & PLANNING  
CIVIL & WATER RESOURCE ENGINEERING  
400 Security Boulevard \* Green Bay, Wisconsin 54313  
Phone: 920-434-9670 Fax: 920-434-9672



**Parcel VH-18-3 Permanent Limited Easement (P.L.E.)**

Part of Lot 2 of Volume 34, Certified Survey Maps, page 260 (Map #5278-Doc. #1521519), Brown County Records, being located in the Southeast ¼ of the Southeast ¼, Section 1, T24N-R19E, Village of Howard, Brown County, Wisconsin, more fully described as follows:

Commencing at the Southeast corner of Section 1, T24N-R19E; thence S86°42'40"W, 429.06 along the South line of the Southeast ¼ of the Southeast ¼ of said section; thence N01°40'30"E, 35.13 feet to the North 35 foot right of way line of Evergreen Avenue and the point of beginning; thence S86°42'40"W, 200.00 feet along said right of way; thence N01°40'39"E, 558.94 feet along a West line of Lot 2 of Volume 34, Certified Survey Maps, page 260, (Map #5278-Doc. #1521519), Brown County Records; thence N18°35'33"E, 402.93 feet; thence N11°10'33"E, 136.16 feet; thence N30°25'03"W, 131.02 feet; thence N03°49'53"W, 92.24 feet to the North line of said quarter-quarter and lot; thence N86°18'55"E, 60.00 feet along said line; thence S03°49'53"E, 77.91 feet; thence S30°25'03"E, 139.64 feet; thence S11°10'33"W, 120.34 feet; thence N74°04'41"E, 80.64 feet; thence S15°55'19"E, 20.00 feet; thence N74°04'41"E, 163.15 feet; thence N15°55'19"W, 20.00 feet; thence N74°04'41"E, 207.41 feet to the East line of said quarter-quarter and lot; thence S00°57'00"W, 62.70 feet; thence S74°04'41"W, 189.21 feet; thence N15°55'19"W, 20.00 feet; thence S74°04'41"W, 163.15 feet; thence S15°55'19"E, 10.00 feet; thence S74°04'41"W, 108.36 feet; thence S18°35'33"W, 383.12 feet; thence S01°40'39"W, 514.69 feet; thence N86°42'40"E, 139.77 feet to the line between Lot 1 and 2 of said map; thence S01°40'30"W, 30.11 feet to the point of beginning.

Easement area contains 103,370 square feet/ 2.37 acres, more or less.

**Parcel VH-18-3 Temporary Limited Easement (T.L.E.)**

Part of Lot 2 of Volume 34, Certified Survey Maps, page 260 (Map #5278-Doc. #1521519), Brown County Records, being located in the Southeast ¼ of the Southeast ¼, Section 1, T24N-R19E, Village of Howard, Brown County, Wisconsin, more fully described as follows:

Commencing at the Southeast corner of Section 1, T24N-R19E; thence S86°42'40"W, 429.06 along the South line of the Southeast ¼ of the Southeast ¼ of said section; thence N01°40'30"E, 65.24 feet along the extension and line between Lot 1 and 2 of Volume 34, Certified Survey Maps, page 260, (Map #5278-Doc. #1521519), Brown County Records and the point of beginning; thence S86°42'40"W, 139.77 feet; thence N01°40'39"E, 514.69 feet; thence N18°35'33"E, 383.12 feet; thence N74°04'41"E, 108.36 feet; thence S15°55'19"E, 15.00 feet; thence S74°04'41"W, 88.34 feet; thence S18°35'33"W, 378.40 feet; thence S01°40'39"W, 493.75 feet; thence N86°42'40"E, 114.68 feet to said lot line; thence S01°40'30"W, 15.06 feet to the point of beginning.

Easement area contains 25,493 square feet/ 0.58 acres, more or less.

**And also:**

**Parcel VH-18-3 Temporary Limited Easement (T.L.E.)**

Part of Lot 2 of Volume 34, Certified Survey Maps, page 260 (Map #5278-Doc. #1521519), Brown County Records, being located in the Southeast ¼ of the Southeast ¼, Section 1, T24N-R19E, Village of Howard, Brown County, Wisconsin, more fully described as follows:

Commencing at the Southeast corner of Section 1, T24N-R19E; thence N00°57'00"E, 1011.42 feet along the East line of the Southeast ¼ of the Southeast ¼ of said section, said line also being the East line of Volume 34, Certified Survey Maps, page 260 (Map #5278-Doc. #1521519), Brown County Records, to the point of beginning; thence S74°04'41"W 184.66 feet; N15°55'19"W 15.00 feet; thence N74°04'41"E 189.21 feet to said East line of said quarter-quarter and map; thence S00°57'00"W, 15.67 feet along said line to the point of beginning.

Easement area contains 2,804 square feet/ 0.24 acres, more or less.

**And also:**

**Parcel VH-18-3 Temporary Limited Easement (T.L.E.)**

Part of Lot 2 of Volume 34, Certified Survey Maps, page 260 (Map #5278-Doc. #1521519), Brown County Records, being located in the Southeast ¼ of the Southeast ¼, Section 1, T24N-R19E, Village of Howard, Brown County, Wisconsin, more fully described as follows:

Commencing at the Southeast corner of Section 1, T24N-R19E; thence N00°57'00"E, 1313.83 feet along the East line of the Southeast ¼ of the Southeast ¼ of said section, said line also being the East line of Volume 34, Certified Survey Maps, page 260 (Map #5278-Doc. #1521519), Brown County Records, to the Northeast corner of said quarter-quarter and map; thence S86°18'55"W, 471.19 feet along said line to the point of beginning; thence S03°49'53"E 73.13 feet; S30°05'03"E 142.51 feet; thence S11°10'33"W 117.71 feet; thence S74°04'41"W, 22.47 feet; thence N11°10'33"E, 120.34 feet; thence N30°25'03"W, 139.64 feet; thence N03°49'53"W, 77.91 feet to the North line of said quarter-quarter and map; thence N86°18'55"E, 20.00 feet along said line to the point of beginning.

Easement area contains 6,712 square feet/ 0.15 acres, more or less.

**Parcel VH-18 Permanent Limited Easement (P.L.E.)**

Part of Lot 1 of Volume 34, Certified Survey Maps, page 260 (Map #5278-Doc. #1521519), Brown County Records, being located in the Southeast ¼ of the Southeast ¼, Section 1, T24N-R19E, Village of Howard, Brown County, Wisconsin, more fully described as follows:

Commencing at the Southeast corner of Section 1, T24N-R19E; thence S86°42'40"W, 429.06 along the South line of the Southeast ¼ of the Southeast ¼ of said section; thence N01°40'30"E, 35.13 feet to the Southwest corner of Lot 1 of Volume 34, Certified Survey Maps, page 260, (Map #5278-Doc. #1521519), Brown County Records and the point of beginning; thence continuing N01°40'30"E, 30.11 feet along said line; thence N86°42'40"E, 374.01 feet; thence S03°17'20"E, 30.00 feet to the North 35 foot right of way line of Evergreen Avenue; thence S86°42'40"W, 376.61 feet along said line to the point of beginning.

Easement area contains 11,259 square feet/ 0.26 acres, more or less.

**Parcel VH-18 Temporary Limited Easement (T.L.E.)**

Part of Lot 1 of Volume 34, Certified Survey Maps, page 260 (Map #5278-Doc. #1521519), Brown County Records, being located in the Southeast ¼ of the Southeast ¼, Section 1, T24N-R19E, Village of Howard, Brown County, Wisconsin, more fully described as follows:

Commencing at the Southeast corner of Section 1, T24N-R19E; thence S86°42'40"W, 429.06 along the South line of the Southeast ¼ of the Southeast ¼ of said section; thence N01°40'30"E, 65.24 feet along the extension and line between Lot 1 and 2 of Volume 34, Certified Survey Maps, page 260, (Map #5278-Doc. #1521519), Brown County Records and the point of beginning; thence continuing N01°40'30"E, 15.06 feet along said line; thence N86°42'40"E, 372.71 feet; thence S03°17'20"E, 15.00 feet; thence S86°42'40"W, 374.01 feet to the point of beginning.

Easement area contains 5,600 square feet/ 0.13 acres, more or less.

**Parcel VH-210-4 Permanent Limited Easement (P.L.E.)**

Part of the Southwest ¼ of the Southwest ¼ of Section 6, T24N-R20E, Village of Howard, Brown County, Wisconsin, more fully described as follows:

Commencing at the Southwest corner of Section 6, T24N-R20E; thence N00°57'00"E, 1038.67 feet along the West line of the Southwest ¼ of the Southwest ¼ of said section to the point of beginning; thence N84°38'54" E 243.79 feet; thence N49°54'10" E 165.29 feet; thence N10°18'56"W, 159.12 feet to the North line of said quarter-quarter; thence S88°11'26"W 40.45 feet along said line; thence S10°18'56"E, 141.90 feet; thence S49°54'10"W 129.58 feet; thence S84°38'54"W 226.86 feet to said West line of said quarter-quarter; thence S00°57'00"W 40.25 feet to the point of beginning.

Easement area contains 21,331 square feet/ 0.49 acres, more or less.

**Parcel VH-210-4 Temporary Limited Easement (T.L.E.)**

Part of the Southwest ¼ of the Southwest ¼ of Section 6, T24N-R20E, Village of Howard, Brown County, Wisconsin, more fully described as follows:

Commencing at the Southwest corner of Section 6, T24N-R20E; thence N00°57'00"E, 1008.49 feet along the West line of the Southwest ¼ of the Southwest ¼ of said section, said line also being the East line of Volume 34, Certified Survey Maps, page 260 (Map #5278-Doc. #1521519), Brown County Records, to the point of beginning; thence continuing N00°57'00"E 30.18 feet; thence N84°38'54"E 243.79 feet; thence N49°54'10"E 165.29 feet; thence N10°18'56"W 159.12 feet; thence S88°11'26"W 40.45 feet; thence S10°18'56"E 141.90 feet; thence S49°54'10" W 129.58 feet; thence S84°38'54"W 226.86 feet; thence N00°57'00" E 10.06 feet; thence N84°38'54" E 222.62 feet; thence N49°54'10"E 120.65 feet; thence N10°18'56"W 137.60 feet; thence N88°11'26"E 80.89 feet; thence S10°18'56"E 172.03 feet; thence S49°54'10"W 192.07 feet; thence S84°38'54"W, 256.49 feet to the point of beginning.

Easement area contains 22,728 square feet/ 0.52 acres, more or less.