

RESOLUTION 2010- 73-10

Resolution To Grant Wisconsin Department of Transportation An Easement for the Purpose of
Culvert Replacement

TO THE HONORABLE SUPERVISORS OF THE POLK COUNTY BOARD:

WHEREAS, the Wisconsin Department of Transportation (WisDOT) seeks to reconstruct the Nepodoggen Creek culvert that crosses United States Highway 63 in the Town of Clear Lake and seeks an easement across Polk County lands for such reconstruction project; and

WHEREAS, WisDOT has offered Polk County the sum of \$350 for a permanent easement for the culvert replacement and a temporary easement for purposes of reconstruction.

WHEREAS, WisDOT seeks the easement on a waiver of appraisal basis because under condemnation law Polk County is entitled to only nominal damages based upon the difference of the value of the property before the project and the value of the property after the project.

WHEREAS, it is in the interest of Polk County that the Polk County Board of Supervisors grant the easement and authorize a waiver of an appraisal.

NOW, THEREFORE, BE IT RESOLVED that the Polk County Board of Supervisors grant the Wisconsin Department of Transportation a permanent easement and a temporary easement for the purpose of the replacement and reconstruction of the Nepodoggen Creek culvert that crosses United States Highway 63, located on the parcel having the legal description of:

“ Parcel 1 of Transportation Project Plat 1550-02-21-4.01, recorded in Envelope 321B, as Document Number 774030, on September 7, 2010 in the Polk County office of Register of Deeds, located in the NE ¼ of the SW 1/4 , Section 4, T32N, R 15W, Town of Clear Lake, Polk County, Wisconsin.”

BE IT FURTHER RESOLVED that the Polk County Board of Supervisors authorizes, accepts and approves a waiver of appraisal for the purposes of accepting the payment of \$350.00 in exchange for the easement.

BE IT FURTHER RESOLVED that the Polk County Board of Supervisors authorizes and directs the County Board Chairperson and County Clerk to execute the documents necessary to effectuate the easement and waiver of appraisal.

Funding Amount: \$350.00
Funding Source: Wisconsin Department of Transportation
Date Finance Committee Advised: Not Applicable
Finance Committee Recommendation: Not Applicable
Effective Date: Upon Passage.

Approved as to form: *Jeffrey B. Fuge*
Jeffrey B. Fuge, Corporation Counsel

Dated Submitted to County Board: ~~November 9~~, 2010
County Board Action: _____

Submitted and Sponsored By:

Marvin Caspersen *Dean Johnson*
Jay Ruck *Craig Morjak*
 Tammy Voelker

Effective Date: Upon Passage
Date Submitted to County Board: ~~November 9~~, 2010
County Board Action: adopted

Submitted Upon Recommendation by the County Administrator

Dana Frey

Review By County Administrator:

- Recommended
- Not Recommended
- Reviewed Only

Dana Frey
Dana Frey, County Administrator

Review By Corporation Counsel:

- Recommended
- Not Recommended
- Reviewed Only

Jeffrey B. Fuge
Jeffrey B. Fuge, Corporation Counsel

At its regular business meeting on ~~November 9~~, 2010, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution 73-10; Resolution To Grant Wisconsin Department of Transportation An Easement for the Purpose of Culvert Replacement on U.S. Highway 63, by a majority vote of 19 in favor and 0 against. *(by unanimous voice vote)*

William Johnson

William Johnson, IV, County Board Chairperson

Attest: Carole T. Wondra
Carole Wondra, Polk County Clerk



Division of Transportation
 System Development
 NW Region - Superior Office
 1701 N. 4th St.
 Superior, WI 54880-1068

Jim Doyle, Governor
 Frank J. Busalacchi, Secretary
 Internet: www.dot.wisconsin.gov

Telephone: (715)-392-7925
 Facsimile (FAX): (715)392-7863
 E-mail: superior.dtd@dot.state.wi.us

September 15, 2010

CAROLE WONDRA
 POLK COUNTY CLERK
 100 POLK COUNTY PLAZA, SUITE 110
 BALSAM LAKE, WISCONSIN 54810

SUBJECT: Project ID: 1550-02-21
 Nepadoggen Creek Culvert Replacement
 Clear Lake - Cumberland
 USH63
 Polk County
 RE: Parcel #1

The Wisconsin Department of Transportation is planning a highway improvement project which will affect property adjacent to USH 63 in Polk County. A search of the public records indicates that title to the property is held by Polk County. The portion of land affected is indicated as parcel number 1 (colored in red) on the enclosed right-of-way plan & profile.

The brochure "The Rights of Landowners Under Wisconsin Eminent Domain Law" which is enclosed will provide information regarding your rights and to serve as a guide during the acquisition process.

In acquisitions where a formal evaluation would indicate nominal damages, we are authorized to purchase the needed right of way without an appraisal. We believe that your parcel fits this situation and wish to extend to you an offer of \$350.00 for this parcel. This offer was arrived at and allocated as follows:

Permanent Limited Easement	0.09 Acres	x \$2,500 / per acre	=	\$225.00
Temporary Limited Easement	0.34 Acres	x \$250.00/ acre	=	<u>\$85.00</u>
		Total	=	\$310.00
		Rounded to	=	\$350.00

If you are in agreement with this offer, please sign the enclosed "Nominal Payment-Waiver of Appraisal" and also sign the Temporary Limited Easement in the presence of a Notary Public. Please give this matter your earliest consideration. I have included a postage paid envelope for your convenience in returning these documents. Upon receipt, I will process payment to you.

If you have any questions or concerns regarding the project or the acquisition give me a call at 1(800) 590-1868 Extension 7931 or directly at (715) 392-7931. I will be happy to meet with you to answer any questions you may have at a time and place that is convenient for you.

Sincerely,

Karen Rask

Karen R. Rask
 Real Estate Specialist

**NOMINAL PAYMENT PARCEL-WAIVER OF APPRAISAL
RECOMMENDATION AND APPROVAL**

Wisconsin Department of Transportation
DT1897 5/2005 (Replaces RE3041) Ch. 32 Wis. Stats.

Owner Polk County	Area and Interest Required 0.09 Acres of PLE; 0.34 Acres of TLE
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Allocation

PLE	0.09	Acres	X	\$2,500.00	/per Acre	=	\$225.00
TLE	0.34	Acres	X	\$250.00	/per Acre	=	\$85.00
						=	
						=	
						=	
						Total Damages	= \$310.00
						Rounded To	= \$350.00

The undersigned owner(s), having been fully informed of the right to have the property appraised, and to receive just compensation based upon an appraisal, have decided to waive the right to an appraisal and agree to accept settlement in the above-stated amount as full payment for the parcel stated, subject to approval by the Wisconsin Department of Transportation.

The undersigned owner(s) further state that the decision to waive the right of an appraisal was made without undue influences or coercive action of any nature.

It is intended that the instrument of conveyance will be executed upon presentation by Department of Transportation agents or representatives.

X	_____	X	_____
(Owner)	(Date)	(Owner)	(Date)
X	_____	X	_____
(Owner)	(Date)	(Owner)	(Date)

For Office Use Only

APPROVED FOR WISCONSIN
DEPARTMENT OF TRANSPORTATION

X _____ (Date)

Project 1550-02-21	County Polk	Parcel 1
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LEGAL DESCRIPTION

Parcel 1 of Transportation Project Plat 1550-02-21-4.01, recorded in Envelope 321 B, as Document Number 774030, on September 7, 2010 in the Polk County office of the Register of Deeds, located in the NE ¼ of the SW ¼, Section 4, T32N, R15W, Town of Clear Lake, Polk County, Wisconsin.

Property interests and rights of said Parcel 1 consist of:

Permanent limited easement.

Temporary limited easement.

Any interests or rights not listed above for said parcel but shown as required on said Transportation Project Plat are hereby incorporated herein by reference.

STATEMENT TO CONSTRUCTION ENGINEER

Wisconsin Department of Transportation

DT1528 1/2003 s.84.09 Wis. Stats.

Copies To: Project Engineer, Parcel Folder, Owner.

Owner Name Polk County	Address Carole Wondra, County Clerk 100 Polk Cou Balsam Lake, WI 54810	Telephone Number Home: Work:
Tenant, If Any	Address	Telephone Number Home: Work:

All of the commitments agreed upon between the negotiator and the property owner are listed below. No other commitments, either verbal or implied, are valid. All commitments are subject to the approval of the Department.

Commitments Made: (Fences, driveways, trees, drainage or other items)

Other Matters of Interest and Owner Concerns.

The basic concepts of the construction project have been explained to the owner.

 (Property Owner) (Date)

 (Negotiator) **Karen R. Rask** (Date)

 (Property Owner) (Date)

Commitments Approved _____
 (Signature) (Title) (Date)

Project 1550-02-21 County Polk Parcel 1

STATE OF WISCONSIN)
) SS
COUNTY OF POLK)

I, Carole T. Wondra, Clerk for Polk County, do hereby certify that the
attached is a true and correct copy of Resolution No. 73-10 that was adopted
by the Polk County Board of Supervisors on Dec. 21, 2010.

Carole T. Wondra 12-29-10
Carole T. Wondra Date
Polk County Clerk

POLK COUNTY
OFFICE OF CORPORATION COUNSEL

*Polk County Justice Center
1005 West Main Street, Suite 100
Balsam Lake, WI 54810*

*Telephone: 715-485-9210
Facsimile: 715-485-9171*

*Jeffrey B. Fuge
Malia T. Malone
Tomma Broome
Laurie Finn*

*Corporation Counsel
Assistant Corporation Counsel
Administrative Assistant
Legal Secretary*

December 22, 2010

Ms. Karen Rask
Wisconsin Department of Transportation – System Development
NW Regional- Superior Office
1701 North 4th Street
Superior, WI 54880-1068

RE: Project ID 1550-02-21
Nepadoggen Creek Culvert Replacement Culvert

Dear Ms. Rask:

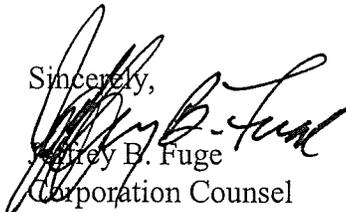
Relative to the above project, the Polk County Board of Supervisors adopted a resolution to grant the Wisconsin Department of Transportation a temporary easement and a permanent limited easement, consistent with the proposal made in your letter dated September 15, 2010 to the Polk County Clerk. Enclosed please find the following fully executed original documents:

1. Nominal Payment Parcel- Waiver of Appraisal
2. Permanent Limited Easement
3. Statement To Construction Engineer

Please forward the department's remittance in the amount of \$350.00 to the County Clerk with a copy of your transmittal to our office.

If you have any questions, please call me at 715-485-9282. Thank you.

Sincerely,


Jeffrey B. Fuge
Corporation Counsel

JBF/jbf/122222010

Attachments

C: Ms. Carol Wondra, County Clerk
Ms. Kathy Bohn, Highway Department



Division of Transportation
 System Development
 NW Region - Superior Office
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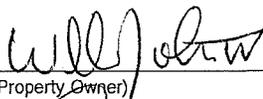
Owner Name Polk County	Address Carole Wondra, County Clerk 100 Polk Cou Balsam Lake, WI 54810	Telephone Number Home: Work:
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 (Property Owner)

12.22.2010

 (Date)



 (Property Owner)

12.22.10

 (Date)

 (Negotiator) Karen R. Rask (Date)

Commitments Approved _____
 (Signature) (Title) (Date)

Project 1550-02-21 County Polk Parcel 1