

RESOLUTION NO.: 36—2023-24

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

MAJORITY

1 The State of Wisconsin Department of Transportation (Wi DOT) is requesting a temporary
2 limited easement on the Newton Blackmour State Trail in the Village of Black Creek (the
3 village), Outagamie County, Wisconsin. The project includes asphalt resurfacing, pedestrian
4 curb ramp upgrades and storm sewer repair in the village, guardrail replacement in the rural
5 area north of the village, and some culvert repairs. The easement is needed for the Wi DOT to
6 construct and improve the curb ramp area on the west side of STH 47 and for the trail detour
7 area on the east side of STH 47 which is needed during upgrade to the trail.
8

9 NOW THEREFORE, the following resolution is presented by the Property, Airport, Recreation
10 and Economic Development Committee to the County Board.

11 BE IT RESOLVED, that the Outagamie County Board of Supervisors does authorize a Temporary
12 Limited Easement made by the State of Wisconsin Department of Natural Resources (Grantor) to the
13 Wisconsin Department of Transportation (Grantee) on the Newton Blackmour State Trail in Parcel 8 of
14 Transportation Project Plat 6240-30-21 – 4.02, recorded as Document 2279508 recorded in Outagamie
15 County, Wisconsin; said land is shown on the attached State of Wisconsin Correspondence/Memorandum,
16 Statement to Construction Engineer, and Temporary Limited Easement which by reference are made a
17 part hereof, and

18 BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy of
19 this resolution to the Outagamie County Parks Director and Wisconsin Department of Transportation, 944
20 Vanderperren Way, Green bay, WI 54304.

21 Dated this ____ day of August 2023.

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Duly and officially adopted by the County Board on: _____

Signed: _____
Board Chairperson County Clerk

Approved: _____ Vetoed: _____

Signed: _____
County Executive

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: June 20, 2023 FILE REF: DOT 6240-30-21 Parcel 8

TO: Loren Dieck, Director of Parks, Outagamie County

FROM: Renee Kerska – Real Estate Specialist – SOD
Mike Duke – Recreational Liaison – Green Bay

SUBJECT: COVER MEMO – HIGHWAY RESURFACE PROJECT

1. Type of Transaction: Temporary Limited Easement
2. Name of Grantees: State of Wisconsin Dept of Transportation
3. Property Name and County: Newton Blackmour State Trail, Outagamie County
4. Acreage: .04 acres
5. Background and Justification:

The department has been contacted by Wisconsin Department of Transportation (Wi DOT) regarding their proposed resurface project beginning at Burdick Street in the Village of Black Creek and ends just south of Shady Road near the Shawano County line. In addition to the asphalt resurfacing, the project scope includes pedestrian curb ramp upgrades and storm sewer repair in the village, guardrail replacement in the rural area north of the village, and some culvert repairs.

The proposed project impacting department lands is located on the Newton Blackmour State Trail in the SE 1/4 of the SE 1/4 of Section 8 and the SW 1/4 of the SW 1/4 of Section 9, Township 23 North, Range 17 East, Village of Black Creek, Outagamie County Wisconsin. The Temporary Limited Easement (TLE) is needed for Wi DOT to construct and improve the curb ramp area on the west side of STH 47 and for the trail detour area on the east side of STH 47 which is needed during upgrade to the trail.

The proposed project includes reconstructing the east curb ramp at the Newton-Blackmour State Trail crossing of STH 47. The existing curb ramp is not fully ADA-compliant, posing an accessibility barrier to impaired trail users. To address this issue the curb ramp, detectable warning field, short-paved trail approach and approaching sidewalk would be replaced to be fully compliant with ADA standards. This would provide a permanent benefit to all trail users by increasing accessibility to this recreational facility. To maintain trail connectivity during curb ramp reconstruction, a temporary detour would be provided around the work area. The detour would follow a grassed area immediately south of the existing trail crossing. The roadway plans would include the trail detour construction details and signing. The highway contractor would be responsible for constructing/maintaining/removing the detour as well as the associated detour signing. The temporary trail detour surface would be a minimum of 8' wide and consist of compacted gravel with temporary barricades along both sides for trail delineation. A temporary curb ramp would be provided for crossing STH 47 outside of the work area. Proposed improvements near the trail detour crossing include storm sewer and sidewalk replacement. This work would be staged and scheduled to avoid conflicts with the in-use trail detour. The duration of permanent trail curb ramp reconstruction is expected to be approximately 1 week in the summer of 2024, and contract documents would require completion within 5 continuous days of the week to avoid weekend trail use. After the trail detour is no longer needed, the gravel surface would be removed and grassed area restored to pre-construction conditions.

The department's Environmental Analysis & Review Specialist have reviewed NHI and BRRTS with no concerns for NHI. BRRTS has identified a number of sites within the Village limits. Often the department's



R&R Hydrogeologists are involved with DOT projects of this type or construction project. There are no sites identified in the project location.

Please see attached document for details. If you have any questions, please let me know.

Renee Kerska

STATEMENT TO CONSTRUCTION ENGINEER

RE1528 11/2022 s. 84.09 IA, Js. Stats.

Wisconsin Department of Transportation

Provide copies to: project engineer and owner

Owner Name(s) State of Wisconsin, Department of Natural Resources, a Wisconsin state agency	Property Address Newton Blackmour State Trail Black Creek, WI 54110(1)	Area code - phone Home: Cell: Work:
	Mailing Address 427 E Tower Dr. Suite 100, Wautoma, WI 54982	
Tenant, if any Newton Blackmour State Trail Manager: Loren Dieck Director of Parks	Property Address Newton Blackmour State Trail Black Creek, WI 54116(1)	Work: (920)832-4791
	Mailing Address Email: Loren.Dieck@outagamie.org	

- All commitments agreed upon between negotiator and property owner are listed below.
- All commitments are subject to approval of.
- Basic concepts of construction project have been explained to owner.
- No other commitments, either verbal or implied, are valid.

Commitments made (fences, driveways, trees, drainage or other items):

See additional terms and conditions listed on the TLE: (LaTS 39381)

Other matters of interest and owner concerns:

Contractor in charge of project needs to be in contact with Outagamie County Director of Parks, Loren Dieck, who has management responsibilities for the Newton Blackmour State Trail regarding project area effecting the state trail such as; construction start dates, coordination with trail detour signs, notices in papers, any questions with trail upgrade materials, construction and restoration of trail detour etc.

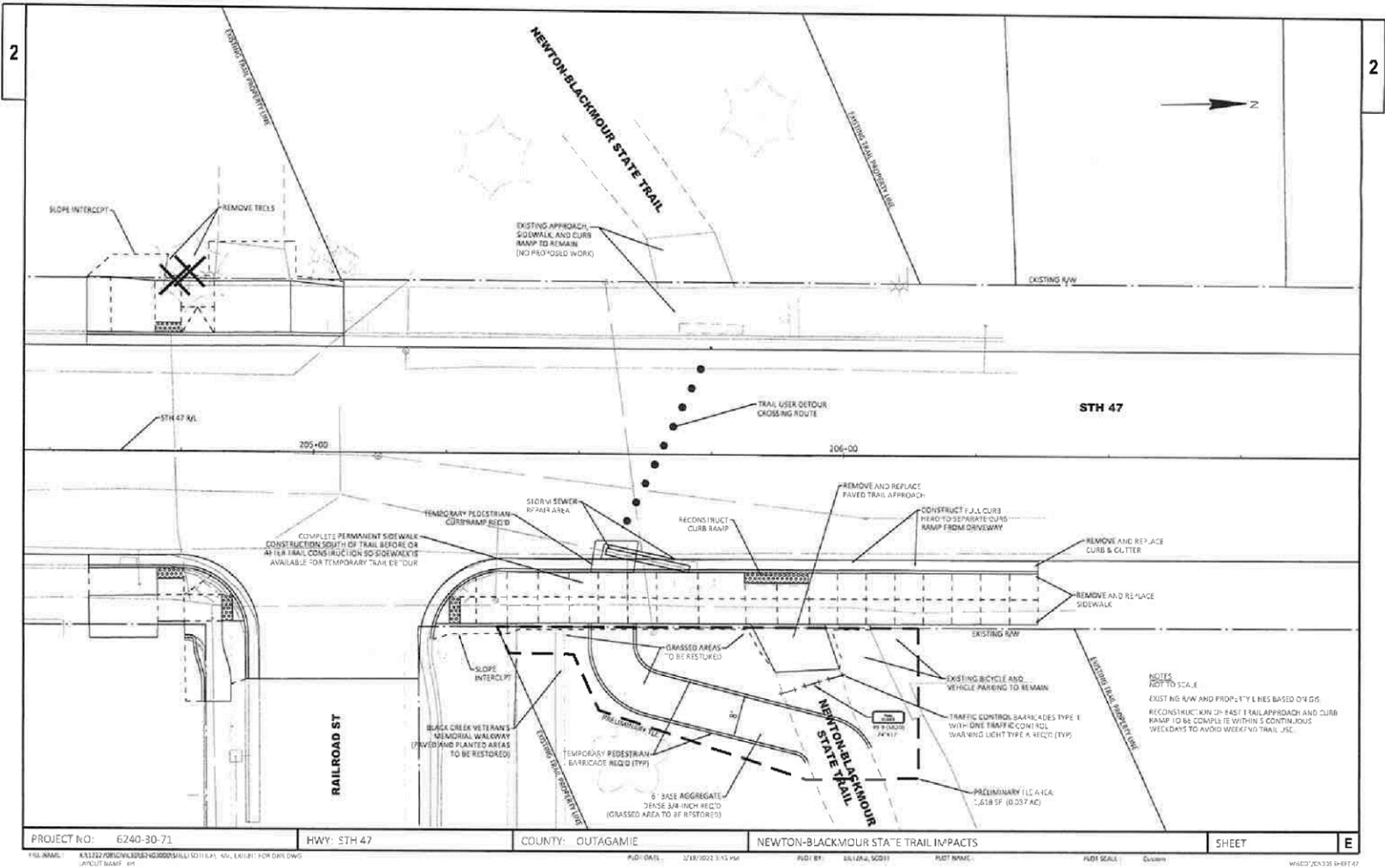
Property Owner Signature	Date	Negotiator Signature	Date
Terry H. Bay, Bureau Director Facilities and Lands		Joua Dorner	
Property Owner Signature	Date	Print Negotiator Name	

Commitments Approved:

 Approving Authority Signature and Title Date

 Print Approving Authority Name

 QJ1011985	Project ID 6240-30-21	County Outagamie	Parcel No 8
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PROJECT NO: 6240-30-71	HWY: STH 47	COUNTY: OUTAGAMIE	NEWTON-BLACKMOUR STATE TRAIL IMPACTS	SHEET	E
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FILE NAME: R:\1122\FOR\CH\RES\62403071\1122\1122_001_LAYOUT_FOR_O&M.DWG PLOT DATE: 12/18/2022 3:43 PM PLOT BY: KILFALL SCOTT PLOT NAME: PLOT SCALE: 1/8"=1'-0" SHEET: 20-338 14-817-07

TEMPORARY LIMITED EASEMENT

Wisconsin Department of Transportation
Exempt from fee: s. 77.25(2r) Wis. Stats.
Exempt from filing transfer form [s. 77.21(1), 77.22(1) Wis. Stats.]
RE1577 11/2022

THIS EASEMENT, made by **State of Wisconsin, Department of Natural Resources, a Wisconsin state agency** GRANTOR, conveys a temporary limited easement as described below to the **Wisconsin Department of Transportation, GRANTEE**, for the sum of **Two Thousand Eight Hundred and 00/100 Dollars (\$2,800.00)** for the purpose of construction.

Additional terms and conditions:

1. **Conditions of Construction and Maintenance.** Relating to installation, construction, operation, maintenance, removal and replacement work within the Easement Area, work shall be completed as follows:
 - a. Other than as otherwise permitted herein, the Trail should remain open for public use at all times. Trail closures will not be allowed during snowmobile season and may not be allowed at certain times during bicycling season depending on planned events, activities, or volume of use. All closures must be coordinated with the Grantor's Trail Manager. Any Trail closure of more than 1 day may be done only with prior written permission of the Grantor's Trail Manager.
 - b. If the Trail must be blocked at any time due to safety, a flag person must be present or appropriate signage must be installed such that Trail users are informed of the blockage and an acceptable detour (if needed) must be provided by the Grantee so users can pass through safely. Grantee shall not use the Trail for backing of any equipment unless a flag person is present and directing Trail traffic.
 - c. Warning signs, lights, or such other safety markers as necessary shall be placed informing Trail users of any construction work or as otherwise directed by the Grantor's Trail Manager.
 - d. If needed, as determined by the Grantor's Trail Manager, Grantee shall place passable barricades at entry points for trail users that require trail users to substantially reduce their speed and proceed single file. Barricade points must include signs stating that construction activities are taking place along the Trail, listing a reduced speed limit, and indicating 2-way, single-file traffic.
 - e. All excavated open holes must be adequately marked at all times by the Grantee and warning signs must be placed and maintained by Grantee a safe distance ahead in both directions.
 - f. All excavated holes shall be filled in and made level with the original grade by the Grantee prior to project activity completion.
 - g. Insofar as is practicable and when the Grantor requests other than during the initial construction or due to an emergency situation, the Grantee shall schedule any construction work in an area used for recreational purposes at times when the ground is frozen in order to prevent or reduce soil compaction. All work will be conducted to minimize soil disturbance. All rutting will be repaired, and the Premises restored as promptly as possible by Grantee following its work. If soils are not frozen or stable to a point that avoids rutting, timber mats, mud tracks, or equivalent must be utilized to access installation, construction, maintenance, removal or replacement locations.
 - h. Any and all ground settling or Trail surface damage caused by the exercise of the Grantee's rights within a 2-year period from the date of installation or of any maintenance is the sole responsibility of the Grantee and must be restored or repaired to pre-construction or better conditions using the same type and quality materials as approved by the Grantor's Trail Manager. Upon failure to perform by the Grantee within 20 days of notification by the Grantor's Trail Manager of needed repairs or restoration, repairs or restoration may be contracted by the Grantor's Trail Manager and the Grantee shall be liable for all costs associated with such repairs and restoration.
 - i. Grantee shall not park or store any vehicles or equipment on the Trail at any time unless authorized in writing by Grantor or Grantor's Trail Manager.
2. **AREMA Compliance.** The Premises may be encumbered by federal or state railroad interest and subject to future restoration and reconstruction of the right-of-way for rail purposes consistent with Section 208 of the National Trails System Act Amendment of 1983, Publ. L. No. 98-11 (16 U.S.C. 1247(d)) or Wis. Stat. s. 85.09, including possible termination of this Easement, and subject to reservations, exceptions and leases,

This space is reserved for recording data
Return to Wisconsin Department of Transportation 944 Vanderperren Way Green Bay, WI 54304 LaTS 39381
Parcel Identification Number/Tax Key Number

agreements and permits authorized by the former railroad company or the Grantor prior to the execution of this Easement. Grantor shall provide written notice of the necessity for the reestablishment of railroad, which may result in the termination of this Easement upon the discretion of the railroad. Grantee shall: (1) not materially change the grade or topography of the Trail or the Easement Area; (2) not construct and install or remove any permanent improvement which violates American Railway Engineering and Maintenance-of-Way Association ("AREMA"), or its successors' published practices and procedures or would make such reestablishment of railroad impracticable; and (3) not allow the installation of any facility, above or below grade that does not conform to AREMA's standards or clearances for railroad.

LEGAL DESCRIPTION IS ATTACHED AND MADE A PART OF THIS DOCUMENT BY REFERENCE.

The undersigned certify that this instrument is being executed pursuant to a resolution of the board of directors (or shareholders, if authorized by law) of GRANTOR corporation.

CORPORATE ACKNOWLEDGEMENT:

State of Wisconsin, Department of Natural Resources, a Wisconsin state agency
Corporation Name

Date 6-28-23

Officer Signature Terry H. Bay Date 6/28/23
Terry H. Bay, Bureau Director Facilities and Lands
Print Name and Title

State of Wisconsin)
County) ss.
On the above date, this instrument was acknowledged before me by the named person(s).

Officer Signature _____ Date _____
Print Name and Title _____

The signer was: Physically in my presence. OR
 In my presence involving the use of communication technology.

County Consent to Temporary Limited Easement

Signature, Notary Public, State of Wisconsin
Connie M. Scott

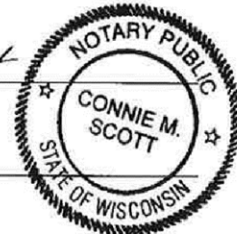
Board Chairperson _____ Date _____

Print Name, Notary Public, State of Wisconsin
Connie M. Scott

County Clerk _____ Date _____

County Executive _____ Date _____

Date Commission Expires 9-2-23



This instrument was drafted by Wisconsin Department of Transportation

Project ID 6240-30-21

Parcel No. 8

Q J 1 0 3 7 4 9 1

LEGAL DESCRIPTION

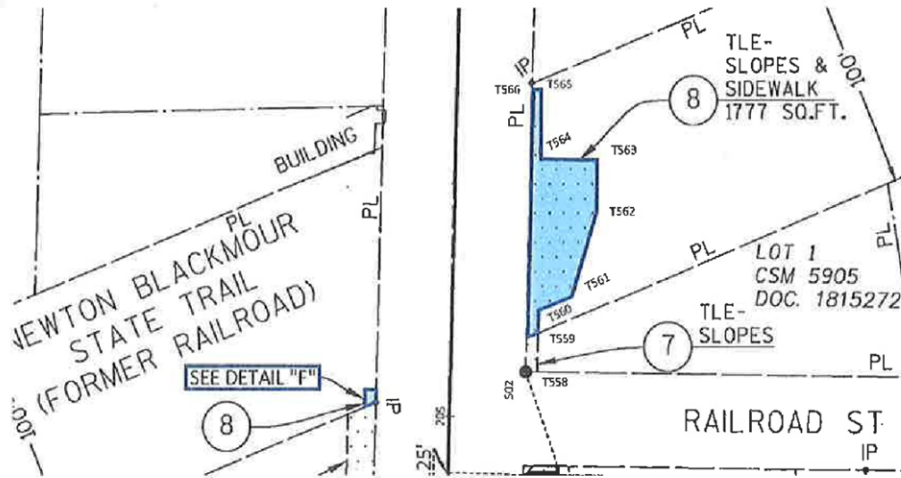
Parcel 8 of Transportation Project Plat 6240-30-21 – 4.02, recorded as Document 2279508 recorded in Outagamie County, Wisconsin.

Property interests and rights of said Parcel 8 consist of:

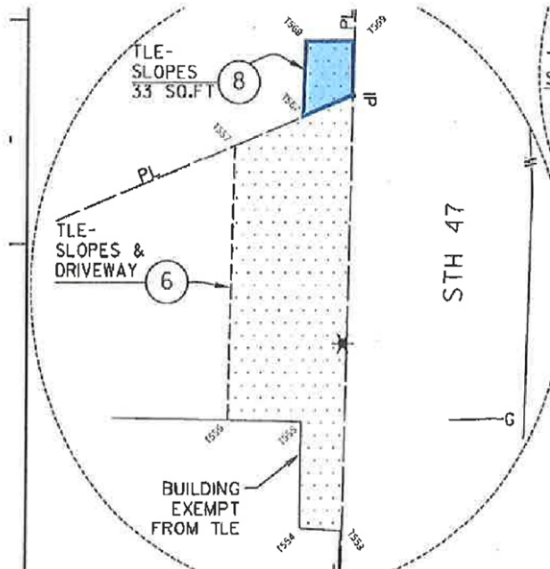
Temporary Limited Easement

The Temporary Limited Easement shall be released upon finalization of Transportation Project identified above.

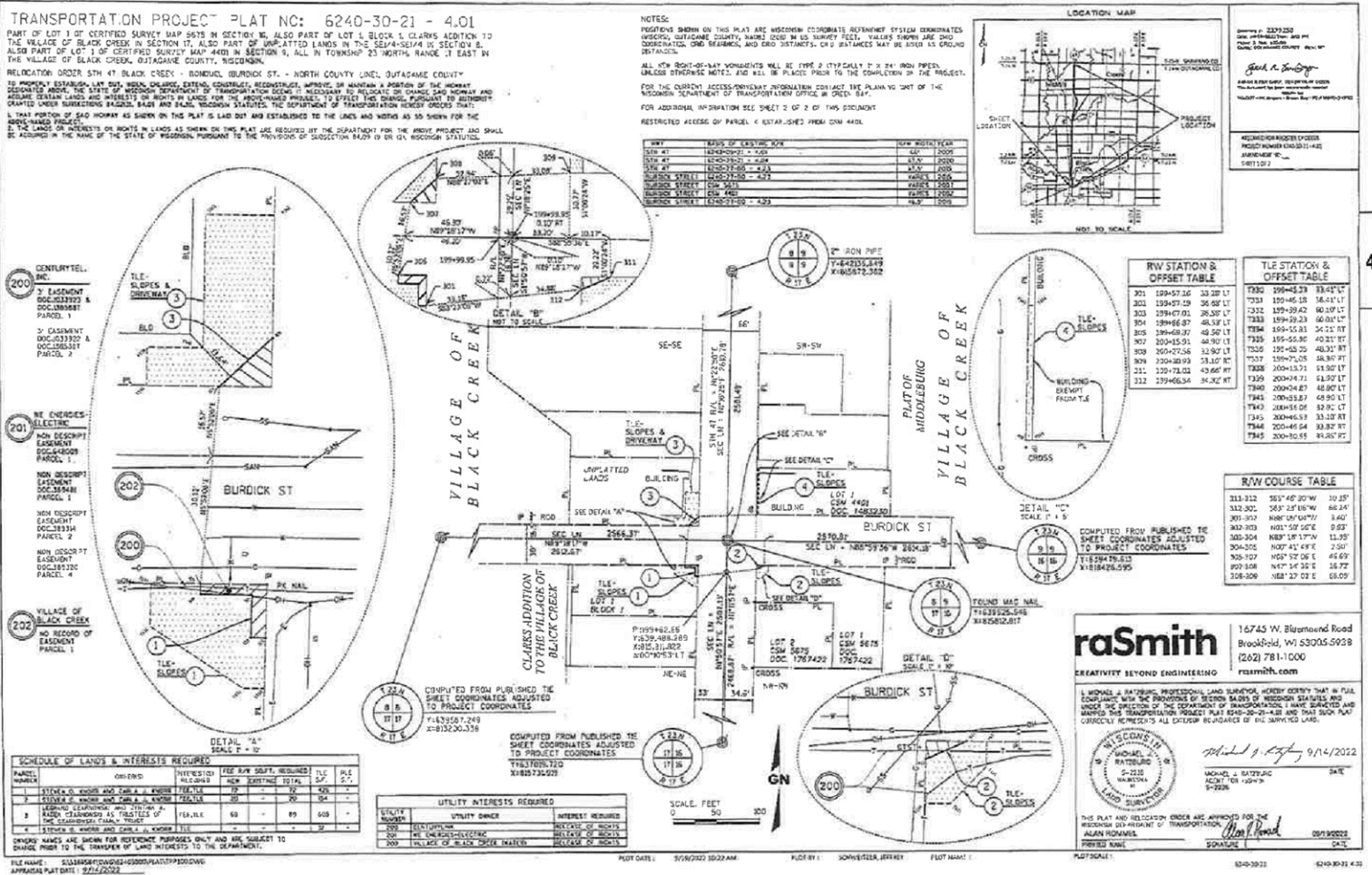
Parcel 8 – WDNR

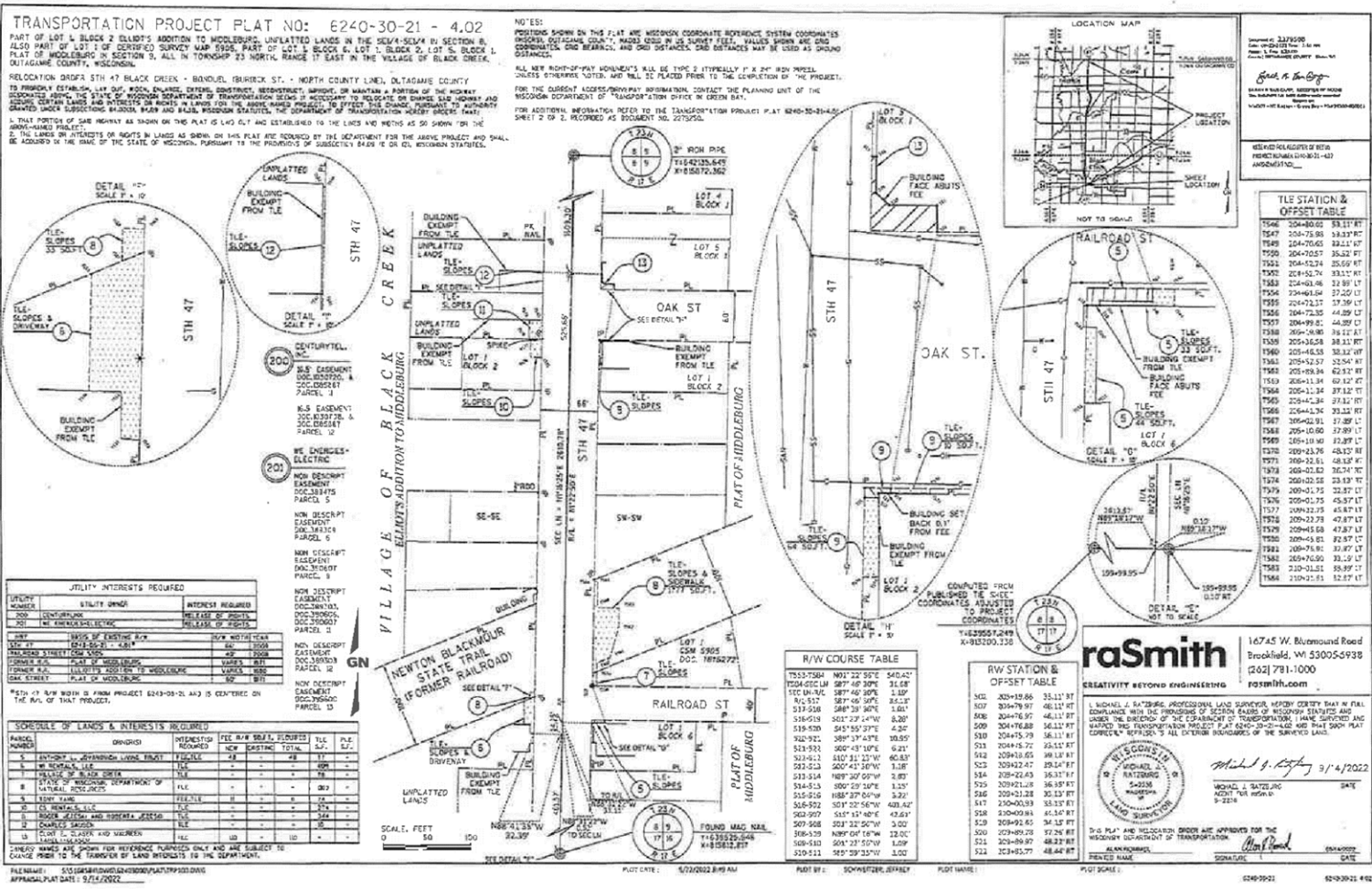


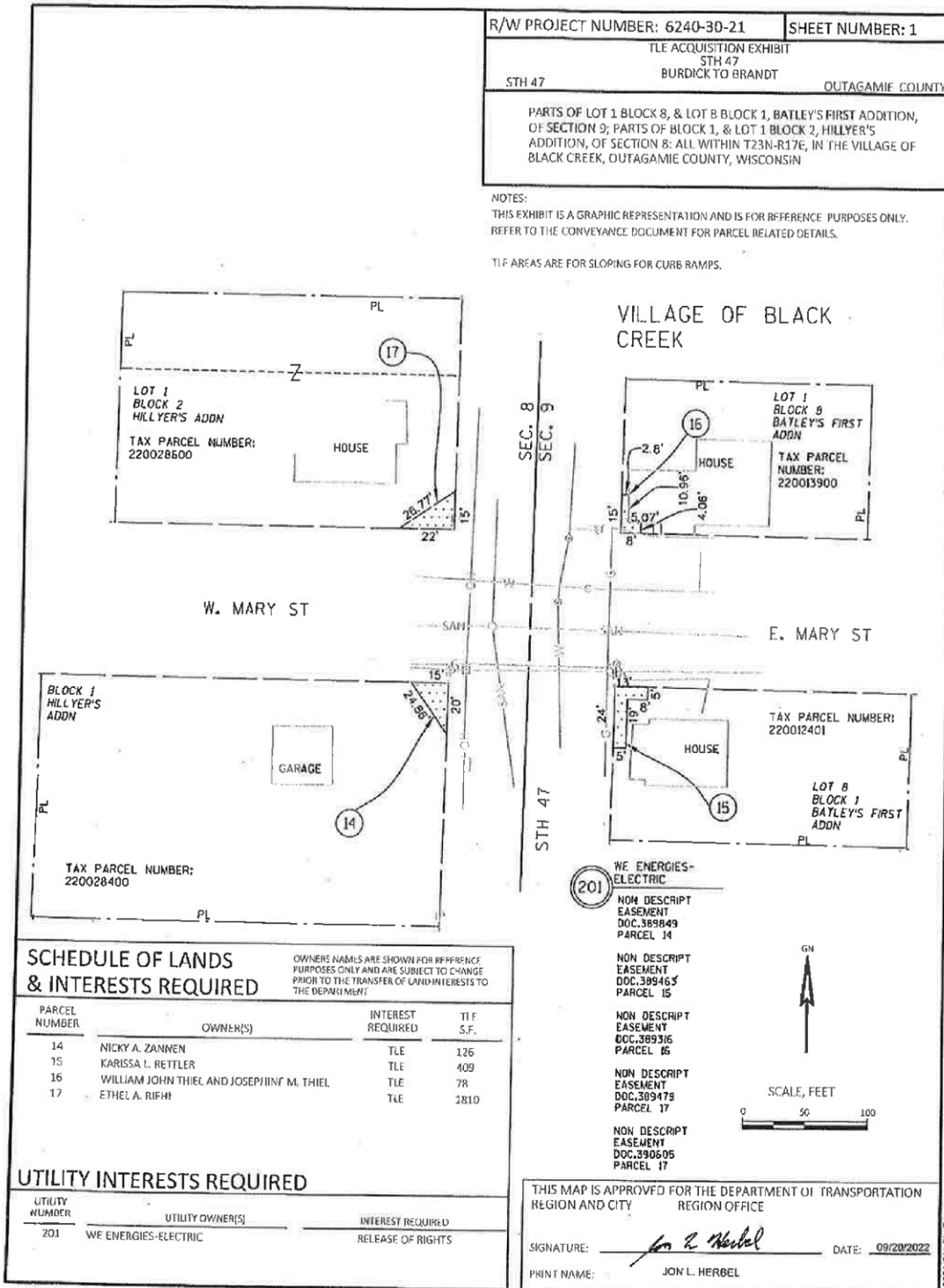
Detail F



SCHEDULE OF LANDS		INTERESTS REQUIRED					
PARCEL NUMBER	STATE OF WISCONSIN, DEPARTMENT OF NATURAL RESOURCES	INTEREST(S) REQUIRED	FEE R/W SQ.F.T. REQUIRED			TLE S.F.	PLE S.F.
			NEW	EXISTING	TOTAL		
8	STATE OF WISCONSIN, DEPARTMENT OF NATURAL RESOURCES	TLE	-	-	-	1810	-







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R/W PROJECT NUMBER: 6240-30-21
SHEET NUMBER: 2

TLE ACQUISITION EXHIBIT
 STH 47
 BURDICK TO BRANDT
 OUTAGAMIE COUNTY

PART OF LOT 1, BLOCK 9, BATLEY'S 2ND ADDITION; PART OF LOT 8, BLOCK 8, BATLEY'S 1ST ADDITION, SECTION 9; PARTS OF LOT 4, BLOCK 2 AND LOT 4, BLOCK 3, HILLYER'S ADDITION, SECTION 8; ALL IN THE VILLAGE OF BLACK CREEK, OUTAGAMIE COUNTY, WISCONSIN.

NOTES:
 THIS EXHIBIT IS A GRAPHIC REPRESENTATION AND IS FOR REFERENCE PURPOSES ONLY. REFER TO THE CONVEYANCE DOCUMENT FOR PARCEL RELATED DETAILS.

TLE AREAS ARE FOR SLOPING FOR CURB RAMPS

WE ENERGIES-ELECTRIC
 (201)
 NON DESCRIPT EASEMENT
 DOC. 390223
 PARCEL 19

NON DESCRIPT EASEMENT
 DOC. 390850
 PARCEL 21

VILLAGE OF BLACK CREEK

SCHEDULE OF LANDS & INTERESTS REQUIRED

OWNERS NAMES ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE SUBJECT TO CHANGE PRIOR TO THE TRANSFER OF LAND INTERESTS TO THE DEPARTMENT

PARCEL NUMBER	OWNER(S)	INTEREST REQUIRED	TLE S.F.
18	ROBERT M. CALAWAY & KATARZYNA E. CALAWAY	TLE	350
19	LEVI D. ROCKE & SARAH J. ROCKE	TLE	114
20	JEANNETTE A. MACKAY	TLE	45
21	JERILYN I. HUHJH	TLE	350

UTILITY INTERESTS REQUIRED

UTILITY NUMBER	UTILITY OWNER(S)	INTEREST REQUIRED
201	WE ENERGIES-ELECTRIC	RELEASE OF RIGHTS

THIS MAP IS APPROVED FOR THE DEPARTMENT OF TRANSPORTATION REGION AND CITY REGION OFFICE

SIGNATURE: *Jon L. Herbel* DATE: 09/20/2022

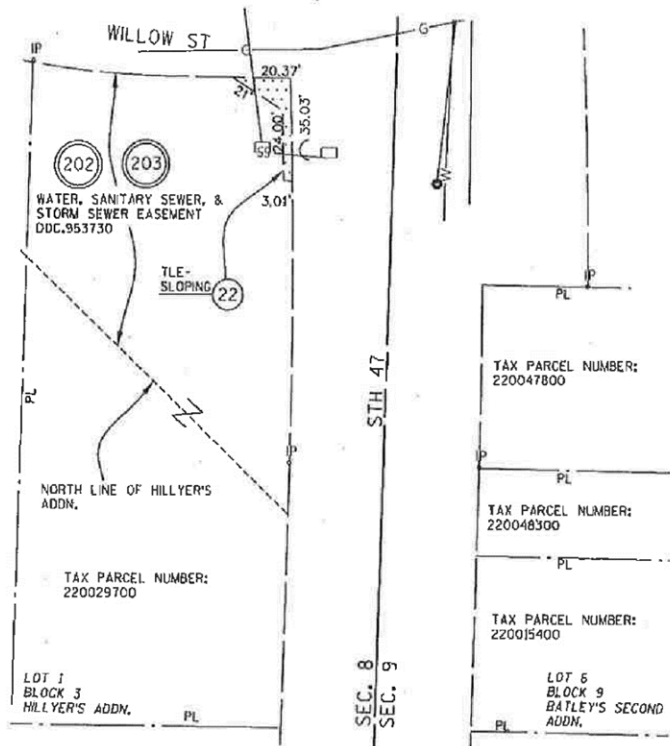
PRINT NAME: JON L. HERBEL

GN

SCALE, FEET

R/W PROJECT NUMBER: 6240-30-21	SHEET NUMBER: 3
TILE ACQUISITION EXHIBIT STH 47 BURDICK TO BRANDT	
STH 47	OUTAGAMIE COUNTY
PART OF LOT 1, BLOCK 3, HILLYER'S ADDITION, SECTION 8, IN THE VILLAGE OF BLACK CREEK, OUTAGAMIE COUNTY, WISCONSIN.	

NOTES:
THIS EXHIBIT IS A GRAPHIC REPRESENTATION AND IS FOR REFERENCE PURPOSES ONLY. REFER TO THE CONVEYANCE DOCUMENT FOR PARCEL RELATED DETAILS.

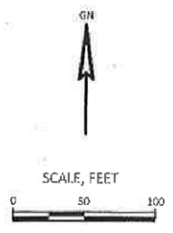


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SCHEDULE OF LANDS & INTERESTS REQUIRED

OWNERS NAMES ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE SUBJECT TO CHANGE PRIOR TO THE TRANSFER OF LAND INTERESTS TO THE DEPARTMENT

PARCEL NUMBER	OWNER(S)	INTEREST REQUIRED	TILE S.F.
22	ERNEST J. HARRIGAN & KIMBERLY A. HARRIGAN	TILE	200



UTILITY INTERESTS REQUIRED

UTILITY NUMBER	UTILITY OWNER(S)	INTEREST REQUIRED
202	VILLAGE OF BLACK CREEK (WATER)	RELEASE OF RIGHTS
203	VILLAGE OF BLACK CREEK (SANITARY)	RELEASE OF RIGHTS

THIS MAP IS APPROVED FOR THE DEPARTMENT OF TRANSPORTATION REGION AND CITY REGION OFFICE

SIGNATURE: *Jon L. Herbel* DATE: 08/20/2022

PRINT NAME: JON L. HERBEL