1 150-42015

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## RESOLUTION: Approve the Request of Premier Soda Creek Estates LLC for Winnebago County to Grant a Temporary Construction Easement to Facilitate the Building of a Walking Path from the Premier Soda Creek Estates' Multi Family Housing Project into the Community Park

## 8 TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:

WHEREAS, Winnebago County is presently involved in a sizeable infrastructure improvement project of the
 Winnebago County Community Park that is intended to enhance the functionality of the park road system and
 establish a 2½ mile shared use path network; and

WHEREAS, it is anticipated that the presence of a 10-foot wide shared use path will become a major
 recreational asset for the community that will draw interest from a broad array of citizens; and

WHEREAS, Premier Soda Creek Estates LLC is a private interest that is in the planning stages of building a
 large apartment complex on property located just outside the northwest corner of the Community Park and south of
 Jacktar Road in Oshkosh; and

WHEREAS, it has been recognized by Premier Soda Creek Estates LLC that with the presence of the shared use path in close proximity to the apartment complex, there is a tremendous opportunity to make available to its residents a secure and dependable means for persons to access the abundant leisure service opportunities accessible in the park via the shared use path network; and

- WHEREAS, Premier Soda Creek Estates LLC wishes to proceed with construction of a 10-foot wide asphalt
   path running from the northeast corner of the Soda Creek Estates Multi-Family Housing Project approximately 223
   feet southeast across parkland property and link up with the Community Park shared use path; and
- WHEREAS, in order to facilitate development of the aforementioned project, Premier Soda Creek Estates LLC requests that Winnebago County consider granting a 20-foot wide by 223-foot long construction easement that would allow Premier Soda Creek Estates LLC the necessary access in order to build the aforementioned 10-foot wide paved path from the Premier Soda Creek Estates' Multi-Family Housing Project to the Community Park shared use path; and

WHEREAS, to ensure that the correct construction methods are implemented and that the Premier Soda Creek Estates' LLC path follows a set route, the City of Oshkosh has opted to demonstrate its support of the project by allowing a Winnebago County-generated document containing a detailed list of specifications and expectations for constructing the path to be attached to and made a part of the City of Oshkosh—Premier Soda Creek Estates' LLC Developers Agreement; and

WHEREAS, Premier Soda Creek Estates LLC shall recognize Winnebago County as a named co-insured
 and shall assume responsibility to pay liabilities that arise out of any and all activities associated with Winnebago
 County's granting of the required temporary construction easement; and

WHEREAS, your undersigned Committee believes that it would be in the best interests of Winnebago
 County to proceed in approving the aforementioned temporary construction easement in order to accommodate the
 Premier Soda Creek Estates' LLC path building project within the Community Park.

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- NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors that it hereby authorizes the County Executive to proceed in granting a temporary 20-foot wide X 223-foot long construction easement to Premier Soda Creek Estates LLC in consideration of its desire to install a safe and dependable path for residents of the Soda Creek Estates' Multi-Family Housing Project traveling to and from the Community Park shared use path.
- BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors that it hereby authorizes that
   official activation of the construction easement shall commence on April 28, 2015, and continue until the conclusion
   of the aforementioned path installation or on September 15, 2015, whichever comes first.

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51 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that it hereby authorizes that 52 for the duration of the construction easement, Premier Soda Creek Estates LLC shall be granted the right of ingress 53 and egress to the Community Park via the Soda Creek Estates' Multi-Family Housing Project only and that such 54 ingress and egress shall be confined to weekdays between the hours of 7:30 a.m. and 4:00 p.m.

- BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby requires that
   Premier Soda Creek Estates LLC and its subcontractors be obligated to strictly adhere to all provisions of the
   construction requirements as delineated within the <u>Specifications Required for Walking Path Connecting Premier</u>
   <u>Soda Creek Estates Multi-Family Housing Project to Shared Use Path within the Community Park document</u>
   attached to, and made a part of, this Resolution and the City of Oshkosh–Premier Soda Creek Estates' LLC
- 61 Development Agreement.
- BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors that it hereby authorizes that
   the aforementioned construction easement shall consist of the following tract of land in the City of Oshkosh,
- 65 Winnebago County, described as follows:
- All that land of the owner in the N<sup>1</sup>/<sub>2</sub> of Section 36, T19N, R16E, 15<sup>th</sup> Ward, City of Oshkosh, Winnebago
   County, Wisconsin, more fully described as follows:

Commencing at the Northeast corner of Lot 1 of Certified Survey Map No. 5854, recorded on February
 17, 2006, in Volume 1 of Certified Survey Maps, Page 5854, as Document No. 1388402, recorded in the
 Register of Deeds Office, in and for, Winnebago County, Wisconsin; thence S 00<sup>o</sup> 11'13"E (recorded as
 S 00<sup>o</sup> 17'25"W), 25.00 feet, to the point of beginning (Winnebago County Coordinate 496,341.86 N,
 792,953.11 E) and being the centerline of the 20-foot wide easement being 10 feet each way of the
 centerline bearing 3S 79<sup>o</sup> 22'53"E, and being 223.43 feet in length (Winnebago County Coordinate
 496,300.69 N, 793,172.72 E).

- Said temporary construction easement contains 22,343 square feet, more or less.
- Fiscal Note: The installation of this 10-foot wide by 223-foot long paved path in the northwest section of the
   Community Park will not significantly affect either the type or quantity of maintenance that the Parks
   Department will otherwise be dedicating in maintaining the much larger 2½ mile main section of the
   shared use path. The Parks Department anticipates that an extra \$200-\$300 in labor and equipment
   costs will be required to maintain the facility. The main focus of maintaining the path will center on
   sweeping activities.
- 86 Respectfully submitted by:
  87 PARKS AND RECREATION COMMITTEE
  88 Committee Vote: 4-0

89	Vote Required for Passage: Majority of Those Present
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91	Approved by the Winnebago County Executive this day of, 2015.
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94	Mark L Harris
95	Winnebago County Executive