

Resolution No. 13-604

To request a waiver of the 49.5 foot right of way width requirement and include the road on the official Town map for W. Lakeside Drive westerly spur, located in the in the Northwest ¼ of the Northwest ¼ of Section 13, Town 7 North Range 18 East, Town of Delafield, Waukesha County Wisconsin

WHEREAS, Section 82.50 of the Wisconsin State Statutes requires that town roads carrying intermittent traffic shall have a minimum right of way of 3 rods (49.5 feet); and

WHEREAS, the Town has determined through Resolution No. 12-602 that a portion of W. Lakeside Drive that was in question as to the jurisdiction of the road is indeed part of the intended town road system; and

WHEREAS, the right of way width determined by the Town in a resolution approved June 12, 1990, and retroactively effective on January 1, 1990, was set at 30 feet; and

WHEREAS, the road has been in place since at least 1941, based on aerial photography from 1941; and

WHEREAS, Section 82.50 of the Wisconsin Statutes permits the Department of Transportation to approve of deviations from the standards prescribed by said statute where strict application of the standards is impractical and where such deviation is not contrary to the public interest and safety and the intention of this section.

WHEREAS, the Town Board has determined that strict application of the standards is impractical and such deviation is not contrary to the public interest, safety and intention of Section 82.50 of the Wisconsin State Statutes.

THEREFORE, BE IT RESOLVED that the Town Board of the Town of Delafield requests that the Wisconsin Department of Transportation waive the 49.5 foot right of way requirement for W. Lakeside Drive westerly spur, as provided in Section 82.50 of the Wisconsin Statutes.

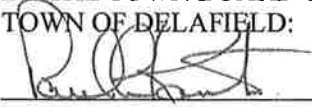
BE IT ALSO RESOLVED that said W. Lakeside Drive "spur" shall be included on the Official Town map as being a public road in the Town of Delafield.

SEVERABILITY

The several sections of this Resolution are declared to be severable. If 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.


This resolution passed this 12th day of November, 2013.

BY THE TOWN BOARD OF THE
TOWN OF DELAFIELD:



Paul L. Kanter, Town Chairman

ATTEST:



Mary T. Elsner, CMC, WCMC
Town Clerk