



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

October 20, 2009

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 – October 6, 2009
3. Approve Loans
4. Loan Limit Exception Request – City of Menasha
5. Lakebed Lease Request – Town of Liberty Grove
6. Proposed Land Bank Sales to the DNR
 - A. Hawkins Hemlocks (S0923)
 - B. Kimberly Clark Wildlife Area (S0926)
 - C. Springstead Newman Lake (S0927)
 - D. McKenzie Creek (S0928)
7. Proposed Land Bank Sale to the Town of Web Lake (S0921)
8. Executive Secretary's Report
9. Adjourn

**BOARD MEETING
OCTOBER 20, 2009**

**AGENDA ITEM 2
APPROVE MINUTES**

Attached for approval are the minutes from the October 6, 2009, board meeting.

Board Meeting Minutes
October 6, 2009

ITEM 1. CALL TO ORDER

Board Chair La Follette called the meeting of the Board of Commissioners of Public Lands to order at 2:10 p.m.

Present were:

- | | |
|--|--|
| Doug La Follette, Board Chair | Secretary of State |
| J.B. Van Hollen, Commissioner | Attorney General |
| Dawn Marie Sass, Commissioner | State Treasurer |
| Bob Hunter, Assistant Attorney General | Department of Justice |
| Tia Nelson, Executive Secretary | Board of Commissioners of Public Lands |
| Tom German, Deputy Secretary | Board of Commissioners of Public Lands |
| Scott Eastwood, Loan Analyst | Board of Commissioners of Public Lands |

ITEM 2. APPROVE MINUTES – September 15, 2009

MOTION: Commissioner Van Hollen moved to approve the minutes; Commissioner Sass seconded the motion. The motion passed, 3-0.

ITEM 3. APPROVE LOANS

Bob Hunter said that the loans had received legal review.

<u>Municipality</u>	<u>Municipal Type</u>	<u>Loan Amount</u>
1. Adell County of Sheboygan Application #: 02010047 Purpose: Purchase fire engine/pumper truck	Village Rate: 4.50 Filed: September 11, 2009	\$77,500.00
2. Baldwin County of St. Croix Application #: 02010058 Purpose: Finance wastewater treatment plant improvements	Village Rate: 5.50 Filed: September 23, 2009	\$450,000.00
3. Biron County of Wood Application #: 02010057 Purpose: Finance TIF #2 project	Village Rate: 4.50 Filed: September 21, 2009	\$1,225,100.00
4. Boulder Junction County of Vilas Application #: 02010055 Purpose: Refinance outstanding debt for John Deere track tractor	Town Rate: 4.50 Filed: September 21, 2009	\$59,686.52
5. Crystal Lake District County of Trempealeau Application #: 02010064 Purpose: Refinance outstanding lake dredging debt	Lake District Rate: 4.50 Filed: September 29, 2009	\$286,266.57

6. Gardner Town \$173,759.00
County of Door Rate: 4.50
Application #: 02010049 Filed: September 16, 2009
Purpose: Purchase new tanker trucks and outfit brush truck
7. Hobart Village \$1,450,000.00
County of Brown Rate: 5.50
Application #: 02010048 Filed: September 11, 2009
Purpose: Finance TIF District #1 improvement project
8. Jefferson Town \$122,165.00
County of Jefferson Rate: 4.50
Application #: 02010051 Filed: September 16, 2009
Purpose: Purchase a fire pumper truck
9. Merton Town \$196,000.00
County of Waukesha Rate: 3.50
Application #: 02010046 Filed: September 11, 2009
Purpose: Purchase a new truck
10. Oak Creek-Franklin School \$1,000,000.00
County of Milwaukee Rate: 4.50
Application #: 02010059 Filed: September 24, 2009
Purpose: Refinance outstanding debt from land purchase
11. Onalaska City \$151,500.00
County of La Crosse Rate: 3.50
Application #: 02010061 Filed: September 23, 2009
Purpose: Finance storm water quality mgmt project
12. Oshkosh City \$1,049,000.00
County of Winnebago Rate: 4.50
Application #: 02010050 Filed: September 16, 2009
Purpose: Finance TIF District #20 project
13. Ripon City \$1,150,000.00
County of Fond du Lac Rate: 4.50
Application #: 02010060 Filed: September 28, 2009
Purpose: Finance TIF 4, 6, 9 & 10 improvements
14. Sharon Village \$700,000.00
County of Walworth Rate: 5.50
Application #: 02010062 Filed: September 29, 2009
Purpose: Fund Martin Street improvements
15. Sheboygan Town \$500,000.00
County of Sheboygan Rate: 4.50
Application #: 02010053 Filed: September 18, 2009
Purpose: Finance a new fire truck

16.	Springfield County of Jackson Application #: 02010054 Purpose: Purchase an end loader	Town Rate: 3.50 Filed: September 18, 2009	\$35,000.00
17.	Strum County of Trempealeau Application #: 02010063 Purpose: Refinance outstanding debt from village library	Village Rate: 4.50 Filed: September 29, 2009	\$221,110.59
18.	Taylor County of Jackson Application #: 02010056 Purpose: Purchase an end loader	Village Rate: 3.50 Filed: September 21, 2009	\$35,275.00
19.	Union Grove County of Racine Application #: 02010052 Purpose: Finance street projects and related utility work	Village Rate: 5.50 Filed: September 18, 2009	\$2,300,000.00
TOTAL			\$11,182,362.68

Commissioner Van Hollen noted that the loan limit had been reduced to \$1million and asked why the City of Ripon did not need a loan limit exception for their \$1,150,000 loan that was being considered by the board, but Winnebago County did need an exception to pursue a \$2.393 million loan.

Staff explained that the loan limit reduction applied to potential borrowers who had not yet received a loan application. Ripon requested and received a loan application before the limit was lowered. Since Ripon had already received a loan application from BCPL, the subsequent processing of their loan application was not affected by the lowering of the loan limit. On the other hand, Winnebago County submitted their request for an application the day after the loan limit was lowered and therefore they needed an exception to obtain a loan application for an amount above the new limit.

MOTION: Commissioner Sass moved to approve the loans; Board Chair La Follette seconded the motion. The motion passed, 3-0.

ITEM 4. RATIFICATION LOAN LIMIT CHANGE

MOTION: Commissioner Van Hollen moved to ratify the loan limit change; Commissioner Sass seconded the motion. The motion passed, 3-0.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Public Lands approves and ratifies the actions of the Executive Secretary and Board Chairman in lowering the annual loan limit for any customer in a calendar year from \$2.5 million to \$1 million. The Executive Secretary is authorized and directed to take any actions reasonably necessary to implement this decision.

ITEM 5. LOAN LIMIT EXCEPTION REQUEST – WINNEBAGO COUNTY

MOTION: Commissioner Van Hollen moved to approve Winnebago County's loan limit exception request allow the county to apply for a \$2,393,000 loan at this time; Commissioner Sass seconded the motion. The motion passed, 3-0.

ITEM 6. PROPOSED LAND BANK SALES TO THE PUBIC – Taylor, Washburn, Rusk and Chippewa Counties

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Public Lands authorizes the sale of the Properties pursuant to a sealed bid process. The minimum acceptable bid for the Property shall be the appraised value determined by the independent appraisers as set forth above. Such sale(s) shall be conducted 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 Executive Secretary is authorized and directed to execute any documents reasonably necessary to complete such transaction(s).

MOTION: Commissioner Van Hollen moved to approve the sales; Commissioner Sass seconded the motion. The motion passed, 3-0.

ITEM 7. EXECUTIVE SECRETARY'S REPORT

Nothing to report. Commissioner Sass asked about a proposal from William Blair & Co. to purchase loans from the Board's portfolio. Executive Secretary Nelson reported that staff is evaluating the proposal.

ITEM 8. ADJOURN

MOTION: Commissioner Van Hollen moved to adjourn the meeting; Commissioner Sass seconded the motion. The motion passed, 3-0.



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
OCTOBER 20, 2009**

**AGENDA ITEM 3
APPROVE LOANS**

Municipality	Municipal Type	Loan Amount
1. Raymond County of Racine Application #: 02010065 Purpose: Purchase end loader	Town Rate: 3.50 Filed: October 6, 2009	\$50,000.00
2. Suring County of Oconto Application #: 02010067 Purpose: Finance public works project	Village Rate: 3.50 Filed: October 6, 2009	\$300,000.00
3. Town of Rubicon Sanitary Dist. #1 County of Dodge Application #: 02010066 Purpose: Construct pump station, forcemains and sewer mains	Sanitary District Rate: 5.50 Filed: October 6, 2009	\$1,000,000.00
4. Waterloo County of Jefferson Application #: 02010068 Purpose: Finance public works project	City Rate: 4.50 Filed: October 6, 2009	\$1,220,000.00
5. Watertown County of Dodge and Jefferson Application #: 02010069 Purpose: Fund TID #5 development	City Rate: 5.50 Filed: October 13, 2009	\$2,500,000.00
TOTAL		\$5,070,000.00

**BOARD MEETING
OCTOBER 20, 2009**

**AGENDA ITEM 4
LOAN LIMIT EXCEPTION REQUEST – CITY OF MENASHA**

Description of Request for Loan Limit Exception:

In January of this year, the City of Menasha requested an exception to BCPL's annual loan limit in order to allow the City to apply for a \$21 million State Trust Fund Loan for the purpose of refinancing certain taxable general obligation promissory notes and revenue bond anticipation notes. After considering the facts and circumstances at that time, BCPL authorized a loan limit exception which allowed the City to apply for a \$7 million loan at a time when the loan limit was \$5 million. The purpose of the first loan was to refinance approximately half of their outstanding general obligation promissory notes. The City has not yet drawn on that loan.

The City of Menasha is now asking for a loan limit exception which would allow them to borrow an additional \$6.93 million for the purpose of refinancing their remaining taxable general obligation promissory notes that mature in September of 2010. This request is for a loan to be drawn next year since Menasha does not need to borrow the money immediately. The City can wait to draw the funds until after March 15, 2010, when BCPL receives its annual loan repayments. However, if the City fails to arrange for refinancing the maturing taxable general obligation promissory notes prior to November 30, 2009, the City needs to pass a tax levy this year sufficient to completely repay all such maturing notes. This is something they are hoping to avoid by securing a new loan with BCPL.

Background:

Menasha had previously issued a mixture of taxable general obligation promissory notes and revenue bond anticipation notes to finance the conversion of an existing power plant into a municipally-owned, industrial steam production facility. Unfortunately, the cost to convert the plant was much higher than estimated and the revenues generated by the plant were much lower than estimated. Additional problems arose with customer pricing and environmental issues with the Wisconsin DNR and EPA. Ultimately, the plant did not generate enough revenue to repay the revenue bond anticipation notes as they came due. This resulted in Menasha defaulting on such anticipation notes which in turn tarnished Menasha's credit rating and made it extremely difficult for Menasha to refinance the taxable general obligation promissory notes before they come due next year without BCPL's help. Menasha has attempted to work through the situation in good faith by making a partial payment of \$1.38 million on the anticipation notes and has been involved in on-going negotiations with the bondholders to reach a forbearance agreement.

The above facts require a cautious, thorough analysis of this loan limit exception request. However, outside of the problems associated with the steam generation facility, there do not appear to be any impediments to Menasha's ability to repay its general obligation debt and Menasha is still several million dollars under its statutory general obligation borrowing limit. BCPL staff has reviewed the general risk of default by a municipality such as Menasha and have determined that such a risk is still extremely low due to the fact that Wisconsin communities cannot file for bankruptcy protection and BCPL can request that DOA intercept the state aid to the municipality in order to satisfy the loan. DOJ has reviewed the BCPL staff analysis and has concurred on these conclusions.

BCPL Staff Analysis and Recommendation:

Menasha does not need to borrow the money immediately but does need to secure refinancing commitments prior to November of this year, even though they will not need to receive these funds until later in 2010. BCPL expects to receive approximately \$50 million in principal repayments in the last two weeks of March of 2010. At that time, there would be sufficient funds available for making larger State Trust Fund Loans, and we anticipate having raised our loan limit accordingly. Furthermore, loan principal repayments in March would be deposited in the State Investment Fund which is currently yielding less than 0.3%. The proposed loan to Menasha would be for a term of 20 years and carry an interest rate of 5.50%. Immediately reinvesting available principal in March of 2010 in a loan to Menasha yielding 5.50% would be a prudent way to put trust fund principal back to work immediately and provide more income to the Trust Fund Beneficiaries.

We are awaiting word from Menasha as to when they will draw the previously approved \$7 million loan. It would be good for the Trust Fund Beneficiaries if Menasha would draw the previously approved loan as soon as possible since those funds are currently held in the State Investment Fund, which is yielding less than 0.3%.

Therefore, since a loan disbursement to the City of Menasha in the last two weeks of March of 2010 would result in a higher return to trust fund beneficiaries; and the risk of default by Menasha remains very low; and limiting the disbursement to the time period in March would not negatively impact other potential trust fund borrowers at this time, BCPL staff conditionally recommends the approval of a loan limit exception in this case. The exception should be further conditioned upon Menasha drawing the previously approved \$7 million loan on or before December 1, 2009.

Proposed Resolution:

In light of the above considerations, NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Public Lands authorizes the City of Menasha to exceed the annual loan limit to apply for a new loan in an amount up to \$6.93 million on condition that such loan, if approved, may only be disbursed between March 16, 2010 and March 31, 2010 and it is further conditioned upon Menasha drawing its previously approved \$7 million loan on or before December 1, 2009.

**BOARD MEETING
OCTOBER 20, 2009**

**AGENDA ITEM 5
LAKEBED LEASE REQUEST – TOWN OF LIBERTY GROVE**

RECITALS

- A. The Town of Liberty Grove has requested a submerged lands lease with BCPL for the purpose of improving water quality on Ellison Bay through beach nourishment. This consists of placing coarser sand upon the lakebed to make the beach steeper. The increased elevation and slope of the beach and the coarser sand will result in the area being wet less often and for shorter periods. Drier, coarser sand is an environment less conducive to bacterial survival and growth than wetter, finer sand.
- B. On October 5, 2009, the DNR issued Findings of Fact and Conclusions that a submerged lands lease for such purposes was in the public interest.
- C. BCPL staff recommends that the Board authorize a submerged lands lease with the Town of Liberty Grove on substantially the terms and conditions set forth on attached Exhibit A

PROPOSED RESOLUTION

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Public Lands authorizes a Submerged Lands Lease with the Town of Liberty Grove in accordance with Section 24.39 of the Wisconsin Statutes on substantially the terms and conditions set forth in Exhibit A. The Executive Secretary is authorized and directed to execute any documents reasonably necessary to complete such transaction.

Exhibit A: Draft of Submerged Lands Lease

Exhibit 1: Town of Liberty Grove Bulkhead Line Ordinance

Exhibit 2: WI DNR's Findings of Fact and Order

Submerged Lands Lease

No. _____

State of Wisconsin *Board of Commissioners of Public Lands*

ITEM 5
Exhibit A

THIS LEASE AGREEMENT, is made on the ____ day of _____, 2009, by and between the **STATE OF WISCONSIN**, by the **BOARD OF COMMISSIONERS OF PUBLIC LANDS** (the “Lessor”) and the **TOWN OF LIBERTY GROVE**, Door County, Wisconsin (the “Lessee”).

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

RECITALS

- A. Lessee is the riparian owner of certain property with frontage on Ellison Bay, legally described as Government Lot 2, Section 15, Township Thirty-two North (T32N), Range Twenty-eight East (R28E), Door County, Wisconsin.
- B. Lessee desires to improve the water quality on Ellison Bay by placing additional sand on the bed of Lake Michigan. The plan for improving water quality consists of placing coarser sand upon the lakebed to make the beach steeper. The increased elevation and slope of the beach and the coarser sand should result in the area being wet less often and for shorter periods. Drier, coarser sand is an environment less conducive to bacterial survival and growth than wetter and finer sand.
- C. Lessee adopted a bulkhead line ordinance (Number 4-09) on June 3, 2009; said ordinance is attached as Exhibit 1 and incorporated herein by reference.
- D. The Wisconsin Department of Natural Resources (“DNR”) issued Findings of Fact, Conclusions of Law and an Approval of the above described bulkhead line on October 5, 2009. Said order stated that the proposed physical changes in the area as a result of the execution of a lease will improve water quality and reduce bacterial levels in the sand thereby decreasing the health risk at the public

beach. Therefore, the DNR determined that a submerged lands lease for the purpose of placing coarser sand upon the lakebed was in the public interest. A copy of said order is attached as Exhibit 2 and incorporated herein by reference.

- E. Lessor is willing to enter into a Submerged Lands Lease with the Lessee on the terms and conditions set forth below.

NOW, THEREFORE, Lessor does hereby lease to Lessee as riparian owner, the rights described below in accordance with the terms and conditions set forth, as follows:

1. Rights Leased. Lessor hereby grants to Lessee the right and privilege to place coarse sand upon and occupy that part of the bed of Ellison Bay or Lake Michigan described below (the “Premises”) for the purpose of improving water quality and reducing bacterial levels in the sand thereby decreasing the health risk at the public beach. Such actions are deemed to be “improvements of navigation” or “improvements or provisions of recreational facilities related to navigation for public use” as described in Section 24.39(4), Wis. Stats. The Premises is defined as that parcel of land lying between the ordinary highwater mark of Ellison Bay and the bulkhead line described on attached Exhibit 1.

2. Conditions. This Lease shall be null and void unless the following conditions have been met:

- (1) Lessee has all necessary permits and approvals, including those required by chapter 30, Wis. Stats., from the Department of Natural Resources for the fills involved; and
- (2) A bulkhead line is established, approved and maintained pursuant to section 30.11, Wis. Stats., which bulkhead line shall be in strict conformity with the monuments, lines and conditions set forth in Department of Natural Resources Findings of Fact, Conclusions of Law and Approval.
- (3) The Lessee shall comply with all other provisions in the Department of Natural Resources Findings of Fact, Conclusions of Law and Approval dated October 5, 2009.
- (4) The Lessee shall comply with all provisions of Sections 24.39(4) and 30.11(5), Wis. Stats., with the same force and effect as though said statutory provisions were fully set forth herein.

3. **Term of Lease.** The term of this lease shall be effective as of the 1st day of _____, 2009 and expire on the ____ day of _____, 2014. This lease may be renewed for three (3) additional five year periods conditioned upon: the timely payment of all rent; and the absence of any new findings issued by the Department of Natural Resources that the original findings attached as Exhibit 2 are no longer valid and the placement of sand on the lakebed is no longer in the public interest.

4. **Rental.** Lessee shall pay for the Premises subject to this Lease an administrative fee of three hundred dollars (\$300.00) at the execution of this Lease and a rental fee of one hundred dollars (\$100.00) per year, payable in advance on the 1st day of _____ of each year of this Lease.

5. **Lessee's Additional Obligations.** Lessee agrees to comply with any and all laws, orders, rules and regulations concerning the placement of fill on the lakebed, to keep and maintain the premises in a good and lawful condition and manner, to hold Lessor harmless from any and all demands or liability whatsoever because of, or on account of liens, claims or obligations of any nature whatsoever arising because of the improvement or filling of the said premises or because of the condition or use of said premises.

6. **Assignment.** The Lessee may sublease or assign the rights granted it by this Lease only with the prior written approval of the Lessor and subject to whatever conditions the Lessor may at such time impose. This Lease shall be binding upon the parties to this Lease, their successors and assigns, in accordance with the provisions of Sections 24.39(4) and 30.11(5), Wis. Stats.

7. **Default/Breach of Lease.** It is further understood and agreed, that if the Lessee, or its assigns, shall violate any of the conditions or materially breach any of the terms of this Lease Agreement, at the option of the Lessor, this Lease shall be void. However, upon such violation the Lessor shall give notice to the Lessee of such violation and Lessee shall have thirty days in which to rectify the violation. If at the expiration of said thirty days such violation is not rectified to the satisfaction of the Lessor, then the Lessor shall be entitled to the immediate possession of said Premises. Said possession to be without hindrance or delay, and to include recovery from the Lessee of all damage sustained by acts or omissions of the Lessee.

8. **Created Lands.** Title to all created lands, sand bars or islands from the deposit of sand shall remain with the State of Wisconsin.

9. **Costs of Enforcement.** The Lessee agrees to pay all costs and expenses including reasonable attorneys' fees that shall be incurred by the Lessor in enforcing this Lease.

IN WITNESS WHEREOF, the Lessor has caused this Lease to be executed on its behalf by the Secretary of the Board of Commissioners of Public Lands, and the Lessee has caused this Lease to be executed on its behalf by its Town Chairman, pursuant to authorization of its Common Council all as of the date first written above.

Lessor:
Wisconsin Board of Commissioners of Public Lands

By: _____
Tia Nelson, Secretary

STATE OF WISCONSIN)
)
COUNTY OF DANE)

Personally came before me this ____ day of _____, 2009, the above named Tia Nelson, known to me to be the Secretary of the Wisconsin Board of Commissioners of Public Lands, and acknowledged that she did execute the foregoing instrument.

Notary Public State of Wisconsin
My Commission: _____

Lessee:
Town of Liberty Grove

By: _____
, Town Chairman

STATE OF WISCONSIN)
)
COUNTY OF DOOR)

Personally came before me this ____ day of _____, 2009, the above named _____, known to me to be the Chairman of the Town of Liberty Grove, and acknowledged that he did execute the foregoing instrument.

Notary Public State of Wisconsin
My Commission: _____

This instrument drafted by Thomas P. German, Deputy Secretary, Wisconsin Board of Commissioners of Public Lands.

Attachments: Exhibit 1 – Bulkhead Ordinance
Exhibit 2 – DNR Findings of Fact and Approval

**TOWN OF LIBERTY GROVE
ORDINANCE 4-09
ESTABLISHING A BULKHEAD LINE AT ELLISON BAY
COMMUNITY CENTER**

Whereas, the Town of Liberty Grove, Door County, Wisconsin, by and through its Town Board, proposes to establish in the interest of the public and pursuant to Section 30.11 of the Wisconsin Statutes, a new bulkhead line along a part of the shore of Green Bay, Door County, as hereinafter described, and does ordain as follows:

Section 1. That the bulkhead line of that part of the west shore of Green Bay, hereinafter described and more particularly shown by the attached map, is established and determined as set forth in the following description and the attached map, subject to the approval of the Wisconsin Department of Natural Resources, to wit:

A proposed bulkhead line located in Government Lot 2 of Section 15, T. 32 N., R. 28 E., Town of Liberty Grove, Door County, Wisconsin. Bounded and described as follows:

Commencing at the NE corner of said Section 15; thence S. 01°19'30" W. -- 1323.20 feet along the east line of the fractional NE 1/4 of said Section 15 to the NE corner of the fractional SE 1/4 of the NE 1/4 of said Section 15, said corner also being the centerline of S.T.H. "42"; thence along the centerline of S.T.H. "42" as follows:

S. 45°21'50" W. -- 639.76 feet; S. 49°21'50" W. -- 299.50 feet; S. 51°37'16" W. -- 1066.10 feet; thence N. 00°39'44" W. -- 455.32 feet to the point of beginning of the proposed bulkhead line; thence N. 13°45'57" W. -- 197.86 feet; thence S. 88°00'38" W. -- 40.64 feet; thence S. 48°08'48" E. -- 307.28 feet to the end of the proposed bulkhead line.

Section 2. That three certified copies of the ordinance, together with three true copies of such map, be submitted to the Wisconsin Department of Natural Resources for its approval.

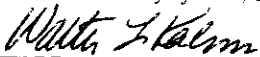
Section 3. That upon the return receipt of such approved maps the same be filed with the following: *a.* Wisconsin Department of Natural Resources, *b.* Town of Liberty Grove Clerk/Administrator, *c.* Door County Register of Deeds for and in Door County, Wisconsin.

Section 4. This ordinance shall take effect upon passage and publication, according to law.

Dated this 3rd day of June, 2009.

I, Walter L. Kalms, Clerk/Administrator of the Town of Liberty Grove, Door County, Wisconsin do hereby certify that the foregoing is a true and correct copy of an ordinance which was adopted on the 3rd day of June, 2009, by the Town Board of the Town of Liberty Grove, Door County, Wisconsin.

Dated this 3rd day of June, 2009.


Walter L. Kalms, Clerk/Administrator

**DEPARTMENT OF NATURAL RESOURCES FINDINGS
PURSUANT TO SECTION 30.11, WIS STATS.
RELATING TO A PROPOSED LEASE FOR
TOWN OF LIBERTY GROVE BEACH NOURISHMENT**

The Department of Natural Resources (Department) has reviewed the proposed Submerged Lands Lease ("Lease") from the State of Wisconsin Board of Commissioners of Public Lands ("Lessor") to the Town of Liberty Grove ("Lessee") as required under Sections 24.39 and 30.11, Stats., and hereby makes the following findings:

A. The Lease was developed as part of a grant partially funded by the Door County Soil and Water Department and the Wisconsin Coastal Management Program to improve water quality at public municipal beaches. The Lessee intends to improve water quality by beach nourishment that consists of placing coarser sand upon the lakebed to make the beach steeper. The increased elevation and slope of the beach and the coarser sand will result in the area being wet less often and for shorter periods. Drier, coarser sand is an environment less conducive to bacterial survival and growth than wetter, finer sand.

B. The Department issued a written Notice of Proposed Submerged Lands Lease and a Notice of Complete Application relating to this matter on July 16, 2009, to all parties required to receive notice pursuant to s. 30.11(5), Stats. and NR 310.14(2)(a). There were no comments received in response to the Notice.

C. The proposed physical changes in the area as a result of the execution of the Lease will improve water quality and reduce bacterial levels in the sand, decreasing health risk at the public beach.

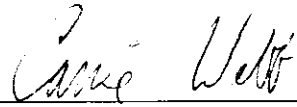
D. The Lease is consistent with the public interest in the navigable waters of Green Bay provided that it includes and requires the Lessee to comply with all of the following conditions:

1. Sand may be placed on the lakebed in the locations, volumes, elevations and slopes specified in the plans dated December 4, 2007 and received by the Department on June 22, 2009.
2. Sand may be placed only for the purposes of improving water quality and reducing bacteria levels in the sand.
3. The lakebed below the ordinary high water mark may only be filled with sand in conjunction with a management plan to improve water quality. A management plan created pursuant to this condition shall include a provision that requires the incorporation of native plants before any sand may be placed.
4. Notwithstanding s 24.39(f) Stats, the Lessee may not make any physical improvements or alteration to the leased lakebed except for placing sand as authorized in this lease.
5. Periodic nourishment is allowed if the original sand that was added is washed away. Sand may only be added in the same locations, shall restore the same elevations and slopes, and be for the same purposes that are proposed in the original plans dated December 4, 2007. Sand added to restore the approved elevations and slopes may not extend into the water and create upland.

E. The Department hereby finds, on the basis of the previous findings listed above, that the proposed physical changes in the navigable waters of Green Bay as a result of the execution of a

submerged lands lease are consistent with the public interest upon compliance with the conditions specified in Finding D.

Dated this 5th day of October, 2009.



Wisconsin Department of Natural Resources by
Carrie Webb, Water Management Specialist, Northeast Region

**BOARD MEETING
OCTOBER 20, 2009**

**AGENDA ITEM 6A
PROPOSED LAND BANK SALE TO THE DNR – HAWKINS HEMLOCK (S0923)**

The Wisconsin Department of Natural Resources (“DNR”) has determined that 40 acres of BCPL land in Rusk County is required for state use.

BCPL staff recommends the sale of the property to the DNR for the following reasons:

- The Property is an isolated, deferred natural area outside the Consolidated Zone.
- The Property is landlocked and does not provide access to other BCPL lands;
- Sale of the Property would provide BCPL with funds to purchase other lands that would provide better access to its existing lands, produce timber revenue, improve management efficiency, reduce forest fragmentation, or all of the above; and
- Sale of the Property to the DNR would allow the DNR to protect a diverse natural area containing a variety of rare species.

Attachments:

Resolution w/Exhibits

Exhibit A - BCPL Sale Criteria

Exhibit B - Appraisal Certification

BCPL Project Map

**BOARD MEETING
OCTOBER 20, 2009**

**AGENDA ITEM 6A
PROPOSED LAND BANK SALE TO THE DNR – HAWKINS HEMLOCKS (S0923)**

RECITALS

- A. The Wisconsin Department of Natural Resources (“DNR”) has determined that certain property more particularly described as the Northeast ¼ of the Northeast ¼ (NENE) of Section Twenty-four (24), Township Thirty-four (34) North, Range Three (3) West, Hawkins Township, Rusk County, Wisconsin totaling 40 acres in size (the “Hawkins Hemlocks Property”) is required for state use.
- B. The Hawkins Hemlocks Property is currently owned by the Board of Commissioners of Public Lands.
- C. The Hawkins Hemlocks Property has been evaluated by BCPL staff against sale criteria previously adopted by the Board. The Hawkins Hemlocks Property has been determined by BCPL staff to be appropriate for sale according to such criteria. A copy of the sale analysis is attached to this resolution as Exhibit A.
- D. The Hawkins Hemlocks Property has been independently appraised by Steigerwaldt Land Services, Inc at a value of Eleven Hundred Dollars (\$1,100) per acre for a total of Forty-four Thousand Dollars (\$44,000). A copy of the Certification of the Appraisal has been attached to this resolution as Exhibit B.
- E. The DNR has offered to pay the sum of Forty-four Thousand Dollars (\$44,000) to acquire the Hawkins Hemlocks Property.
- F. The offered price is equal to the appraised value.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Public Lands approves the sale of the Hawkins Hemlocks Property to the Wisconsin Department of Natural Resources at the price of Forty-four Thousand Dollars (\$44,000) 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 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 Sale

ITEM 6A
Exhibit A

Common Name for Land Parcel Rusk-Hawkins-Hawkins Hemlocks

County Rusk Township Hawkins

Legal Description NENE of Section 24, T34N, R3W

Hawkins Township, Rusk County, Wisconsin

Transaction ID# (from Accountant) 50923

Sale Criteria

1. Title

- Ownership verified with Register of Deeds
- Title appears merchantable

2. Timber Management

- Parcel is located outside of Consolidation Zone
- Parcel is an isolated or unproductive parcel within the Consolidation Zone
- Parcel is a deferred natural area

3. Access

- Parcel does not provide the only reasonable access to other BCPL parcels that will be retained.
- If parcel does provide the only reasonable access to other BCPL parcels to be retained, a public access easement across the parcel has been reserved.
- Parcel has no current access

4. Parcel Required By Other Government Entity

- The parcel is located within a project boundary of another government agency or adjacent to a parcel of land owned by another unit of government.
- Parcel is otherwise required by another unit of government.

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

- Yes
- No


Signature of Forest Land Supervisor

3/25/09
Date

I accept the recommendation of the Trust Lands Forestry Supervisor and direct the staff to proceed accordingly.

- Yes
- No

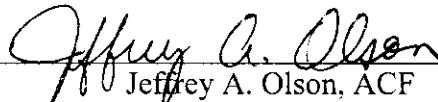

Executive Secretary

April 1, 09
Date

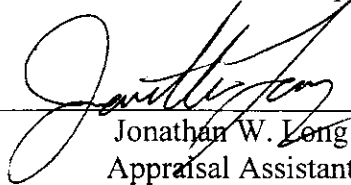
CERTIFICATION

I certify that, to the best of my knowledge and belief:

- a. The statements of fact contained in this report are true and correct and no important facts have been withheld.
- b. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions.
- c. I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
- d. My compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in, or the use of, this report.
- e. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the "Uniform Standards of Professional Appraisal Practice."
- f. Jeffrey A. Olson and Jonathan W. Long conducted a personal inspection of the appraised property on June 18, 2009. John Schwartzman met with the appraiser on the inspection date, and participated in the field inspection. All of the comparable sales were inspected within the last four weeks by the appraiser or other qualified staff of Steigerwaldt Land Services, Inc.
- g. Jeffrey A. Olson and Jonathan W. Long prepared this report. No one provided significant professional assistance to the appraiser signing this certification.
- h. The appraiser did not discuss the subject property's value with the owners or the owners' representatives. I am not aware that the property is listed for sale.
- i. It is my opinion that the market value of the subject property is \$44,000.00, as of June 18, 2009.



Jeffrey A. Olson, ACF
Wisconsin Certified General Appraiser #1502



Jonathan W. Long
Appraisal Assistant

STEIGERWALDT LAND SERVICES, INC.

INTERNAL USE ONLY

HAWKINS HEMLOCKS

Sale to DNR

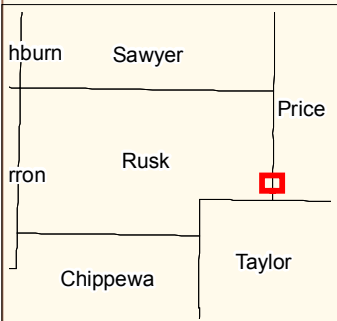
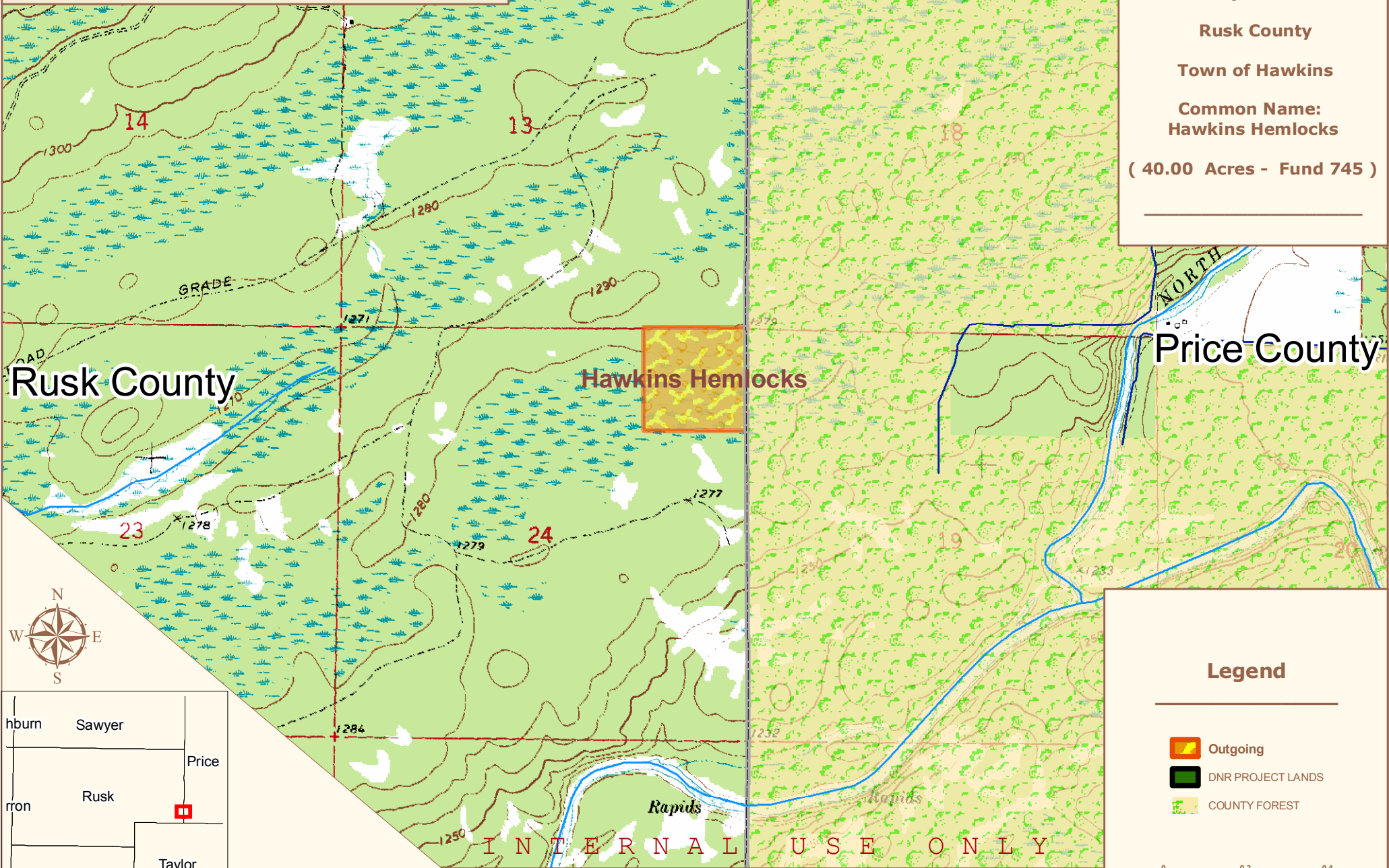
BCPL Project #: S0923

Rusk County




Town of Hawkins

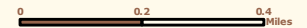
Common Name:
 Hawkins Hemlocks

(40.00 Acres - Fund 745)



Legend

-  Outgoing
-  DNR PROJECT LANDS
-  COUNTY FOREST



**BOARD MEETING
OCTOBER 20, 2009**

**AGENDA ITEM 6B
PROPOSED LAND BANK SALE TO THE DNR –
KIMBERLY CLARK WILDLIFE AREA (S0926)**

The Wisconsin Department of Natural Resources (“DNR”) has determined that 160 acres of BCPL land in Price County is required for state use.

BCPL staff recommends the sale of the property to the DNR for the following reasons:

- The Property is an isolated landlocked parcel within the Consolidation Zone and is located adjacent to the Kimberly Clark Wildlife Area;
- The Property is mainly wetland with very little productive timber;
- The Property does not provide access to other BCPL lands;
- Sale of the Property would provide BCPL with funds to purchase other lands that would provide better access to its existing lands, produce timber revenue, improve management efficiency, reduce forest fragmentation, or all of the above; and
- Sale of the Property to the DNR would allow the DNR to provide additional opportunities for public recreation and to better protect the natural and scenic resources of the Property.

Attachments:

Resolution w/Exhibits

Exhibit A - BCPL Sale Criteria

Exhibit B - Appraisal Certification

BCPL Project Map

**BOARD MEETING
OCTOBER 20, 2009**

**AGENDA ITEM 6B
PROPOSED LAND BANK SALE TO THE DNR –
KIMBERLY CLARK WILDLIFE AREA (S0926)**

RECITALS

- A. The Wisconsin Department of Natural Resources (“DNR”) has determined that certain property more particularly described as the Southwest ¼ of the Southwest ¼ (SWSW) and the Southeast ¼ of the Southwest ¼ (SESW) of Section Two (2), the Southeast ¼ of the Southeast ¼ (SESE) of Section Three (3), and the Northeast ¼ of the Northwest ¼ (NENW) of Section Eleven (11), all located in Township Thirty-Eight (38) North, Range Two (2) West, Flambeau Township, Price County, Wisconsin totaling 160 acres in size (the “Kimberly Clark Wildlife Area Property”) is required for state use.
- B. The Kimberly Clark Wildlife Area Property is currently owned by the Board of Commissioners of Public Lands.
- C. The Kimberly Clark Wildlife Area Property has been evaluated by BCPL staff against sale criteria previously adopted by the Board. The Kimberly Clark Wildlife Area Property has been determined by BCPL staff to be appropriate for sale according to such criteria. A copy of the sale analysis is attached to this resolution as Exhibit A.
- D. The Kimberly Clark Wildlife Area Property has been independently appraised by Radichel & Associates at a value of Three Hundred and Twenty-Five Dollars (\$325) per acre for a total of Fifty Two Thousand Dollars (\$52,000). A copy of the Certification of the Appraisal has been attached to this resolution as Exhibit B.
- E. The DNR has offered to pay the sum of Fifty Two Thousand Dollars (\$52,000) to acquire the Kimberly Clark Wildlife Area Property.
- F. The offered price is equal to the appraised value.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Public Lands approves the sale of the Kimberly Clark Wildlife Area Property to the Wisconsin Department of Natural Resources at the price of Fifty Two Thousand Dollars (\$52,000) 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 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 Sale

ITEM 6B
Exhibit A

Common Name for Land Parcel Price-Flambeau-KC Wildlife Area

County Price Township Flambeau

Legal Description The S1/2 of SW1/4 of Section 2, the SESE of Section 3 and
the NENW of Section 11, all located in
T38N, R2W, Flambeau Township, Price County, Wisconsin

Transaction ID# (from Accountant) 50926

Sale Criteria

1. Title

- Ownership verified with Register of Deeds
- Title appears merchantable

2. Timber Management

- Parcel is located outside of Consolidation Zone
- Parcel is an isolated or unproductive parcel within the Consolidation Zone
- Parcel is a deferred natural area

3. Access

- Parcel does not provide the only reasonable access to other BCPL parcels that will be retained.
- If parcel does provide the only reasonable access to other BCPL parcels to be retained, a public access easement across the parcel has been reserved.
- Parcel has no current access

4. Parcel Required By Other Government Entity

- The parcel is located within a project boundary of another government agency or adjacent to a parcel of land owned by another unit of government.
- Parcel is otherwise required by another unit of government.

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


- Yes
- No


Signature of Forest Land Supervisor

3/25/09
Date

I accept the recommendation of the Trust Lands Forestry Supervisor and direct the staff to proceed accordingly.

- Yes
- No


Executive Secretary

April 1, 09
Date

CERTIFICATE OF APPRAISERS

To the best of our knowledge and belief, the statements contained in the appraisal report are true and correct;

The reported analysis, opinions and conclusions are limited only by the reported assumptions, limiting conditions, and legal instructions, and is our personal, unbiased professional analyses, opinions and conclusions of the appraisers;

The appraisers have no present or prospective interest in the property appraised and no personal interest or bias with respect to the parties involved;

The compensation received by the appraisers for the appraisal is not contingent on the analyses, opinions, or conclusions reached or reported;

The appraisal was made and the appraisal report prepared in conformity with the Department of Natural Resources Appraisal Guidelines;

The appraisal report was made and the appraisal report prepared in conformity with the Appraisal Foundation's Uniform Standards for Professional Appraisal Practice, except to the extent that the Uniform Appraisal Standards for Federal Land Acquisitions require invocation of USPAP's Jurisdictional Exception Rule, as described in Section D-1 of the Uniform Appraisal Standards for Federal Land Acquisitions.

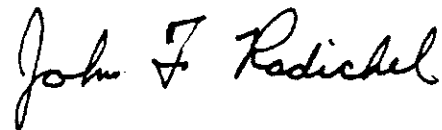
The appraisers have not discussed the value of the subject property with the owner or his representative.

No one provided significant professional assistance to us in making this report.

On May 12, 2009, Frederick G. Radichel met with Terry Hess, of the Board of Commissioner of Public Land at the subject property and we jointly viewed it. We have made a field inspection of the sales relied upon in making this appraisal. The subject and sales relied upon in making this appraisal were as represented in this appraisal. In the opinion of the appraisers the estimated market value of the subject project, fee title and unencumbered as of May 12, 2009 is \$52,000.



Frederick G. Radichel, June 15, 2009
Certified General Appraiser #636



John F. Radichel June 15, 2009
Certified General Appraiser #1162

BOARD OF
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INTERNAL USE ONLY

**KIMBERLY CLARK
WILDLIFE AREA**

Sale to DNR

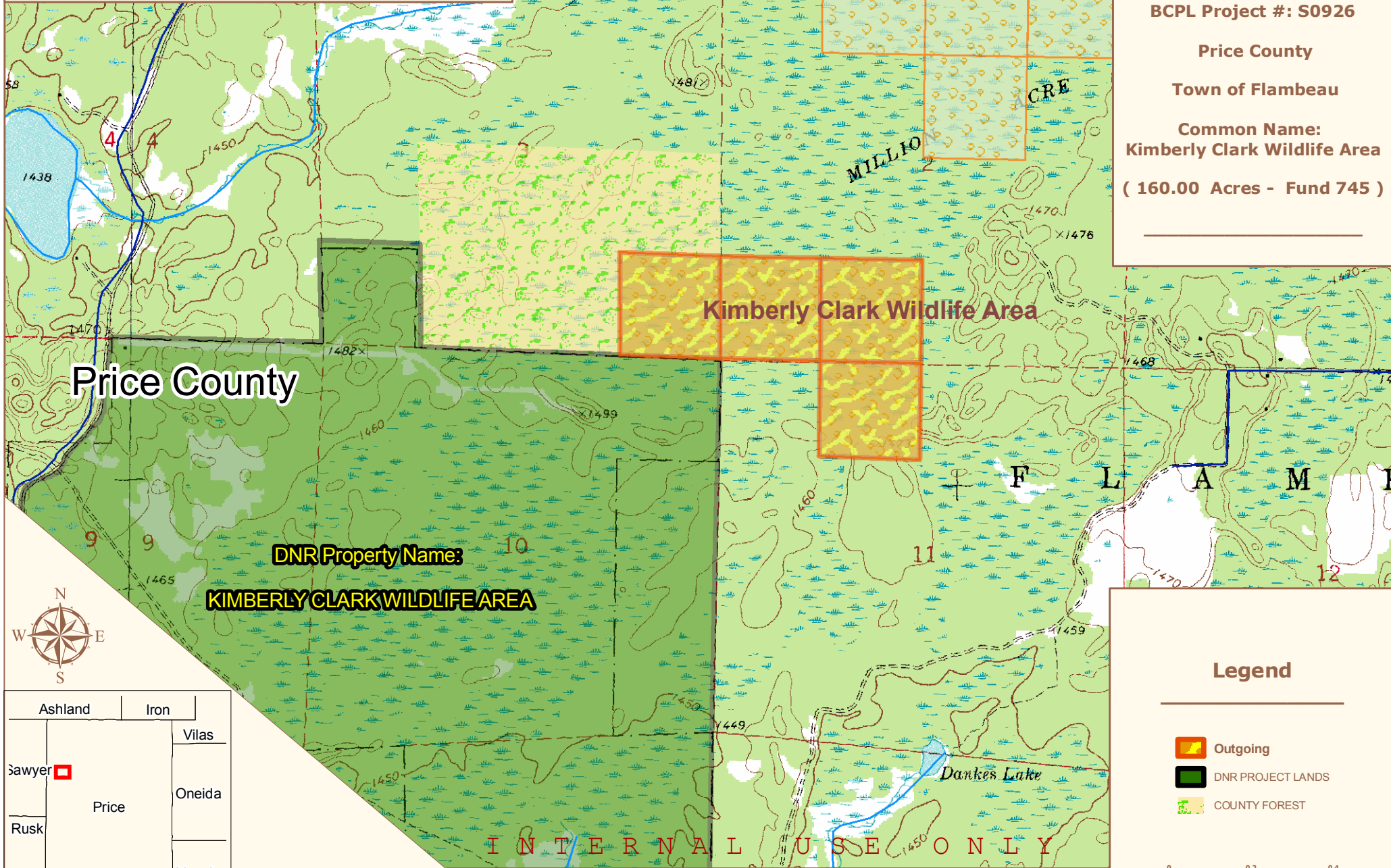
BCPL Project #: S0926

Price County

Town of Flambeau

**Common Name:
Kimberly Clark Wildlife Area**

(160.00 Acres - Fund 745)



Price County

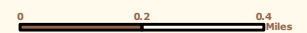
DNR Property Name:
KIMBERLY CLARK WILDLIFE AREA



Ashland	Iron
Sawyer	Vilas
Rusk	Oneida
Taylor	Lincoln
Price	

Legend

- Outgoing**
- DNR PROJECT LANDS**
- COUNTY FOREST**



INTERNAL USE ONLY

**BOARD MEETING
OCTOBER 20, 2009**

**AGENDA ITEM 6C
PROPOSED LAND BANK SALE TO THE DNR –
SPRINGSTEAD NEWMAN LAKE (S0927)**

The Wisconsin Department of Natural Resources (“DNR”) has determined that 480 acres of BCPL land in Iron County is required for state use.

BCPL staff recommends the sale of the property to the DNR for the following reasons:

- The Property is an isolated landlocked parcel within the Consolidated Zone and is located adjacent to the Turtle Flambeau Scenic Waters;
- The Property is mainly a low wetland with very little timber;
- The Property does not provide access to other BCPL lands;
- Sale of the Property would provide BCPL with funds to purchase other lands that would provide better access to its existing lands, produce timber revenue, improve management efficiency, reduce forest fragmentation, or all of the above; and
- Sale of the Property to the DNR would allow the DNR to provide additional opportunities for public recreation and to better protect the natural and scenic resources of the Property.

Attachments:

Resolution w/Exhibits

Exhibit A - BCPL Sale Criteria

Exhibit B - Appraisal Certification

BCPL Project Map

**BOARD MEETING
OCTOBER 20, 2009**

**AGENDA ITEM 6C
PROPOSED LAND BANK SALE TO THE DNR –
SPRINGSTEAD NEWMAN LAKE (S0927)**

RECITALS

- A. The Wisconsin Department of Natural Resources (“DNR”) has determined that certain property more particularly described as the Southeast ¼ of the Southwest ¼ (SESW) of Section Twenty-eight (28), the Southeast ¼ of the Southwest ¼ (SESW) and the Northeast ¼ of the Southwest ¼ (NESW), and the Southeast ¼ of the Southeast ¼ (SESE) of Section Thirty-two (32), the Northeast ¼ of the Northwest ¼ (NENW), the Southeast ¼ of the Northwest ¼ (SENE), the Southwest ¼ of the Northwest ¼ (SWNW), the Northeast ¼ of the Southwest ¼ (NESW), the Northwest ¼ of the Southwest ¼ (NWSW), the Southwest ¼ of the Southwest ¼ (SWSW), the Northwest ¼ of the Southeast ¼ (NWSE) and the Southwest ¼ of the Southeast ¼ (SWSE) of Section Thirty-three (33), all located in Township Forty-one (41) North, Range Three (3) East, Sherman Township, Iron County, Wisconsin totaling 480 acres in size (the “Newman Lake Property”) is required for state use.
- B. The Newman Lake Property is currently owned by the Board of Commissioners of Public Lands.
- C. The Newman Lake Property has been evaluated by BCPL staff against sale criteria previously adopted by the Board. The Newman Lake Property has been determined by BCPL staff to be appropriate for sale according to such criteria. A copy of the sale analysis is attached to this resolution as Exhibit A.
- D. The Newman Lake Property has been independently appraised by Compass Land Consulting, LLC at a value of Six Hundred Dollars (\$600) per acre for a total of Two Hundred and Eighty Eight Thousand Dollars (\$288,000). A copy of the Certification of the Appraisal has been attached to this resolution as Exhibit B.
- E. The DNR has offered to pay the sum of Two Hundred and Eighty Eight Thousand Dollars (\$288,000) to acquire the Newman Lake Property.
- F. The offered price is equal to the appraised value.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Public Lands approves the sale of the Newman Lake Property to the Wisconsin Department of Natural Resources at the price of Two Hundred and Eighty Eight Thousand Dollars (\$288,000) 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 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 Sale

ITEM 6C
Exhibit A

Common Name for Land Parcel Iron-Sherman-Springstead Newman Lake

County Iron Township Sherman

Legal Description The SESW of Section 28, the E1/2 of SW1/4, and SESE of Section 32, the NENW, S1/2 of NW1/4, N1/2 of SW1/4, SWSW and W1/2 of SE1/4 of Section 33, all in T41N, R3E, Sherman Township, Iron County, WI

Transaction ID# (from Accountant) 50927

Sale Criteria

1. Title

- Ownership verified with Register of Deeds
 Title appears merchantable

2. Timber Management

- Parcel is located outside of Consolidation Zone
 Parcel is an isolated or unproductive parcel within the Consolidation Zone
 Parcel is a deferred natural area

3. Access

- Parcel does not provide the only reasonable access to other BCPL parcels that will be retained.
 If parcel does provide the only reasonable access to other BCPL parcels to be retained, a public access easement across the parcel has been reserved.
 Parcel has no current access

4. Parcel Required By Other Government Entity

- The parcel is located within a project boundary of another government agency or adjacent to a parcel of land owned by another unit of government.
 Parcel is otherwise required by another unit of government.

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

- Yes
 No


Signature of Forest Land Supervisor

3/25/09
Date

I accept the recommendation of the Trust Lands Forestry Supervisor and direct the staff to proceed accordingly.

- Yes
 No


Executive Secretary

April 1, 09
Date

Certification

I certify that, to the best of my knowledge and belief:

The statements of fact contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and is my personal, impartial, and unbiased professional analyses, opinions, and conclusions.

I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.

I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

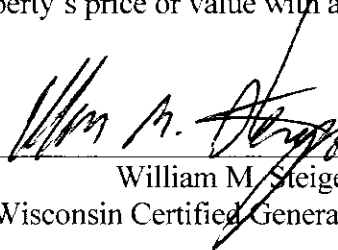
My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the "Uniform Standards of Professional Appraisal Practice."

I personally inspected the subject property and market sales used in the appraisal. No one else accompanied me on the inspections.

Based upon the information contained in this report, and upon my general experience as an appraiser, it is my opinion that the market value of this property, fee title and unencumbered, as of April 25, 2009, is \$288,000.

I have not discussed the property's price or value with any parties other than the client.

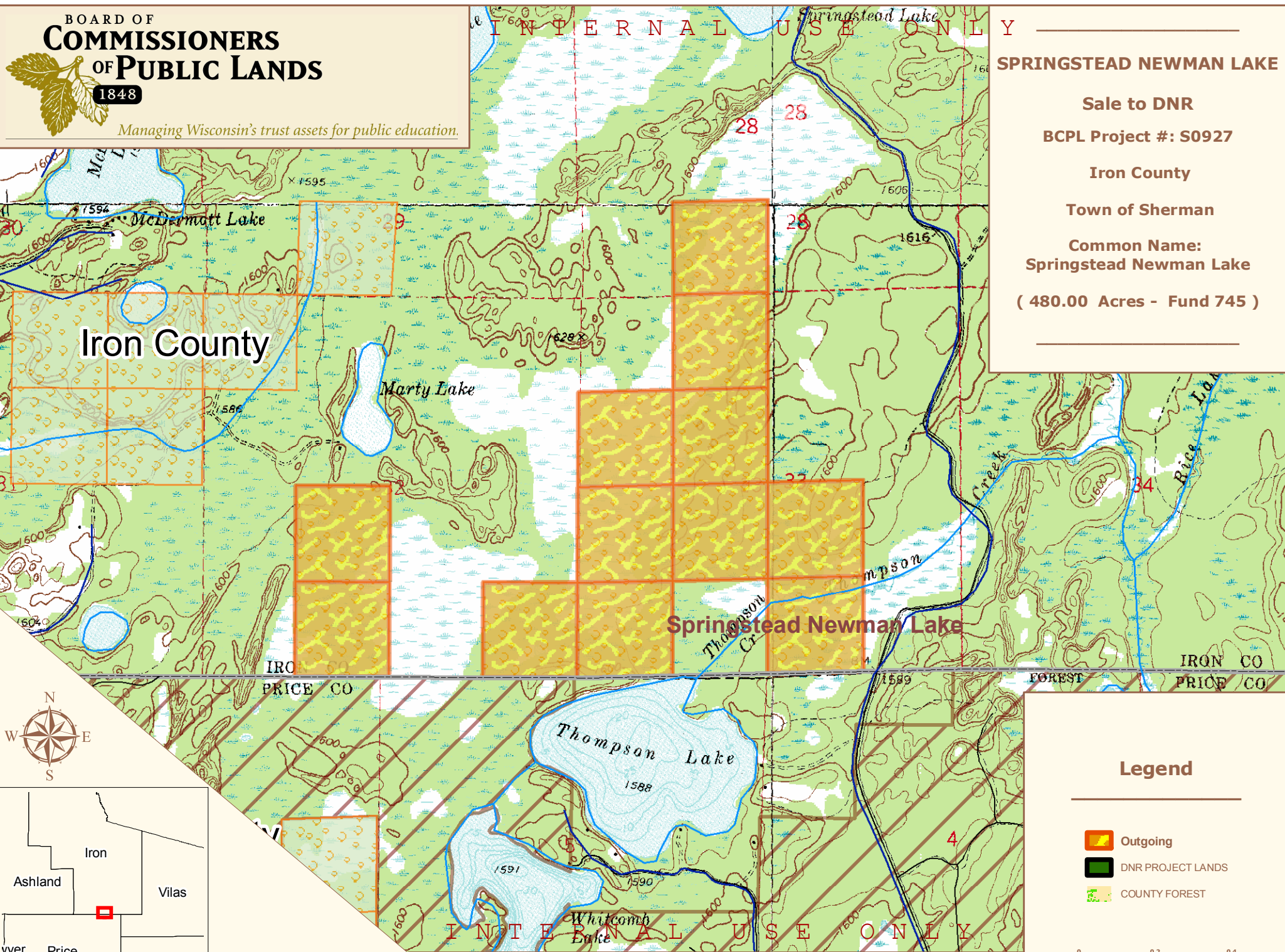


William M. Steigerwald
Wisconsin Certified General Appraiser #394

BOARD OF
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SPRINGSTEAD NEWMAN LAKE

Sale to DNR

BCPL Project #: S0927

Iron County

Town of Sherman

Common Name:
Springstead Newman Lake




(480.00 Acres - Fund 745)

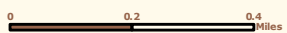
Iron County

Springstead Newman Lake



Legend

-  **Outgoing**
-  **DNR PROJECT LANDS**
-  **COUNTY FOREST**



**BOARD MEETING
OCTOBER 20, 2009**

**AGENDA ITEM 6D
PROPOSED LAND BANK SALE TO THE DNR – McKENZIE CREEK (S0928)**

The Wisconsin Department of Natural Resources (“DNR”) has determined that 40 acres of BCPL land in Washburn County is required for state use.

BCPL staff recommends the sale of the property to the DNR for the following reasons:

- The Property is an isolated landlocked parcel outside the Consolidated Zone and is located adjacent to the McKenzie Creek State Public Fishery Area Boundary;
- The Property does not provide access to other BCPL lands;
- Sale of the Property would provide BCPL with funds to purchase other lands that would provide better access to its existing lands, produce timber revenue, improve management efficiency, reduce forest fragmentation, or all of the above; and
- Sale of the Property to the DNR would allow the DNR to provide additional opportunities for public recreation and to better protect the natural and scenic resources of the Property.

Attachments:

Resolution w/Exhibits

Exhibit A - BCPL Sale Criteria

Exhibit B - Appraisal Certification

BCPL Project Map

**BOARD MEETING
OCTOBER 20, 2009**

**AGENDA ITEM 6D
PROPOSED LAND BANK SALE TO THE DNR – McKENZIE CREEK (S0928)**

RECITALS

- A. The Wisconsin Department of Natural Resources (“DNR”) has determined that certain property more particularly described as the Northwest ¼ of the Southeast ¼ (NWSE) of Section Thirty-three (33), Township Forty-one (41) North, Range Twelve (12) West, Washburn County, Wisconsin totaling 40 acres in size (the “McKenzie Creek Property”) is required for state use.
- B. The McKenzie Creek Property is currently owned by the Board of Commissioners of Public Lands.
- C. The McKenzie Creek Property has been evaluated by BCPL staff against sale criteria previously adopted by the Board. The McKenzie Creek Property has been determined by BCPL staff to be appropriate for sale according to such criteria. A copy of the sale analysis is attached to this resolution as Exhibit A.
- D. The McKenzie Creek Property has been independently appraised by Steigerwaldt Land Services, Inc at a value of Thirteen Hundred Dollars (\$1,300) per acre for a total of Fifty Two Thousand Dollars (\$52,000). A copy of the Certification of the Appraisal has been attached to this resolution as Exhibit B.
- E. The DNR has offered to pay the sum of Fifty Two Thousand Dollars (\$52,000) to acquire the McKenzie Creek Property.
- F. The offered price is equal to the appraised value.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Public Lands approves the sale of the McKenzie Creek Property to the Wisconsin Department of Natural Resources at the price of Fifty Two Thousand Dollars (\$52,000) 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 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 Sale

ITEM 6D
Exhibit A

Common Name for Land Parcel Brooklyn Washburn-Chicog-Mckenzie Creek

County Washburn Township Chicog

Legal Description The NWSE of Section 33, T41N, R12W

Brooklyn ~~Chicog~~ Township, Washburn County, Wisconsin

Transaction ID# (from Accountant) S0928

Sale Criteria

1. Title

- Ownership verified with Register of Deeds
 Title appears merchantable

2. Timber Management

- Parcel is located outside of Consolidation Zone
 Parcel is an isolated or unproductive parcel within the Consolidation Zone
 Parcel is a deferred natural area

3. Access

- Parcel does not provide the only reasonable access to other BCPL parcels that will be retained.
 If parcel does provide the only reasonable access to other BCPL parcels to be retained, a public access easement across the parcel has been reserved.
 Parcel has no current access

4. Parcel Required By Other Government Entity

- The parcel is located within a project boundary of another government agency or adjacent to a parcel of land owned by another unit of government.
 Parcel is otherwise required by another unit of government.

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

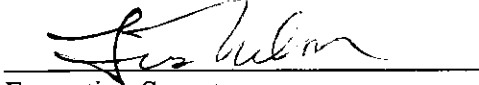
- Yes
 No


Signature of Forest Land Supervisor

3/25/09
Date

I accept the recommendation of the Trust Lands Forestry Supervisor and direct the staff to proceed accordingly.

- Yes
 No


Executive Secretary

April 1, 09
Date


CERTIFICATION

I certify that, to the best of my knowledge and belief:

- a. The statements of fact contained in this report are true and correct and no important facts have been withheld.
- b. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions.
- c. I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
- d. My compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in, or the use of, this report.
- e. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the "Uniform Appraisal Standards for Federal Land Acquisitions" and the "Uniform Standards of Professional Appraisal Practice."
- f. Edward F. Steigerwaldt and Julie A. Steigerwaldt conducted an inspection of the appraised property. All five comparable sales were inspected by Mr. Steigerwaldt or qualified staff of Steigerwaldt Land Services, Inc.
- g. Edward F. Steigerwaldt prepared this report. No one provided significant real property appraisal assistance to the person signing this certification.
- h. The appraiser did not discuss the subject property's value with the owner or the owner's representative. The appraiser is not aware of the property being listed for sale on the open market.
- i. It is my opinion that the market value of the subject property is \$52,000.00 as of May 21, 2009.


Edward F. Steigerwaldt, ACF

Wisconsin Certified General Appraiser #293


Julie A. Steigerwaldt

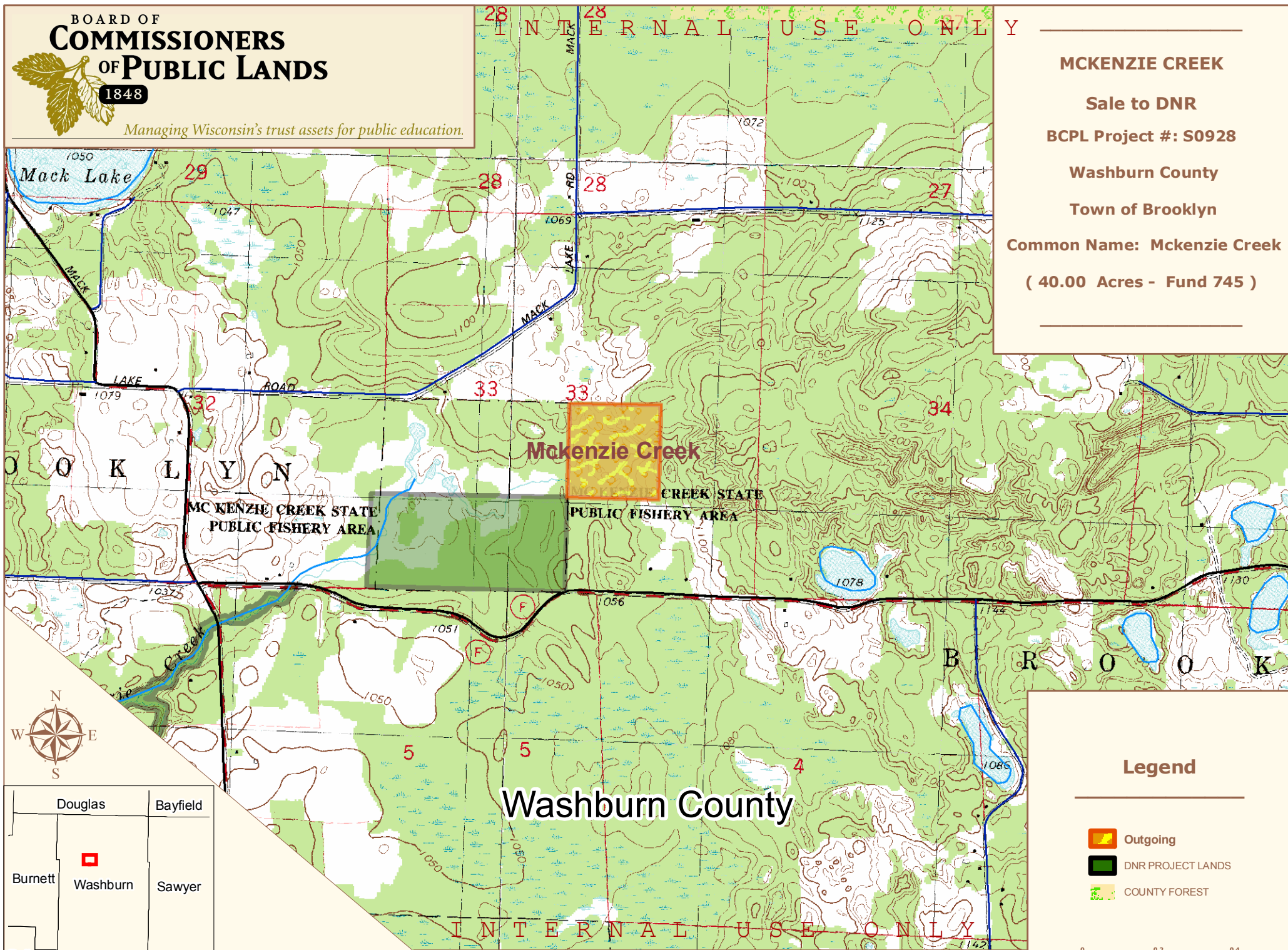
Appraisal Assistant

STEIGERWALDT LAND SERVICES, INC.

BOARD OF
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MCKENZIE CREEK

Sale to DNR

BCPL Project #: S0928

Washburn County

Town of Brooklyn

Common Name: Mckenzie Creek

(40.00 Acres - Fund 745)



	Douglas	Bayfield
Burnett	■	Sawyer
Polk	Barron	Rusk

Legend

- Outgoing
- DNR PROJECT LANDS
- COUNTY FOREST

0 0.2 0.4 Miles

Washburn County

**BOARD MEETING
OCTOBER 20, 2009**

**AGENDA ITEM 7
PROPOSED LAND BANK SALE TO THE TOWN OF WEBB LAKE (S0921)**

The town of Webb Lake has determined that approximately 33.83 acres of BCPL land in the town of Webb Lake in Burnett County is required for Town use. The parcel is bisected by Highway 77. Earlier this year, BCPL approved the sale of some small parcels of land adjacent to the highway for the purpose of highway improvement.

BCPL staff recommends the sale of the Property to the Town for the following reasons:

- The Property is an isolated parcel located outside of BCPL's Consolidation Zone;
- The Property does not provide access to other BCPL lands;
- Sale of the Property would provide BCPL with funds to purchase other lands that would provide better access to its existing lands, produce timber revenue, improve management efficiency, reduce forest fragmentation, or all of the above; and
- Sale of the Property to the Town of Webb Lake would allow the Town to develop a parking area adjacent to their existing town hall and other economic development projects.

Attachments:

Resolution w/Exhibits

Exhibit A - BCPL Sale Criteria

Exhibit B - Appraisal Certification

BCPL Project Map

**BOARD MEETING
OCTOBER 20, 2009**

**AGENDA ITEM 7
PROPOSED LAND BANK SALE TO THE TOWN OF WEBB LAKE**

RECITALS

- A. The town of Webb Lake has determined that certain property located in the town of Webb Lake in Burnett County and more particularly described as part of the SE ¼ of the NE ¼ of Section Sixteen (16), Township Forty-One North (T41N) Range Fourteen West (R14W) (the "Property") is required for town use.
- B. The Property is currently owned by the Board of Commissioners of Public Lands.
- C. Highway 77 bisects the Property and earlier this year BCPL approved the sale of some small pieces of this quarter-quarter section to the Dept of Transportation for the purpose of highway improvement.
- D. The Property has been evaluated by BCPL staff against sale criteria previously adopted by the Board. The Property has been determined by BCPL staff to be appropriate for sale according to such criteria. A copy of the sale analysis is attached to this resolution as Exhibit A.
- E. The Property has been independently appraised by Solum & Associates. The appraiser prepared two appraisals. One appraisal was for the parcel south of Highway 77 and one for the parcel north of the highway. The total Property has been determined to have a value of Ninety-Six Thousand Five Hundred Dollars (\$96,500.00). Copies of the appraisal certifications are attached as Exhibit B.
- F. The Town of Webb Lake has offered to purchase the Property for the sum of Ninety-Six Thousand Seven Hundred Ninety-Six Dollars (\$96,796.00).
- G. The offered price is greater than the appraised value.
- H. BCPL staff recommends the sale of the Property to Taylor County at the price of Ninety-Six Thousand Seven Hundred Ninety-Six Dollars (\$96,796.00).

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Public Lands approves the sale of the Property to the Town of Webb Lake at the price of Ninety-Six Thousand Seven Hundred Ninety-Six Dollars (\$96,796.00). Such sale shall be conducted in accordance with Chapter 24 of the Wisconsin Statutes on such terms and conditions as the Executive Secretary determines to be reasonable and necessary. Any transaction conducted under this approval shall be closed no later than December 31, 2009. 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 Sale

ITEM 7
Exhibit A

Common Name for Land Parcel Hwy 77 Parcel

County Burnett Township Webb Lake

Legal Description SE 1/4 of the NE 1/4 of Section 16, Township 41N, Range 14 West
Webb Lake Township, Burnett County, Wisconsin

Transaction ID# (from Accountant) SC921

Sale Criteria

1. Title

- Ownership verified with Register of Deeds
 Title appears merchantable

2. Timber Management

- Parcel is located outside of Consolidation Zone
 Parcel is an isolated or unproductive parcel within the Consolidation Zone
 Parcel is a deferred natural area

3. Access

- Parcel does not provide the only reasonable access to other BCPL parcels that will be retained.
 If parcel does provide the only reasonable access to other BCPL parcels to be retained, a public access easement across the parcel has been reserved.
 Parcel has no current access

4. Parcel Required By Other Government Entity

- The parcel is located within a project boundary of another government agency or adjacent to a parcel of land owned by another unit of government.
 Parcel is otherwise required by another unit of government.

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


- Yes
 No


Signature of Forest Land Supervisor

1/5/09
Date

I accept the recommendation of the Trust Lands Forestry Supervisor and direct the staff to proceed accordingly.

- Yes
 No


Executive Secretary

1-22-09
Date

APPRAISER'S CERTIFICATION:

The Appraiser certifies and agrees that:

1. I have researched the subject market area and have selected a minimum of three recent sales of properties most similar and proximate to the subject property for consideration in the sales comparison analysis and have made a dollar adjustment when appropriate to reflect the market reaction to those items of significant variation. If a significant item in a comparable property is superior to, or more favorable than, the subject property, I have made a negative adjustment to reduce the adjusted sales price of the comparable and, if a significant item in a comparable property is inferior to, or less favorable than the subject property, I have made a positive adjustment to increase the adjusted sales price of the comparable.
2. I have taken into consideration the factors that have an impact on value in my development of the estimate of market value in the appraisal report. I have not knowingly withheld any significant information from the appraisal report and I believe, to the best of my knowledge, that all statements and information in the appraisal report are true and correct.
3. I stated in the appraisal report only my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the contingent and limiting conditions specified in this form.
4. I have no present or prospective interest in the property that is the subject to this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or the estimate of market value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property.
5. I have no present or contemplated future interest in the subject property, and neither my current or future employment nor my compensation for performing this appraisal is contingent on the appraised value of the property.
6. I was not required to report a predetermined value or direction in value that favors the cause of the client or any related party, the amount of the value estimate, the attainment of a specific result, or the occurrence of a subsequent event in order to receive my compensation and/or employment for performing the appraisal. I did not base the appraisal report on a requested minimum valuation, a specific valuation, or the need to approve a specific mortgage loan.
7. I performed this appraisal in conformity with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place as of the effective date of this appraisal, with the exception of the departure provision of those Standards, which does not apply. I acknowledge that an estimate of a reasonable time for exposure in the open market is a condition in the definition of market value and the estimate I developed is consistent with the marketing time noted in the neighborhood section of this report, unless I have otherwise stated in the reconciliation section.
8. I have personally inspected the interior and exterior areas of the subject property and the exterior of all properties listed as comparables in the appraisal report. I further certify that I have noted any apparent or known adverse conditions in the subject improvements, on the subject site, or on any site within the immediate vicinity of the subject property of which I am aware and have made adjustments for these adverse conditions in my analysis of the property value to the extent that I had market evidence to support them. I have also commented about the effect of the adverse conditions on the marketability of the subject property.
9. I personally prepared all conclusions and opinions about the real estate that were set forth in the appraisal report. If I relied on significant professional assistance from any individual or individuals in the performance of the appraisal or the preparation of the appraisal report, I have named such individual(s) and disclosed the specific tasks performed by them in the reconciliation section of this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in the report; therefore, if an unauthorized change is made to the appraisal report, I will take no responsibility for it.

SUPERVISORY APPRAISER'S CERTIFICATION:


If a supervisory appraiser signed the appraisal report, he or she certifies and agrees that: I directly supervise the appraiser who prepared the appraisal report, have reviewed the appraisal report, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certifications numbered 4 through 7 above, and am taking full responsibility for the appraisal and the appraisal report.

ADDRESS OF PROPERTY APPRAISED:

Highway 77 and Namekagon Trail, Danbury, WI 54830

APPRAISER:

SUPERVISORY APPRAISER (only if required):

Signature: 
 Name: Craig L. Solum, MAI
 Date Signed: September 28, 2009
 State Certification #: 26
 or State License #: _____
 State: WI
 Expiration Date of Certification or License: 12/14/2009

Signature: _____
 Name: _____
 Date Signed: _____
 State Certification #: _____
 or State License #: _____
 State: _____
 Expiration Date of Certification or License: _____
 Did Did Not Inspect Property

Solum & Associates
329 S. River St., P.O. Box 280
Spooner, WI 54801-0280
715-635-9336

ITEM 7
Exhibit B - Page 2
North of highway

September 28, 2009

Terry Hess, Board of Commissioners of Public Lands
7271 Main Street, Box 277
Lake Tomahawk, WI
54539

Property - Highway 77 and Namekagon Trail
Danbury, WI 54830
Borrower - Board of Commissioners of Public Lands
File No. - 15651R
Case No. - N/A

Dear Mr. Hess:

In accordance with your request, I have prepared an appraisal of the real property located at Highway 77 and Namekagon Trail, Danbury, WI.

The purpose of the appraisal is to provide an opinion of the market value of the property described in the body of this report.

Enclosed, please find the Summary Report which describes certain data gathered during our investigation of the property. The methods of approach and reasoning in the valuation of the various physical and economic factors of the subject property are contained in this report.

An inspection of the property and a study of pertinent factors, including valuation trends and an analysis of neighborhood data, led the appraiser to the conclusion that the market value, as of February 22nd, 2009 is :

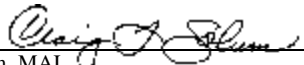
\$65,000

The opinion of value expressed in this report is contingent upon the Limiting Conditions attached to this report.

It has been a pleasure to assist you. If I may be of further service to you in the future, please let me know.

Respectfully submitted,

Solum & Associates



Craig L. Solum, MAI
WI Certification #26

APPRAISER'S CERTIFICATION:

The Appraiser certifies and agrees that:

1. I have researched the subject market area and have selected a minimum of three recent sales of properties most similar and proximate to the subject property for consideration in the sales comparison analysis and have made a dollar adjustment when appropriate to reflect the market reaction to those items of significant variation. If a significant item in a comparable property is superior to, or more favorable than, the subject property, I have made a negative adjustment to reduce the adjusted sales price of the comparable and, if a significant item in a comparable property is inferior to, or less favorable than the subject property, I have made a positive adjustment to increase the adjusted sales price of the comparable.
2. I have taken into consideration the factors that have an impact on value in my development of the estimate of market value in the appraisal report. I have not knowingly withheld any significant information from the appraisal report and I believe, to the best of my knowledge, that all statements and information in the appraisal report are true and correct.
3. I stated in the appraisal report only my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the contingent and limiting conditions specified in this form.
4. I have no present or prospective interest in the property that is the subject to this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or the estimate of market value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property.
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6. I was not required to report a predetermined value or direction in value that favors the cause of the client or any related party, the amount of the value estimate, the attainment of a specific result, or the occurrence of a subsequent event in order to receive my compensation and/or employment for performing the appraisal. I did not base the appraisal report on a requested minimum valuation, a specific valuation, or the need to approve a specific mortgage loan.
7. I performed this appraisal in conformity with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place as of the effective date of this appraisal, with the exception of the departure provision of those Standards, which does not apply. I acknowledge that an estimate of a reasonable time for exposure in the open market is a condition in the definition of market value and the estimate I developed is consistent with the marketing time noted in the neighborhood section of this report, unless I have otherwise stated in the reconciliation section.
8. I have personally inspected the interior and exterior areas of the subject property and the exterior of all properties listed as comparables in the appraisal report. I further certify that I have noted any apparent or known adverse conditions in the subject improvements, on the subject site, or on any site within the immediate vicinity of the subject property of which I am aware and have made adjustments for these adverse conditions in my analysis of the property value to the extent that I had market evidence to support them. I have also commented about the effect of the adverse conditions on the marketability of the subject property.
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SUPERVISORY APPRAISER'S CERTIFICATION:

If a supervisory appraiser signed the appraisal report, he or she certifies and agrees that: I directly supervise the appraiser who prepared the appraisal report, have reviewed the appraisal report, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certifications numbered 4 through 7 above, and am taking full responsibility for the appraisal and the appraisal report.


ADDRESS OF PROPERTY APPRAISED:

The SE-NE lying South of Highway 77, Section 16, Township 41 North, Range 14 West, Dant

APPRAISER:

SUPERVISORY APPRAISER

(only if required):

Signature: 
 Name: Craig L. Solum, MAI
 Date Signed: September 28, 2009
 State Certification #: 26
 or State License #: _____
 State: WI
 Expiration Date of Certification or License: 12/14/2009

Signature: _____
 Name: _____
 Date Signed: _____
 State Certification #: _____
 or State License #: _____
 State: _____
 Expiration Date of Certification or License: _____
 Did Did Not Inspect Property

Solum & Associates
329 S. River St., P.O. Box 280
Spooner, WI 54801-0280
715-635-9336

ITEM 7
Exhibit B - Page 4
South of highway

September 28, 2009

Board of Commissioners of Public Lands
7271 Main Street, Box 277
Lake Tomahawk, WI
54539

Property - The SE-NE lying South of Highway 77, Section 16, Township 41 North, Range 14 West
Danbury, WI 54830
Borrower - Board of Commissioners of Public Lands
File No. - 15651AR
Case No. - N/A

Dear Mr. Hess:

In accordance with your request, I have prepared an appraisal of the real property located at The SE-NE lying South of Highway 77, Section 16, Township 41 North, Range 14 West, Danbury, WI.

The purpose of the appraisal is to provide an opinion of the market value of the property described in the body of this report.

Enclosed, please find the Summary Report which describes certain data gathered during our investigation of the property. The methods of approach and reasoning in the valuation of the various physical and economic factors of the subject property are contained in this report.

An inspection of the property and a study of pertinent factors, including valuation trends and an analysis of neighborhood data, led the appraiser to the conclusion that the market value, as of February 22nd, 2009 is :

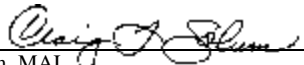
\$31,500

The opinion of value expressed in this report is contingent upon the Limiting Conditions attached to this report.

It has been a pleasure to assist you. If I may be of further service to you in the future, please let me know.

Respectfully submitted,

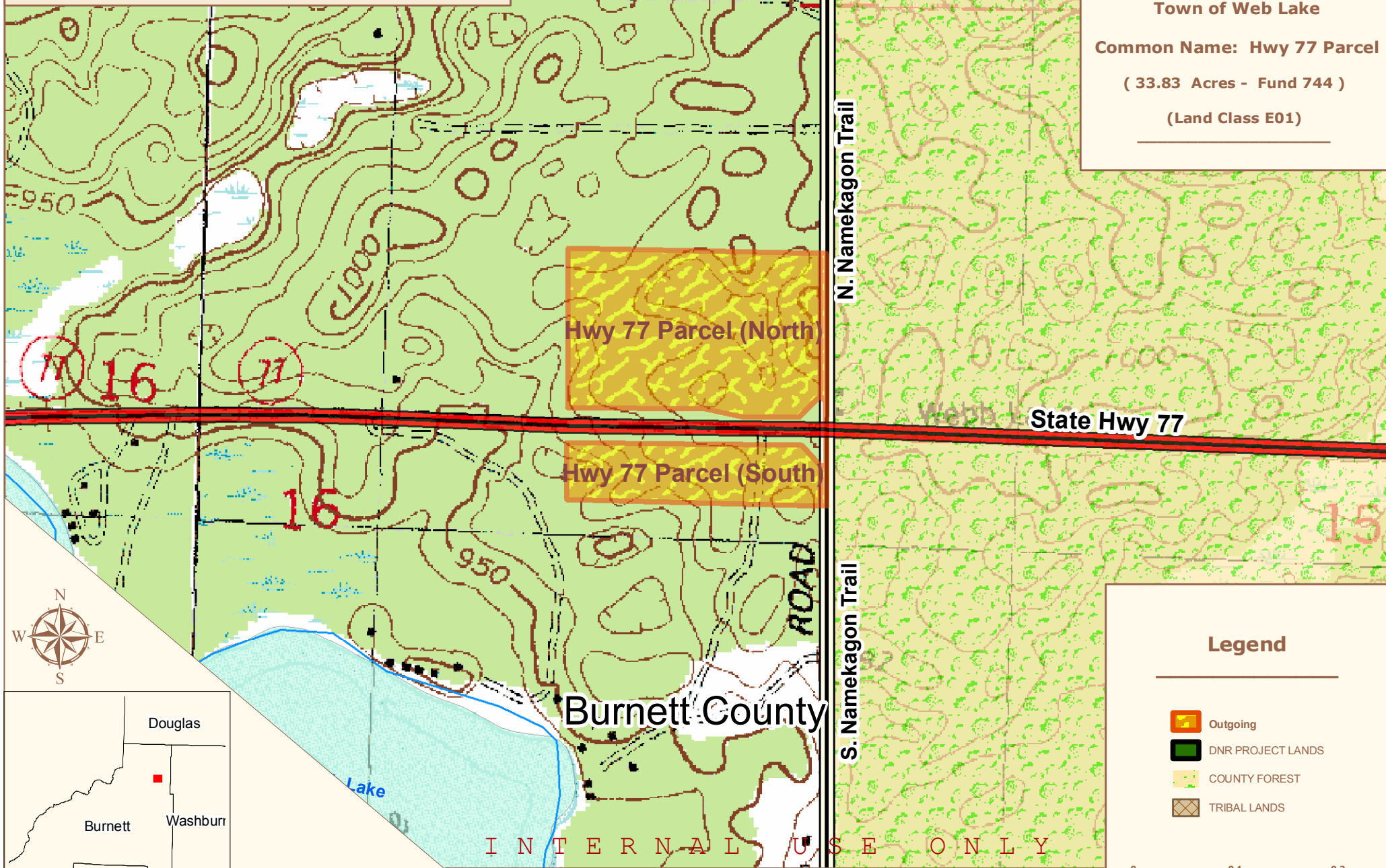
Solum & Associates







Craig L. Solum, MAI
WI Certification #26

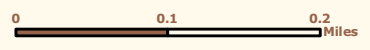
INTERNAL USE ONLY

HWY 77 PARCEL(S)
 BCPL Project #: S0921
 Burnett County
 Town of Web Lake
 Common Name: Hwy 77 Parcel
 (33.83 Acres - Fund 744)
 (Land Class E01)



Legend

-  Outgoing
-  DNR PROJECT LANDS
-  COUNTY FOREST
-  TRIBAL LANDS



INTERNAL USE ONLY