

TOWN OF SUMMIT
WAUKESHA COUNTY
STATE OF WISCONSIN

RESOLUTION NO. 263-09

**A RESOLUTION TO CREATE THE
TOWN OF SUMMIT GENESEE LAKES UTILITY DISTRICT**

WHEREAS, following timely notice provided as required by Wisconsin Statutes Section 66.0827, the Town Board of the Town of Summit held a public hearing at the Town Hall on the 4th day of September, 2009, for the purpose of hearing all interested persons concerning the creation of Town of Summit Genesee Lakes Utility District; and

WHEREAS, the Town Board heard all persons who desired to speak at the public hearing; and

WHEREAS, the property to be benefitted by and included within the utility district is described in the attached Exhibit A.

NOW, THEREFORE BE IT RESOLVED by the Town Board of the Town of Summit, Waukesha County, Wisconsin:

SECTION 1: TOWN OF SUMMIT GENESEE LAKES UTILITY DISTRICT CREATED.

The Town of Summit Genesee Lakes Utility District is hereby created, to be governed by the Town of Summit Town Board as provided by law. The boundary lines of the Town of Summit Genesee Lakes Utility District shall be as depicted in Attached Exhibit A. The powers of the Town of Summit Genesee Lakes Utility District are hereby restricted to: the work described in attached Exhibit B, all maintenance of the same, and recovery of all costs related thereto, including but not limited to costs incurred by the Town of Summit related to the work described in Exhibit B and the creation of this utility district.

SECTION 2: SEVERABILITY.


The several sections of this Resolution are declared to be severable. In any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the Resolution. The remainder of the Resolution shall remain in full force and effect. Any other Resolutions whose terms are in conflict with the provisions of this Resolution are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE.

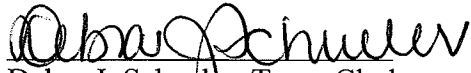
This Resolution shall take effect immediately upon passage as provided by law.

Approved this 1st day of October, 2009.

TOWN OF SUMMIT


Leonard Susa, Town Chairman

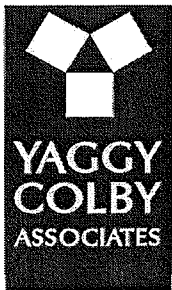
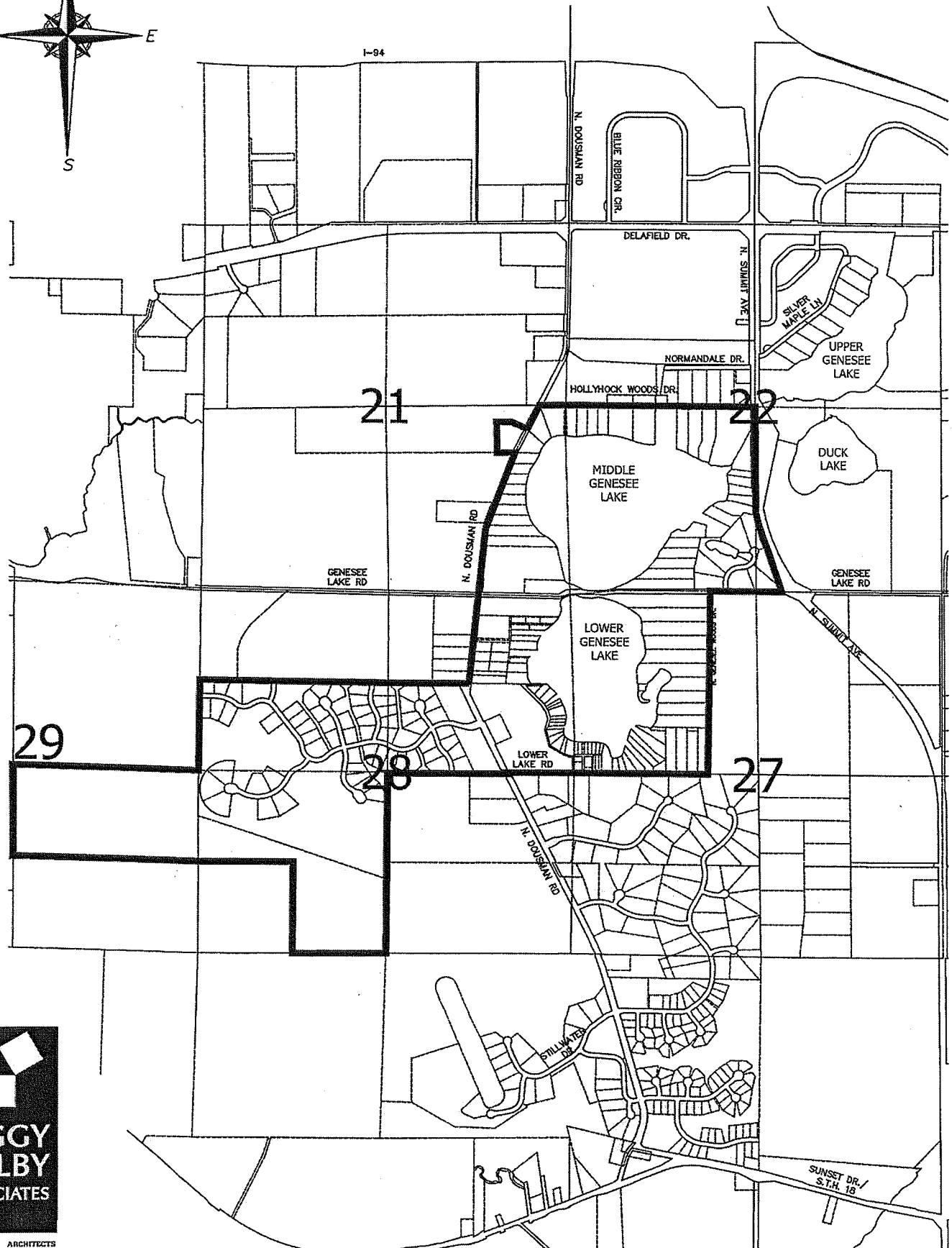
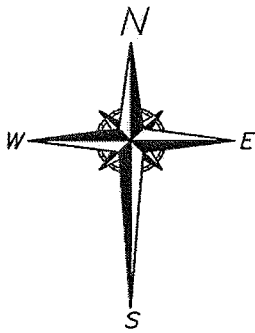
ATTEST:


Debra J. Schueler, Town Clerk

DISTRICT EXHIBIT A

TOWN OF SUMMIT, WAUKESHA COUNTY, WISCONSIN

SCALE: 1" = 2000'



ENGINEERS • ARCHITECTS
SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS
P.O. BOX 190500
DELAFIELD, WISCONSIN 53018
262.646.6855
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Legal Description of Middle and Lower Genesee Lake Districts and Genesee Lake Farms:

Being a part of the Southeast 1/4 and all of the Southwest 1/4 of Section 22, and a part of the Northwest 1/4 of Section 27, the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of Section 28, the Southeast 1/4 of Section 29 and the Southeast 1/4 of Section 21 all located in Township 7 North, Range 17 East, in the Town of Summit, Waukesha County, Wisconsin, more fully described as follows:

Commencing at the West 1/4 corner of said Section 22; thence S89°39'30"E, along the north line of the Southwest 1/4 of said Section 22, a distance of 2,685.96 feet to the Center of said Section 22; thence S00°15'12"E, along the east line of the Southwest 1/4 of said Section 22, a distance of 1539.05 feet to the Westerly Right-of-Way of S.T.H. "67" (N. Summit Ave.); thence 559.63 feet along said Right-of-Way and the arc of a curve to the left, with a radius of 2925.37 feet and whose chord bears S17°21'43"E, 558.76 feet; thence S18°04'49"E, along said Right-of-Way, 647.20 feet to the South line of the Southeast 1/4 of said Section 22; thence S89°43'54"W, along said South line, 362.54 feet to the South and North 1/4 corner of said Section 22 and 27, respectively; thence N89°43'54"W, along the north line of the Northwest 1/4 of said Section 27, approximately 657.65 feet; thence S00°40'40"W, along the east lines of the properties on North Genesee Woods Drive and the east line of Document Number 3493679, east line of the unrecorded plat of Genesee Woods, approximately 2647.94 feet to a point approximately 721 feet west from the center of said Section 27 and on the south line of the Northwest 1/4 of said Section 27; thence N89°44'17"W, along the south line of the Northwest 1/4 of said Section 27, a distance of 1894.76 feet to the West 1/4 and the East 1/4 of Sections 27 and 28, respectively; thence N89°59'40"W, along the south line of the Northeast 1/4 of said Section 28, a distance of 931.60 feet to the centerline of Dousman Road; thence S26°07'59"E, along the centerline of Dousman Road, a distance of 18.39 feet to the southerly of Genesee Lake Farms extended to the centerline of said Dousman Road; thence the following eleven courses around Genesee Lake Farms, S89°59'40"W, a distance of 1702.23 feet to a point in the east line of said Southwest 1/4 of Section 28; thence S00°26'12"W along the east line of said Southwest 1/4 of Section 28, a distance of 2615.43 feet to the Southeast corner of said Southwest 1/4 of Section 28; thence S89°46'13"W along the south line of said Southwest 1/4 of Section 28, a distance of 1315.15 feet; thence N00°14'47"E, a distance of 1322.06 feet; thence S 89°59'33" W, a distance of 1318.74 feet to a point on the west line of the Southwest 1/4 of said Section 28; thence N88°20'27"W, a distance of 2592.31 feet to a point in the west line of said Southeast 1/4 of Section 29; thence N00°03'30"E along the West line of said Southeast 1/4 of Section 29, a distance of 1327.13 feet to the Northwest corner of said Southeast 1/4 of Section 29; thence S88°13'37"E along the north line of said Southeast 1/4 of

Section 29, a distance of 2593.27 feet to the East 1/4 and West 1/4 of Sections 29 and 28, respectively; thence $N00^{\circ}38'35''E$, along the west line of Northwest 1/4 of said Section 28, a distance of 1319.58 feet; thence $S89^{\circ}22'03''E$, a distance of 2638.78 feet; thence $S89^{\circ}42'45''E$, a distance of 1147.14 feet to the centerline of Dousman Road; thence $N06^{\circ}03'35''E$, along the centerline of Dousman Road and east line of CSM 5475, a distance of 1288.94 feet to its point of intersection with Genesee Lake Road and the north line of the Northeast 1/4 of said Section 28; thence $N06^{\circ}06'29''E$, along the centerline of Dousman Road, a distance of 966.13 feet; thence $N20^{\circ}21'09''E$, along the centerline of Dousman Road and the west line of the unrecorded plat of Hollyhock Woods, a distance of 1179.41 feet to the southeast corner of Lot 1, CSM No. 5847 as extended to the centerline of Dousman Road; thence the following four courses along Lot 1 of CSM No. 5847, $S89^{\circ}57'26''W$, a distance of 251.14 feet; thence $N01^{\circ}21'07''W$, a distance of 448.18 feet; thence East, a distance of 211.00 feet; thence $S65^{\circ}31'11''E$, a distance of 243.74 feet to the centerline of Dousman Road; thence $N26^{\circ}11'38''E$, along the centerline of Dousman Road, a distance of 387.32 feet to a point on the north line of the Southeast 1/4 of Section 21; thence $S89^{\circ}18'48''W$, a distance of 365.95 feet to the point of beginning.

EXHIBIT B

Resolution to Create Genesee Lake Utility District Town of Summit

YCA Project No. 3308.284

Project Description:

Provide a long-term solution to control the high water levels on Middle and Lower Genesee lakes. This would include conveying floodwater through an overflow control structure located within Lower Genesee Lake to an outlet system which would convey the water to the wetlands located southwest of Lower and Middle Genesee lakes.

A portion of the outlet system may be located within an existing easement along the south property line of the Genesee Lake Farms Subdivision. With this location, a drain tile system within the subdivision is proposed to hookup to the outlet fixture. This drain tile system will attempt to address high groundwater concerns within the Genesee Lake Farms Subdivision.

The project requires multiple governmental approvals and permits. The final project may or may not appear as described above. However, the ultimate purpose of the project is to provide an outlet for floodwater from Lower Genesee Lake to wetlands south and southwest of this body of water.