

<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>04/16/19</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>RESOLUTION TO AUTHORIZE THE CONSTRUCTION OF A PUBLIC STREET AND SIDEWALK UPON LANDS IN PART SUPPORTING NATURAL RESOURCE FEATURES LOCATED AT OR ABOUT 7475 SOUTH 49TH STREET (FRED ARBANELLA, ARBANELLA/CARMODY HOMES, APPLICANT, WALTER HABLEWITZ, PROPERTY OWNER)</b>	<b>ITEM NUMBER</b> <i>G.12.</i>

#### **Background**

The Common Council, by Ordinance No. 2016-2224, created a process whereby public streets, sidewalks and trails construction shall not be subject to the natural resource features protections standards set forth in Part 4 of the Unified Development Ordinance. In addition, this process allows the Common Council to decide, upon review and approval of a practicable alternatives analysis prepared by an applicant, whether mitigation for any natural resource impacts will be required.

In regard to the current status of the City's review of the proposed Oak Ridge of Franklin Preliminary Plat:

- The Environmental Commission, at its March 27, 2019 meeting, recommended approval with conditions of a Natural Resource Special Exception (NRSE) for the removal of approximately 0.554 acre of protected natural resource features consisting of wetlands, wetland buffers, and wetland setbacks.
- The Plan Commission, at its April 4, 2019 meeting, recommended approval with additional conditions of the same NRSE. It is important to note that the NRSE does not include the impacts associated with construction of the public street and sidewalk that is the subject of this Natural Resource Impacts request.
- The Plan Commission is tentatively scheduled to review the preliminary plat at its May 9, 2019 meeting.

On February 20, 2019, the applicant provided the attached information for the Common Council's consideration of the Natural Resource Features Protection Standards Practicable Alternatives Analysis for the proposed public street and sidewalk.

#### **Natural Resource Protection Plan and Practicable Alternatives Analysis**

A Natural Resource Protection Plan (NRPP) has been completed for the subject development by Alice Thompson of Thompson & Associates Wetland Services LLC, Metropolitan Survey Service Inc., and Lynch & Associates Engineering Consultants LLC, dated 2/20/2019. According to the NRPP, the site contains wetlands and associated wetland buffers and setbacks.

The wetlands were delineated by Alice Thompson of Thompson & Associates Wetland Services LLC on October 31, 2017. A full and complete wetland delineation report is on file with the Department of City Development. Alice Thompson is a Wisconsin Department of Natural Resources (WDNR) assured delineator; therefore, Department of City Development staff did not require separate review by a City consultant.

In total, 1.67-acres of the site consist of protected natural resource features. The applicant is proposing wetland, wetland buffer, and wetland setback impacts for the construction of South 50<sup>th</sup> Street and the public sidewalk along the east side of the street. Specifically, the applicant is requesting approval to fill 0.506 acre of wetland, wetland buffer, and wetland setback.

The applicant has provided an exhibit illustrating these impacts as well as a completed Question and Answer form as recommended by staff. These impacts may be allowed by the Common Council per Ordinance No. 2016-2224.

It can be noted that a Natural Resource Special Exception and a mitigation plan has been submitted to compensate for the additional wetland, buffer, and setback impacts not associated with the public street construction.

#### **COUNCIL ACTION REQUESTED**

A motion to adopt Resolution No. 2019-\_\_\_\_\_, a resolution to authorize the construction of a public street and sidewalk upon lands in part supporting Natural Resource Features located at or about 7475 South 49th Street (Fred Arbanella, Arbanella/Carmody Homes, Applicant, Walter Hablewitz, Property Owner).

## RESOLUTION NO. 2019-\_\_\_\_\_

A RESOLUTION TO AUTHORIZE THE CONSTRUCTION OF A PUBLIC STREET  
AND SIDEWALK UPON LANDS IN PART SUPPORTING NATURAL RESOURCE  
FEATURES LOCATED AT OR ABOUT 7475 SOUTH 49TH STREET  
(FRED ARBANELLA, ARBANELLA/CARMODY HOMES, APPLICANT,  
WALTER HABLEWITZ, PROPERTY OWNER)

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WHEREAS, Table 14-4.0100 Natural Resource Protection, of the Unified Development Ordinance, provides in part at footnote (f) that “all public (Federal, State, County, and City owned) streets, sidewalks and trails construction shall not constitute “development” subject to the natural resource features protection standards under this Ordinance, and the creation and later existence thereof shall not require the grant of a special exception to the provisions of this Ordinance for natural resource features protection; provided, however, that no public street, sidewalk or trail construction may occur unless an application for same is approved by the Common Council”; and

WHEREAS, Fred Arbanella, Arbanella/Carmody Homes has applied for the approval of the construction of a street and sidewalk as part of its single-family residential development at or about the property at 7475 South 49th Street, which overall development approval requires the dedication of the street and trail to the City upon completion of construction and the acceptance thereof by the City, such property being zoned R-6 Suburban Single-Family Residence District more particularly described as follows:

A redivision of Parcel 3 of Certified Survey Map No. 6949, duly recorded in the office of the Milwaukee County Register of Deeds on May 11th, 2001, also being a redivision of Parcel 2 of Certified Survey Map No. 2153 and located in the Southwest 1/4 of the Northeast 1/4 of Section 11, City 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

WHEREAS, the Department of City Development has reviewed the application and has determined that i) the street and sidewalk are designed and shall be constructed under the direction of the City; ii) all other required governmental permits and approvals, including, but not limited to those required by the Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers, have been or shall be obtained prior to the commencement of construction; iii) all remaining areas of natural resource features disturbed by such construction shall be restored to the restoration standards of §15-4.0102I. of the Unified Development Ordinance; iv) that the street and trail have been designed and reviewed pursuant to a practicable alternatives analysis in a priority manner to first consider alternative locations, second to minimize the amount of disturbance, and third to include mitigation in such instances where impact to particularly important natural resource features is unavoidable; and

FRED ARBANELLA, ARBANELLA/CARMODY HOMES – STREET AND SIDEWALK  
NRSE EXEMPTION  
RESOLUTION NO. 2019-\_\_\_\_\_  
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WHEREAS, the Department of City Development recommends approval of the application.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the application of Fred Arbanella, Arbanella/Carmody Homes for a determination that the construction and existence of the subject street and sidewalk in the single-family residential development, pursuant to those plans City file-stamped February 20, 2019 and annexed hereto and incorporated herein as Exhibit A, shall not constitute “development” subject to the natural resource features protection standards and shall not require the grant of a special exception to the natural resource features protection provisions of the Unified Development Ordinance, be and the same is hereby approved, subject to the following findings, conditions and restrictions:

1. The Common Council hereby finds and determines the application proposal is reasonable and necessary in the public interest and that the provision of safe and efficient transportation and connectivity public improvements outweighs the public interest in the complete protection of natural resource features under all the circumstances presented.
2. The approval granted hereunder is conditioned upon the construction and maintenance of the subject street and trail and single-family residential development by Fred Arbanella, Arbanella/Carmody Homes, applicant, Walter Hablewitz, property owner, successors and assigns, pursuant to all approvals and conditions set forth in this Resolution, including, but not limited to the Department of City Development determinations i) through iv) set forth in the Preamble to this Resolution.

BE IT FURTHER RESOLVED, that in the event Fred Arbanella, Arbanella/Carmody Homes, applicant, Walter Hablewitz, property owner, successors or assigns, or any owner of the subject property, does not comply with one or any of the approvals, conditions and restrictions of this Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the approval granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19. of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a

FRED ARBANELLA, ARBANELLA/CARMODY HOMES – STREET AND SIDEWALK  
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separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FINALLY RESOLVED, that the approval granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the subject street and trail has been constructed and accepted by the City.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

Project Narrative  
Oak Ridge Subdivision

The proposed development is a 22 lot subdivision located between 49<sup>th</sup> Street and 51<sup>st</sup> Street. The property to be developed is 11.87 acres in size. As part of the development, Marquette Avenue will be extended west from 49<sup>th</sup> Street to 51<sup>st</sup> Street and 50<sup>th</sup> Street will be extended south from West Minnesota Avenue to Marquette Avenue.

The subdivision lots will be single family residential, ranging in size from 0.25 acres to 0.44 acres. One outlot will be created that will contain a storm water management basin and preserve a portion of an existing wetland. Zoning for this property is R-6 Suburban Single-Family Residence District.

Proposed sanitary sewer and water main will be extended from the existing utilities in 51<sup>st</sup> Street.

The extension of S. 50<sup>th</sup> Street to Marquette Avenue will require filling in a portion of a wetland and wetland setback.

Wetlands were delineated by Alice Thompson on October 31, 2017. The wetland boundaries were located by Metropolitan Survey Service, Inc. Wetland A is 12,602 square feet in area and Wetland B is 2,750 square feet in area.







### **Ordinance 2016-2224 Question and Answer Form**

Ordinance to Amend the Unified Development Ordinance Text to Add a Footnote to Table 15-4.0100 to Provide that All Public (Federal, State, County, and City Owned) Streets, Sidewalks and Trails Construction Shall Conditionally Not Be Subject to the Natural Resource Features Protection Standards Following the Review and Approval of an Application Therefore by the Common Council.

A. Questions to be answered by the applicant. Items on the application to be provided in writing by the applicant shall include the following:

1. Indication of the section(s) of the UDO that are not being met.  
15-4.0103 B.4  
15-4.0103 B.5
2. Statement regarding the exemption requested, giving distances and dimensions where appropriate.  
Exemption is for city request of 50th Street that would extend from Marquette Ave. to West Minnesota Ave. and impact a previously farmed wetland (0.14 acres).
3. Statement of the reason(s) for the request.  
In order to have a functional road layout that serves the neighboring traffic flow. The area is only 0.073 acres.
4. Statement of the reasons why the particular request is appropriate for an exemption under Ordinance 2016-2224, together with any proposed conditions or safeguards, and the reasons why the proposed exemption is in harmony with the general purpose and intent of the Ordinance. In addition, the statement shall address any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, including a practicable alternative analysis as follows:  
The proposed road construction serves to extend existing roadways that are adjacent to the parcel. There is no alternative for the road if 50th Street is to extend from Marquette Ave. to W. Minnesota Ave. in the location needed for proper traffic flow.
  - a. Background and Purpose of the Project.
    - i. Describe the project and its purpose in detail. Include any pertinent construction plans.  
Residential homes and tax base.
    - ii. State whether the project is an expansion of an existing work or new construction.  
New construction, but will complete an existing plan for Marquette Ave. to 51st Street.
    - iii. State why the project must be located in or adjacent to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback to achieve its purpose.  
Traffic flow and connectivity is an important design feature of this development and the road connections are requested by staff. The extension of 50th Street will also meet with the development to the south.

**Franklin**

**FEB 20 2019**

**City Development**

- iv. Identify any aspects of the proposed project that improves traffic safety, traffic efficiency and/or connectivity.  
The connection in the proposed location completes previous roads already present for traffic efficiency and connectivity.

b. Possible Alternatives.

- i. State all of the possible ways the project may proceed without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback as proposed.  
The road connects already present streets, making this location the only viable alternative for traffic flow and connectivity.
- ii. State how the project may be redesigned for the site without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.  
Due to the location of the wetlands on the site in relation to the connecting roads, it is not possible to extend South 50<sup>th</sup> Street without impacting the wetlands.
- iii. State how the project may be made smaller while still meeting the project's needs.  
The request for the road location does affect the size of the development. Putting the road through without lots has the same results.
- iv. State what geographic areas were searched for alternative sites.  
Searching for alternative areas does not solve the city's need to extend Marquette Ave. from Pleasant View School to 51st Street, a highly desired road to increase school access, safety, and traffic flow.
- v. State whether there are other, non-stream, or other non-navigable water, non-shore buffer, non-wetland, non-wetland buffer, and/or non-wetland setback sites available for development in the area.  
See above. Road is needed for improved school access.
- vi. State what will occur if the project does not proceed.  
If the project does not proceed, there will be no Marquette Ave. extension to 51st Street. There will be no construction of 50th Street to W. Minnesota Ave. which would result in a loss of tax base.

c. Comparison of Alternatives.

- i. State the specific costs of each of the possible alternatives set forth under sub. b., above as compared to the original proposal and consider and document the cost of the resource loss to the community.  
There are no alternatives as previously stated if the city wants the connectivity for Marquette Ave. to the school, 50th Street to W. Minnesota Ave. and the development to the south. The resources lost are farmed wetlands of very small size and limited habitat.
- ii. State any logistical reasons limiting any of the possible alternatives set forth under sub. b., above.

Road connections are set to the North, East, and West. The South side has a proposed connecting road to a proposed development.

- iii. State any technological reasons limiting any of the possible alternatives set forth under sub. b., above.

Road alignments would not match current roads.

- iv. State any other reasons limiting any of the possible alternatives set forth under sub. b., above.

The roads are placed to accommodate another proposed development and complete Pleasant View School to 51st Street via Marquette Ave. as requested by staff.

- d. Choice of Project Plan. State why the project should proceed instead of any of the possible alternatives listed under sub. b., above, which would avoid stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback impacts.

The project should proceed because it is the most efficient road layout.

- e. Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Description. Describe in detail the stream or other navigable water shore buffer, wetland, wetland buffer, and/or wetland setback at the site which will be affected, including the topography, plants, wildlife, hydrology, soils and any other salient information pertaining to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

See Thompson & Associates Wetland Report. Farmed wetlands, degraded mono-culture cattails. No navigable waterways, streams, or shore buffers are impacted.

- f. Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Impacts. Describe in detail any impacts to the above functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback:

- i. Diversity of flora including State and/or Federal designated threatened and/or endangered species.

No threatened or endangered species are present. Habitat is extremely limited and functioning as hydric soils only, which will be addressed in the Storm Water Plans. Diversity of flora is non-existent.

- ii. Storm and flood water storage.

Storm water storage is addressed in the Storm Water Plan. Flood water storage is not needed as no flood areas are present.

- iii. Hydrologic functions.

Hydrology of the farmed wetlands will be addressed by maintaining the drainage way that will filter through the existing grasses before entering the storm water basin.

- iv. Water quality protection including filtration and storage of sediments, nutrients or toxic substances.

Water quality will be improved because silt from farmland will no longer drain from the site. Runoff after development will receive treatment by allowing sediment to settle out in the storm water basin.

- v. Shoreline protection against erosion.  
There are no shorelines present, only small areas of farmed wetlands and buffers that will be reduced or eliminated by installation of the requested roads.
  - vi. Habitat for aquatic organisms.  
If any aquatic organisms are present, they will still have a large area adjacent to the storm water basin, and will also have the added benefit of open water of the pond.
  - vii. Habitat for wildlife.  
Wildlife will benefit from the retention pond and wetland drainage area that will remain.
  - viii. Human use functional value.  
The site has little to no human use. A new sidewalk will allow pedestrian access to the school, playground, trails and park.\_
  - ix. Groundwater recharge/discharge protection.  
Ground water will still recharge and discharge in a cleaner method than the farmed land and herbicides used previously. The storm water basin will allow for siltation settling.
  - x. Aesthetic appeal, recreation, education, and science value.  
No aesthetic appeal, recreation, education, or science value is lost. However, new access points will provide are use of nearby conservation lands.
  - xi. Specify any State or Federal designated threatened or endangered species or species of special concern.  
None present.
  - xii. Existence within a Shoreland.  
None present.
  - xiii. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time.  
None present.
- g. Water Quality Protection. Describe how the project protects the public interest in the waters of the State of Wisconsin.  
Public interest in farmed wetlands has little value. Water quality will be improved as farmland will no longer allow siltation and the storm water basin will provide water quality benefits.

5. Date of any previous application or request for an exemption or Special Exception and the disposition of that previous application or request (if any).  
None.

- D. Copies of all necessary governmental agency permits for the project or a written statement as to the status of any application for each such permit. *(Please attach accordingly)*  
The owner is currently in the process of obtaining a Wetland Individual Permit from the WDNR.

**Staff recommends providing statements to the following findings that will be considered by the Common Council in determining whether to grant or deny an exemption per Ordinance No. 2016-2224.**

- a. That the condition(s) giving rise to the request for an exemption were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature):  
The condition is not self-imposed because the existing stub of 50th Street connects the location of the extended street as requested by staff.
- b. Compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:
- i. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives:  
Without moving the road in an unnatural configuration, impact to the farmed wetlands and buffers are unavoidable to the North-South road connection.
  - ii. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives:  
50th Street could be stubbed and make two cul de sac and not cross the wetlands, however this would impede traffic flow. This would be very costly and significantly reduce usable lots in order to protect an extremely degraded farmed wetland.
- c. The Special Exception, including any conditions imposed under this Section will:
- i. be consistent with the existing character of the neighborhood: The subdivision would meet R-6 zoning requirements and provide connectivity and proper traffic flow.
  - ii. not effectively undermine the ability to apply or enforce the requirement with respect to other properties:  
There will be no impact on other properties.
  - iii. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement:  
This request will be in harmony with the purpose of the ordinance by improving water quality through filtration and retaining the existing drainage patterns and a majority of the more desirable wetlands. The proposed storm water basin will provide additional water filtration prior to release. The result will be better filtration than occurs under existing conditions.

- iv. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development (*this finding only applying to an application to improve or enhance a natural resource feature*):

The development will be done in a professional matter in harmony with neighboring areas while providing water quality protection.\_

d. In making its determinations, the Common Council shall consider factors such as:

- i. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks:

The proposed improvements are a reasonable extension of the surrounding land uses.

- ii. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district:

None.

- iii. Existing and future uses of property; useful life of improvements at issue; disability of an occupant:

The majority of the existing site is an isolated agricultural field. The property is currently zoned residential and is designated as residential in the City's long range land use plan.

- iv. Aesthetics:

A majority of the more aesthetically pleasing wetland near S. 50th Street would be preserved.

- v. Degree of noncompliance with the requirement allowed by the exemption:

The request has minimal impact to water quality because the existing condition is a farmed field with exposed soil and no sediment controls. There are no significant natural resources or important habitat present.

- vi. Proximity to and character of surrounding property:

This development is adjacent to a school and worthwhile of residential homes for the community.

- vii. Zoning of the area in which property is located and neighboring area:

The zoning of the property is R-6 and will remain R-6.

- viii. Any negative affect upon adjoining property:

We are not aware of any negative impacts. In fact, we are working together with the adjacent developer to extend Marquette Ave. to 51st Street.

- ix. Natural features of the property:

Natural features contain highly degraded mono-culture dominated plants that provide little water quality benefit or habitat. The drainage will be maintained and water run-off will be treated. There are no woodlands meeting the definition in the U.D.O.

- x. Environmental impacts:

Environmental impact will be minimized through water filtration and by maintaining the existing wetland drainage area near the storm water basin.

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<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>April 16, 2019</b>
<b>REPORTS AND RECOMMENDATIONS</b>	A Resolution for the Declaration of Public Necessity and Relocation Order to reconstruct Elm Road	<b>ITEM NUMBER</b> <i>G.13.</i>

As part of the development of the Franklin Corporate Park, there is a need to reconstruct and improve Elm Road, which will serve as an access point for the development. In order to complete the reconstruction, there is the need to acquire permanent right-of-way and temporary construction easements from certain properties on Elm Road. The attached Resolution is the first step in completing those acquisitions as it formally identifies the needed acquisitions and would be the first step toward condemnation in the event that the City was unable to successfully negotiate with any of the impacted owners.

The board of public works, at their regular meeting on April 9<sup>th</sup>, 2019, made a particular description of each lot, parcel or subdivision of land proposed to be taken, and a plat of the proposed street or alley, drain or water pipe, or land to be used for other authorized purposes.

#### Voting Note

Pursuant to Wis. Stat. § 62.22(4)(d), a four-fifths (4/5) vote of all council members would be required to pass this resolution. This means 5 affirmative votes would be required. ("The mayor shall not be counted in determining whether a quorum is present at a meeting, but may vote in case of a tie. When the mayor does vote in case of a tie the mayor's vote shall be counted in determining whether a sufficient number of the council has voted favorably or unfavorably on any measure." Wis. Stat. § 62.11(1).)

#### Fiscal Note

The resolution itself has no direct fiscal impact. The acquisition and construction costs are an eligible project expense in TID No. 4.

### **COUNCIL ACTION REQUESTED**

A motion to adopt A Resolution for the Declaration of Public Necessity and Relocation Order to reconstruct Elm Road as presented.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION FOR THE DECLARATION OF PUBLIC NECESSITY  
AND RELOCATION ORDER TO RECONSTRUCT ELM ROAD

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WHEREAS, the City of Franklin has determined it is necessary and in the public interest to reconstruct Elm Road from State Highway 241 to its terminus in the City of Franklin; and

WHEREAS, the Common Council has determined it necessary to acquire certain lands within the limits of the public improvement project as set forth in the Relocation Order and Acquisition Map, which is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, this Relocation Order is in accordance with Sections 32.05(1), 62.22(1)(a) and 62.22(4)(d) of the Wisconsin Statutes for the purpose of the within described public improvement project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Common Council of the City of Franklin, Wisconsin, do hereby approve and adopt this Declaration of Public Necessity and Relocation Order.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be filed with the Milwaukee County Clerk within twenty (20) days of its adoption and final approval.

Introduced by Ald. \_\_\_\_\_ at a regular meeting of the Common Council of the City of Franklin the \_\_\_\_ day of \_\_\_\_\_, 2019.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

# RELOCATION ORDER

Project	Municipality	County
Reconstruction of Elm Road	City of Franklin	Milwaukee County

## Description of Termini of Project

The project is located within the following:

Section 36, Township 5 North, Range 21 East, Milwaukee County, Wisconsin

The project termini are as follows:

Begin: Western right-of-way line of State Highway 241 (South 27<sup>th</sup> Street) continuing west approximately 2,535 feet to the termination of Elm Road.

To properly establish, lay out, widen, enlarge, extend, construct, reconstruct, improve, or maintain a portion of the highway designated above, it is necessary to relocate or change and acquire certain lands or interests in lands as shown on the right of way plat for the above project.

To effect this change, pursuant to authority granted under Section 62.22, Wisconsin Statutes, the City of Franklin orders that:

1. The said highway is laid out and established to the lines and widths as shown on the plat.
2. The required lands or interests in lands as shown on the attached ROW Acquisition Map shall be acquired by the City of Franklin in the name of the City of Franklin, pursuant to the provisions of Sections 62.22(1)(a) and 62.22(4)(d), Wisconsin Statutes.
3. This order supersedes and amends any previous order issued by the City.

CITY OF FRANKLIN

ATTEST:

Stephen R. Olson, Mayor (Date)

Sandra L. Wesolowski, City Clerk

①

# EXHIBIT "A"

SHEET 1 OF 1

## DEDICATION FOR PUBLIC STREET

Being part of the SE 1/4 of the NE 1/4 of Section 36, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

### DESCRIPTION:

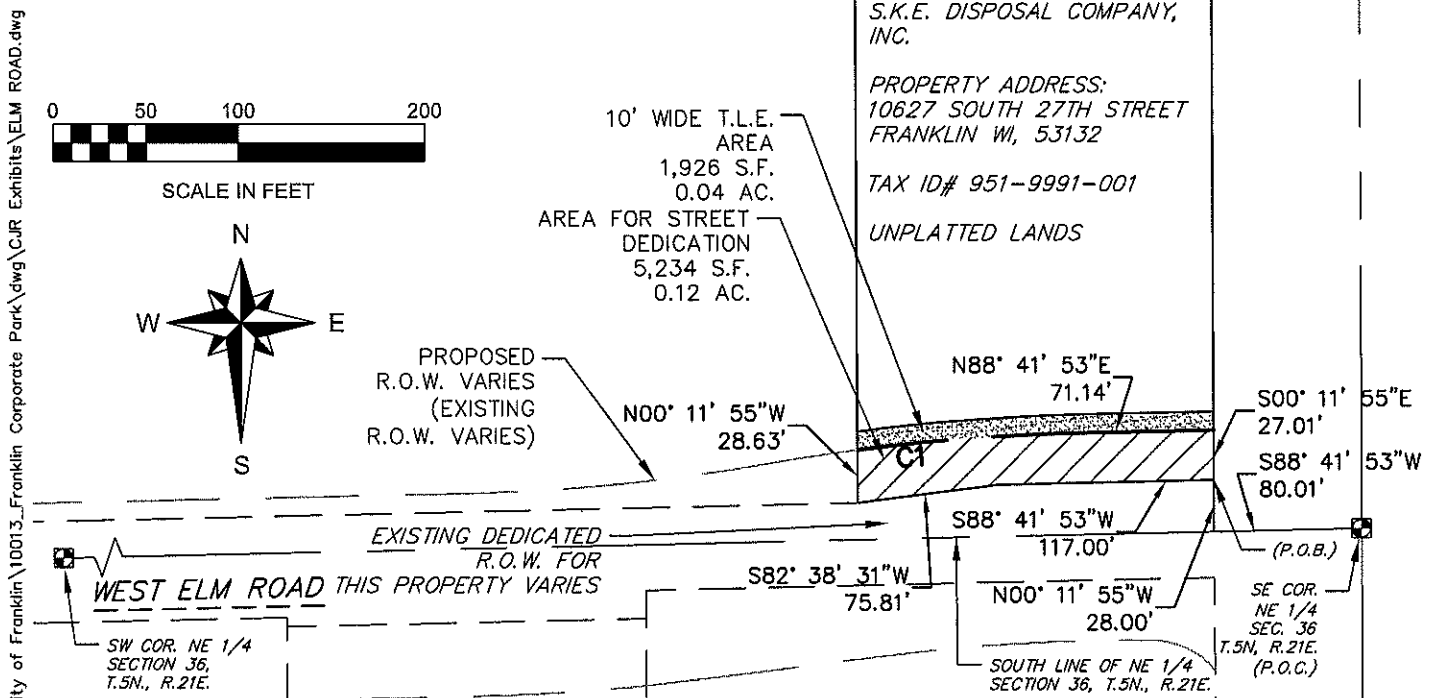
Being part of the Southeast 1/4 of the Northeast 1/4 of Section 36, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the Southeast Corner of said Northeast 1/4 of Section 36; thence bearing S88°41'53"W, along the South line of said Northeast 1/4 a distance of 80.01 feet; thence bearing N00°11'55"W, a distance of 28.00 feet to the POINT OF BEGINNING; thence bearing S88°41'53"W, along the existing North line of West Elm Road, a distance of 117.00 feet; thence bearing S82°38'31"W, a distance of 75.81 feet; thence bearing N00°11'55"W, a distance of 28.63 feet to a point of curve; thence along the arc of a curve to the right, a distance of 121.44 feet, radius of 1155.00 feet, central angle of 06°01'27", with a chord bearing N85°41'10"E, a distance of 121.38 feet to a point of tangency; thence bearing N88°41'53"E, a distance of 71.14 feet to the West line of South 27th Street; thence bearing S00°11'55"E, a distance of 27.01 feet to the POINT OF BEGINNING, containing 5,234 square feet, more or less, of land. Subject to, but not limited to, covenants, conditions, restrictions and easements of record.

### ALSO:

A 10.00 foot wide Temporary Limited Easement (T.L.E.) north of and immediately adjacent to the above described street dedication.

CURVE TABLE								
CURVE #	RADIUS	DELTA	CHORD	CHORD BRG.	ARC	TANGENT	TANGENT BRG. IN	TANGENT BRG. OUT
C1	1155.00'	6°01'27"	121.38'	S85° 41' 10"W	121.44'	60.78'	S82° 40' 26"W	S88° 41' 53"W
C2	46.42'	8°48'46"	7.13'	N28° 21' 27"E	7.14'	3.58'	N32° 45' 50"E	N23° 57' 04"E



### PREPARED FOR:

City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

### PREPARED BY:

Ruekert & Mielke, Inc.  
W233 N2080 Ridgeview Pkwy.  
Waukesha, WI 53188

THIS INSTRUMENT WAS DRAFTED BY CHRIS RUETTEN, P.L.S. (3/5/19)

G:\C3D\_2018\58\_City of Franklin\10013\_Franklin Corporate Park\dwg\CJR Exhibits\ELM ROAD.dwg

**Ruekert • Mielke**  
www.ruekertmielke.com

②

# EXHIBIT "A"

SHEET 1 OF 1

## DEDICATION FOR PUBLIC STREET

Being part of the SE 1/4 of the NE 1/4 of Section 36, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

### DESCRIPTION:

Being part of the Southeast 1/4 of the Northeast 1/4 of Section 36, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the Southeast Corner of said Northeast 1/4 of Section 36; thence bearing S88°41'53"W, along the South line of said Northeast 1/4 a distance of 272.25 feet; thence bearing N00°11'55"W, a distance of 20.00 feet to the POINT OF BEGINNING; thence bearing S88°41'53"W, along the existing North line of West Elm Road, a distance of 453.75 feet; thence bearing N00°11'55"W, a distance of 10.01 feet; thence bearing N88°41'59"E, a distance of 244.33 feet to a point of curve; thence along the arc of a curve to the left, a distance of 151.57 feet, radius of 1045.00 feet, central angle of 08°18'38", with a chord bearing N84°32'40"E, a distance of 151.44 feet to a point of tangency; thence bearing N80°23'21"E, a distance of 13.18 feet to a point of curve; thence along the arc of a curve to the right a distance of 46.06 feet, radius of 1155.00 feet, central angle of 02°17'06", with a chord bearing N81°31'54"E, a distance of 46.06 feet to a point; thence bearing S00°11'55"E, a distance of 28.63 feet to the POINT OF BEGINNING, containing 5,969 square feet, more or less, of land. Subject to, but not limited to, covenants, conditions, restrictions and easements of record.

### ALSO:

A 10.00 foot wide Temporary Limited Easement (T.L.E.) north of and immediately adjacent to the above described street dedication.

CURVE TABLE								
CURVE #	RADIUS	DELTA	CHORD	CHORD BRG.	ARC	TANGENT	TANGENT BRG. IN	TANGENT BRG. OUT
C1	1045.00'	08°18'38"	151.44'	N84° 32' 40"E	151.57'	75.92'	N88° 41' 59"E	N80° 23' 21"E
C2	1155.00'	02°17'06"	46.06'	N81° 31' 54"E	46.06'	23.03'	S80° 23' 21"W	S82° 40' 26"W

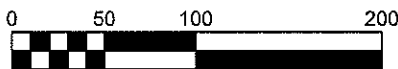
OWNER:  
S.K.E. DISPOSAL COMPANY, INC.

PROPERTY ADDRESS:  
LANDS ALONG SOUTH 27TH STREET  
FRANKLIN WI, 53132

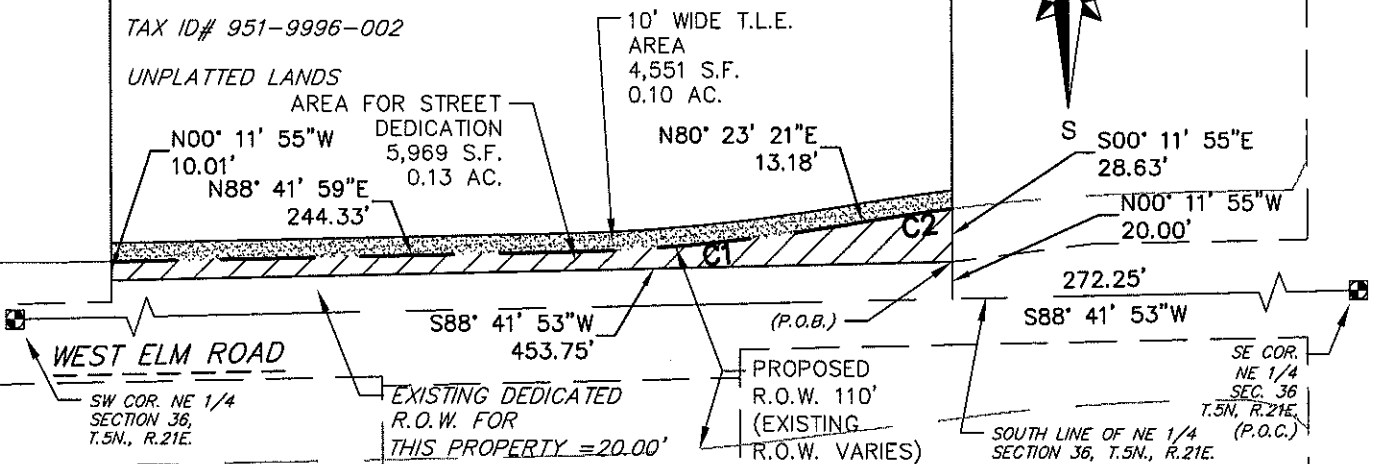
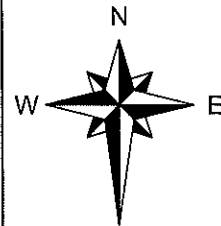
TAX ID# 951-9996-002

### UNPLATTED LANDS

AREA FOR STREET DEDICATION  
5,969 S.F.  
0.13 AC.  
N00° 11' 55"W  
10.01'  
N88° 41' 59"E  
244.33'



SCALE IN FEET



### PREPARED FOR:

City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

### PREPARED BY:

Ruekert & Mielke, Inc.  
W233 N2080 Ridgeview Pkwy.  
Waukesha, WI 53188

THIS INSTRUMENT WAS DRAFTED BY CHRIS RUETTEN, P.L.S. (10/24/18)

3

# EXHIBIT "A"

SHEET 1 OF 1

## DEDICATION FOR PUBLIC STREET

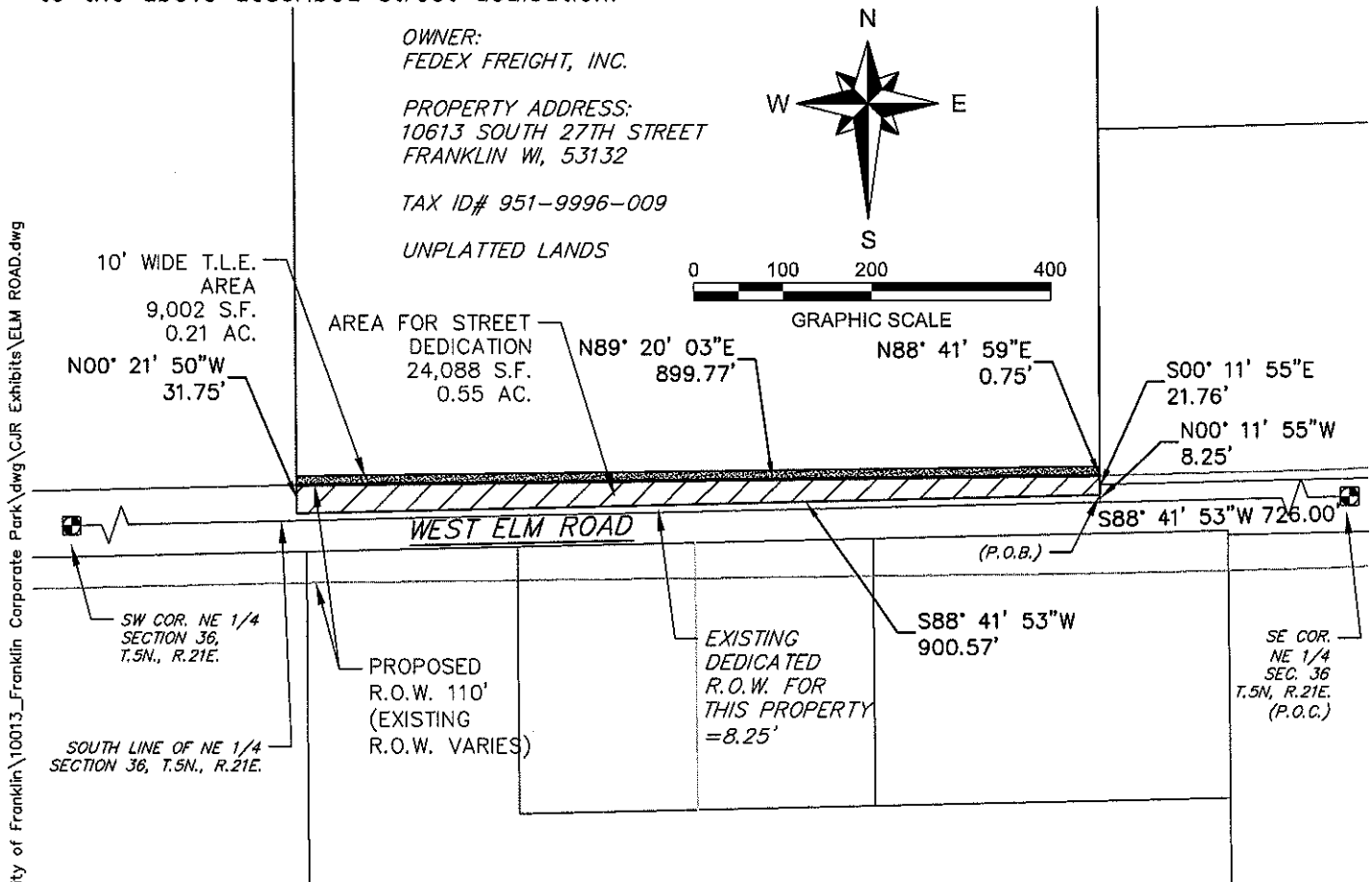
Being part of the SE 1/4 and SW 1/4 of the NE 1/4 of Section 36, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.  
DESCRIPTION:

Being part of the Southeast 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 36, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the Southeast Corner of said Northeast 1/4 of Section 36; thence bearing S88°41'53"W, along the South line of said Northeast 1/4 a distance of 726.00 feet; thence bearing N00°11'55"W, a distance of 8.25 feet to the POINT OF BEGINNING; thence bearing S88°41'53"W, along the existing North line of West Elm Road, a distance of 900.57 feet; thence bearing N00°21'50"W, a distance of 31.75 feet; thence bearing N89°20'03"E, a distance of 899.77 feet; thence bearing N88°41'59"W, a distance of 0.75 feet; thence bearing S00°11'55"E, a distance of 21.76 feet to the POINT OF BEGINNING, containing 24,088 square feet, more or less, of land. Subject to, but not limited to, covenants, conditions, restrictions and easements of record.

### ALSO:

A 10.00 foot wide Temporary Limited Easement (T.L.E.) north of and immediately adjacent to the above described street dedication.



### PREPARED FOR:

City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

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THIS INSTRUMENT WAS DRAFTED BY CHRIS RUETTEN, P.L.S. (10/24/18)

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④

# EXHIBIT "A"

SHEET 1 OF 1

## DEDICATION FOR PUBLIC STREET

Being part of the NW 1/4 of the SE 1/4 of Section 36, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

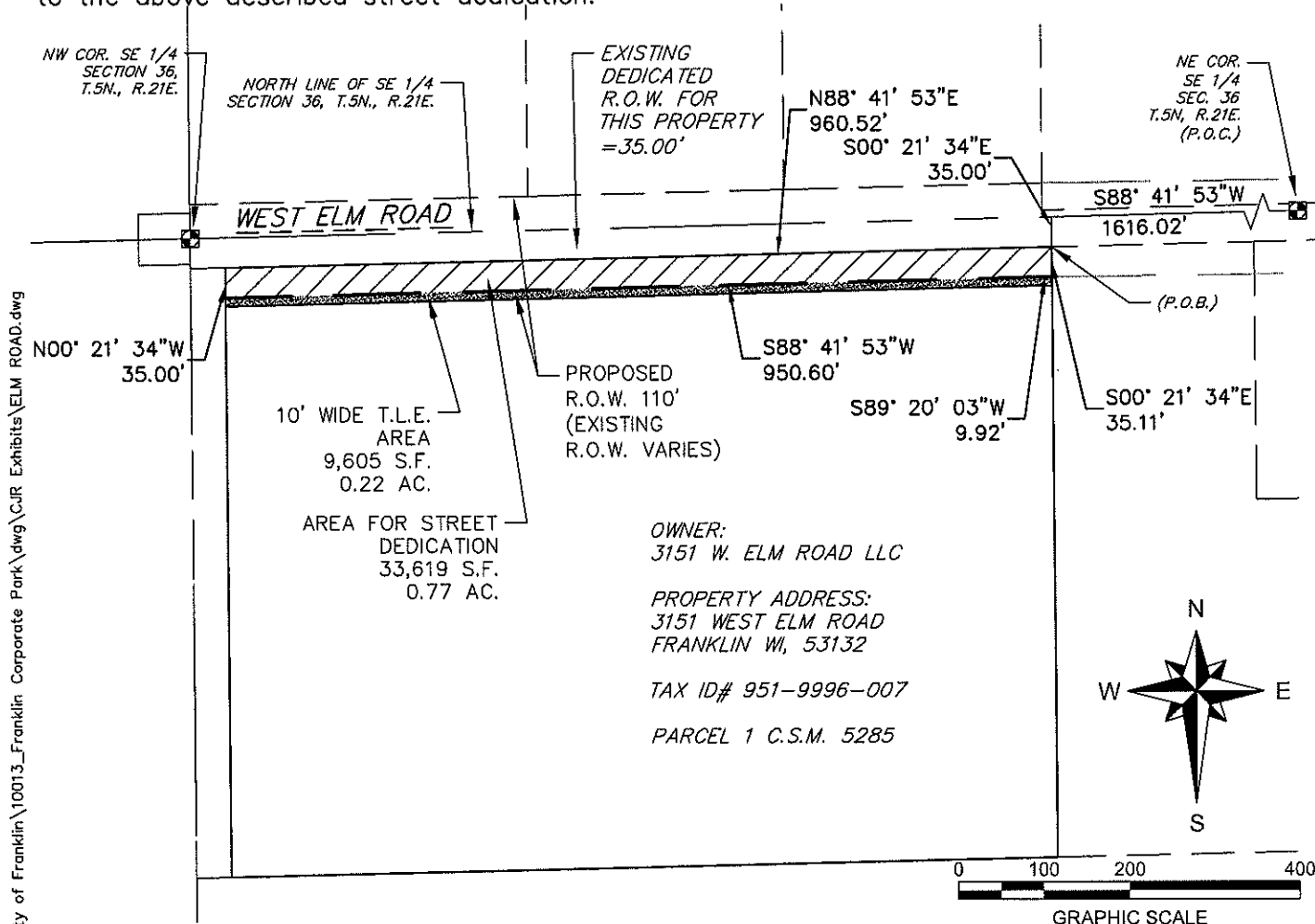
### DESCRIPTION:

Being part of the Northwest 1/4 of the Southeast 1/4 of Section 36, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the Northeast Corner of said Southeast 1/4 of Section 36; thence bearing S88°41'53"W, along the North line of said Southeast 1/4 a distance of 1616.02 feet; thence bearing S00°21'34"E, a distance of 35.00 feet to the POINT OF BEGINNING; thence bearing S00°21'34"E, a distance of 35.11 feet; thence bearing S89°20'03"W, a distance of 9.92 feet; thence bearing S88°41'53"W, a distance of 950.60 feet; thence bearing N00°21'34"W, a distance of 35.00 feet; thence bearing N88°41'53"E, along the existing South line of West Elm Road, a distance of 960.52 feet to the POINT OF BEGINNING, containing 33,619 square feet, more or less, of land. Subject to, but not limited to, covenants, conditions, restrictions and easements of record.

### ALSO:

A 10.00 foot wide Temporary Limited Easement (T.L.E.) south of and immediately adjacent to the above described street dedication.



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**PREPARED FOR:**  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

**PREPARED BY:**  
Ruekert & Mielke, Inc.  
W233 N2080 Ridgeview Pkwy.  
Waukesha, WI 53188

THIS INSTRUMENT WAS DRAFTED BY CHRIS RUETTEN, P.L.S. (10/24/18)

⑤

**EXHIBIT "A"****DEDICATION FOR PUBLIC STREET**

Being part of the NW 1/4 of the SE 1/4 of Section 36, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

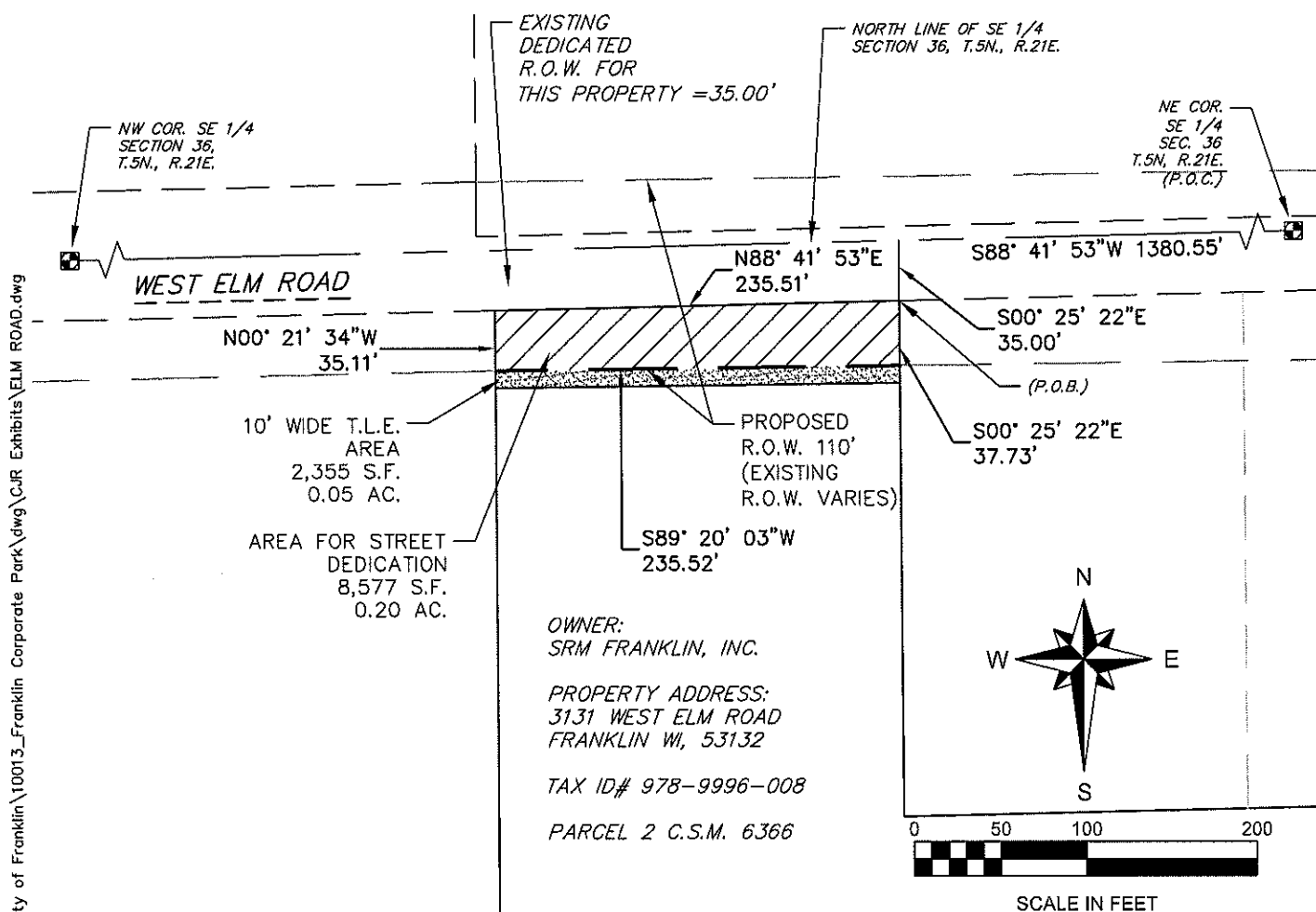
**DESCRIPTION:**

Being part of the Northwest 1/4 of the Southeast 1/4 of Section 36, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the Northeast Corner of said Southeast 1/4 of Section 36; thence bearing S88°41'53"W, along the North line of said Southeast 1/4 a distance of 1380.55 feet; thence bearing S00°25'22"E, a distance of 35.00 feet to the POINT OF BEGINNING; thence bearing S00°25'22"E, a distance of 37.73 feet; thence bearing S89°20'03"W, a distance of 235.52 feet; thence bearing N00°21'34"W, a distance of 35.11 feet; thence bearing N88°41'53"E, along the existing South line of West Elm Road, a distance of 235.51 feet to the POINT OF BEGINNING, containing 8,577 square feet, more or less, of land. Subject to, but not limited to, covenants, conditions, restrictions and easements of record.

**ALSO:**

A 10.00 foot wide Temporary Limited Easement (T.L.E.) south of and immediately adjacent to the above described street dedication.

**PREPARED FOR:**

City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

**PREPARED BY:**

Ruekert & Mielke, Inc.  
W233 N2080 Ridgeview Pkwy.  
Waukesha, WI 53188

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⑥

# EXHIBIT "A"

SHEET 1 OF 1

## DEDICATION FOR PUBLIC STREET

Being part of the NE 1/4, and the NW 1/4 of the SE 1/4 of Section 36, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

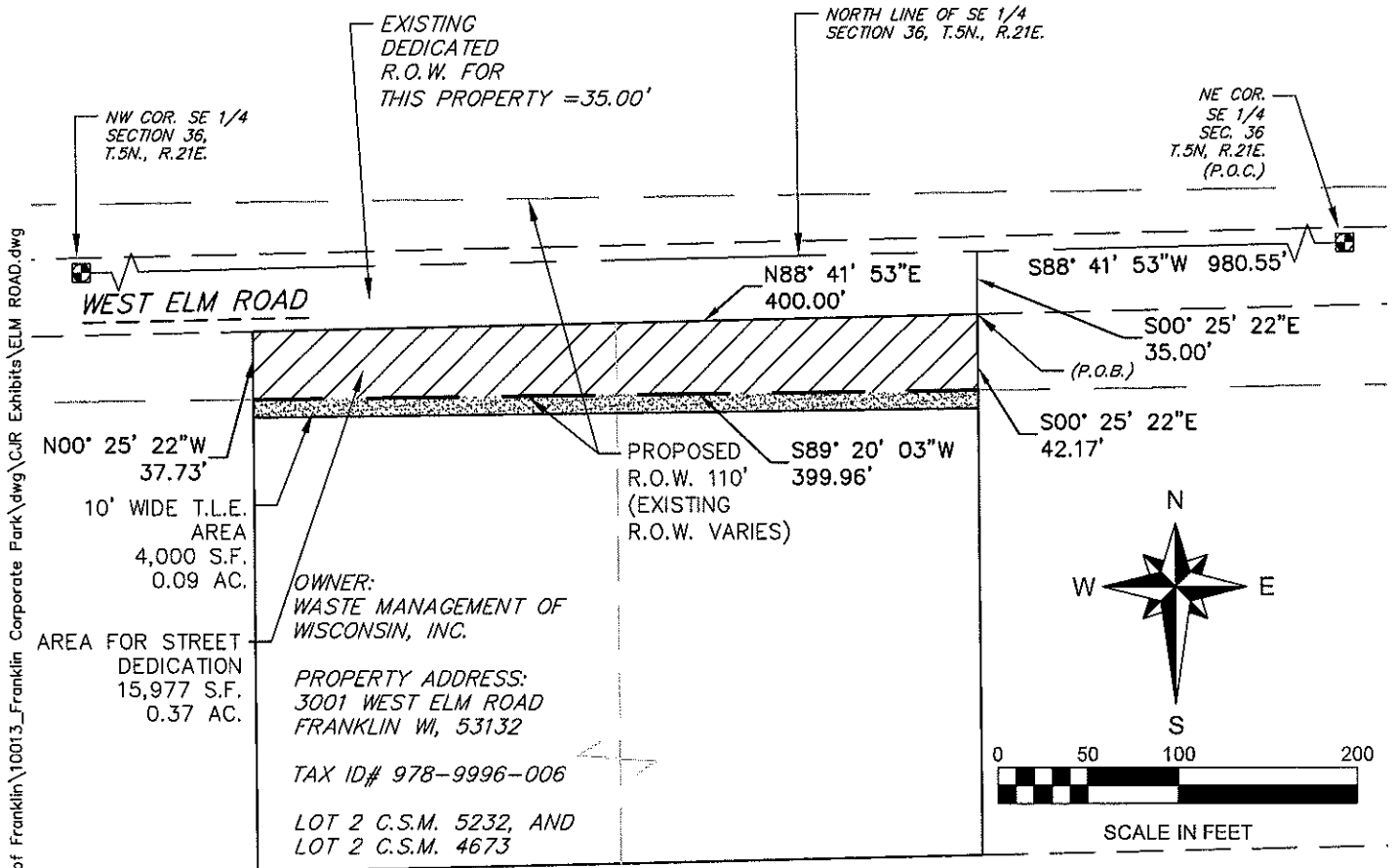
### DESCRIPTION:

Being part of the Northeast 1/4, and the Northwest 1/4 of the Southeast 1/4 of Section 36, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the Northeast Corner of said Southeast 1/4 of Section 36; thence bearing S88°41'53"W, along the North line of said Southeast 1/4 a distance of 980.55 feet; thence bearing S00°25'22"E, a distance of 35.00 feet to the POINT OF BEGINNING; thence bearing S00°25'22"E, a distance of 42.17 feet; thence bearing S89°20'03"W, a distance of 399.96 feet; thence bearing N00°25'22"W, a distance of 37.73 feet; thence bearing N88°41'53"E, along the existing South line of West Elm Road, a distance of 400.00 feet to the POINT OF BEGINNING, containing 15,977 square feet, more or less, of land. Subject to, but not limited to, covenants, conditions, restrictions and easements of record.

### ALSO:

A 10.00 foot wide Temporary Limited Easement (T.L.E.) south of and immediately adjacent to the above described street dedication.



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www.ruekertmielke.com

**PREPARED FOR:**  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

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G:\C3D\_2018\58\_City of Franklin Corporate Park\dwg\CJR Exhibits\ELM ROAD.dwg

⑦

**EXHIBIT "A"****DEDICATION FOR PUBLIC STREET**

Being part of the NE 1/4 of the SE 1/4 of Section 36, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

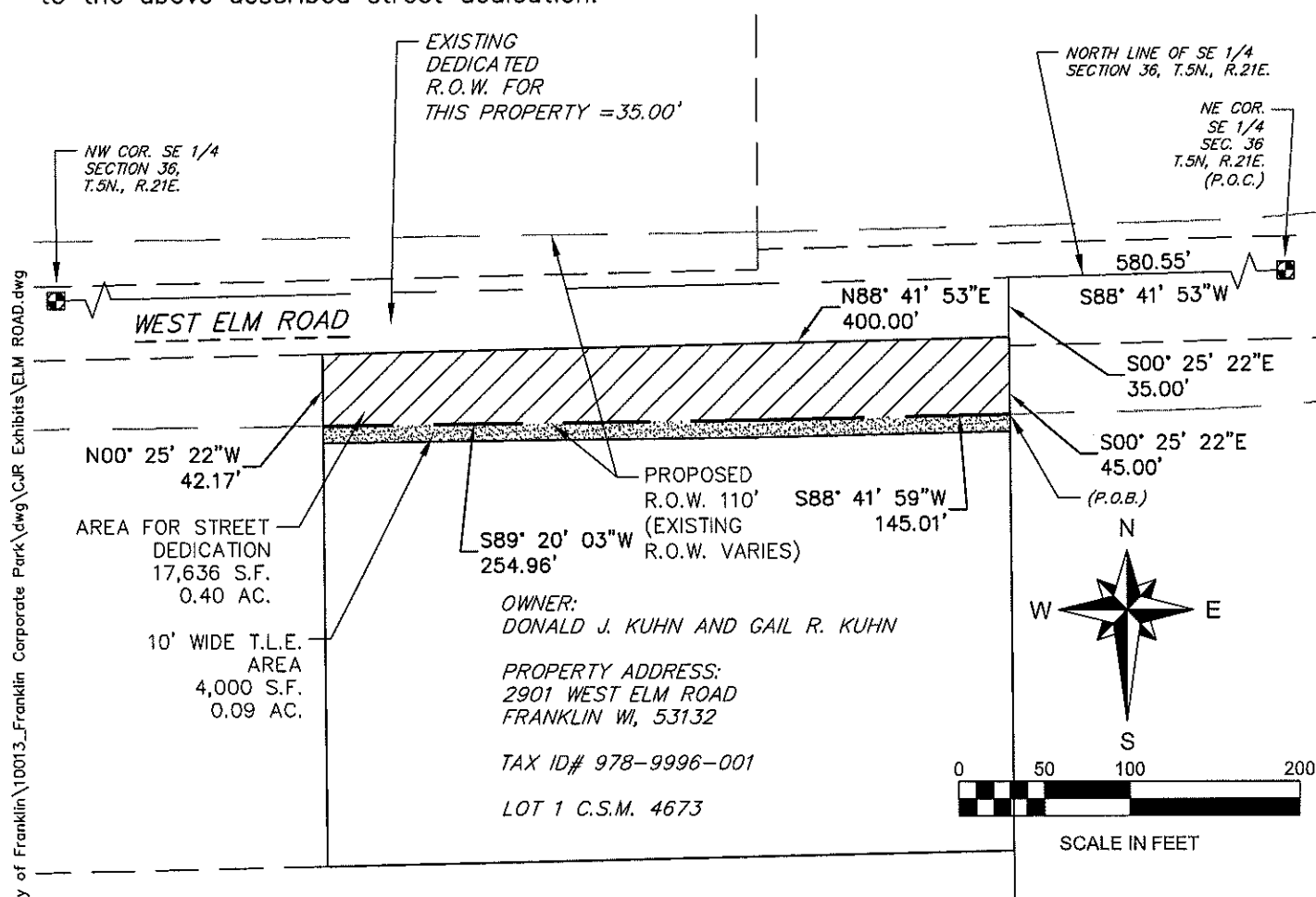
**DESCRIPTION:**

Being part of the Northeast 1/4 of the Southeast 1/4 of Section 36, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the Northeast Corner of said Southeast 1/4 of Section 36; thence bearing S88°41'53"W, along the North line of said Southeast 1/4 a distance of 580.55 feet; thence bearing S00°25'22"E, a distance of 35.00 feet to the POINT OF BEGINNING; thence bearing S00°25'22"E, a distance of 45.00 feet; thence bearing S88°41'59"W, a distance of 145.01 feet; thence bearing S89°20'03"W, a distance of 254.96 feet; thence bearing N00°25'22"W, a distance of 42.17 feet; thence bearing N88°41'53"E, along the existing South line of West Elm Road, a distance of 400.00 feet to the POINT OF BEGINNING, containing 17,636 square feet, more or less, of land. Subject to, but not limited to, covenants, conditions, restrictions and easements of record.

**ALSO:**

A 10.00 foot wide Temporary Limited Easement (T.L.E.) south of and immediately adjacent to the above described street dedication.



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**PREPARED FOR:**

City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

**PREPARED BY:**

Ruekert & Mielke, Inc.  
W233 N2080 Ridgeview Pkwy.  
Waukesha, WI 53188

8

# EXHIBIT "A"

SHEET 1 OF 1

## DEDICATION FOR PUBLIC STREET

Being part of the NE 1/4 of the SE 1/4 of Section 36, Township 5 North, Range 21 East,  
City of Franklin, Milwaukee County, Wisconsin.

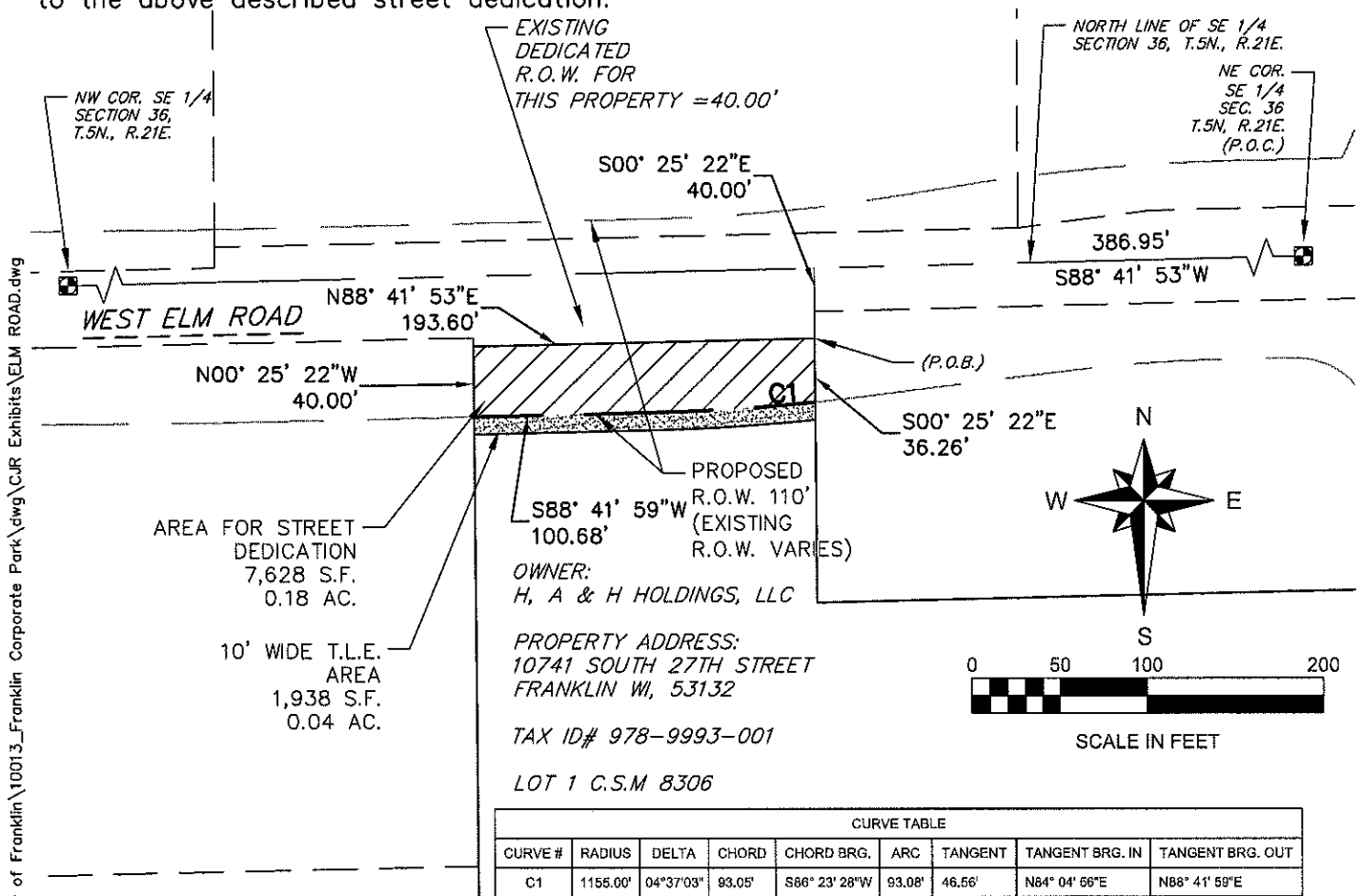
### DESCRIPTION:

Being part of the Northeast 1/4 of the Southeast 1/4 of Section 36, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the Northeast Corner of said Southeast 1/4 of Section 36; thence bearing S88°41'53"W, along the North line of said Southeast 1/4 a distance of 386.95 feet; thence bearing S00°25'22"E, a distance of 40.00 feet to the POINT OF BEGINNING; thence bearing S00°25'22"E, a distance of 36.26 feet to a point on a curve; thence along the arc of a curve to the right a distance of 93.08 feet, radius of 1155.00 feet, central angle of 04°37'03" with a chord bearing S86°23'28"W a distance of 93.05 feet to a point of tangency; thence bearing S88°41'59"W, a distance of 100.68 feet; thence bearing N00°25'22"W, a distance of 40.00 feet; thence bearing N88°41'53"E, along the existing South line of West Elm Road, a distance of 193.60 feet to the POINT OF BEGINNING, containing 7,628 square feet, more or less, of land. Subject to, but not limited to, covenants, conditions, restrictions and easements of record.

### ALSO:

A 10.00 foot wide Temporary Limited Easement (T.L.E.) south of and immediately adjacent to the above described street dedication.



### PREPARED FOR:

City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

### PREPARED BY:

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9

**EXHIBIT "A"**

SHEET 1 OF 1

**DEDICATION FOR PUBLIC STREET**

Being part of the NE 1/4 of the SE 1/4 of Section 36, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

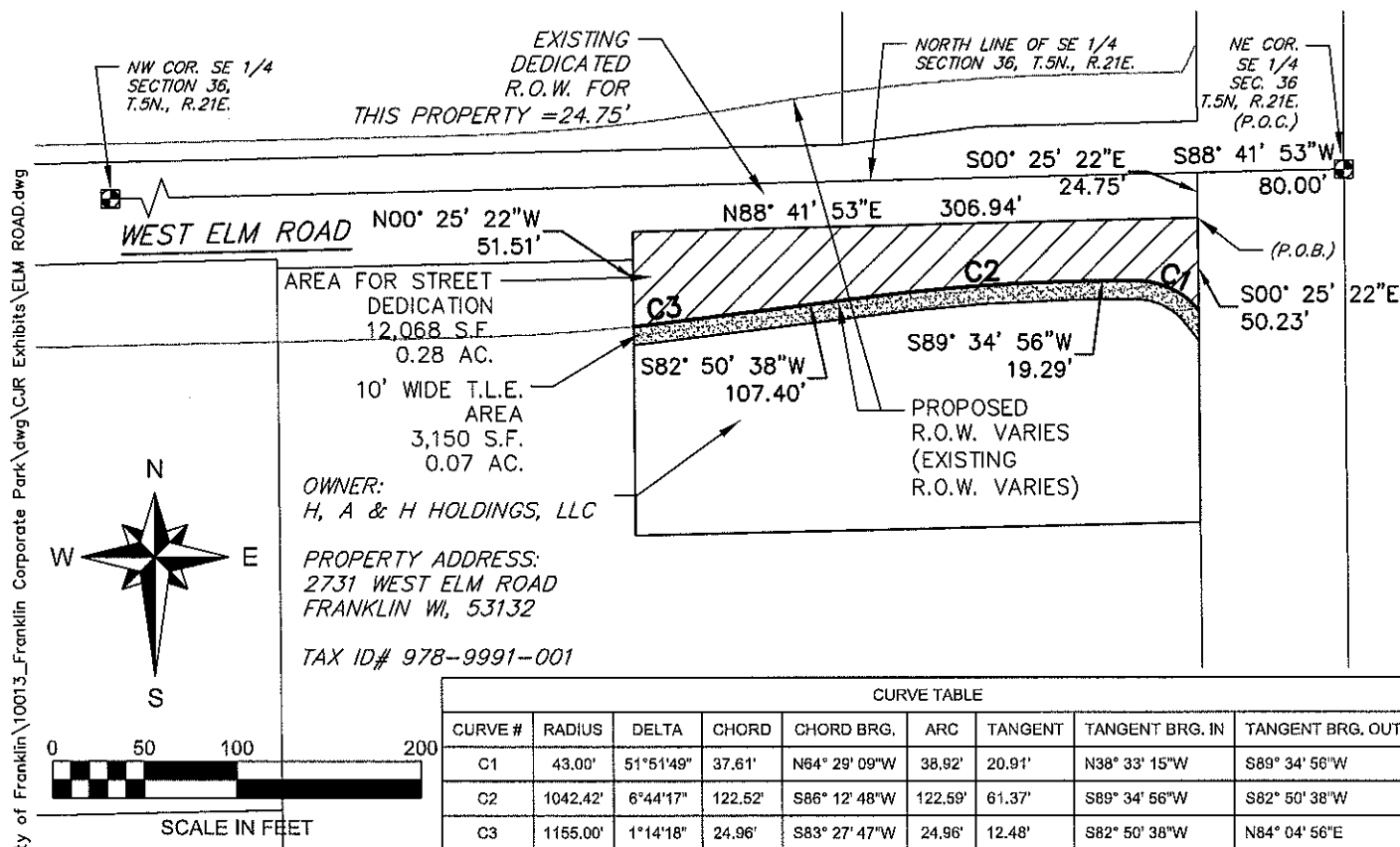
**DESCRIPTION:**

Being part of the Northeast 1/4 of the Southeast 1/4 of Section 36, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the Northeast Corner of said Southeast 1/4 of Section 36; thence bearing S88°41'53"W, along the North line of said Southeast 1/4 a distance of 80.00 feet; thence bearing S00°25'22"E, a distance of 24.75 feet to the POINT OF BEGINNING; thence bearing S00°25'22"E, a distance of 50.23 feet to a point on a curve; thence along the arc of a curve to the left a distance of 38.92 feet, radius of 43.00 feet, central angle of 51°51'49" with a chord bearing N64°29'09"W a distance of 37.61 feet to a point of tangency; thence bearing S89°34'56"W, a distance of 19.29 feet to a point of curve; thence along the arc of a curve to the left a distance of 122.52 feet, radius of 1042.42 feet, central angle of 06°44'17" with a chord bearing S86°12'48"W a distance of 122.52 feet to a point of tangency; thence bearing S82°50'38"W, a distance of 107.40 feet to a point of curve; thence along the arc of a curve to the right a distance of 24.96 feet, radius of 1155.00 feet, central angle of 01°14'18" with a chord bearing S83°27'47"W a distance of 24.96 feet to a point; thence bearing N00°25'22"W, a distance of 51.51 feet to the existing South line of West Elm Road; thence N88°41'53"E along the existing South line of West Elm Road, a distance of 306.94 feet to the POINT OF BEGINNING, containing 12,068 square feet, more or less, of land. Subject to, but not limited to, covenants, conditions, restrictions and easements of record.

**ALSO:**

A 10.00 foot wide Temporary Limited Easement (T.L.E.) south of and immediately adjacent to the above described street dedication.



**Ruekert • Mielke**  
www.ruekertmielke.com

**PREPARED FOR:**

City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

**PREPARED BY:**

Ruekert & Mielke, Inc.  
W233 N2080 Ridgeway Pkwy.  
Waukesha, WI 53188

THIS INSTRUMENT WAS DRAFTED BY CHRIS RUETTEN, P.L.S. (3/5/19)

10

# EXHIBIT "A"

SHEET 1 OF 1

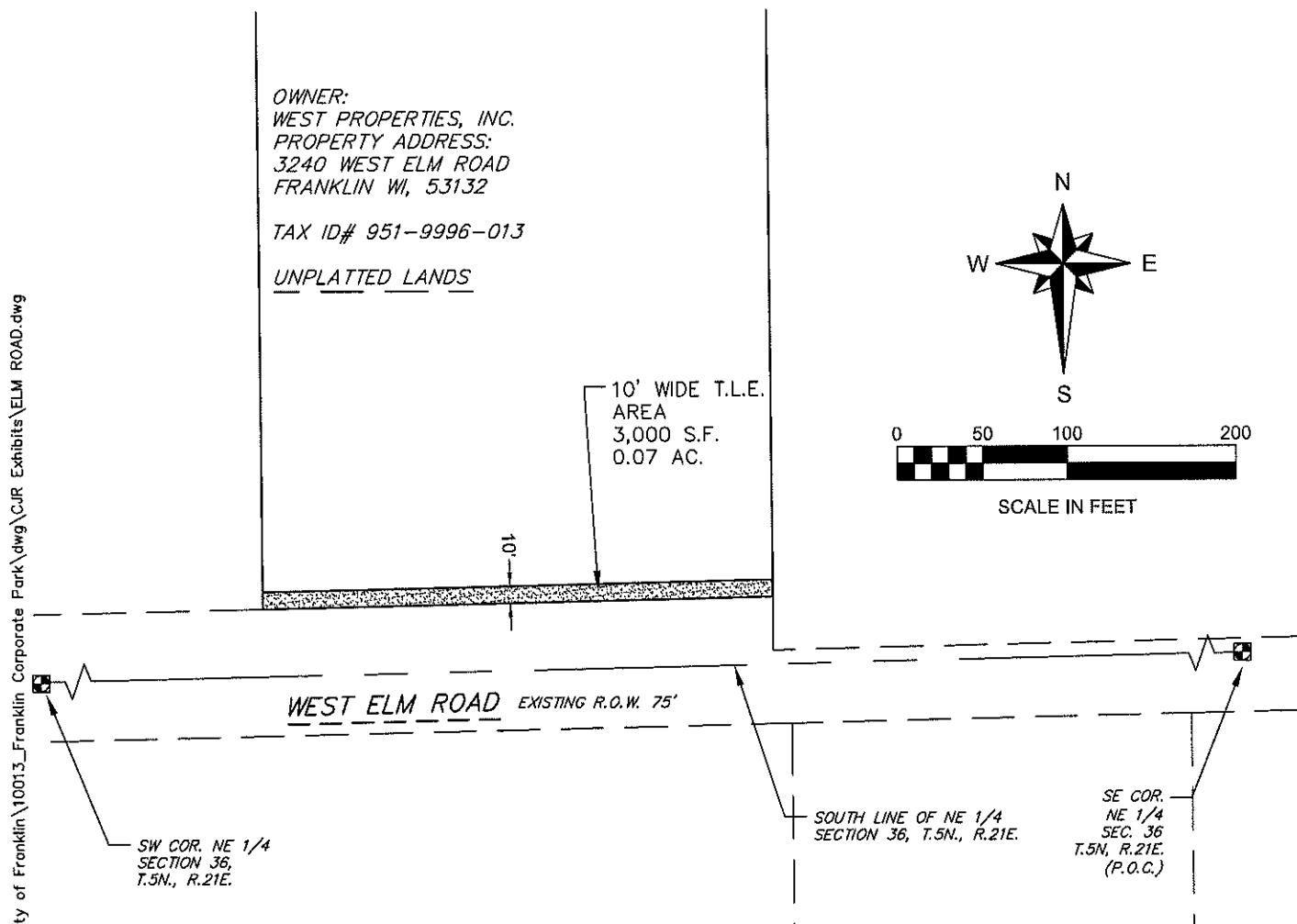
## TEMPORARY LIMITED EASEMENT (T.L.E.)

Being part of the SW 1/4 of the NE 1/4 of Section 36, Township 5 North, Range 21 East,  
City of Franklin, Milwaukee County, Wisconsin.

### DESCRIPTION:

Being part of the Southwest 1/4 of the Northeast 1/4 of Section 36, Township 5 North,  
Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

The Southerly 10.00 feet of lands described by Tax Key Number: 951-9996-013.



G:\C3D\_2018\58\_City of Franklin\10013\_Franklin Corporate Park\dwg\CJR Exhibits\ELM ROAD.dwg



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City of Franklin  
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11

# EXHIBIT "A"

SHEET 1 OF 1

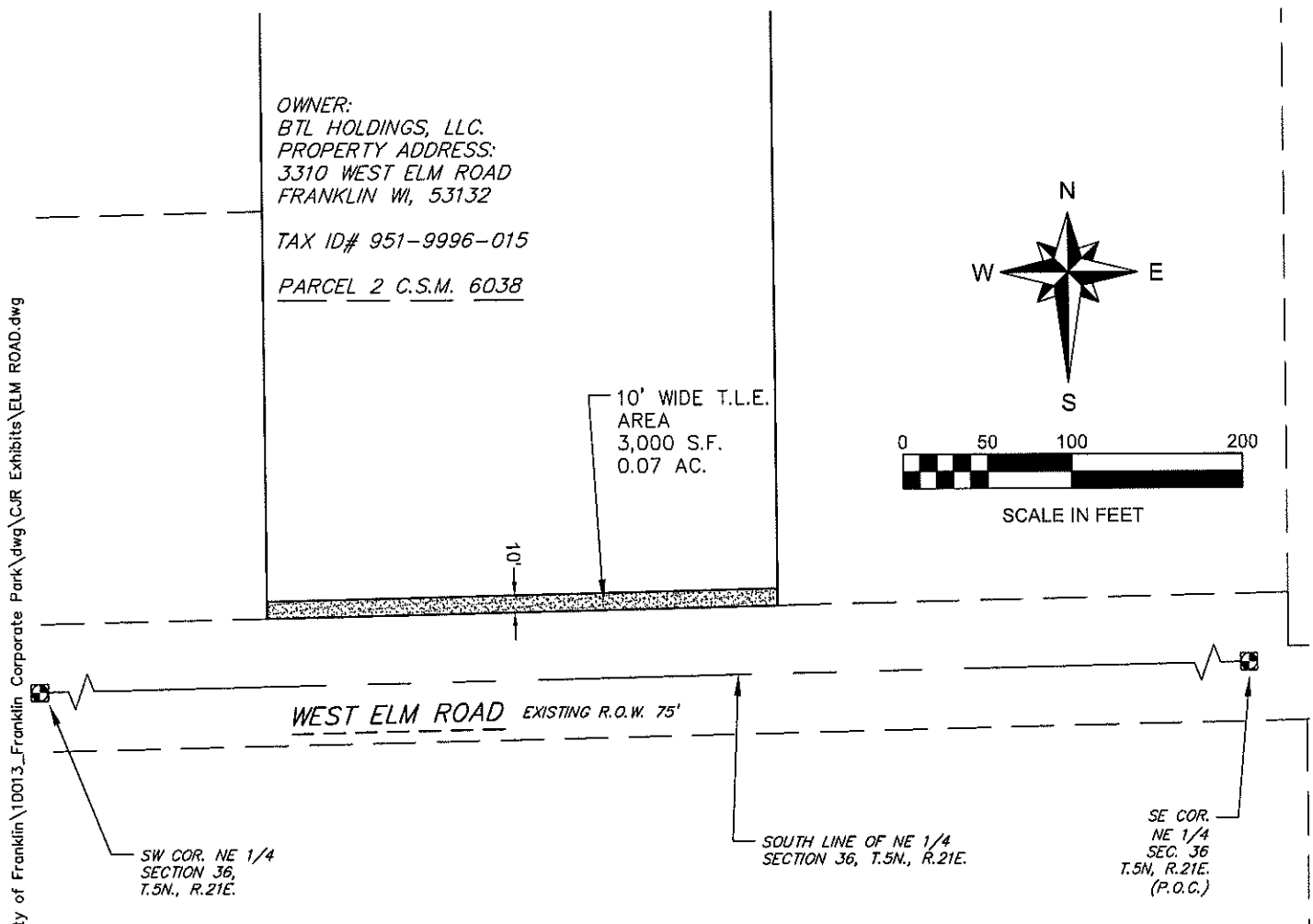
## TEMPORARY LIMITED EASEMENT (T.L.E.)

Being part of the SW 1/4 of the NE 1/4 of Section 36, Township 5 North, Range 21 East,  
City of Franklin, Milwaukee County, Wisconsin.

### DESCRIPTION:

Being part of the Southwest 1/4 of the Northeast 1/4 of Section 36, Township 5 North,  
Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

The Southerly 10.00 feet of Parcel 2 of Certified Survey Map No. 6038.



G:\CSD\_2018\58\_City of Franklin\Corporate Park\dwg\CJR Exhibits\ELM ROAD.dwg

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12

# EXHIBIT "A"

SHEET 1 OF 1

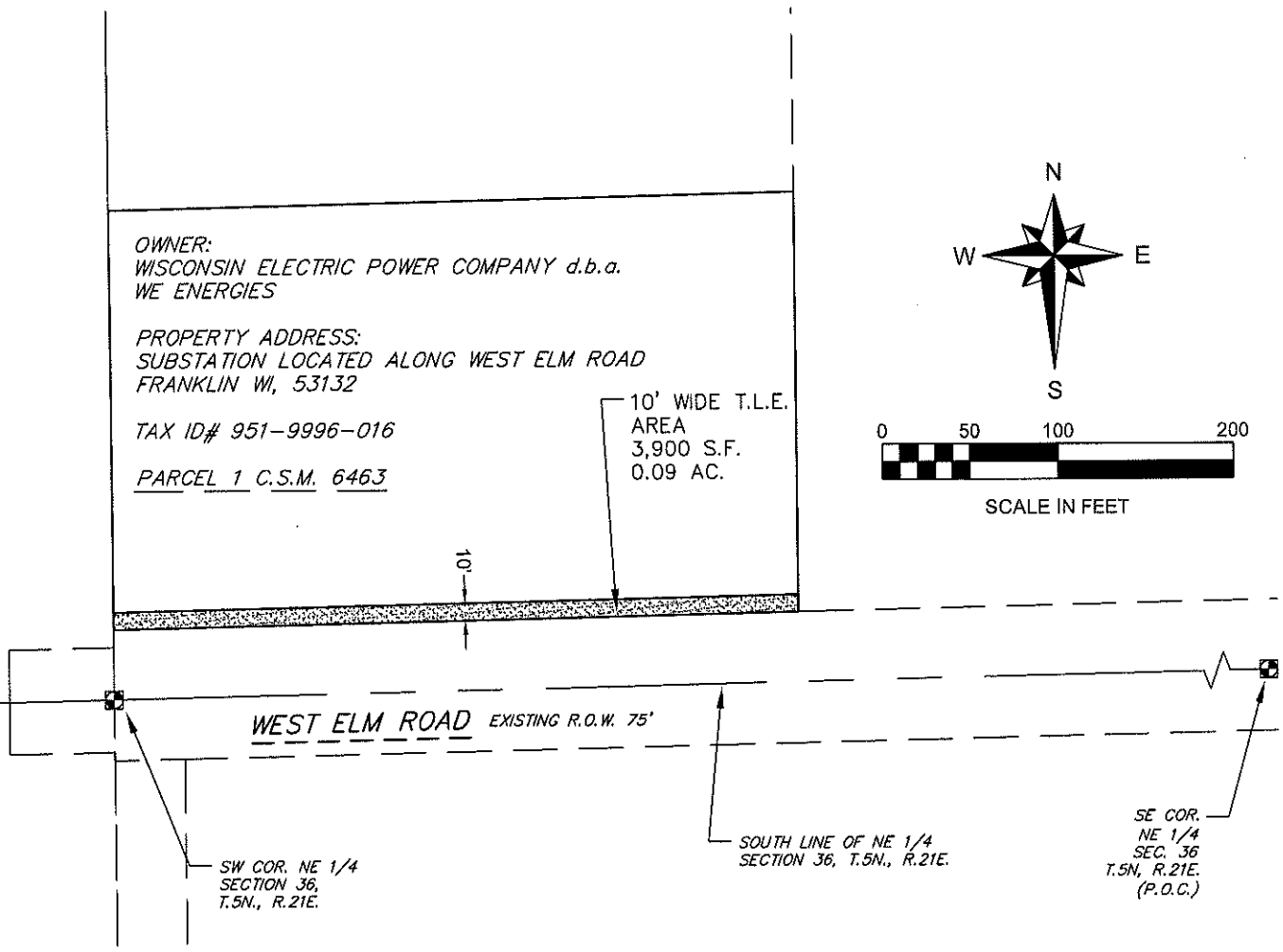
## TEMPORARY LIMITED EASEMENT (T.L.E.)

Being part of the SW 1/4 of the NE 1/4 of Section 36, Township 5 North, Range 21 East,  
City of Franklin, Milwaukee County, Wisconsin.

### DESCRIPTION:

Being part of the Southwest 1/4 of the Northeast 1/4 of Section 36, Township 5 North,  
Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

The Southerly 10.00 feet of Parcel 1 of Certified Survey Map No. 6463.



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**PREPARED FOR:**  
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Waukesha, WI 53188

THIS INSTRUMENT WAS DRAFTED BY CHRIS RUETTEN, P.L.S. (03/06/19)

SHEET NO.  
GN-03

55-10013.000

DATE: 10/01/2014

DESIGNED BY: JAC

CHECKED BY:

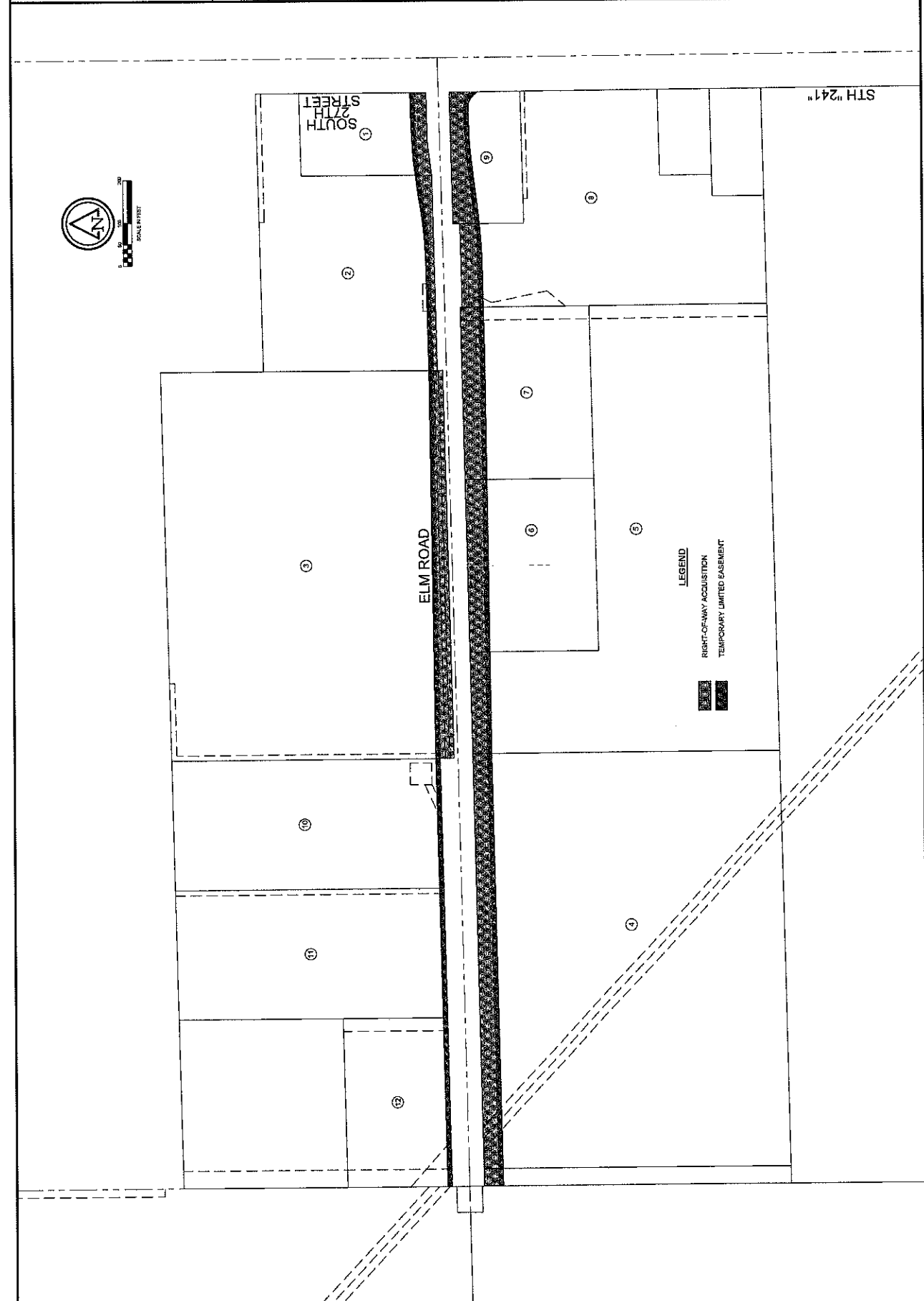
PROJECT # 55014

DATE: 10/01/2014

FRANKLIN CORPORATE PARK  
ACQUISITION MAP  
CITY OF FRANKLIN  
MILWAUKEE COUNTY, WISCONSIN

Ruekert • Mieleke  
Global Water Center • Fox Valley  
www.ruekertmiele.com  
Milwaukee • Kenosha • Madison

TOWN: 4N  
RANGE: 21E  
SECTION: 14, 15 SW







## Sandi Wesolowski

---

**From:** Kehoe, Robert Y - ELECTIONS [robert.kehoe@wisconsin.gov]  
**Sent:** Friday, April 12, 2019 12:21 PM  
**To:** patti.anderson@fitchburgwi.gov; tara.coolidge@cityofracine.org; Dankmeyer, Ginny; treasurer@villageofjackson.com; jon.dolson@sheboygancounty.com; McDonell@countyofdane.com; kingstonvlg@centurytel.net; townofoshkosh@gmail.com; michael@ci.brookfield.wi.us; conoverdeputy@gmail.com; jobrien@villageoffoxpoint.com; OMalley, Tanya B - MUN; mquantetngroverclerk@gmail.com; mreedkadow@manitowoc.org; lisa.tollefson@co.rock.wi.us; Sandi Wesolowski  
**Cc:** Wolfe, Meagan - ELECTIONS; Rydecki, Richard H - ELECTIONS; Bridges, Tony - ELECTIONS; Willman, Riley P - ELECTIONS; Hawley, Michelle R - ELECTIONS; Davies, Cody C - ELECTIONS; Nelson, Michael R - ELECTIONS  
**Subject:** Elections Advisory Committee - Security

Good afternoon! With mixed turn-out there is a slight preference to hold our next meeting during the morning on **Wednesday, May 8<sup>th</sup>**. I will tentatively schedule a meeting for 10:00 a.m. to 12:00 p.m.

If that date provides a major problem for anyone please let me know. Otherwise we'll lock in the time and publish an agenda next week.

If you have any questions or concerns, please let me know.

Thank you,

Robert Kehoe  
Technology Director  
Wisconsin Elections Commission  
Phone - 608.261.2019  
Fax - 608.267.0500  
[robert.kehoe@wi.gov](mailto:robert.kehoe@wi.gov)  
<http://elections.wi.gov>



APPROVAL <i>Shw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 04/16/2019
REPORTS AND RECOMMENDATIONS	REQUEST FOR COUNCIL ACTION TO SURVEY PROPERTY OWNERS TO EXTEND WATER ALONG SOUTH 50TH	ITEM NUMBER <i>G. 14.</i>

### **BACKGROUND**

On March 25, 2019, the Engineering Department received a letter from Mr. Daniel J. Kennedy requesting review of extending City water to 5003 West Minnesota Avenue. (See letter attached.) The property owner states he is part of a multi-system well and that grout and connections are failing causing concern of contamination and need for an upcoming well replacement.

### **ANALYSIS**

Municipal Code § 207-23 discusses the process for extension of water. Municipal Code § 207-23 discusses the process for extension of water. The process for surveying affected residents may be found Resolution 93-3955. Items of note are:

- Whereas the cost for such improvement is to be funded by special assessment.
- The survey process is to determine the affected number of owners by the request.
- The Council is to consider each petition on a case-by-case basis.
- Due to cost of the survey process, nine months must pass between a previous denial.
- Consideration to the time period allows for health, safety or new information or facts.
- The survey shall advise owners of the resulting costs as detailed in the resolution.

The area was not previously surveyed. However, a request to allow a well versus City water was approved by the Council 11/07/2017 at approximately 5050 W. Minnesota when a new lot was created (see previous council action). The owner has yet to take action. The approval was conditioned upon the owner being required to connect within 1 year of any new water extension.

The current request is for the extension of water north along 50th Street as part of a newly proposed subdivision that would involve extending 50th St. Note that the 2019 approved budget includes funds for the adjacent developer to improve S. 50<sup>th</sup> Street from the extended W. Marquette Avenue to W. Minnesota Avenue. Asking the developer to also extend the water main at this time is recommended. Staff further recommends that at a minimum, the water would then loop back to S. 51<sup>st</sup> Street.

Looping the water back to S. 51<sup>st</sup> Street would affect three other property owners and those property owners should be surveyed for their preference. Common Council could consider a survey to the entire neighborhood as suggested in 2017 to identify any other properties that may be sharing a well and/or are desiring public water service.

The Board of Water Commissioners will review this request on April 16, 2019.

### **OPTIONS**

- A. Direct Staff to have adjacent developer prepare cost estimates for design, permitting and construction of water main along S. 50<sup>th</sup> Street to W. Minnesota Avenue and to S. 51<sup>st</sup> Street.
- B. Direct Staff to survey properties in the vicinity of S. 50<sup>th</sup> Street and W. Minnesota Avenue and S. 51<sup>st</sup> Street for interest in public water service.
- C. Direct Staff to survey all private- well properties in neighborhood (roughly bounded by W. Rawson Avenue, S. 51<sup>st</sup> Street, W. Marquette Avenue, and S. 46<sup>th</sup> Street) to identify any other pockets of residents desiring public water service.
- D. Deny current request from 5003 West Minnesota Avenue.

E. Refer back to Staff with further direction.

**FISCAL NOTE**

The Utility Development Fund has resources to fund a water main extension. The Capital Improvement fund has a \$500,000 appropriation for water main extensions

**COUNCIL ACTION REQUESTED**

- A. (Options A and B) direct Staff to have adjacent developer prepare cost estimates for design, permitting and construction of water main along S. 50<sup>th</sup> Street to W. Minnesota Avenue and to S. 51<sup>st</sup> Street and also survey properties in the vicinity of S. 50<sup>th</sup> Street and W. Minnesota Avenue and S. 51<sup>st</sup> Street for interest in public water service.

Engineering: GEM

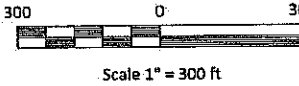
CERTIFIED SURVEY MAP No. \_\_\_\_\_

Being a redivision of Lot 2, Certified Survey Map No. 7363, being a part of the West one-half of the East one-half of the Northeast Quarter of Section 29, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

Prepared By:  
Hilmer & Associates, LLC  
Paul J. Hilmer, PLS  
W217 Vista Dr.  
Oconomowoc, WI 53066

Prepared For:  
Scott A. Mayer  
9733 W. Ryan Rd.  
Franklin, WI 53132

Lot Detail



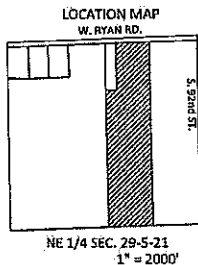
NE Cor. of NE 1/4, Sec.  
29-5-21, Conc. Mon. Found  
N=324,249.59  
E=2,528,089.65  
Benchmark Elev. 777.46  
Wisconsin State Plane  
Coord. System, South Zone.

NW Cor. of NE 1/4,  
Sec. 29-5-21, Conc.  
Mon. Found.  
N=324,164.43  
E=2,525,446.03

Lot 1, CSM 7363  
Leo & Allison Turdo  
Zoned A-1  
894-9998-001

Legend:

- indicates 1" iron pipe found.
- ⊙ indicates 1.25" iron pipe found..
- indicates 1.315" iron pipe set weighing 1.65 lbs./ft. min..
- ⊕ indicates PK Nail set.
- ⊠ indicates concrete monument found.

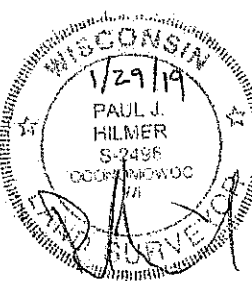


Zoned R-1: Countryside Estate and W-2  
Lot 1, CSM 8195  
Scott Mayer  
894-9999-001

OUTLOT 1  
1397742.4 SQ FT  
32.09 ACRES  
Zoned R-2 Single Family  
894-9998-002  
Mayer

Centerline of 30' Wide  
Sanitary Sewer Easement

Unplatted Lands  
Owned by Others  
Zoned A-1 Agricultural  
894-9997-000 Schnieger



Unplatted Lands  
Owned by Others  
Zoned R-2 Single Family  
894-9997-001 Weber

NOTES:

- bearings are referred to the North line of the NE 1/4 of Section 29-5-21 bearing S 88°09'18" W, Wisconsin State Plane Coordinate System, South Zone. NAD27
- See additional notes on Sheet 5 of 7.

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<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>04/16/2019</b>
<b>REPORTS AND RECOMMENDATIONS</b>	RESOLUTION TO EXECUTE TEMPORARY LIMITED EASEMENTS FROM FRANKLIN SCHOOL DISTRICT NO. 5, BECKY L. LAUBER (BUCHMANN), AND GREGORY P. DIETZ AND GAIL M. DIETZ TO FACILITATE THE RECONSTRUCTION OF THE INTERSECTION OF S. 51 <sup>ST</sup> STREET AND W. DREXEL AVENUE	<b>ITEM NUMBER</b>  <i>G.15.</i>

### **BACKGROUND**

The design for the roundabout project at S. 51<sup>st</sup> Street and W. Drexel Avenue is progressing and it is anticipated that the City may award a bid in May 2019.

### **ANALYSIS**

Temporary limited easements (TLEs) are needed from four property owners and one of those property owners needs to provide a permanent right of way. Two of the property owners who only need to provide a TLE have provided signed documents ready for acceptance by the City. Staff anticipates that the third property owner who only needs to provide a TLE will provide the signed documents soon.

The City needs to acquire permanent right of way in addition to a TLE from a fourth property owner. An appraiser is preparing an opinion of worth for the City and property owner to consider when negotiating the cost.

A summary of the four property owners are as follows:

- Franklin School District No. 5- 8221 S. 51<sup>st</sup> Street (received signed TLE)
- Becky L. Lauber (Buchmann)- 5123 W. Drexel Avenue (received signed TLE)
- Gregory P. Dietz and Gail M. Dietz- 7852 S. 51<sup>st</sup> Street (expect signed TLE soon)
- Payne and Dolan Corporation- (awaiting report from appraiser to negotiate permanent right of way)

Copies of the TLEs for Franklin School District, Lauber, and Dietz are enclosed. Acquisition from Payne and Dolan will be discussed at a future meeting.

### **OPTIONS**

- A. Authorize execution of TLEs that have been received and the TLE expected to be received soon.
- B. Refer back to Staff with further direction.

### **FISCAL NOTE**

There are no costs to acquire these TLEs.

### **COUNCIL ACTION REQUESTED**

(Option A) Resolution 2019-\_\_\_\_\_ a resolution to authorize execution of temporary limited easements from Franklin School District No. 5, Becky L. Lauber (Buchmann), and Gregory P. Dietz and Gail M. Dietz to facilitate the reconstruction of the intersection of S. 51<sup>st</sup> Street and W. Drexel Avenue.

Engineering: GEM

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2019 -

A RESOLUTION TO EXECUTE TEMPORARY LIMITED EASEMENTS FROM FRANKLIN  
SCHOOL DISTRICT NO. 5, BECKY L. LAUBER (BUCHMANN), AND GREGORY P.  
DIETZ AND GAIL M. DIETZ TO FACILITATE THE RECONSTRUCTION OF THE  
INTERSECTION OF S. 51ST STREET AND W. DREXEL AVENUE

---

WHEREAS, the City is constructing a roundabout in the intersection of S. 51<sup>st</sup> Street and W. Drexel Avenue, and

WHEREAS, temporary limited easements are needed to provided grading and other temporary work on properties adjacent to the project.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that it would be in the best interest of the City to execute Temporary Limited Easements for the following properties: Franklin School District No. 5- 8221 S. 51st Street; Becky L. Lauber (Buchmann)- 5123 W. Drexel Avenue; and Gregory P. Dietz and Gail M. Dietz- 7852 S. 51st Street.

Introduced at a regular meeting of the Common Council of the City of Franklin the  
\_\_\_\_\_ day of \_\_\_\_\_, 2019, by Alderman \_\_\_\_\_.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

GEM

**TEMPORARY LIMITED EASEMENT FOR  
SLOPING AND GRADING PURPOSES**  
Tax Key No. 806-999-3001

---

Franklin School District No. 5, successor to Union High School District No. 2 ("Grantor"), being the owner of the property located at 8222 S. 51<sup>st</sup> Street, City of Franklin, Milwaukee County, Wisconsin, in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, the receipt whereof is hereby acknowledged, does grant, set over and convey to the **City of Franklin**, a Wisconsin municipal corporation ("City"), a temporary limited easement ("TLE") for sloping and grading, upon, over and across the following parcel described in Exhibit A attached hereto and made a part hereof (the "TLE Area")

The Temporary Limited Easement is subject to the following conditions:

1. The purpose of this TLE is to allow the City to perform sloping and grading on lands located outside of the existing W. Drexel Avenue right-of-way and S. 51<sup>st</sup> Street right-of-way at 8222 S. 51st Street, Franklin, Wisconsin, in association with the construction of an **intersection improvement project**.
2. The City's use of the TLE shall be for construction, sloping and grading purposes including, but not limited to, the right of ingress and egress, the right to operate necessary equipment thereon, and the right to preserve, protect, remove or plant thereon any vegetation that the City may deem desirable to prevent erosion of the soil.
3. Construction shall be performed and completed in a good and workmanlike manner and shall not interfere with or endanger the use of the abutting land owned by the Grantor.
4. The City will promptly restore the TLE Area after completion of the construction and/or grading of the TLE Area (or as soon thereafter as weather reasonable permits) and in a manner satisfactory to the Grantor.
5. The Grantor reserves the right to use and occupy the TLE Area in a manner consistent with the rights conveyed herein, provided that such use and occupancy shall not interfere with or disturb the construction and/or grading of the TLE Area.
6. This TLE shall terminate upon completion of construction and the City's acceptance of the **intersection improvements**.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seals this

ON THIS DATE OF: 3-19., 2019.

By: Kasey Stumvoll  
Signature

**Kasey Stumvoll**  
By: **Asst. Manager of Buildings and Grounds**  
Printed Name and Title

STATE OF WISCONSIN)  
SS  
COUNTY OF MILWAUKEE)

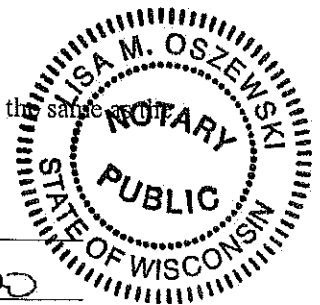
Before me personally appeared on the 19th day of March, A.D. 2019, the above named

Kasey Stumvoll  
President or Name printed

Secretary or Name printed

to me known to be the person(s) who executed the foregoing Easement and acknowledged the same as a voluntary act and deed of said corporation.

L. M. O.  
NOTARY PUBLIC  
My commission expires 06-01-20



CITY OF FRANKLIN

By: \_\_\_\_\_  
Stephen R. Olson, Mayor

By: \_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN )  
SS  
COUNTY OF MILWAUKEE)

On this \_\_\_\_ day of \_\_\_\_\_, 2019, before me personally appeared Stephen R. Olson and Sandra L. Wesolowski, who being by me duly sworn, did say that they are respectively the Mayor and City Clerk of the City of Franklin, and that the seal affixed to said instrument is the corporate seal of said municipal corporation, and acknowledged that they executed the foregoing assignment as such officers as the deed of said municipal corporation by its authority, and pursuant to resolution file No. \_\_\_\_\_ adopted by its Common Council on \_\_\_\_\_, 2016.

Notary Public, Milwaukee County, Wisconsin  
My commission expires \_\_\_\_\_

Exhibit A

Temporary Grading Easement

# EXHIBIT A

Known as 8222 S 51st Street, in the City of Franklin, Milwaukee County, Wisconsin.

A Temporary Limited Easement being Part the Northwest 1/4 of the Northeast 1/4 of Section 14, Town 5 North, Range 21 East, bounded and described as follows:

Commencing at the Northwest corner of said Northeast 1/4 Section; thence North 87°28'04" East along the North line of said Northeast 1/4 Section 60.05 feet to a point on the Northerly extension of the East line of South 51st Street; thence South 00°07'13" East along said extension 60.05 feet to a point on the South line of W Drexel Avenue and the point of beginning of lands to be described; thence North 87°28'04" East along said South line 56.52 feet to a point; thence South 39°29'36" West 88.56 feet to a point on the East line of S 51st Street; thence North 00°07'13" West along said East line 65.84 feet to the point of beginning.

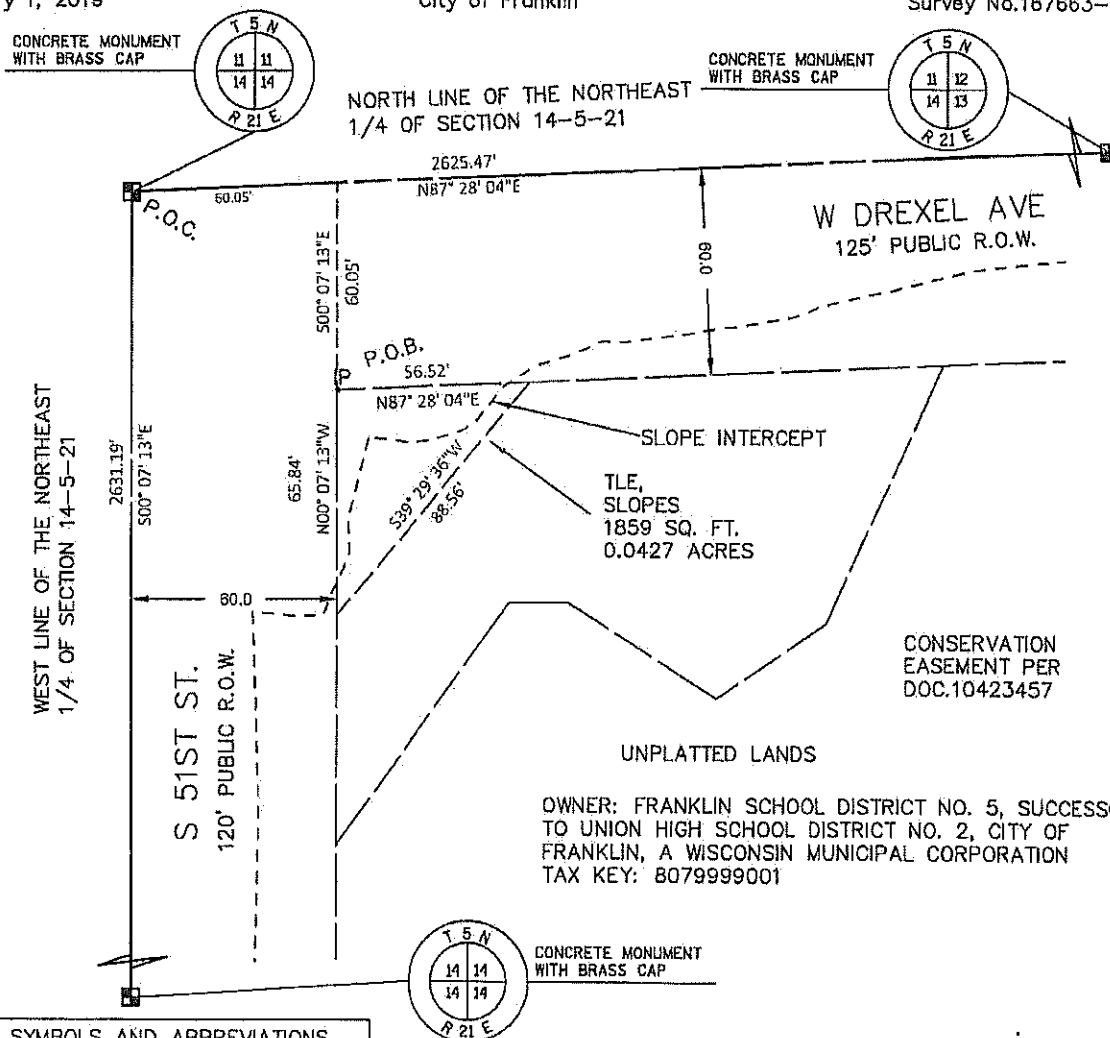
Containing 1859 square feet or 0.0427 acres.

The above Temporary Limited Easement is to terminate upon completion of this project or on the day the highway is open to the traveling public, whichever is later.

February 1, 2019

City of Franklin

Survey No.167663-JJS



SYMBOLS AND ABBREVIATIONS	
IP	1" IRON PIPE
SC	SECTION CORNER
TLE	TEMPORARY LIMITED EASEMENT

GRAPHIC SCALE



**Smith**

16745 W. Bluemound Road  
Brookfield, WI 53005-5938  
(262) 781-1000

**TEMPORARY LIMITED EASEMENT FOR  
SLOPING AND GRADING PURPOSES  
Tax Key No. 806-999-3001**

---

*Buchmann*

Becky L. ~~Lauber~~ ("Grantor"), being the owner of the property located at 5123 W. Drexel Avenue, City of Franklin, Milwaukee County, Wisconsin, in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, the receipt whereof is hereby acknowledged, does grant, set over and convey to the **City of Franklin**, a Wisconsin municipal corporation ("City"), a temporary limited easement ("TLE") for sloping and grading, upon, over and across the following parcel described in Exhibit A attached hereto and made a part hereof (the "TLE Area")

The Temporary Limited Easement is subject to the following conditions:

1. The purpose of this TLE is to allow the City to perform sloping and grading on lands located outside of the existing W. Drexel Avenue right-of-way at 5123 W. Drexel Avenue, Franklin, Wisconsin, in association with the construction of an **intersection improvement project**.
2. The City's use of the TLE shall be for construction, sloping and grading purposes including, but not limited to, the right of ingress and egress, the right to operate necessary equipment thereon, and the right to preserve, protect, remove or plant thereon any vegetation that the City may deem desirable to prevent erosion of the soil.
3. Construction shall be performed and completed in a good and workmanlike manner and shall not interfere with or endanger the use of the abutting land owned by the Grantor.
4. The City will promptly restore the TLE Area after completion of the construction and/or grading of the TLE Area (or as soon thereafter as weather reasonable permits) and in a manner satisfactory to the Grantor.
5. The Grantor reserves the right to use and occupy the TLE Area in a manner consistent with the rights conveyed herein, provided that such use and occupancy shall not interfere with or disturb the construction and/or grading of the TLE Area.
6. This TLE shall terminate upon completion of construction and the City's acceptance of the **intersection improvements**.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seals this

ON THIS DATE OF: 3/25/1, 2019.

By: *B. Buchmann*  
~~Beck L. Lauber~~ Becky Buchmann

By: \_\_\_\_\_

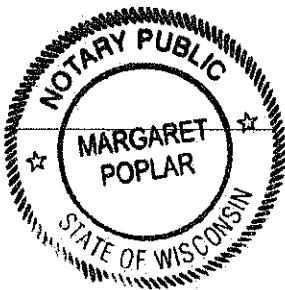
STATE OF WISCONSIN)  
SS  
COUNTY OF MILWAUKEE)

Before me personally appeared on the 25 day of MARCH, A.D. 2019, the above named

Becky Buchmann  
President or Name printed

\_\_\_\_\_  
Secretary or Name printed

to me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said corporation.



*Margaret Poplar*  
NOTARY PUBLIC  
My commission expires 3/10/2023

STATE OF WISCONSIN )  
SS  
COUNTY OF MILWAUKEE)

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019, before me personally appeared Stephen R. Olson and Sandra L. Wesolowski, who being by me duly sworn, did say that they are respectively the Mayor and City Clerk of the City of Franklin, and that the seal affixed to said instrument is the corporate seal of said municipal corporation, and acknowledged that they executed the foregoing assignment as such officers as the deed of said municipal corporation by its authority, and pursuant to resolution file No. \_\_\_\_\_ adopted by its Common Council on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public, Milwaukee County, Wisconsin  
My commission expires \_\_\_\_\_



Exhibit A

Temporary Grading Easement

# EXHIBIT A

Known as 5123 W Drexel Avenue, in the City of Franklin, Milwaukee County, Wisconsin.

A Temporary Limited Easement being Part of the Northeast 1/4 of the Northwest 1/4 of Section 14, Town 5 North, Range 21 East, bounded and described as follows:

Commencing at the Northeast corner of said Northwest 1/4 Section; thence South 87°53'29" West along the North line of said Northwest 1/4 Section 194.86 feet to a point; thence South 02°06'31" East 40.00 feet to a point on the South line of W Drexel Avenue and the point of beginning of lands to be described; thence continuing South 02°06'31" East 7.00 feet to a point; thence South 87°53'29" West 104.78 feet to a point; thence North 02°06'31" West 7.00 feet to a point on the South line of W Drexel Avenue; thence North 87°53'29" East along said South line 104.78 feet to the point of beginning.

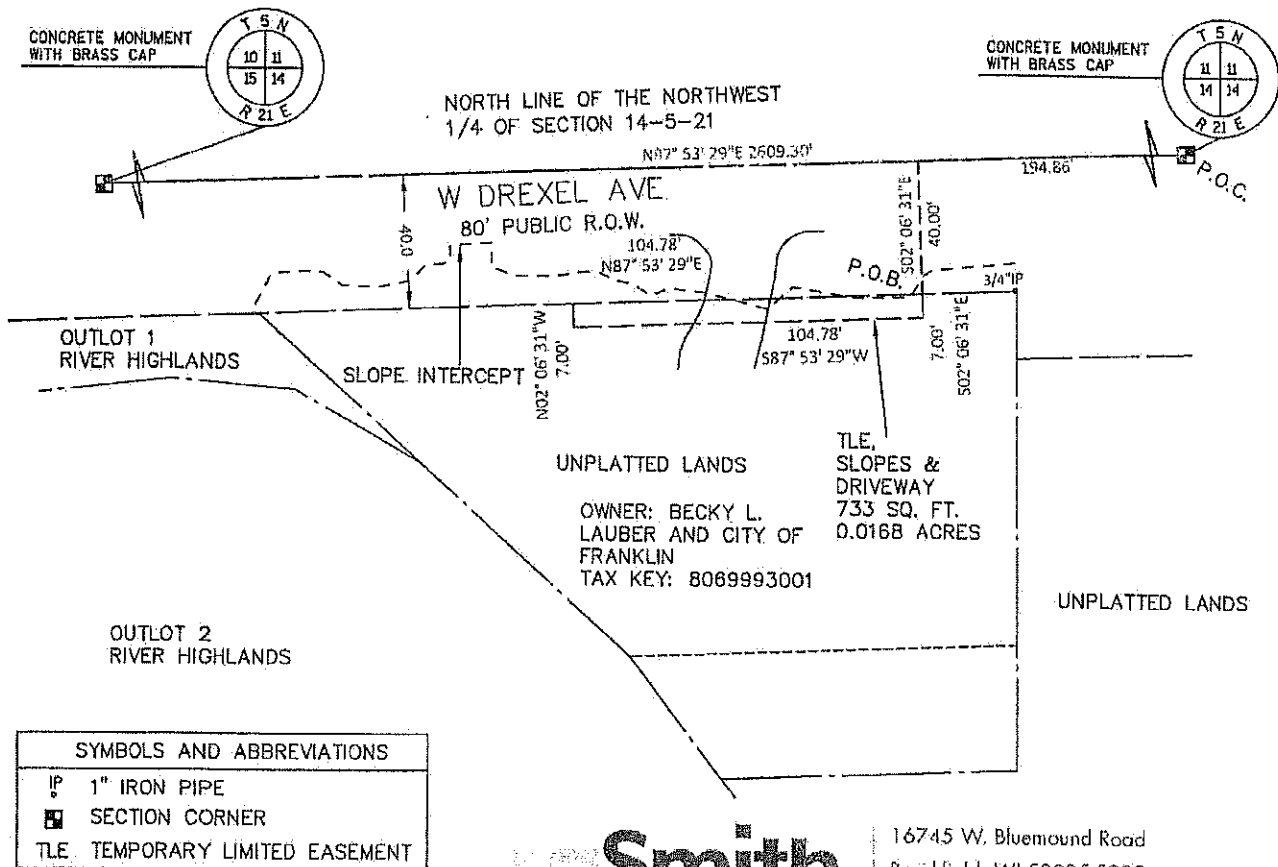
Containing 733 square feet or 0.0168 acres.

The above Temporary Limited Easement is to terminate upon completion of this project or on the day the highway is open to the traveling public, whichever is later.

February 1, 2019

City of Franklin

Survey No.167663-JJS



**Smith**

16745 W. Bluemound Road  
Brookfield, WI 53005-5938  
(262) 781-1000

**TEMPORARY LIMITED EASEMENT FOR  
SLOPING AND GRADING PURPOSES**  
Tax Key No. 806-999-3001

---

Gregory P. Dietz and Gail M. Dietz ("Grantor"), being the owner of the property located at 7852 S. 51<sup>st</sup> Street, City of Franklin, Milwaukee County, Wisconsin, in consideration of the sum of One Dollar (\$1.00) and other valuable considerations, the receipt whereof is hereby acknowledged, does grant, set over and convey to the **City of Franklin**, a Wisconsin municipal corporation ("City"), a temporary limited easement ("TLE") for sloping and grading, upon, over and across the following parcel described in Exhibit A attached hereto and made a part hereof (the "TLE Area")

The Temporary Limited Easement is subject to the following conditions:

1. The purpose of this TLE is to allow the City to perform sloping and grading on lands located outside of the existing W. Drexel Avenue right-of-way at 5123 W. Drexel Avenue, Franklin, Wisconsin, in association with the construction of an **intersection improvement project**.
2. The City's use of the TLE shall be for construction, sloping and grading purposes including, but not limited to, the right of ingress and egress, the right to operate necessary equipment thereon, and the right to preserve, protect, remove or plant thereon any vegetation that the City may deem desirable to prevent erosion of the soil.
3. Construction shall be performed and completed in a good and workmanlike manner and shall not interfere with or endanger the use of the abutting land owned by the Grantor.
4. The City will promptly restore the TLE Area after completion of the construction and/or grading of the TLE Area (or as soon thereafter as weather reasonable permits) and in a manner satisfactory to the Grantor.
5. The Grantor reserves the right to use and occupy the TLE Area in a manner consistent with the rights conveyed herein, provided that such use and occupancy shall not interfere with or disturb the construction and/or grading of the TLE Area.
6. This TLE shall terminate upon completion of construction and the City's acceptance of the **intersection improvements**.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seals this

ON THIS DATE OF: April 11<sup>th</sup>, 2019.

By: *Gregory P. Dietz*  
Gregory P. Dietz

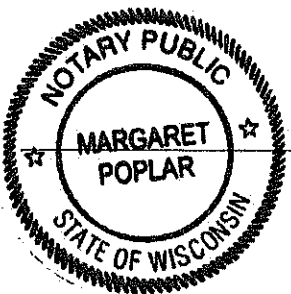
By: \_\_\_\_\_  
Gail M. Dietz

STATE OF WISCONSIN)  
SS  
COUNTY OF MILWAUKEE)

Before me personally appeared on the 11 day of April, A.D. 2019, the above named  
Gregory P. Dietz  
President of Name printed

Secretary or Name printed

to me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said corporation.



*Margaret Poplar*  
NOTARY PUBLIC  
My commission expires 3/10/2023

CITY OF FRANKLIN

By: \_\_\_\_\_  
Stephen R. Olson, Mayor

By: \_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN )  
SS  
COUNTY OF MILWAUKEE)

On this \_\_\_\_ day of \_\_\_\_\_, 2019, before me personally appeared Stephen R. Olson and Sandra L. Wesolowski, who being by me duly sworn, did say that they are respectively the Mayor and City Clerk of the City of Franklin, and that the seal affixed to said instrument is the corporate seal of said municipal corporation, and acknowledged that they executed the foregoing assignment as such officers as the deed of said municipal corporation by its authority, and pursuant to resolution file No. \_\_\_\_\_ adopted by its Common Council on \_\_\_\_\_, 2016.

Notary Public, Milwaukee County, Wisconsin  
My commission expires \_\_\_\_\_

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seals this

ON THIS DATE OF: \_\_\_\_\_, 2019.

By: Gregory P. Dietz  
Gregory P. Dietz

By: \_\_\_\_\_  
Gail M. Dietz

STATE OF WISCONSIN)  
SS  
COUNTY OF MILWAUKEE)

Before me personally appeared on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2019, the above named

\_\_\_\_\_  
President or Name printed

\_\_\_\_\_  
Secretary or Name printed

to me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said corporation.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires \_\_\_\_\_

\_\_\_\_\_  
CITY OF FRANKLIN

By: \_\_\_\_\_  
Stephen R. Olson, Mayor

By: \_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN )  
SS  
COUNTY OF MILWAUKEE)

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019, before me personally appeared Stephen R. Olson and Sandra L. Wesolowski, who being by me duly sworn, did say that they are respectively the Mayor and City Clerk of the City of Franklin, and that the seal affixed to said instrument is the corporate seal of said municipal corporation, and acknowledged that they executed the foregoing assignment as such officers as the deed of said municipal corporation by its authority, and pursuant to resolution file No. \_\_\_\_\_ adopted by its Common Council on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public, Milwaukee County, Wisconsin  
My commission expires \_\_\_\_\_

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seals this

ON THIS DATE OF: \_\_\_\_\_, 2019.

By: \_\_\_\_\_

By: \_\_\_\_\_  
Gail M. Dietz

STATE OF WISCONSIN)  
SS  
COUNTY OF MILWAUKEE)

Before me personally appeared on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2019, the above named

\_\_\_\_\_  
President or Name printed

\_\_\_\_\_  
Secretary or Name printed

to me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said corporation.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires \_\_\_\_\_

\_\_\_\_\_  
CITY OF FRANKLIN

By: \_\_\_\_\_  
Stephen R. Olson, Mayor

By: \_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN )  
SS  
COUNTY OF MILWAUKEE)

On this \_\_\_\_ day of \_\_\_\_\_, 2019, before me personally appeared Stephen R. Olson and Sandra L. Wesolowski, who being by me duly sworn, did say that they are respectively the Mayor and City Clerk of the City of Franklin, and that the seal affixed to said instrument is the corporate seal of said municipal corporation, and acknowledged that they executed the foregoing assignment as such officers as the deed of said municipal corporation by its authority, and pursuant to resolution file No. \_\_\_\_\_ adopted by its Common Council on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public, Milwaukee County, Wisconsin

My commission expires \_\_\_\_\_

Exhibit A

Temporary Grading Easement

# EXHIBIT A

Known as 7852 S 51st Street, in the City of Franklin, Milwaukee County, Wisconsin.

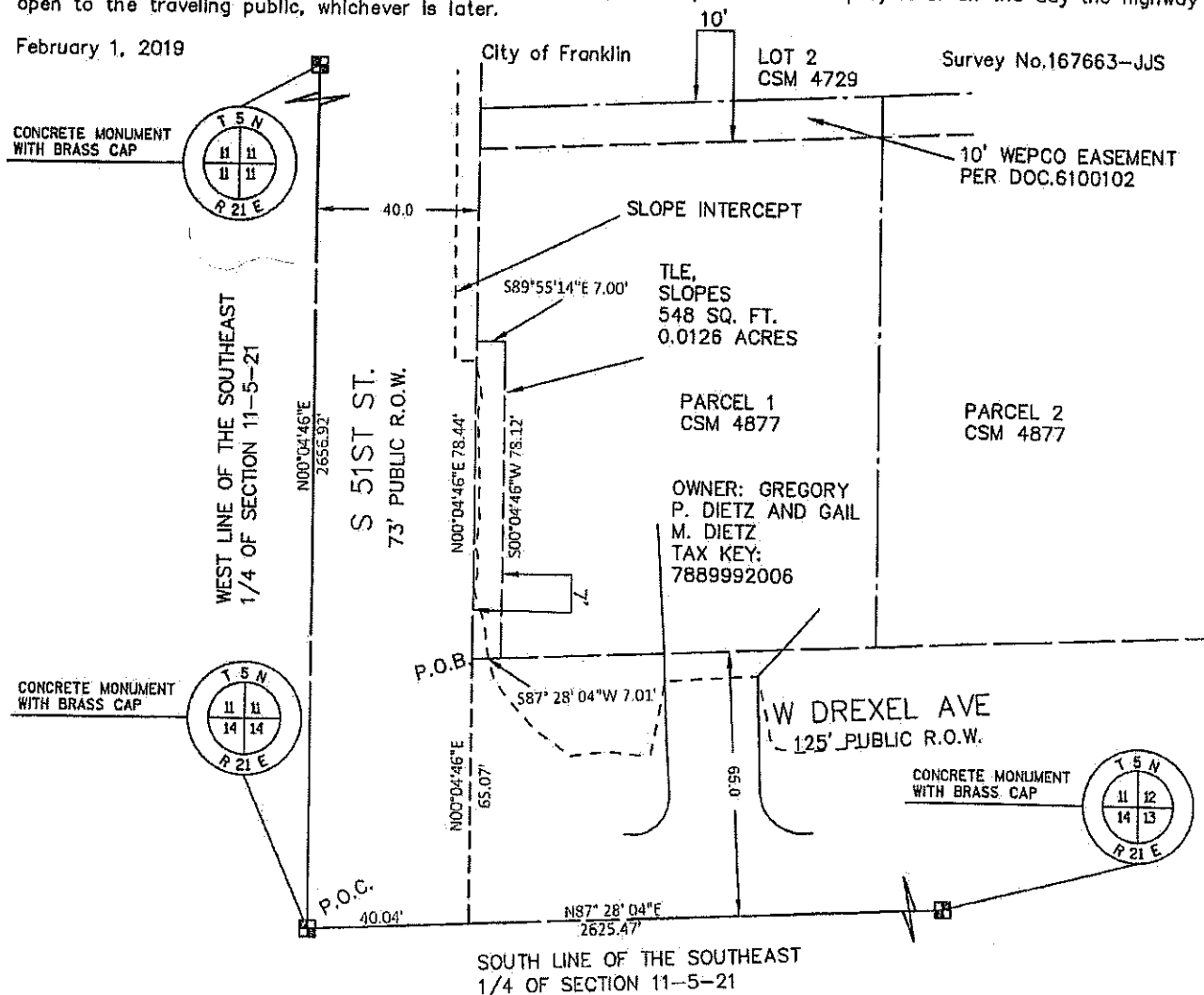
A Temporary Limited Easement being Part of Parcel 1, CSM 4877 being located in the Southwest 1/4 of the Southeast 1/4 of Section 11, Town 5 North, Range 21 East, bounded and described as follows:

Commencing at the Southwest corner of said Southeast 1/4 Section; thence North 87°28'04" East along the South line of said Southeast 1/4 Section 40.04 feet to a point on the Southerly extension of the East line of South 51st Street; thence North 00°04'46" East along said extension 65.07 feet to a point on the North line of W Drexel Avenue and the point of beginning of lands to be described; thence continuing North 00°04'46" East along said East line 78.44 feet to a point; thence South 89°55'14" East 7.00 feet to a point; thence South 00°04'46" West 78.12 feet to a point on the North line of West Drexel Avenue; thence South 87°28'04" West along said North line 7.01 feet to the point of beginning.

Containing 548 square feet or 0.0126 acres.

The above Temporary Limited Easement is to terminate upon completion of this project or on the day the highway is open to the traveling public, whichever is later.

February 1, 2019



## SYMBOLS AND ABBREVIATIONS

- SECTION CORNER
- TLE TEMPORARY LIMITED EASEMENT

## GRAPHIC SCALE



**Smith**

16745 W. Bluemound Road  
Brookfield, WI 53005-5938  
(262) 781-1000



<i>Slur</i> <b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE 04/16/2019</b>
<b>REPORTS AND RECOMMENDATIONS</b>	AUTHORIZATION TO WE ENERGIES TO REPLACE LIGHTING AT THE INTERSECTION OF S. 51 <sup>ST</sup> STREET AND W. DREXEL AVENUE	<b>ITEM NUMBER</b> <i>G.16.</i>

### **BACKGROUND**

The design for the roundabout project at S. 51<sup>st</sup> Street and W. Drexel Avenue is progressing and it is anticipated that the City may award a bid in May 2019.

### **ANALYSIS**

WE Energies has existing lights at the intersection and the new plans will require area lighting at different locations. One high pressure sodium (HPS) light will be removed and two Light-emitting diodes (LED) lights will be installed. The initial cost to remove and install lighting is \$989.00 and the net monthly increase in the charge will be \$26.23.

### **OPTIONS**

- A. Authorize Staff to order WE Energies to perform this work for the roundabout project. Or
- B. Refer back to Staff with further direction.

### **FISCAL NOTE**

The \$1,000 lighting cost has to be included in the total 2019 appropriation for this project. That appropriation was \$1 million, and would cover engineering, construction, lighting, restoration and right of way acquisition

### **COUNCIL ACTION REQUESTED**

(Option A) Authorize WE Energies to replace lighting at the intersection of S. 51<sup>st</sup> Street and W. Drexel Avenue.

Engineering: GEM



We Energies  
231 W. Michigan St.  
Milwaukee, WI 53203  
www.we-energies.com

March 20, 2019

City of Franklin  
Ronnie Acuncion  
9229 W. Loomis Road  
Franklin, WI 53132

Subject: Work Request 4358033; Lighting at S. 51<sup>st</sup> St. & Drexel Avenue - LED Conversion

Dear Ronnie:

This letter details a work request for We Energies Outdoor Lighting. The upfront charge for this work, which expires 90 days from the date of this letter, is \$989.00, and does not include site restoration. Net monthly charges will initially increase by \$26.23, which is subject to future rate changes as approved by the Public Service Commission of Wisconsin.

Review the following prior to providing authorization and payment:

- Luminaires are controlled to provide dusk to dawn operation.
- Customer must contact We Energies for lighting maintenance.
- Fixtures are warranted until removed.
- Non-Standard poles and conductors are warranted for 15 years.
- Customer must locate private underground facilities and grant or obtain, without expense to We Energies, access to property, necessary permissions, easements, ordinance satisfaction and permits for installation, removal and maintenance of lighting facilities.
- Termination or change requests after installation and prior to conclusion of the initial term result in customer charges. Monthly rates for fixtures on the LED rate are reduced after the initial term.
- All applicable lighting tariff terms and conditions are available at we-energies.com.
- We Energies does not guarantee this installation meets AASHTO or the Illuminating Engineering Society's minimum recommended standards for lighting.

Please sign the enclosed documents and return them, along with payment for the upfront charge (payable to We Energies) in the envelope provided. Material will be ordered upon receipt of required authorizations and payment. Work request will be scheduled when all contingencies are met. If you have any questions, please call me at 414-944-5617. We look forward to working with you on your lighting project.

Sincerely,

  
Robin Maurer  
Energy Services Representative  
robin.maurer@we-energies.com

By signing this letter, you authorize us to do this work and acknowledge acceptance of the rates and conditions of the specified tariffs as approved by the Public Service Commission of Wisconsin.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print name: \_\_\_\_\_

Title: \_\_\_\_\_

Enclosures

Billing Name		CITY OF FRANKLIN				Install		Remove	
Billing Address		9229 W. Loomis Road				Premise		824-463-141	
C/T/V		Franklin		State	WI	Zip	55132		New Account? <input type="checkbox"/> Yes Customer / Rate Options Work Request Related Work Request Page #/ of #
Service Address, if different than Billing Address		5 51ST ST & DREXEL AVE ROTARY				Governmental (MSS/GLY/LES)		4358033	
Name		7852 S 51ST ST							
Address		FRANKLIN				State	WI	Zip	1 OF 1
C/T/V									

Signature \_\_\_\_\_

[illegible]

	\$989.00	Total Install Charges	\$26.23	Total monthly charges, or net change, before taxes
<p>* Monthly total subject to future rate changes approved by Public Service Commission          (MOVE FIXTURE W/BACKET 8' = \$739.00) (2 CLASS E FIXTURES = \$400.00) (1 CREDIT CONVERT TO LED W/MOVE = 150.00) TOTALS = \$989.00</p>				

Property Owner / Authorized Representative Signature

Date \_\_\_\_\_

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 04/16/2019
REPORTS AND RECOMMENDATIONS	<b>RESOLUTION TO PURCHASE A 2019 FORD RANGER XLT 4WD SUPER CAB 6' BOX FROM EWALD AUTOMOTIVE GROUP, LLC FOR \$27,959.00 AND PURCHASE THE ACCESSORIES FROM ULTIMATE TRUCK AND ACCESSORIES FOR \$3,500.00 AND LIGHTS FROM GENERAL FIRE EQUIPMENT FOR \$2,264.00</b>	ITEM NUMBER  <i>G.17.</i>

### **BACKGROUND**

Within the 2019 approved Sanitary Sewer budget within the Capital Vehicle fund are funds to replace one (1) pickup truck unit. Price quotes have been requested and accepted by the Sewer Utility, reviewed and approved by the Board of Public Works on April 9, 2019.

### **ANALYSIS**

The 2019 Budget anticipated a half ton 4x4 to replace unit 792. Unit 792 is a 10-year-old vehicle with 192,000 miles logged on it. It has been determined from staff that unit 792 should be replaced. The amount approved in the 2019 sewer budget was \$22,500.00. As with all items used for water and sewer utilities, this equipment purchase will be funded 50/50 by both utilities.

For the truck portion of the bid, the specifications were written in January 2019 and a quote was requested from the Ewald Automotive Group, LLC that provides equipment under the State of Wisconsin Municipal Discount bid contract. A 2019 Ford Ranger XLT Super Cab 4x4 was selected. The amount of the truck is \$27,959.00 of which \$13,979.50 will be spent by the Sewer Utility.

For the rear body work cap and exterior body safety lights, the specifications were written in January 2019. Quotes were requested from General Fire Equipment and Ultimate Truck and Accessories.

Ultimate Truck and Accessories - Rear body work cap: \$3,500.00

General Fire Equipment - Exterior body safety lights: \$2,264.00

Purchasing the truck from Ewald Automotive Group (\$27,959.00) and the accessories from Ultimate Truck and Accessories (\$3,500.00) and General Fire Equipment (\$2,264.00), the total (\$33,723.00) will be split evenly between the two utilities for \$16,861.50 each.

The City of Franklin reserves the right to accept or to reject any or all bid quotations, to waive any technicality in any bid quotation or to award the bid quotation or portions of the bid quotation, which, in their opinion, are most advantageous to the City.

On April 9, 2019, the Board of Public Works reviewed the quotes and recommended to Common Council approval of the equipment purchases. Prior to the Common Council meeting on April 16, 2019, the Board of Water Commissioners will consider the purchase using water utility funds.

### **OPTIONS**

- A. Authorize purchases from Ewald Automotive Group, LLC, Ultimate Truck Accessories, and General Fire Equipment
- B. Refer back to Staff with further direction.

**FISCAL NOTE**

The Sewer and Water Utilities have sufficient funds to cover the purchases.

**COUNCIL ACTION REQUESTED**

(Option A) Resolution 2019-\_\_\_\_\_ a resolution to purchase a 2019 Ford Ranger XLT 4wd Super Cab 6' Box from Ewald Automotive Group, LLC for \$27,959.00 and purchase the accessories from Ultimate Truck and Accessories for \$3,500.00 and lights from General Fire Equipment for \$2,264.00.

Engineering: GEM

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2019 -

A RESOLUTION TO PURCHASE A 2019 FORD RANGER XLT 4WD SUPER CAB 6' BOX FROM EWALD AUTOMOTIVE GROUP, LLC FOR \$27,959.00 AND PURCHASE THE ACCESSORIES FROM ULTIMATE TRUCK AND ACCESSORIES FOR \$3,500.00 AND LIGHTS FROM GENERAL FIRE EQUIPMENT FOR \$2,264.00

-----

WHEREAS, the Sewer and Water Utility department has a 10-year old vehicle in need of replacement, and

WHEREAS, the approved 2019 budget includes the replacement of said vehicle; and

WHEREAS, Staff solicited companies on the Wisconsin Municipal Discount bid contract; and

WHEREAS, other companies were solicited to provide accessories to the rear body and safety lights needed to make the vehicle functional to the Utility.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that it would be in the best interest of the City to authorize the purchase a 2019 Ford Ranger XLT 4wd Super Cab 6' Box from Ewald Automotive Group, LLC for \$27,959.00 and purchase the accessories from Ultimate Truck and Accessories for \$3,500.00 and lights from General Fire Equipment for \$2,264.00; and

BE IT FURTHER RESOLVED that the Sewer and Water utilities each pay 50% of the total costs from their respective budgets.

Introduced at a regular meeting of the Common Council of the City of Franklin the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Alderman \_\_\_\_\_.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

GEM

## **MEMORANDUM FROM THE FRANKLIN WATER UTILITY**

**Date:** April 8, 2019

**TO:** Board of Water Commissioners

**FROM:** Michael Roberts, Superintendent, Water/Sewer Utilities

**SUBJECT:** Purchase of a 2019 Ford Ranger XLT 4wd Super Cab 6' Box

The 2019 Franklin Water Utility Capital Budget account, approved by the Franklin Common Council, included \$22,500.00 which is one half of the replacement cost of unit 792. Unit 792 is a 10-year-old vehicle with 191,000 miles logged on it. It has been determined after careful review that this truck has reached its complete usefulness and should be replaced. The truck specifications were written and a bid proposal was requested for the Ewald Automotive Group, LL which orders are placed under the State of Wisconsin Municipal Discount bid contract. The bid proposal for this truck was very favorable.

Recommend purchasing the 2019 Ford Ranger under the State of Wisconsin Municipal Discount from the Ewald Automotive Group, LL for \$27,959.00.

Shared cost of truck to the Water Utility: \$13,979.50

Recommending the bid proposal received for the truck's exterior safety lighting from General Fire Equipment for \$2,264.00.

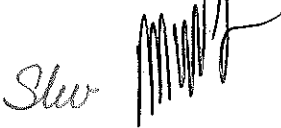
Shared cost to the Water Utility: \$1,132.00

Recommending the bid proposal received from Ultimate Truck & Accessories for an HD/Tool Truck Cap for \$3,500.00.

Shared cost to the Water Utility: \$1,750.00

**\*\*Total cost of purchased vehicle to Water Utility \$16,861.50.**



<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>4/16/2019</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Authorization for the Director of Administration to Enter into a New 5-Year NASPO Lease Agreement with James Imaging Systems for the City Hall's First Floor Main Copier</b>	<b>ITEM NUMBER</b>  <b>G.18.</b>

The current 4-year lease with Ricoh USA, Inc. for the City Hall's first floor main copy machine will expire May 31, 2019. You will recall that back in March of 2018, the Common Council authorized the execution of a Participating Agreement through the National Association of State Procurement Officers' ValuePoint Cooperative Purchasing Organization (NASPO) for copiers, printers, and related devices, as approved by the Wisconsin Director of State's Bureau of Procurement; and authorized Department Heads to acquire budgeted, replacement copiers, printers, and related devices under the terms of the Participating Agreement.

The Council was also made aware at that time of the Director of IT's desire (as backed by the Technology Commission) to migrate all copying needs towards a Toshiba platform with James Imaging Systems as the provider of the copiers. The Toshiba copier platform was desired/recommended due to it being less complex to administer and maintain, having a more streamlined administrative interface, and that it allows for better integration within the Microsoft Windows networking environment. James Imaging currently has the copiers in the Police, Health, Fire, and Inspection Departments.

Attached is a "NASPO Lease for Equipment and Maintenance Order Form" from James Imaging Systems for a new 5-year color Toshiba copier to replace the current first-floor main City Hall black and white copier at a monthly lease amount of \$216.62. This new copier has all of the same options as the current copier with a few added enhancements. The main enhancement is this will be a color copier. The default for copying/printing to this copier will be in black and white but it will now have the option to print/copy in color if needed. It will also have an added "saddle stitch" finisher that will allow for folding/stapling in the middle for brochure/booklet making options. One final enhancement will be the purchase of a Drivve OCR (optical character recognition) software solution. The Drivve software is an enterprise OCR virtual appliance which would be integrated into every Toshiba (or Sharp) copier we have on premise. This would eliminate having to setup an OCR board on each and every copier, or having to do OCR using a desktop application like Nuance PDF or Adobe Acrobat Pro. For scanning of documents, the OCR Drivve server will eliminate the need to have desktop software (Nuance or Adobe Acrobat Pro) to do this on non-OCR capable copiers. The cost of this Drivve solution is a one-time cost of \$2,288 plus an annual maintenance cost of \$322 for years 2 thru 5 of the copier lease. (Note that an OCR package is needed for this copier. To put into perspective the cost of the Drivve option, a less advanced OCR package (Re-Rite) would be \$43.97 per month x 5 years = \$2,638.20 over the period of the lease. The Re-Rite OCR package just would not require the annual maintenance cost for years 2-5 but it would also NOT be able to be integrated into every Toshiba (or Sharp) copier we have on premise like the Drivve option.) This level of OCR capability allows stored PDFs to become searchable which is an important first step in moving toward an enhanced electronic records management system.

As is with the current and past copiers, a maintenance and service plan will be implemented that covers all service calls, parts, labor, toner, staples (and other supplies except for paper) for the machine. This is based on the number of copies/prints made at the specified rates for either black/white or color. Black/White = \$0.0063/each and Color = \$0.0329/each.

The following table summarizes the differences in costs between our current black and white only copier and the new proposed color Toshiba copier:

	<b>Current B/W Ricoh Copier Contract</b>	<b>Current NASPO Rate on Current B/W Ricoh Copier</b>	<b>Proposed Color Toshiba Copier Contract</b>
<b>Monthly Lease Payment</b>	\$200.06		\$216.62
<b>Cost Per Copy:</b>			
<b>Black &amp; White</b>	\$0.0037/Copy	\$0.0055/Copy	\$0.0063/Copy
<b>Color</b>			\$0.0329/Copy

The costs per copies for the proposed color copier will be more than we are currently paying, but part of the difference is that color multi-function devices are more expensive to service than a black and white multi-function device. Also, our current copier contract was based off an old State contract. The current NASPO per copy cost rate on our current black and white Ricoh device is \$0.0055. Ricoh's current NASPO per copy cost rate on a comparable color multi-function copier is \$0.0082/copy for black and white and \$0.0500/copy for color; higher than what is being proposed from James Imaging Systems. In short, about two-thirds of the copy cost increase is due to the time since the last contract and one-third is due to the upgrade to a color copier.

The one-time cost of \$2,288 for the Drive OCR solution will be funded from the "Unexpected Hardware/Software Replacements" of the IS Capital Outlay Computer Equipment account with the annual maintenance costs for years 2-5 incorporated into the upcoming "Software Maintenance" IS operating budgets. The monthly lease payments and copy costs will remain to be funded through the Department of Administration's "Equipment Rental" operating account budget.

This first-floor main copier is practically the only City copier that is still a black and white machine. Each of the added features should be considered valuable tools for operations during the next 5 years. The following departments all now have color copiers: Engineering, Fire, Health, Inspection, Planning, Police, and Sewer & Water. It is recommended that the main City Hall copier be upgraded to a color machine.

The Director of Administration, Director of Information Technologies, and the City Clerk recommend entering into this new 5-year copier lease with James Imaging Systems.

## **COUNCIL ACTION REQUESTED**

Motion to authorize the Director of Administration to enter into a new 5-year NASPO lease agreement with James Imaging Systems for the City Hall's first floor main copier.

**TOSHIBA**

Leading innovation &gt;&gt;&gt;

CITY OF FRANKLIN, WI

**NASPO LEASE FOR EQUIPMENT AND MAINTENANCE ORDER FORM**

Agreement #

**LESSEE - BILLING CONTACT INFORMATION**

(Separate Order Form must be completed for each billing locations.)

Lessee Legal Name: City of Franklin		Department Name: Clerk's Office		FEIN#396005897
Street Address   P.O. Box: 9229 W Loomis Road			Bldg/Room/Suite: City Hall	
City: Franklin	State: WI	Zip 53132	Billing Contact Name: Mark Luberdia	
Bill-To Phone Number: 414-858-1100	Email: mluberdia@franklinwi.gov		Fax Number: 414-427-7627	

**LESSEE INSTALLATION LOCATION**

Lessee Legal Name: City of Franklin City Hall Clerk's Office			Department Name: Clerk's Office	
Street Address   P.O. Box: 9229 W Loomis Road			Bldg/Room/Suite: City Hall	
City: Franklin	State: WI	Zip:53132	Contact Name: Sandi Wesolowski	
Phone Number: 414-858-1100	Email: swesolowski@franklinwi.gov		Fax Number: 414-427-7627	

**SECTION I -- EQUIPMENT LEASE WITH SEPARATE MAINTENANCE PLAN**

		EQUIPMENT LEASE TYPE		LEASE TERM						
		<input checked="" type="checkbox"/> Fair Market Value <input type="checkbox"/> Capital Lease <input type="checkbox"/> Operational Lease		<input type="checkbox"/> 18 Mo <input type="checkbox"/> 24 Mo <input type="checkbox"/> 36 Mo <input type="checkbox"/> 48 Mo <input checked="" type="checkbox"/> 60 Mo						
UNIT#	ITEM DESCRIPTION (If insufficient space, use the Schedule to this Lease Order form and enter below "See Order Form Schedule")	EQUIPMENT LEASE		MAINTENANCE & SERVICES (M&S) PLAN <input type="checkbox"/> Include Staples						
		EQUIPMENT LEASE % or RATE-FOR \$OUT- LEASES ONLY	EQUIPMENT LEASE PAYMENT	ZERO BASE B&W CPC	ZERO BASE COLOR CPC	MAINT. OPTION NUMBER 1, 2, 3	MONTHLY VOLUME (BW)	MONTHLY BASE CHARGE (BW)	BW OVERAGE RATE	COLOR OVERAGE RATE
ES5506ACT	Color MFP / Install		\$163.05	.0063	.0329			\$		
MJ1112	Saddle Stitch Finisher		\$34.26					\$		
MJ6106N	3 Hole Punch		\$5.68					\$		
GD1370	Fax Kit		\$7.17					\$		
XGPCS20D	PWRFLTR-XGPCS20D		\$6.47					\$		
								\$		
								\$		
								\$		
								\$		

Sum of Monthly Equipment Lease Payments: **\$216.62**

Sum of Monthly Base Charges: \$

<b>TOTAL MONTHLY PAYMENT:</b> Equipment Lease Payment + Monthly Base Charge (If Applicable) <b>\$216.62</b>		No Personal Property Tax Required
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Special Instructions/Additional Information (e.g. equipment models upgraded; Buyout details; etc.):

**TERM & PAYMENT SCHEDULE (All Payments are exclusive of sales and use tax)**

Sales/Use Tax Exempt <input checked="" type="checkbox"/> Yes ----- Tax Exempt No. [Attach Tax Exemption]	PO Issued <input checked="" type="checkbox"/> yes <input type="checkbox"/> No PO #
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Payment Cycle: Monthly Billing

Document Fee: \$75.00 included in the 1<sup>st</sup> invoice**THIS ORDER FORM INCORPORATES ALL OF THE TERMS AND CONDITIONS OF THE CITY MASTER LEASE AGREEMENT**

LESSOR: Toshiba America Business Solutions, Inc. SIGNATURE:	Title:	Date:
LESSEE: SIGNATURE	Title:	Date:

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<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>4/16/2019</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Replacement of the Signature-Based Symantec Endpoint Protection with Bitdefender GravityZone Ultra as the Standardized Advanced Threat Management (ATM) Client for Desktop, Laptop, and Server Computing Environments</b>	<b>ITEM NUMBER</b> <i>6.19.</i>

This Council Action Sheet is an executive summary. The attached document from Jim Matelski, the IT Director, provides expanded, detailed information as to the benefits and capabilities of the recommended software.

Bitdefender Gravityzone is an enhanced endpoint security management suite of products that is designed to provide a significantly enhanced layered security infrastructure throughout the enterprise. The software uses a single agent that is deployed onto servers and workstations, either using automatic deployment methods or allowing a manual installation for legacy operating systems (e.g. Windows XP, Windows 2003 or Windows 2008 servers). The single-management agent communicates to a cloud-based portal, completely eliminating the need to have an onsite antivirus-management console.

The Gravityzone Ultra line of products provides the following layered security services, all that are controlled through a single-management agent: Traditional Signature Based Antivirus, Email Server Protection, Real-time Advanced Threat Analysis (IPS), In Process Malware Detection, Cloud Based Sandboxing, Inter-process Event Logging, Microsoft Bitlocker Hard Drive Encryption Integration (for full encryption of hard drives for mobile devices utilized by both the Police and Fire Departments). Additionally, it provides Scheduled Security Patch Deployment & Management, which will allow patches to be scheduled to be deployed on a specific hour and day, a critical feature that is necessary for systems that must be active 24x7x365. Today patches for these systems must be manually applied, so this product will provide for operational efficiencies as well.

Importantly, it also addresses pertinent Computer Justice Information Systems (CJIS) regulations required related to Police and Fire computing platforms. During the 2019 CJIS audit, a lack of IPS and SIEM security systems at the Police Department was identified as a deficiency. The Bitdefender strategy addresses these needs. In short, Bitdefender is recognized as an industry software leader, and has been recognized to provide engine detection mechanisms that exceed Symantec's capabilities and performance. The increased cost in security capabilities and fulfilling several CJIS requirements warrants the increase in annual costs.

During the March 27, 2019 Technology Commission meeting, the Commission unanimously voted to recommend replacing the signature-based Symantec Endpoint Protection with Bitdefender GravityZone Ultra as the standardized Advanced Threat Management (ATM) client for desktop, laptop, and server computing environments.

The following approach shows how the costs associated with licenses and modules can be incorporated within the operating budget of IT. Please note, however, that there will likely be some overall increase for related licenses and software maintenance in the 2020 budget by using the identified resources.

**Cost:**

Bitdefender Gravityzone Ultra (ATM Client) Licenses - 1 yr. (310 x \$25.64)	\$ 7,948.40
Patch Management Module – 1 yr. (310 x \$9.12)	2,827.20
Disk Encryption Module (30 devices) 1 yr. (30 x \$6.08)	<u>182.40</u>
Total IT Costs	\$10,958.00

**Planned Funding (2019 IT Budget):**

Planned Symantec AV License (reallocated)	\$ 4,935.00
Software Maintenance	3,450.00
IT Conferences (reallocated)	1,500.00
2 Months SKC Avaya Tech Support (not used Jan & Feb)	<u>1,100.00</u>
Total 2019 Reallocated Funds:	\$10,985.00

## **COUNCIL ACTION REQUESTED**

Motion to authorize the Director of Administration and IT Director to purchase the licenses and modules for Bitdefender Gravityzone Ultra as the Standardized Advanced Threat Management (ATM) Client for Desktop, Laptop, and Server Computing Environments from appropriations within the Information Services 2019 Operating budget.

## Bitdefender GravityZone

**Notebook:** CoF - Council Sheets (WIP)

**Created:** 4/9/2019 9:31 PM

**Updated:** 4/10/2019 1:38 PM

**Author:** msmba@jamesmatelski.me

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Bitdefender Gravityzone is an enhanced endpoint security management suite of products that is designed to provide a significantly enhanced layered security infrastructure throughout the enterprise. The software uses a single agent that is deployed onto servers and workstations, either using automatic deployment methods or allowing a manual installation for legacy operating systems (e.g. Windows XP, Windows 2003 or Windows 2008 servers). The single-management agent communicates to a cloud-based portal, completely eliminating the need to have an onsite antivirus management console. Historically, updating Symantec Antivirus with a new product version has been administratively difficult, due to the complexities of upgrading the Java-based console and utilities. Bitdefender eliminates the risk and complexity of upgrades by providing a completely cloud-managed product.

The Gravityzone Ultra line of products provides the following layered security services, all that are controlled through a single-management agent:

- **Traditional Signature Based Antivirus** - A traditional antivirus management engine is deployed and definition files updates are received either through a cloud-management portal or an internal relay server. For virtual machines CPU and memory for real times scans is offloaded to a virtual appliance, so that infected machines cannot impact the reliability of the scan, in addition to not consuming virtual server computing resources while performing the AV scan. This is a new feature not available with Symantec Antivirus.
- **Email Server Protection** - Gravityzone Ultra includes built-in management protection for email servers. A single server license protects all Microsoft Exchange mail stores and provides a secondary level of protection from inbound viruses that are not quarantined from existing spam filtering services. Symantec requires a separate product for this additional level of protection.
- **Real-time Advanced Threat Analysis (IPS)** - Gravityzone is able to perform the function of an Intrusion Prevention System (IPS) and is able to determine real time hacking attempts through local and cloud machine learning, heuristics, and known vulnerability attacks frequently used by malware. The Advanced Threat Management (ATM) client allows Gravityzone to detect real-time hacking attempts and thwart the connectivity prior to any files being transferred. Traditional antivirus only protects the computer from files that have already been compromised and which already exist on the computing system. The IPS layer has the full ability to communicate to a third party SIEM (Security Information Event Management system), allowing both AV and ATM threat management logs to be stored offline for further analysis. IPS functionality at the PD is a CGIS requirement, along with integrating the system to a SIEM for centralized security reporting.
- **In Process Malware Detection** - Bitdefender Gravityzone monitors the execution of all process and is able to detect abnormal activity within the execution of threads and pipes within the process. Malware that is successfully able to execute may be further scrutinized by the Bitdefender engine, where any attempts to spawn additional processes or hijack committed memory will be detected by the Bitdefender agent. Malware or ransomware will have the associated processes automatically killed once suspicious interprocess connectivity is detected. This capability prevents ransomware from launching in the event that it was inadvertently downloaded.
- **Cloud Based Sandboxing** - The Gravityzone agent is able to send any suspicious file or executable to the Bitdefender cloud, where it is sandboxed and allowed to run in a secure environment. The results of the sandbox test is immediately relayed to all management agents and computers in the organization. A zero day piece of malware may

be deterred by a sandbox analysis, with the results being immediately transferred to every computer in the organization. Immediate sandbox analysis prevents new strains of malware or ransomware from being able to find a foothold within the local computing environment.

- **Inter-process Event Logging** - Any malware or ransomware activity that is detected is immediately terminated and all processes that were executed are recorded in the SIEM for further analysis. Any successfully detected malware files or intrusion attempts are recorded as an incident ticket, which must be closed by the IT department in order to acknowledge the security event. This feature is a CGIS requirement needed for IPS and SIEM compliance.
- **Microsoft Bitlocker Hard Drive Encryption Integration** - CGIS requires all hard drives for mobile devices utilized by both the Police and Fire Departments be fully encrypted in the advent of loss or theft. Bitdefender has an add-on module that allows for the management and centralized encryption/decryption of all devices on the domain. Encryption restore keys are stored within the Bitdefender site database, which are fully encrypted within AWS (unlike Active Directory that stores the keys in clear text). Bitlocker integration allows for fast and seamless deployment of hard drive encryption for computers equipped with a Trusted Platform Module (TPM) security chip.
- **Scheduled Security Patch Deployment & Management** - Bitdefender Gravityzone has an add-in module that allows for cloud-based deployment of all Microsoft and some common third party applications (e.g. Adobe Acrobat Reader, Adobe Flash, and Java runtime engine), replacing our current Microsoft WSUS patch deployment server. Unlike WSUS, patches can be scheduled to be deployed on a specific hour and day, a critical feature that is necessary for systems that must be active 24x7x365. Today patches for these systems must be manually applied, due to the fact that WSUS is pull based and cannot be scheduled to deploy at patch at a very specific time. All reporting of patch installation events is reported to the common Bitdefender cloud-based portal. This ties vulnerability assessment and remediation closely to the ATM (Advanced Threat Management) security platform.

### **Pertinent Computer Justice Information Systems Regulations (in scope with Police and Fire computing platforms):**

#### **Security Information and Event (SIEM) Logging & Reporting**

##### **5.3.1.1.1 Reporting Security Events - CJIS Division Responsibilities:**

1. Manage and Maintain the CJIS Division's Computer Security Incident Response Capability (CSIRC) (a.k.a. SIEM).
2. Serve as a central clearinghouse for all reported intrusion incidents, security alerts, bulletins, and other security related materials.
3. Ensure additional resources for all incidents affecting FBI CJIS Division controlled systems as needed.
4. Disseminate prompt advisories of system threats and operating system vulnerabilities via the security policy resource center on FBI.gov to include but not limited to: product security bulletins, virus bulletins, and security clips.
5. Track all reported incidents and/or trends.
6. Monitor the resolution of all incidents.

5.3.2.1 Incident Handling - The agency shall implement an incident handling capability for security incidents that includes preparation, detection, analysis, containment, eradication, and recovery. Wherever feasible, the agency shall employ automated mechanisms to support the incident handling process. Incident related information can be obtained from a variety of sources including, but not limited to, audit monitoring, network monitoring, physical access monitoring, and user/administrator reports. The agency should incorporate the lessons learned from ongoing incident handling to activities into the incident response procedures and implement the procedures accordingly.



5.4.6 Audit Record Retention - The agency shall retain audit records for at least one year (1). Once the minimum retention time period has passed, the agency shall continue to retain audit records until it is determined they are no longer needed for administrative, legal, audit, or other operational purposes.

#### **IDS/IDP or Intrusion Prevention Systems (IPS) Monitoring & Management Systems:**

5.10.1.3 Intrusion Detection Tools and Techniques - The agency shall implement network-based and/or host-based intrusion detection tools. The CAS/SIB shall, in addition to:

1. Monitor inbound/outbound communications for unusual and unauthorized activities.
2. Send individual intrusion detection logs to a central logging facility, where correlation and analysis will be accomplished as a system-wide intrusion detection effort.
3. Employ automated tools to support near-real-time analysis of events in support of detecting system-level attacks.

#### **Patch Management**

5.10.4.1 Patch Management - The agency shall identify applications, services, and information systems containing software or components affected by recently announced software flaws and potential vulnerabilities resulting from those flaws. The agency (or the software developer/vendor in the case of software developed and maintained by a vendor/contractor) shall develop and implement a local policy that ensures prompt installation of newly released security relevant patches, services packs, and hot fixes. Local policies should include such items as:

1. Testing the appropriate patches before installation.
2. Rollback capabilities when installing patches, updates, etc.
3. Automatic updates without individual user intervention.
4. Centralized patch management.

Patch requirements discovered during security assessments, continuous monitoring, or incident response activities shall also be addressed expeditiously.

#### **Endpoint Security Protection**

5.10.4.2 Malicious Code Detection - The agency shall implement malicious code protection that includes automatic updates for all systems with Internet access. Agencies with systems not connected to the Internet shall implement local procedures to ensure malicious code protection is kept current (i.e. most recent update available). The agency shall employ virus protection mechanisms to detect and eradicate malicious code (e.g. viruses, worms, trojan horses) at critical points throughout the network and on all workstation, servers, and mobile computing devices on the network. The agency shall ensure malicious code protection is enabled on all of the aforementioned critical points and information systems, and resident scanning is employed.

5.10.4.3 Spam and Spyware Protection - The agency shall implement spam and spyware protection.

1. Employ spam protection mechanisms at critical information system entry points (e.g. firewalls, electronic mail servers, remote-access servers).
2. Employ spyware protection at workstations, servers, and mobile computing devices on the network.
3. Use the spam and spyware protection mechanisms to detect and take appropriate action on all unsolicited messages and spyware/adware, respectively, transported by electronic mail, electronic mail attachments, Internet accesses, removable media, or other removable media defined in this policy.

During the 2019 CJIS audit a lack of IPS and SIEM security systems at the Police Department was identified as a deficiency. Instead of a dedicated IDS/IDP hardware-based security appliance, a combination of firewall-based IPS detection (already in place as the Palo Alto Wildfire services) and local endpoint ATM client will sufficiently meet all monitoring and detection requirements. Local endpoint protection is the last defensive security layer, hence increasing antivirus capabilities to include IPS services aligns directly with the core IT strategy of creating a robust multi-layer security environment.

During the March 27, 2019 Technology Commission meeting, the Commission unanimously voted to recommend replacing the signature-based Symantec Endpoint Protection with Bitdefender GravityZone Ultra as the standardized Advanced Threat Management (ATM) client for desktop, laptop, and server computing environments. Bitdefender is recognized as an industry software leader, and has been recognized to provide engine detection mechanisms that exceed Symantec's capabilities and performance. Bitdefender Gravityzone will replace Symantec SEP as the enterprise antivirus and malware protection software, while providing additional capabilities for ATM, scheduled patch management, and mobile device drive encryption. The increased cost in security capabilities and fulfilling several CJIS requirements warrants the increase in annual costs.

**Costs:**

Bitdefender Gravityzone Ultra (ATM Client) - 1 yr.	\$ 7,948.40
Patch Management Module - 1yr	\$ 2,827.20
Disk Encryption Module (30 devices) 1yr	\$ 182.40
Total IT Costs:	\$10,958.00

**Planned Funding (2019 IT Budget):**

Planned Symantec AV License (reallocated)	\$ 4,935.00
Software Maintenance	\$ 3,450.00
IT Conferences (reallocated)	\$ 1,500.00
2 mo SKC Avaya Tech Support (not used Jan & Feb)	\$ 1,100.00
Total 2019 Reallocated Funds:	\$10,985.00

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 04-16-19
REPORTS & RECOMMENDATIONS	Committee of the Whole Recommendations	ITEM NUMBER <i>6.20.</i>

Recommendations from the Committee of the Whole meeting which was held on April 15, 2019:


- (a) Thiel Brand Design Presentation of Phase One and Phase Two of the Branding and Marketing Services Project, Including Discussion and Review of the Two Logos Selected Jointly by the Economic Development Commission and the Tourism Commission as Staff will be Requesting a Decision by the Common Council on Final Logo Choice at the Regularly Scheduled Common Council Meeting on Tuesday, April 16, 2019.
- (b) Tax Incremental District No. 5 Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) Ballpark Commons Sports Anchored Mixed-Use Development Project Development Status and Future Development in the District.

COUNCIL ACTION REQUESTED

As directed

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<b>APPROVAL</b>  <i>Slw</i> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>4/16/2019</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Menard, Inc. v. City of Franklin, Milwaukee County Circuit Court, Case No. 16-CV-8734 (Consolidated): Claims of Excessive Property Assessment for 2016, 2017, and 2018. 2019 Assessment may be incorporated. The Common Council may enter closed session pursuant to Wis. Stat. §19.85(1)(g), to confer with Legal Counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to the subject litigations, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.</b>	<b>ITEM NUMBER</b>  <i>G. 21.</i>

Menards, Inc. filed claims for 2016, 2017, and 2018 Excessive Property Assessments with the Milwaukee County Circuit Court. 2019 Assessment may be incorporated. The League of Wisconsin Municipalities Mutual Insurance Company is providing defense of the claim and has assigned Attorney Ryan Braithwaite with Crivello Carlson, S.C. to the defense. As a regular part of the claim resolution process, mediation was recently held relative to the claim. Attorney Braithwaite and Mark Link, City Assessor, will be present to discuss the claim and the matter in detail.

The Common Council may enter closed session pursuant to Wis. Stat. §19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to the subject litigations, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

### COUNCIL ACTION REQUESTED

Motion to enter closed session pursuant to Wis. Stat. §19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to the subject litigations, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

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<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>04/16/19</b>
<b>LICENSES AND PERMITS</b>	<b>MISCELLANEOUS LICENSES</b>	<b>ITEM NUMBER</b> <b>H.1.</b>
<p>See attached listing from meeting of April 16, 2019.</p> <p><b>COUNCIL ACTION REQUESTED</b></p>		



414-425-7500

**License Committee  
Agenda\*  
Aldermen's Room  
April 16, 2019 – 5:50 pm**

<b>1.</b>	<b>Call to Order &amp; Roll Call</b>	<b>Time:</b>		
<b>2.</b>	<b>Applicant Interviews &amp; Decisions</b>			
<b>License Applications Reviewed</b>		<b>Recommendations</b>		
<b>Type/ Time</b>	<b>Applicant Information</b>	<b>Approve</b>	<b>Hold</b>	<b>Deny</b>
<b>Operator 2018-2019 New 5:55 pm</b>	<b>Grace Ann Lucille Cole</b> 10863 S 60 <sup>th</sup> St Franklin, WI 53132 Hideaway Pub & Eatery			
<b>Operator 2018-2019 New</b>	<b>Ashley E Derus</b> 3038 N Cramer Milwaukee, WI 53211 The Rock Sports Complex			
<b>Operator 2018-2019 New</b>	<b>Kenneth Cline Humont</b> 7119 W Jordan Ct Franklin, WI 53132 The Rock Sports Complex			
<b>Operator 2018-2019 New</b>	<b>Amanda N Julian</b> 2811 W Acre Ave Franklin, WI 53132 Walgreens #05884			
<b>Operator 2019-2020 Renewal</b>	<b>Amanda N Julian</b> 2811 W Acre Ave Franklin, WI 53132 Walgreens #05884			
<b>Operator 2018-2019 New</b>	<b>Mozelle Malone-Kelly</b> 7444 S 35 <sup>th</sup> Franklin, WI 53132 Location Pending			
<b>Operator 2019-2020 Renewal</b>	<b>Mozelle Malone-Kelly</b> 7444 S 35 <sup>th</sup> Franklin, WI 53132 Location Pending			
<b>Operator 2018-2019 New</b>	<b>James Fredrick Metz</b> 6550 W Fremont Pl Franklin, WI 53132 The Rock Sports Complex			
<b>Operator 2018-2019 New</b>	<b>Cassidy Weyers</b> W330N4113 Lakeland Drive Nashotah, WI 53058 The Rock Sports Complex			
<b>Operator 2019-2020 Renewal</b>	<b>Cassidy Weyers</b> W330N4113 Lakeland Drive Nashotah, WI 53058 The Rock Sports Complex			
<b>Day Care 2019-2020</b>	<b>Faith Academy Child Care Development Center</b> 7700 W Faith Dr Franklin, WI 53132 Jennifer Finch, Manager			



<b>Day Care 2019-2020</b>	<b>Ingenious, Inc</b> 7260 S 76 St Franklin, WI 53132 Banmeet K Dadwal, Manager			
<b>Day Care 2019-2020</b>	<b>Jubilee Christian Day Care</b> 6855 S 50 <sup>th</sup> St Franklin, WI 53132 Tanya L Soich			
<b>Amusement Device Operator 2019-2020</b>	<b>American Entertainment</b> W337 S5059 Hwy GG Dousman, WI 53118 Ken J Grothman, Owner			
<b>Amusement Device Operator 2019-2020</b>	<b>Mitchell Novelty Co</b> 3506 W National Ave Milwaukee, WI 53215 Ralph H Fleege, Owner			
<b>Amusement Device Operator 2019-2020</b>	<b>National Entertainment Network</b> 325 Interlocken Pkwy B Broomfield, CO 80021 James F Sevalt, Owner			
<b>Future Special Meeting Dates</b>	Set future special meeting dates (two).			
<b>3.</b>	<b>Adjournment</b>			
		<b>Time</b>		

\*Notice is given that a majority of the Common Council may attend this meeting to gather information about an agenda item over which they have decision-making responsibility. This may constitute a meeting of the Common Council per State ex rel. Badke v. Greendale Village Board, even though the Common Council will not take formal action at this meeting.

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<b>APPROVAL</b> <i>Slw PC</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE 4/16/19</b>
<b>Bills</b>	<b>Vouchers and Payroll Approval</b>	<b>ITEM NUMBER I. 1</b>

Attached are vouchers dated April 2, 2019 through April 11, 2019 Nos. 173188 through Nos. 173371 in the amount of \$ 605,632.91. Included in this listing are EFT's Nos. 3994 through Nos. 4001, Library vouchers totaling \$ 7,039.81, Property Tax Refunds totaling \$886.10 and Water Utility vouchers totaling \$ 15,018.03. Voided checks in the amount of \$ (1,545.02) are separately listed.

Early release disbursements dated April 2, 2019 through April 10, 2019 in the amount of \$ 221,161.87 is provided on a separate listing and is also included in the complete disbursement listing. These payments have been released as authorized under Resolution 2013-6920.

The net payroll dated April 12, 2019 is \$ 382,383.64 previously estimated at \$ 393,000.00. Payroll deductions dated April 12, 2019 are \$ 209,401.19 previously estimated at \$ 222,000.00.

The estimated payroll for April 26, 2019 is \$ 393,000.00 with estimated deductions and matching payments of \$ 418,000.00.

*\*\*Property Tax refunds are being issued from the City bank account with Property Tax funding City periodically.*

Attached is a list of property tax refunds Nos. 17899 dated March 29, 2019 through April 11, 2019 in the amount of \$ 8.40. These payments have been released as authorized under Resolution 2013-6920. Voided checks in the amount of \$ (894.23) are separately listed.

Approval to release property tax settlements to Oak Creek-Franklin Schools, Whitnall Schools, Milwaukee County, MATC, MMSD, Franklin Schools and City of Franklin in the amount of \$ 7,621,388.81.

### **COUNCIL ACTION REQUESTED**

Motion approving the following:

- City vouchers with an ending date of April 11, 2019 in the amount of \$ 605,632.91 and
- Payroll dated April 12 2019 in the amount of \$ 382,383.64 and payments of the various payroll deductions in the amount of \$ 209,401.19 plus City matching payments and
- Estimated payroll dated April 26, 2019 in the amount of \$ 393,000.00 and payments of the various payroll deductions in the amount of \$ 418,000.00, plus City matching payments and
- Property Tax refunds and investments with an ending date of April 11, 2019 in the amount of \$ 8.40 and
- The release of property tax settlements in the amount of \$ 7,621,388.81.

**ROLL CALL VOTE NEEDED**