

RESOLUTION NO. 163

RESOLUTION TO TRANSFER JURISDICTION OF A PORTION OF
WISCONSIN AVENUE FROM PLANK ROAD/WIS 67 TO BROWN
STREET/GIFFORD ROAD TO THE STATE OF WISCONSIN

WHEREAS, this Resolution concerns Wisconsin Avenue (the former WIS 16) from Plank Road/WIS 67 to Brown Street/Gifford Road, which includes Bridge B-67-579 over the Oconomowoc River as further described in attached Exhibit A that is incorporated herein by reference (hereinafter referred to the "Road"); and

WHEREAS, effective September 23, 2017 Wisconsin Act 59 created Wisconsin Statute §84.02(8m) which reads as follows:

84.02(8m) REVERSION OF JURISDICTION. A highway that is under the jurisdiction of a municipality or county and that satisfies all of the following requirements shall be transferred to the jurisdiction of the department:

- (a) Prior to the effective date of this paragraph [LRB inserts date], jurisdiction of the highway was transferred under sub. (8) by the department to a municipality or county under a jurisdictional transfer agreement to which more than one municipality or county was party.
- (b) The municipality or county to which jurisdiction of the highway was transferred under par. (a) subsequently transferred under an agreement under s. 66.0307 territory in which the highway is located to another municipality or county and the agreement under s. 66.0307 did not specifically address jurisdiction of the highway.
- (c) Not later than 6 months after the effective date of this paragraph ... [LRB inserts date], the governing body of the transferor and transferee municipalities or counties under par. (b) adopt resolutions stating the intent of the municipality or county to revert jurisdiction of the highway to the department and provide a copy of the resolution to the department.

WHEREAS, the first element of this statute requires, in §84.02(8m)(a), that prior to September 23, 2017, jurisdiction of a highway was transferred under Wisconsin Statutes §84.02(8) by the Department to a municipality or county under a jurisdictional transfer agreement to which more than one municipality was a party; and that element is satisfied in this case by an Agreement entitled, "Jurisdictional Transfer Agreement Between the Wisconsin Department of Transportation and the Town of Oconomowoc and the Town of

Summit", with the last date of approval being December 16, 1997, which was entered pursuant to §§84.02(8) Wisconsin Statutes;

WHEREAS, the second element of newly adopted §84.02(8m)(b) states that the municipality or county to which jurisdiction of the highway was transferred by the foregoing subsequently transferred under an agreement under §66.0307 territory in which the highway is located to another municipality or county and the agreement under §66.0307 did not specifically address jurisdiction of the highway; and this element is met because on or about May 28, 2009 the Town of Summit (which has since become the Village of Summit), the Village of Oconomowoc Lake and the Town of Oconomowoc entered an Agreement for a boundary change pursuant to an approved cooperative plan pursuant to Wisconsin Statutes §66.0307, which was approved by the State of Wisconsin Department of Administration on or about October 2, 2009, pursuant to which territory including the Road was transferred and the cooperative Boundary Agreement did not specifically address jurisdiction of the highway; and

WHEREAS, Wisconsin Statutes §84.02(8m) as adopted by 2017 Wisconsin Act 59, allows for the reversion of highways under the circumstances described above upon the resolution of the governing bodies of the transferor and transferee municipalities stating the intent of the municipalities to revert jurisdiction of the highway to the Department of Transportation and providing a copy of the Resolution to the Department not later than 6 months after the effective date of September 23, 2017; and

WHEREAS, the Village Board of the Village of Oconomowoc Lake hereby intends to invoke the authority of §84.02(8m) Wisconsin Statutes, so that the jurisdiction of the Road, as described in attached Exhibit A, reverts to the State of Wisconsin Department of Transportation.

NOW, THEREFORE, the Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin, does hereby state its intent that the Road, as described in attached Exhibit A, revert to the jurisdiction of the State of Wisconsin Department of Transportation.

BE IT FURTHER RESOLVED, that the Village Administrator is directed to provide a copy of this Resolution along with copies of companion Resolutions of the Village of Summit and the Town of Oconomowoc to the Department of Transportation.

BE IT FURTHER RESOLVED, that this Resolution is being provided to the State of Wisconsin Department of Transportation within 6 months of the effective date of 2017 Wis. Act. 59 by the governing bodies of all transferors and transferees of the Road, and therefore the reversion of the Road to the State of Wisconsin Department of Transportation is fully complete upon the adoption of this Resolution, the adoption of companion Resolutions by the Village of Summit and the Town of Oconomowoc, with a copy of such Resolutions being provided to the State of Wisconsin Department of Transportation.

This Resolution shall take effect immediately upon adoption and posting or publication as provided by law.


Dated this 16th day of October, 2017.

VILLAGE OF OCONOMOWOC LAKE



Joseph Birbaum, Village President

ATTEST:


Jennifer A. Moore, Village Clerk/Treasurer

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Exhibit A

Wisconsin Avenue Subject to Reversion:

Old Highway 16/Wisconsin Avenue between Plank Road and CTH P/Gifford Road a distance of 0.98 miles and includes bridge B-67-579 over the Oconomowoc River.