

RESOLUTION NO. 042621**RELOCATION ORDER AND RESOLUTION OF NECESSITY FOR THE ACQUISITION OF PROPERTY FOR THE PUBLIC PURPOSE OF DAYLIGHTING UNDERWOOD CREEK AND ESTABLISHING AN OPEN GREEN SPACE ALONG SAID WATERCOURSE FOR DISSIPATION OF WATER IN THE VILLAGE OF ELM GROVE, WAUKESHA COUNTY, WISCONSIN**

WHEREAS, the function of the Village of Elm Grove (“Village”) is to promote the health, safety and general welfare of Village residents; and

WHEREAS, the Village has pursued within the last sixteen (16) years significant ongoing flood mitigation undertakings to establish a flood management system to protect numerous residential and commercial properties from reoccurring flooding that has historically cost human lives and enormous financial losses; and

WHEREAS, the Village has during said period of time sought and obtained Wisconsin Department of Natural Resources permits to install bypass conduits and other measures to allow the controlled transfer of flood waters, held back in detention areas within its main municipal park, to other areas in an effort to manage the force and negative impact of rapidly accumulated storm water; and

WHEREAS, the issuance of permits to undertake such works has been accompanied by a Memorandum of Understanding from the Wisconsin Department of Natural Resources for the Village to attempt to improve a watercourse known as Underwood Creek (“Creek”) by “daylighting” a portion of the Creek, which has been covered and has been constricted within the Village’s downtown area; and

WHEREAS, evaluations of the “daylighting” of the Creek within the downtown area of the Village have determined that partially uncovering an area of the buried Creek will likely have a positive impact in the form of benefits that will advance good order, encourage redevelopment and enhance the health, safety, welfare and convenience of the public in Elm Grove; and

WHEREAS, the Village has completed engineering to naturalize a portion of the Creek in the downtown area to provide habitat for fish and other aquatic life in the Creek and has now received grants for this project’s construction in the amount of \$500,000; and

WHEREAS, “daylighting” the Creek will facilitate the management of surcharged waters in the event of an extreme hydrologic event thereby lessening potential flood damage to residential and commercial properties and enhancing public safety goals; and

WHEREAS, an area within the Village has been identified as being most suitable, in whole or in part, for the “daylighting” of the Creek because of its proximity to the Creek and its connectivity with the area of the 2016 Watertown Plank Road Bridge reconstruction project; and

WHEREAS, the establishment and integration of an area of open green space area abutting the Creek will also serve to complement public safety goals by allowing some dissipation of water where there is open space without proximate structures immediately vulnerable to flood damage; and

WHEREAS, the Village needs to acquire certain property rights and interests for the foregoing purposes; and

WHEREAS, the Village Board, by this Resolution, is adopting a Relocation Order and Resolution of Necessity, with a Plat, attached hereto as **Exhibit A**, which shows all the interests in lands and interests required for “daylighting” the Creek and establishing an open green space along said watercourse for dissipation of water; and

WHEREAS, the statutory eminent domain process has a number of protections for landowners, which will be put in place by adoption of this Resolution.

NOW THEREFORE, the Village hereby makes the following findings and orders, pursuant to Wis. Stat. § 32.05(1):

1. That the above **WHEREAS** clauses are hereby incorporated into and made a part of this Resolution.
2. That it is a public purpose to improve the watercourse known as Underwood Creek by “daylighting” the Creek and establishing an open green space along the Creek watercourse for dissipation of water, which will improve the Village of Elm Grove’s general flood management system, and which is necessary for public safety and to further the goals of the Village of Elm Grove’s flood management system.
3. That it is necessary and for a public purpose to acquire the property interests depicted on the Plat attached hereto as **Exhibit A**, in order to accomplish the “daylighting” of Underwood Creek and to establish an open green space along said watercourse for the dissipation of water.
4. That the required property interests, as shown on the attached Plat, shall be acquired in the name of the Village of Elm Grove, and upon acquisition, shall be used for the “daylighting” of Underwood Creek and for establishing an open green space along said watercourse for the dissipation of water.
5. That this Resolution constitutes a Relocation Order adopted in accordance with Wis. Stat. § 32.05(1) for the purpose of the within-described public watercourse improvement project, and it is also a determination of necessity for that project in accordance with Wis. Stat. ch. 32.
6. That pursuant to Wis. Stat. § 32.05(1) and, a copy of this Order shall, within 20 days after its issue, be filed with the Waukesha County Clerk.

PASSED AND APPROVED, this ____ day of April, 2021, by the Village Board of Trustees, Village of Elm Grove, Waukesha County, Wisconsin.

VILLAGE OF ELM GROVE

By: _____
Neil H. Palmer
Village President

Attest: _____
Mary S. Stredni
Village Clerk

We hereby certify that this ___ day of _____ 2021, that the within Relocation Order and Resolution of Necessity was adopted by a vote of _____ ayes and _____ nays by the Board of Trustees of the Village of Elm Grove.

Neil H. Palmer, Village President

Mary S. Stredni, Village Clerk