

1 Polk County Board of Supervisors

2 Resolution 83-17

3 Resolution Concerning the Petition to Establish the Magnor/Barbo Lake Public
4 Inland Lake Protection and Rehabilitation District

5 Ladies and Gentlemen:

6 WHEREAS, pursuant to Section 33.25(1) the County Clerk did receive on June 29, 2017 a
7 petition requesting the establishment of the Magnor/Barbo Lake Public Inland Lake Protection
8 and Rehabilitation District; and

9 WHEREAS, after due and sufficient public notice, the Polk County Environmental Services
10 Committee did, pursuant to Wisconsin Statute Section 33.26(1), on July 26, 2017, conduct a
11 public hearing on said petition wherein the committee received public testimony in support of
12 said petition; objections, criticisms or suggestions as to the necessity of the proposed district as
13 outlined in the petition; and comments to the question of whether the properties within the
14 proposed district would benefit by the establishment of the proposed district; and

15 WHEREAS, on October 11, 2017, the Environmental Services Committee adopted its report
16 recommending to the County Board to order by resolution the establishment of the district, set
17 the district boundaries and confirm the appointment of the initial district board of
18 commissioners; and

19 WHEREAS, having the assigned delegated function to serve as the land conservation committee,
20 the Environmental Services Committee has nominated for appointment and confirmation those
21 persons to be appointed by the County Administrator to serve on the initial district board of
22 commissioners; and

23 WHEREAS, upon receipt of said nominations, the County Administrator has offered for
24 confirmation those persons so nominated.

25 THEREFORE, NOW BE IT RESOLVED, that, pursuant to Wisconsin Statute Sections 33.25(1);
26 33.26(1) and 33.37, the Polk County Board of Supervisors finds, as follows:

27 1. On June 29, 2017, there was filed in the office of Polk County Clerk a petition for the
28 establishment of a public inland lake protection and rehabilitation district pursuant to
29 Wisconsin Statute Section 33.25.

30 2. Said petition satisfies the statutory requisites:

31 a. The petition proposed the name of the district of Magnor/Barbo Lake.

32 b. The petition set forth the necessity to establish the proposed district to define the
33 present and anticipated problems of Magnor and Barbo lakes; to identify their
causes and to implement remedial measures to deal with such problems; and to

34 undertake activities for the protection of the lake fishery, maintenance of
35 appropriate lake levels, reduction of sedimentation, control of invasive species
36 and promote harmonious usage of the lake's surface.

37 c. The petition stated that public health, comfort, convenience, necessity or public
38 welfare will be promoted by the establishment of the district and that the lands to
39 be included therein will be benefited by the establishment of the petitioned for
40 district.

41 d. The petition identified the lands and territory to be in the proposed district and
42 benefitted by the establishment of the proposed district as set forth in Exhibit A-
43 Legal Description of PROPOSED MAGNOR BARBO PUBLIC INLAND LAKE
44 REHABILITATION DISTRICT, attached.

45 3. The Polk County Board of Supervisors has jurisdiction over the establishment of the
46 proposed district.

47 4. The petition is verified by one of the petitioners and accompanied by a map that identifies
48 the approximate area and the boundaries of the proposed district.

49 5. The proposed district is comprised of 157 parcels.

50 6. The petition is signed by the statutory requisite of persons constituting 51 percent of the
51 landowners or the owners of 51 percent of the lands within the proposed district. The
52 petition contains signatures of 83 owners of parcels within the district, 52.9 percent of the
53 landowners of lands within the district.

54 7. The proposed District as petitioned is necessary for the protection and rehabilitation of
55 Magnor and Barbo lakes.

56 8. The public health, comfort, convenience, necessity or public welfare will be promoted by
57 the establishment of the district, and that the properties identified in the petition as the
58 properties to be included in the district will be benefited by the establishment of the
59 proposed district through studies that define the present and anticipated problems of
60 Magnor and Barbo lakes, identify their causes and by the implementation of remedial
61 measures and activities which protect the fishery, maintain appropriate lake levels, reduce
62 sedimentation, control invasive species and promote the harmonious usage of the surface
63 of these lakes.

64 BE IT FURTHER RESOLVED that, pursuant to Wisconsin Statute Section 33.26(3), the Polk
65 County Board of Supervisors declares organized the Magnor/Barbo Lake Public Inland Lake
66 Protection and Rehabilitation District, which shall have the corporate name and be known as
67 "Magnor/Barbo Lake Public Inland Lake Protection and Rehabilitation District".

68 BE IT FURTHER RESOLVED that, pursuant to Wisconsin Statute Sections 33.26(3) and 33.37,
69 the Polk County Board of Supervisors establishes the boundaries of Magnor/Barbo Lake Public

70 Inland Lake Protection and Rehabilitation District as described in Exhibit A- Legal Description
 71 of PROPOSED MAGNOR BARBO PUBLIC INLAND LAKE REHABILITATION
 72 DISTRICT, attached and incorporated in this resolution.

73 BE IT FURTHER RESOLVED that, pursuant to Wisconsin Statute Sections 33.27 (1), the Polk
 74 County Board of Supervisors does confirm the appointment of three (3) owners of property within
 75 the district to serve as commissioners of the initial board of the Magnor/Barbo Lake Public Inland
 76 Lake Protection and Rehabilitation District until the first annual meeting of said district, as
 77 follows:

- 78 1. Brent Norberg
- 79 2. Jered Everts
- 80 3. Darlene Marks

81 BE IT FURTHER RESOLVED that Polk County Board of Supervisors confirms the
 82 appointment of Tracy LaBlanc, to serve as commissioner-at-large of the initial board of the
 83 Magnor/Barbo Lake Public Inland Lake Protection and Rehabilitation District until the first annual
 84 meeting of said district.

85 BE IT FURTHER RESOLVED that the Clerk is directed to cause to be served a certified copy of
 86 this resolution, the legal description of the district and map of the Magnor/Barbo Lake Public
 87 Inland Lake Protection and Rehabilitation District with the Wisconsin Department of Natural
 88 Resources and the Town of Clayton.

Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage
Date Submitted To County Board	First Reading: December 18, 2017 Second Reading:
Submitted By:	_____
Review By County Administrator: <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only _____ Dana Frey, County Administrator	Review By Corporation Counsel: <input type="checkbox"/> Approved as to Form <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Reviewed Only _____ Jeffrey B. Fuge, Corporation Counsel

Acknowledgement of County Board Action

At its regular business meeting on the 18th day of December 2017 the Polk County Board of Supervisors considered and acted on the above resolution, Resolution No. 83-17: Resolution Concerning the Petition to Establish the Magnor/Barbo Lake Public Inland Lake Protection and Rehabilitation, as follows:

- By simple majority by a vote of 13 in favor and 1 against. 1 absent
- Enacted by unanimous vote.
- Defeated by a vote of _____ in favor and _____ against.
- Defeated by voice vote.
- Action Deferred by Procedural Action, as follows: _____

SIGNED BY:

Dean Johansen

Dean Johansen, County Board Chairperson

Attest: Sharon E. Jorgenson

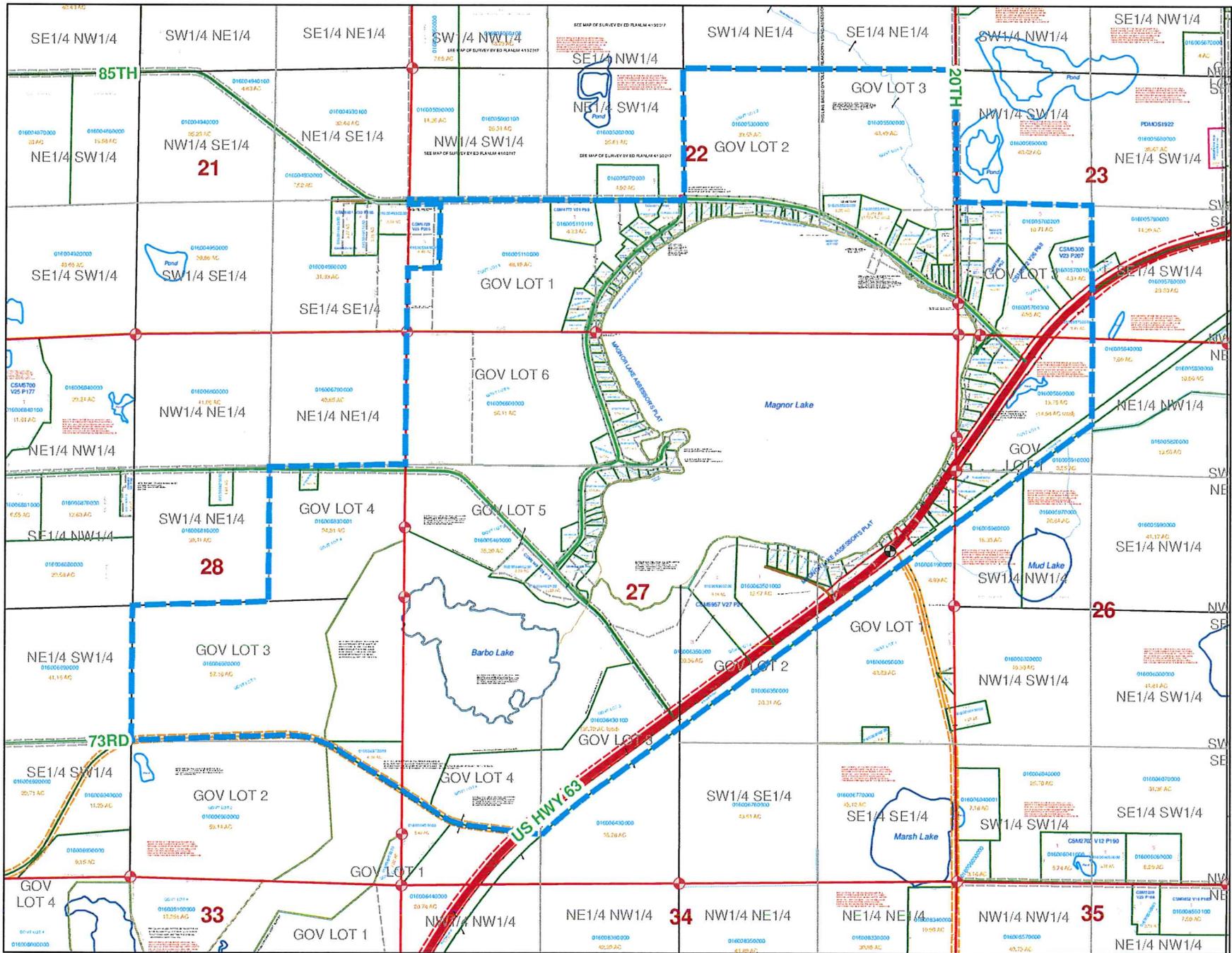
Sharon E. Jorgenson, County Clerk

EXHIBIT A
Legal Description of
PROPOSED MAGNOR BARBO PUBLIC INLAND LAKE REHABILITATION
DISTRICT

Beginning at the Northeast Corner of Section 28, T33N, R15W, the corner common to Sections 21, 22, 27, and 28 Town 33 North, Range 15 West of the 4th Principal Meridian, Town of Clayton, Polk County, Wisconsin; thence south along the East line of Section 28 to the Northeast Corner of Government Lot 4, Section 28; thence west along the North line of Government Lot 4 to the Northwest Corner of Government Lot 4; thence south along the West line of Government Lot 4 to the Southwest Corner of Government Lot 4 on the North line of Government Lot 3, Section 28; thence West along the North line of Government Lot 3 to the Northwest Corner of Government Lot 3; thence south along the West line of Government Lot 3 to the centerline of County Road "J"; thence Easterly along the centerline of County Road "J" to the Westerly right-of-way of US HWY 63; thence continuing on a projection of the centerline of County Road "J" Easterly across US HWY 63 and across the former main track of the North Wisconsin Railway Company railroad right-of-way, also known as the Clear Lake-Clayton County Trail, to the Easterly right-of-way line of said former railroad right-of-way; thence Northeasterly along the Easterly right-of-way line of said Clear Lake-Clayton County Trail through Government Lot 3, Government Lot 2, and Government Lot 1 in Section 27, and the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ -NW $\frac{1}{4}$) and Government Lot 1 in Section 26 to the intersection of the East line of Government Lot 1, Section 26 and the Southeasterly right-of-way line of the Clear Lake-Clayton County Trail; thence North along the East line of Government Lot 1 Section 26 to the Northeast Corner of Government Lot 1 Section 26 and the Southeast Corner of Government Lot 3 Section 23; thence North along the East line of Government Lot 3 to the Northeast Corner of Government Lot 3; thence West along the North line of Government Lot 3 to the Northwest Corner of Government Lot 3 Section 23 on the East line of Government Lot 3 Section 22; thence North along the East line of Government Lot 3 Section 22 to the East Quarter Corner of Section 22; thence West along the East-West Quarter Line of Section 22 and the North line of Government Lot 3 and Government Lot 2 to the Center of Section 22 and the Northwest Corner of Government Lot 2; thence South along the North-South Quarter Line and the East line of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ -SW $\frac{1}{4}$) to the Southeast Corner of the NE $\frac{1}{4}$ -SW $\frac{1}{4}$; thence West along the South line of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ -SW $\frac{1}{4}$) and the South line of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ -SW $\frac{1}{4}$) which is also the North line of Government Lot 1 Section 22 to the Northwest Corner of Government Lot 1 on the West line of Section 22; thence South along the West line of Government Lot 1 to the Northwest Corner of Lot 3 of Certified Survey Map Number 5728, Volume 25, Page 205, Document Number 753924; thence East along the North line of said Lot 3 to the Northeast Corner of said Lot 3; thence south along the East line of said Lot 3 to the Southeast Corner of said Lot 3; thence West along the South line of said Lot 3 to the Southwest Corner of Lot 3 Certified Survey Map Number 5728, Volume 25, Page 205, Document Number 753924, on the West line of Government Lot 1 Section 22; thence south along the West line of Government Lot 1 Section 22 to the Southwest Corner of Section 22 and the Point of Beginning.

Said lands lying entirely in the Town of Clayton, Polk County, Wisconsin.

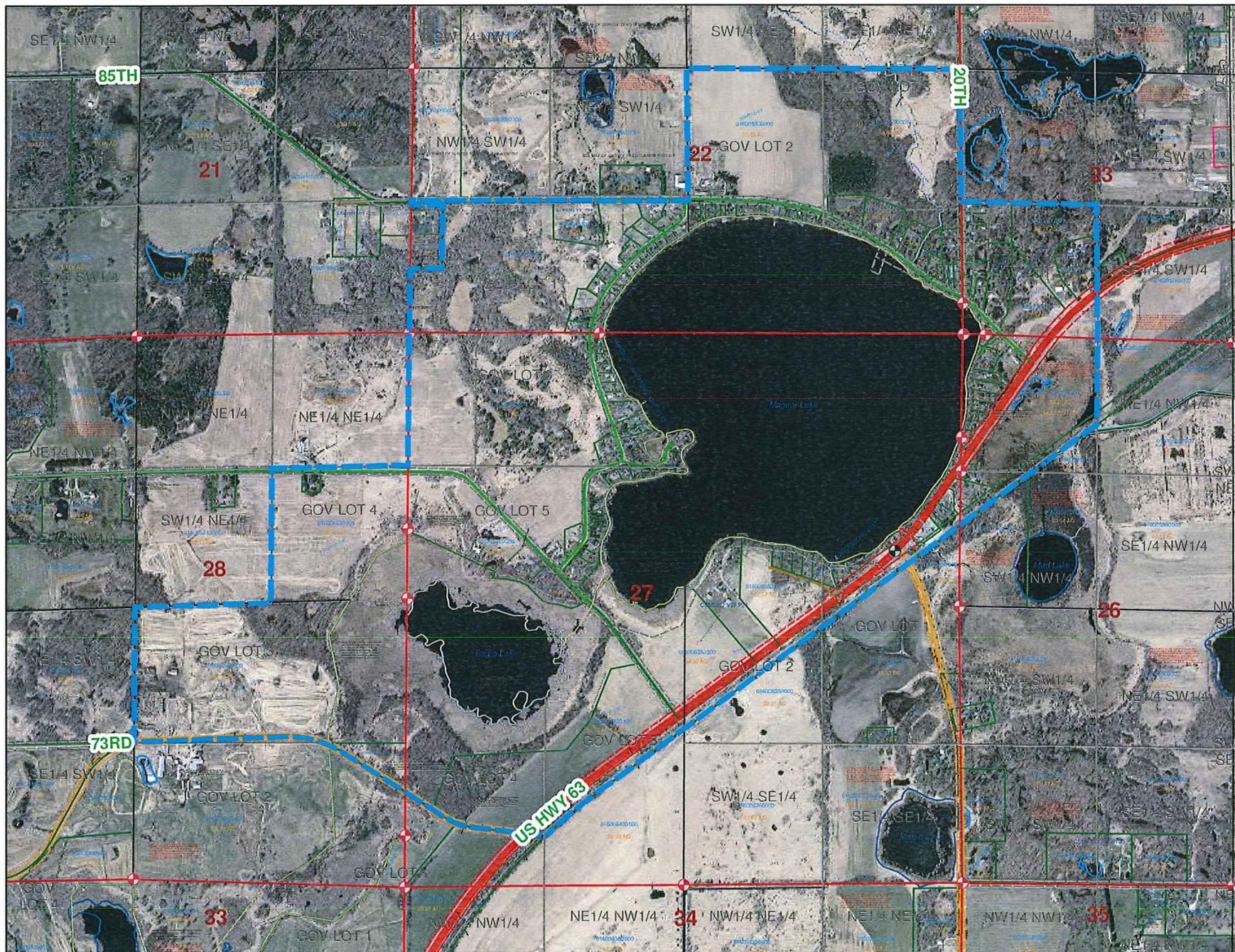
Proposed Magnor Lake District Boundary



Date: 6/30/2017

— — — Proposed Lake District Boundary

Proposed Magnor Lake District Boundary



Date: 6/30/2017

— — — — Proposed Lake District Boundary