



Douglas La Follette, *Secretary of State*  
Dawn Marie Sass, *State Treasurer*  
J.B. Van Hollen, *Attorney General*  
Tia Nelson, *Executive Secretary*

125 S. Webster Street  
Room 200  
PO Box 8943  
Madison, WI 53708-8943

608 266-1370 INFORMATION  
608 266-0034 LOANS  
608 267-2787 FAX  
bcpl.state.wi.us

**Managing Wisconsin's trust assets for public education.**

AGENDA  
June 5, 2007  
2:00 P.M.

Board of Commissioners of Public Lands  
125 S. Webster Street, Room 200  
Madison, Wisconsin

1. Call to Order
2. Approve Minutes – May 15, 2007
3. Approve Loans
4. Land Bank Purchase – Phalen Property
5. Executive Secretary's Report
6. Adjourn

**BOARD MEETING  
JUNE 5, 2007**

**AGENDA ITEM 2  
APPROVE MINUTES**

Attached for approval are the minutes from the May 15, 2007, board meeting.

Board Meeting Minutes  
May 15, 2007

**ITEM 1. CALL TO ORDER**

Board Chair La Follette called the meeting of the Board of Commissioners of Public Lands to order at 2:00 p.m. Commissioner Dawn Marie Sass was not present when the meeting was called to order.

Present were:

Doug La Follette, Board Chair	Secretary of State
J. B. Van Hollen, Commissioner	Attorney General
Tia Nelson, Executive Secretary	Board of Commissioners of Public Lands
Tom German, Deputy Secretary	Board of Commissioners of Public Lands
Coletta DeMuth, Loan Analyst	Board of Commissioners of Public Lands
Bob Hunter, Asst. Attorney General	Dept. of Justice

**ITEM 2. APPROVE MINUTES – May 1, 2007**

**MOTION:** Commissioner Van Hollen moved to approve the minutes; Board Chair La Follette seconded the motion. The motion passed 2-0.

**ITEM 3. APPROVE LOANS**

Board Chair La Follette asked if the loans had received legal review; Asst. Attorney General Hunter replied that they had.

<u>Municipality</u>	<u>Municipal Type</u>	<u>Loan Amount</u>
1. Coleman County of Marinette and Oconto Application #: 02007100 Purpose: Finance unfunded pension liability	School Rate: 6.00 Filed: April 27, 2007	\$728,000.00
2. Neenah County of Winnebago Application #: 02007102 Purpose: Finance remodeling of fire station/municipal building	Town Rate: 5.25 Filed: May 3, 2007	\$200,000.00
3. Scott County of Brown Application #: 02007101 Purpose: Purchase fire truck	Town Rate: 5.00 Filed: April 27, 2007	\$123,000.00
	<b>TOTAL</b>	<b>\$1,051,000.00</b>

**MOTION:** Commissioner Van Hollen moved to approve the loans; Board Chair La Follette seconded the motion. The motion passed, 2-0.

#### **ITEM 4. EXECUTIVE SECRETARY'S REPORT**

Executive Secretary Nelson reported that the Sawyer County land sale closing will be conducted on Thursday, May 17. The board had approved the sale of BCPL Trust Lands within the Sawyer County Forest at a previous meeting. This sale represents phase one of the transaction and totals \$1.7 million. The agency will issue a press release. Board Chair La Follette added that the transaction will be conducted in two phases due to Sawyer County's budget process. He also asked if the Land Bank funds had been used. Executive Secretary Nelson explained that the proceeds from the sale will be deposited into a Normal School Fund segregated account and used at a later date to purchase replacement lands.

#### **ITEM 5. ADJOURN**

**MOTION:** Commissioner Van Hollen moved to adjourn the meeting; Board Chair La Follette seconded the motion. The motion passed; 2-0.



Tia Nelson, Executive Secretary

These minutes have been prepared from a tape recording of the meeting. The summaries have not been transcribed verbatim. Anyone wishing to listen to the tape may do so at the Board of Commissioners of Public Lands, 125 S. Webster Street, Suite 200, Madison, Wisconsin.

**BOARD MEETING  
JUNE 5, 2007****AGENDA ITEM 3  
APPROVE LOANS**

<u>Municipality</u>	<u>Municipal Type</u>	<u>Loan Amount</u>
1. Conover County of Vilas Application #: 02007103 Purpose: Finance highway projects	Town Rate: 5.25 Filed: May 16, 2007	\$500,000.00
2. Green Lake County of Green Lake Application #: 02007106 Purpose: Finance renovation of vacant building	City Rate: 5.50 Filed: May 25, 2007	\$110,000.00
3. Kewaskum County of Fond Du Lac, Sheboygan and Washington Application #: 02007104 Purpose: Finance remodeling of high school	School Rate: 5.25 Filed: May 17, 2007	\$676,000.00
4. Onalaska County of La Crosse Application #: 02007105 Purpose: Purchase equipment	City Rate: 5.25 Filed: May 14, 2007	\$115,000.00
	<b>TOTAL</b>	<b>\$1,401,000.00</b>

**BOARD MEETING**

**JUNE 5, 2007**

**AGENDA ITEM 4**

**LAND BANK PURCHASE – PHALEN PROPERTY**

The following property is currently available for purchase from Patrick Phalen, a private land owner in Langlade County. Purchase of this land is important from a strategic long-term ownership perspective and conforms to the conditions contained in the Consolidation Plan. The Board has authority to purchase this land under Land Bank Authority granted to BCPL in 2006.

The 34.86-acre property is located in the Town of Ainsworth, Langlade County, more accurately described as the NWNW, Section 12, Township 34 North, Range 12 East (see Patrick Phalen Purchase map).

This property is bordered on three sides by an approximately 670-acre block of BCPL land. When ranked using the Purchase Criteria for evaluating BCPL land purchases, this property met 10 of 12 criteria. It provides important road access to about half of the BCPL acreage including a timber sale recently sold last fall. While the site is about 40% upland, the wetland portion is high quality white cedar and located within a natural area quality (NA-2) site.

The purchase price is \$34,860 and will be paid for with money received from the sale of property to Sawyer County.

Attachments: *BCPL Summary Analysis*  
*BCPL Purchase Criteria*  
*Option to Purchase*  
*BCPL Appraisal*  
*BCPL Subject Map*

**BOARD MEETING**

**JUNE 5, 2007**

**AGENDA ITEM 4**

**LAND BANK PURCHASE – PHALEN PROPERTY**

**RECITALS**

- A. On May 15, 2007, Patrick Phalen of 3497 Twin Point Road, Conover, Wisconsin 54519 (Grantor) in consideration of \$1.00 paid to the Grantor granted the State of Wisconsin Board of Commissioners of Public Lands (BCPL) an option to purchase his property located in the North West Quarter of the North West Quarter (NW1/4NW1/4) of Section Two (S2), Township Thirty-four North (T34N) Range Twelve (12E) East, Town of Ainsworth, Langlade County, Wisconsin (Phalen Property) for a price of Thirty-four Thousand Eight Hundred Sixty and no/100 Dollars (\$34,860).
- B. BCPL now chooses to exercise its option.
- C. The Phalen Property has been evaluated by BCPL staff against purchase criteria previously adopted by the Board and has been determined by BCPL staff to be appropriate for purchase according to such criteria. A copy of the summary purchase analysis is attached to this resolution as Exhibit A.
- D. The Phalen Property consists of 34.86 acres that are contiguous to more than 600 plus acres currently owned by the Board of Commissioners of Public Lands (BCPL). Acquisition of the Phalen Property will provide better access to BCPL's current land holdings.
- E. BCPL staff has valued the Phalen Property at an amount equal to or greater than \$34,860.
- F. Proceeds from the sale of property to Sawyer County will provide enough funds to purchase the Phalen Property under the Land Bank Authority granted to BCPL by the legislature in 2006.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Commissioners of Public Lands approves the purchase of the Phalen Property at the price of Thirty Four Thousand, Eight Hundred Sixty Dollars (\$34,860.00) in accordance with Chapter 24 of the Wisconsin Statutes on such terms and conditions as the Executive Secretary determines to be reasonable and necessary. The transaction is contingent upon BCPL having sufficient funds available in land bank accounts to close the purchase. The Executive Secretary is authorized and directed to execute any documents reasonably necessary to complete such transaction.

Board of Commissioners of Public Lands  
Summary Analysis of Potential Property Purchase  
Draft 5, September 27, 2006

County & Township of Parcel(s) Langlade Ainsworth

File # (Obtain from Accountant) P0704

Name of Seller(s): Patrick Phalen

Address of Seller(s): 3497 Twin Point Rd

Conover, WI 54519

Seller Phone # (715) 479-6710

Seller's Attorney or Agent Contact Info: \_\_\_\_\_

Seller's Attorney or Agent Phone Number(s) \_\_\_\_\_

Asking Price: \$34,860<sup>00</sup>

Acres of productive forest<sup>High</sup> land in parcel(s): 16

Acres of ~~non~~<sup>Low</sup> productive land in parcel(s): 18.86

Acres of land with public access in parcel(s): 34.86

Acres of land without public access in parcel(s): 0

Acres of current BCPL land that will become accessible to the public through parcel(s): 0

Acres of our current BCPL land that will become accessible for timber management purposes through parcel(s): 30

Comments (parcel cover type or other attributes of parcel or transaction):

Parcel is surrounded by existing BCPL land in Langlade Co.  
The North line abuts Forest Co. & existing woods road. There are  
16 Acres of cut-over highland & 18.86 A. of swamp conifer.

Purchase Criteria

1. Forest Fragmentation

- Average tract size increases
- The ratio of perimeter to area decreases
- There is a clear reduction of the threat for conversion from forest to non-forest use

2. Access

- Management access to our existing timber tracts is improved
- There is an increase in the number of BCPL acres open to the public

3. Management Efficiency

- The percentage of upland on BCPL properties increases
- The amount of line work per acre decreases
- The average distance from the tracts to the BCPL field office decreases

4. Timber Character and Value

- The average site index of forest soils on BCPL property increases
- Within one cutting cycle there is an increase in the potential high value sawlog volume and growth, on the tract
- There is an increase in the forest types and species that diversify the BCPL's timber portfolio
- There is an increase in the number of acres and size of tracts where the BCPL has summer logging opportunities

I recommend that BCPL purchase the above property on terms and conditions acceptable to BCPL:

- Yes
- No

  
Signature of Forest Land Supervisor

3/26/07  
Date

I accept the above recommendation

  
Deputy Secretary

4/24/07  
3

Document Number

Document Title

STATE OF WISCONSIN  
Board of Commissioners of Public Lands  
Box 8943  
Madison, Wisconsin 53708

**OPTION**

Rev. 5-05

**PATRICK PHALEN** of 3497 Twin Point Road, Conover WI 54519 ("Grantor"), in consideration of \$1.00 paid to the Grantor, the receipt of which is hereby acknowledged hereby grants an option to the State of Wisconsin, Board of Commissioners of Public Lands, ("Grantee"), to purchase certain property located in Langlade County more particularly described as: **The Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) of Section Two (S2) Township Thirty-four North (T34N) Range Twelve East (R12E) in the Town of Ainsworth** (the "Property") upon the terms and conditions set forth below:

Growing trees, shrubs and perennial plants presently on the Property may not be cut or removed after the date of this option. If the Grantor shall breach any provision of this paragraph, the Grantee may deduct the amount of damage to the value of the property from the purchase price.

Recording Area

Return: Board of Commissioners of Public Lands  
P.O. Box 8943  
Madison, Wisconsin 53708

Pin 004-0599

Prior to the closing of this transaction, the Grantor shall remove and properly dispose of all hazardous or toxic wastes or chemicals located on, in or under the above described property.

This option may be exercised by the Grantee any time within 60 days from the date of this option by the personal delivery of a notice of exercise to the Grantor or by mailing said notice to the Grantor by certified mail. It is expressly agreed that delivery of said notice or the deposit of such notice so addressed in the mails within the stated time period is a sufficient exercise and shall constitute a binding contract upon the Grantor to convey and the Grantee to purchase the Property.

This Option shall be extended for an additional 60 days upon payment of \$5,000 on or before the expiration of the initial term of this Option. This transaction shall be closed at the place designated by Grantee within 30 days after exercise of this Option. If the option is not timely exercised, the option fee shall be nonrefundable except for those circumstances outlined in the following paragraph.

A title insurance policy shall be furnished by the Grantor at Grantor's expense. If there are any defects in title, the Grantor shall have 120 days to cure said defects to the satisfaction of the Grantee and Closing may be postponed during such time. If the Grantor fails to timely cure such defects, Grantee may take necessary action to perfect the title and to deduct the cost thereof from the purchase price or terminate this contract and receive a full refund of moneys paid.

The price at which such property shall be sold to the Grantee is **Thirty-four Thousand Eight Hundred Sixty and no/100 dollars (\$34,860.00)** (the "Purchase Price") which shall be due and payable after tender of the warranty deed and after issuance and receipt of a title insurance commitment showing marketable title in the Grantor with exceptions deleted to the satisfaction of Grantee and payment by the Grantor of all title insurance policy premiums. Any amounts paid as an Option Fee or Option Extension Fee shall be a credit against the purchase price at Closing.

If the purchase price of this transaction is in excess of \$15,000, then property taxes shall be prorated pursuant to s. 74.15(1), Stats. If the Grantor reserves any estate, interest or rights in said property, any and all real estate taxes and assessments levied during the term of such reservation shall be paid by the Grantor. If the Grantor fails to pay such taxes and assessments when due, such reservation shall terminate and title to said reservation shall immediately vest in the Grantee, and the Grantee shall be entitled to immediate and full possession of said property.

The terms Grantor and Grantee, as used in this instrument, shall mean masculine, feminine or neuter, singular or plural, as the case may be, and the provisions of this instrument shall bind the Grantor and Grantee, their heirs, successors, personal representatives and assigns.

Patrick Phalen (Owner/Grantor) May 15, 07  
PATRICK PHALEN Date

STATE OF WISCONSIN )  
COUNTY OF VILAS )

Personally appeared before me this 15<sup>th</sup> day of May, 2007, the above named PATRICK PHALEN who is known to me to be the person who executed the foregoing instrument and acknowledged the same.

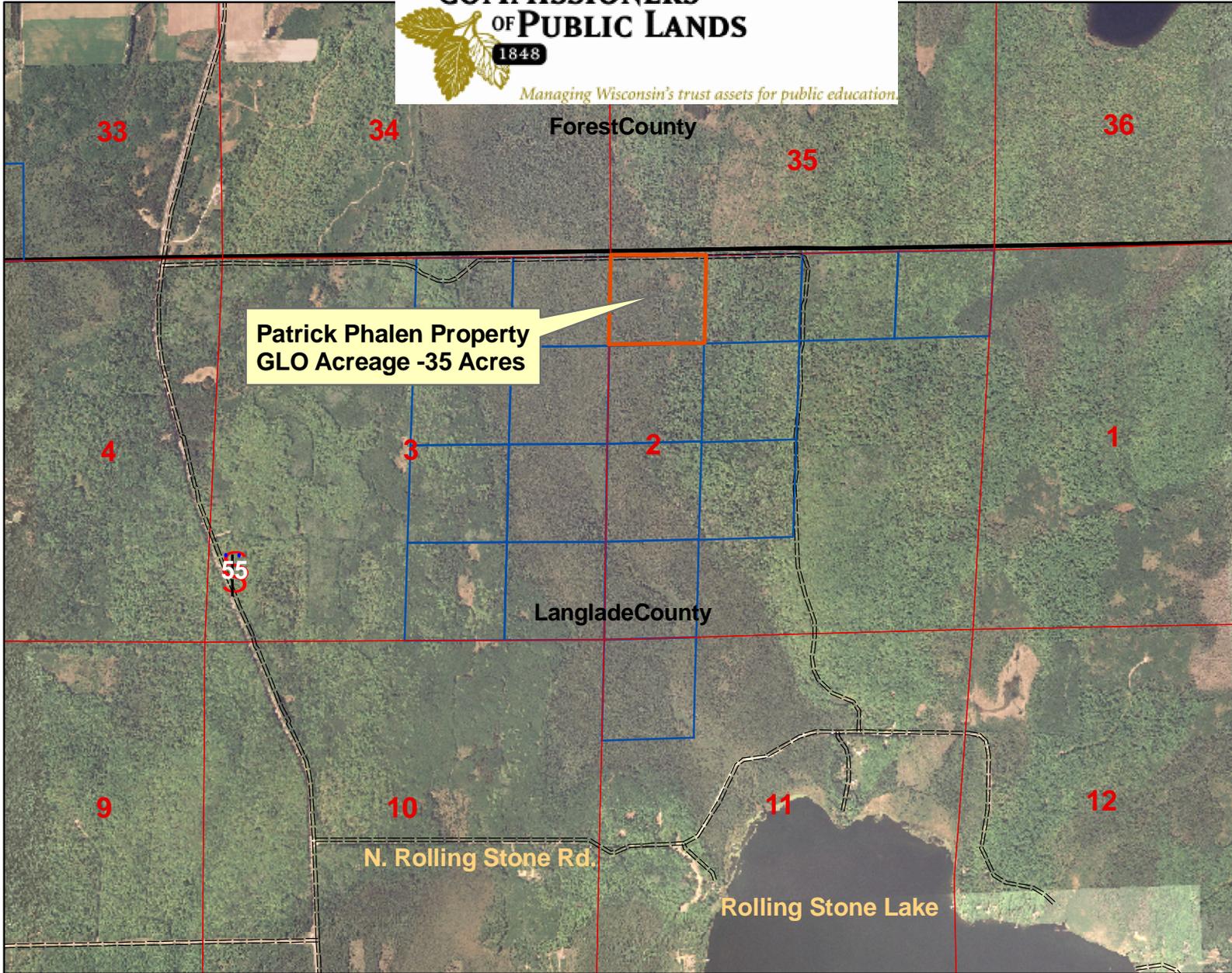
Justin Hess  
Notary Public, State of Wisconsin  
My commission (expires on) (is) permanent

THIS INSTRUMENT WAS DRAFTED BY THE  
STATE OF WISCONSIN, BOARD OF COMMISSIONERS OF PUBLIC LANDS





# Proposed BCPL Land Bank Purchase Patrick Phalen Property - T34N-R12E Section 2, NWNW



Scale: 1:24,000

Locator Map

**Legend**

- ==== Local Roads
- Section Lines
- BCPL Lands
- County Boundary

