

Whippoorwill Road was dedicated as a through road in the 1860s, but since that time (1920s approximately), the connection to Highway K has been abandoned making it a dead-end road with no legal turnaround.

The northbound lane of Whippoorwill Road belongs to the town of Springfield; the southbound lane is located in the town of Berry. By mutual agreement, general maintenance of the section of road south of Martinsville Road is typically handled by the Town of Springfield; north of Martinsville Road is maintained by the Town of Berry, with major projects decided and funded jointly.

At their October 15, 2019 meeting, the Springfield Town Board heard a request from the property owner at 5628 Whippoorwill Road requesting a turnaround be installed at the dead end for school bus access. The school district will not provide bus service to the multiple homes on the approximately mile-long portion of the road because busses are not able to turn around on private property and bus companies object to operating in reverse due to safety concerns. Emergency vehicles are not able to properly turn around; currently vehicles use the property owner's driveway to turn around. The number of vehicles and big trucks (garbage trucks, delivery trucks, plow trucks, etc.) using their driveway to turn around as the only option has contributed significantly to the deterioration of their driveway. Additionally, the property owner reported numerous vehicles getting stuck and/or going into the ditch trying to turn around.

With public safety in mind, the board is researching turnaround options that can be utilized by busses and public safety equipment; the cost of the various improvement options; shared cost arrangements/special assessments to adjoining property owners, etc.

Excerpts from the town board meeting minutes related to Whippoorwill Road.

Oct. 15, 2019

Residents Brad and Kelly Meinholz have petitioned the Board to construct a cul de sac at the end of Whippoorwill Road. Vehicles need to use their driveway to cul de sac and some of the big vehicles are causing damage to their property. Additionally, school bus policy does not allow for a bus to turn around in a private drive; when combined with student age and bus stop distance parameters, their child can't catch the bus without an adult. Initial research indicates the Town does not own enough land to put in a cul de sac; Mr. Meinholz indicated he may be willing to donate some of the necessary land for the project. Chairman Pulvermacher noted he's discussed this issue with the Town of Berry chairman and will discuss again once the Board of Adjustment has concluded. This item is to be added to the next agenda for further discussion.

Nov. 5, 2019

Supervisors reviewed photos provided by property owner Brad Meinholz of two different vehicles that got stuck in the last two weeks when they tried to turn around at the dead end. Chairman Pulvermacher plans to discuss with Chairman Varda from the Town of Berry after the Board of Adjustment's pending decision is issued.

Nov. 18, 2019

**Motion by Sup. Laufenberg, seconded by Sup. Meinholz to apply for the 90/10 MLS program to do a joint project with the Town of Berry on Whippoorwill Road to improve the road and install a cul de sac. Motion carried, 5-0. (We did not receive the grant award.)**

Dec. 3, 2019

MSA is preparing an MLS grant application; the Town of Berry will split the cost for the application.

Dec. 17, 2019

The grant application has been submitted by MSA.

Jan. 7, 2020

The grant application has been submitted.

Mar. 3, 2020

This will be an agenda item at the joint boards meeting next week.

Mar. 11, 2020—Towns of Berry & Springfield Joint Boards meeting

Cul de sac options to increase safety and accessibility at the end of Whippoorwill were discussed. A resident has indicated a willingness to donate the land and the towns have discussed the potential for a joint project at this site, perhaps a Y cul de sac, aka a hammerhead instead of a cul de sac or bulb. Chairman Varda will speak with the Berry landowner about the project.

Apr. 22, 2020

Chairperson Pulvermacher spoke with Chairman Varda and confirmed the project will still move forward this year. Chairman Varda will speak to the Town of Berry land owner about the project.

May 19, 2020

Staff will follow up with Town of Berry regarding contact with their resident at this location.

June 16, 2020

Staff was directed to contact the school bus company to verify the school bus would use the cul de sac to turn around, enabling the bus to pick up children at/near that location.

July 21, 2020

The Town of Berry property owner is not opposed to a cul de sac at the bottom of the hill.

Aug. 4, 2020

The Board directed staff to send the Berry town board and clerk a request for an onsite meeting soon.

Sept. 1, 2020

A meeting is scheduled for 6:00 p.m. tomorrow night.

\* This was not a regular town meeting with a quorum of the board, rather one or two supervisors from the Towns of Springfield and Berry, a representative from the Middleton transportation department and the property owner met to discuss minimum requirements for bus service.

Sept. 8, 2020

Attorney Hazelbaker stated the parallel driveway adjacent to the town road is not prohibited. Siting and funding are being discussed jointly with the Town of Berry, with both land owners indicating a willingness to provide land. Staff was directed to have MSA sketch a teardrop cul de sac to road standards that will be forwarded to the school for review.

Sept. 15, 2020

MSA shot points at the site yesterday and will have an updated diagram in the upcoming days.

Oct. 6, 2020

MSA did a document search, not a title search, for records and found information from 1869 and 1861 that dedicates the road 40 acres further south than current neighboring property line. It would seem that has been supplanted with newer documentation to facilitate a newer home in the area, but those records were not found and may require a title search.

**Motion by Sup. Meinholz, seconded by Sup. Dresen to do a title search of the property if Brad's research of his abstract doesn't give us the answer we need. Motion carried, 5-0.**

Oct. 20, 2020

Staff will contact the town of Berry board to schedule a joint towns' site visit.

Nov. 5, 2020

Supervisors from the towns of Berry and Springfield, as well as stake holder neighbors will be meeting on site this Saturday at 9:00 a.m. to review locations.

Nov. 7, 2020 – Joint Towns' Site Visit

The group toured the grounds discussing the pros and cons of various locations for a cul de sac. Town of Berry supervisors indicated they won't help fund a cul de sac if it's not located at the bottom of the knoll where the existing town of Berry road right of way (ROW) ends; unfortunately, the town of Berry residents won't contribute land for the turn around and supervisors don't want to acquire the land by eminent domain. To place the cul de sac at the top of the knoll, the Springfield resident has indicated he will donate the land for the cul de sac to the town. Special assessments to existing or future land owners may be considered, as well as increased costs for driveway permits to access the cul de sac in the future.

Nov. 16, 2020

Supervisors discussed assessment options on future parcels that access any cul de sac in that location. Chairperson Pulvermacher likes the southern location, before the rise, for the cul de sac.

**Motion by Chairperson Pulvermacher, seconded by Sup. Meinholz for the Town of Springfield to proceed with planning and pricing of a cul de sac at the southern-most location option, with the cul de sac entirely on Springfield's side of Whippoorwill Road.**

Dec. 1, 2020

The title search did not uncover any documents dedicating the right of way land to the town. The property owners pay tax on the land to the centerline of the road. MSA advised that at this point an attorney typically would interpret the statutes and status and decide what the prescriptive right of way would be. A document from the 1800s indicates it is a four-rod road leading much further south than currently maintained, but supporting documentation leads to grey area that warrants an attorney's interpretation.

Dec. 15, 2020

This will be added to the 2021 road projects list to build on land located in the Town of Springfield; supervisors will need to decide where to locate it.