

RESOLUTION No. 141-14
Town of Conover – Vilas County - Wisconsin
ORDERING THE CREATION OF THE LITTLE TAMARACK
FLOWAGE BAKER SPRING LAKE PROTECTION AND
REHABILITATION DISTRICT

WHEREAS, a petition to establish the Little Tamarack Flowage Baker Spring Lake Protection and Rehabilitation District was submitted to the Conover Town Clerk and then formally presented to the Conover Town Board on January 2, 2014 as provided in Wis. Stat. 33.25 and 33.26; and

WHEREAS, pursuant to Wis. Stat. §33.26 (1), the Town Board scheduled a public hearing on the petition to be held on February 1, 2014 at 1 o'clock p.m. at the Conover Town Center to be conducted by Steve Rhode, Karl Jennrich and George Champeny, acting as an appointed Committee of the Town Board; and

WHEREAS, pursuant to Wis. Stat. §33.26 (2) written notice announcing the public hearing and stating the boundaries of the proposed district was published in the Vilas County News Review, a paper of general circulation in Vilas County, as a class 1 notice and;

WHEREAS, pursuant to Wis. Stat. §33.26 (2) written notice announcing the public hearing and stating the boundaries of the proposed district was mailed to the last-known address of each landowner within the proposed district and to the Wisconsin Department of Natural Resources; and

WHEREAS, a public hearing on the petition was held as announced on February 1, 2014 commencing at 1 o'clock p.m. at the Conover Town Center at which time the public was invited to attend and be heard; and

WHEREAS, the Committee of the Town Board considered the petition and all of the testimony and documents offered at the February 1, 2014 public hearing, and, as required by Wis. Stat. §33.26 (3), has issued a written report to the Town Board summarizing the hearing and making the following findings:

1. That the petition is signed by more than 90% of landowners within the proposed district, far in excess of the 51% required by Wis. Stat. §33.25.
2. That the DNR has taken the position that the Little Tamarack Flowage Dam has no owner and does not have a valid State permit. Five years have passed since the DNR first raised these issues. The Town of Conover is not in a position to take ownership of the Dam and no other viable entity has come forward to do so. A Lake Protection and Rehabilitation

District is an entity well suited to take ownership of the Little Tamarack Flowage Dam and repair and maintain the Dam. It is the entity preferred by the DNR.

3. The DNR has set an April 15, 2014 deadline for a Lake District to be formed for the Little Tamarack Flowage, after which date the DNR will initiate steps to have the Dam declared abandoned. Such action would result in the probable drain down of the Little Tamarack Flowage and Spring Lake and the lowering of the water level on Baker Lake, causing the loss of these valuable bodies of water and resulting in serious damage to the public welfare, comfort, health and convenience.
4. The district is necessary to preserve and maintain these valuable bodies of water.
5. The public health, comfort, convenience, necessity or public welfare will be promoted by the establishment of the district.
6. Each of the parcels of property included within the boundaries of the proposed district will be benefitted by the establishment of the district; and

WHEREAS, the Committee recommended that the Petition to create the Little Tamarack Flowage Baker Spring Lake Protection and Rehabilitation District be granted and that the Town Board order the creation of the district.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the Town of Conover makes the following findings:

1. That the petition to create the Little Tamarack Flowage Baker Spring Lake District is signed by the requisite number of owners.
2. That all notices as required by law have been given and that a public hearing into the formation of the district was properly noticed and conducted, at which hearing public support for the formation of the district was offered and no opposition to the creation of the district was expressed by any person.
2. That the district is necessary.
3. That the public health, comfort, convenience, necessity or public welfare will be promoted by the establishment of the district.

4. That each of the parcels of property included in the district will be benefitted by the district's establishment.

BE IT FURTHER RESOLVED that pursuant to Wis. Stat. §33.26 the Town of Conover Board of Supervisors hereby orders the creation of the Little Tamarack Flowage Baker Spring Lake Protection and Rehabilitation District.

BE IT FURTHER RESOLVED that the boundaries of the district as legally described on **Exhibit A**, which is attached hereto and made a part of this Resolution, are hereby established as the boundaries of the Little Tamarack Flowage Baker Spring Lake Protection and Rehabilitation District.

BE IT FURTHER RESOLVED that the district shall be called the *Little Tamarack Flowage Baker Spring Lake Protection and Rehabilitation District* and said district is hereby declared to be organized under Wis. Stat. §33.26..

BE IT FURTHER RESOLVED that the Town Clerk is hereby directed to: (a) cause a certified copy of this Resolution and Order, including **Exhibit A** of the Resolution containing the legal description of the district boundaries, to be recorded with the Register of Deeds of Vilas County; and (b) file the Resolution and Order with legal description of the district boundaries with the Department of Natural Resources and the Department of Revenue.

Adopted this 11th day of March, 2014

Attest

James M. Hedberg
Conover Clerk

Exhibit A – Little Tamarack Flowage Baker Spring Lake District Legal Description – Project No. 2013127 12/2/2013

All of the Northwest 1/4 of the Southwest 1/4, the Northeast 1/4 of the Southwest 1/4, Southwest 1/4 of the Southwest 1/4, Southeast 1/4 of the Southwest 1/4, Southwest 1/4 of the Southeast 1/4 and the Southeast 1/4 of the Southeast 1/4 in Section 27, Township 42 North, Range 9 East; all of the Southwest 1/4 of the Southwest 1/4 and part of the Northwest 1/4 of the Southwest 1/4, the Northeast 1/4 of the Southwest 1/4 and the Southeast 1/4 of the Southwest 1/4 in Section 26, Township 42, North, Range 9 East; all of the Northeast 1/4 of the Northwest 1/4, the Southeast 1/4 of the Northwest 1/4, the Northwest 1/4 of the Northeast 1/4, the Northeast 1/4 of the Northeast 1/4, the Southwest 1/4 of the Northeast 1/4, the Southeast 1/4 of the Northeast 1/4 and the Southeast 1/4 of the Southeast 1/4 in Section 34, Township 42 North, Range 9 East; all of the Northwest 1/4 of the Northwest 1/4, the Northeast 1/4 of the Northwest 1/4, the Southeast 1/4 of the Northwest 1/4, the Northwest 1/4 of the Southwest 1/4, the Northeast 1/4 of the Southwest 1/4, the Southwest 1/4 of the Southwest 1/4 and the Southeast 1/4 of the Southwest 1/4 and part of the Southwest 1/4 of the Northwest 1/4 and the Southwest 1/4 of the Northeast 1/4 in Section 35, Township 42 North, Range 9 East; all of the Northeast 1/4 of the Northeast 1/4 in Section 3, Township 41 North, Range 9 East; all of the Northwest 1/4 of the Northwest 1/4 of Section 2, Township 41 North, Range 9 East; all within the Town of Conover, Vilas County, Wisconsin and being more particularly described as follows:

BEGINNING at the Southwest corner of said Section 27; thence northerly along the west line of the Southwest 1/4 of the Southwest 1/4 and the Northwest 1/4 of the Southwest 1/4, Section 27, 2645+/- feet to the northwest corner of the Northwest 1/4 of the Southwest 1/4, Section 27; thence easterly along the north line of the Northwest 1/4 of the Southwest 1/4 and the Northeast 1/4 of the Southwest 1/4, Section 27, 2671+/- feet to the northeast corner of the Northeast 1/4 of the Southwest 1/4, Section 27; thence southerly along the east line of the Northeast 1/4 of the Southwest 1/4, Section 27, 1310+/- feet to the southeast corner of the Northeast 1/4 of the Southwest 1/4, Section 27; thence easterly along the north line of the Southwest 1/4 of the Southeast 1/4 and the Southeast 1/4 of the Southeast 1/4, Section 27, 2644+/- feet to the southwest corner of the Northwest 1/4 of the Southwest 1/4, Section 26; thence easterly along the south line of the Northwest 1/4 of the Southwest 1/4, Section 26, 103+/- feet to the northwesterly right-of-way line of North Flowage Road; thence northeasterly along the northwesterly right-of-way line of North Flowage Road 991+/- feet to the southwesterly corner of Outlot 3 described in Document Number 445881(CN: 8-1867-05); thence northwesterly along the west line of said Outlot 3, 133+/- feet to the northwest corner of said Outlot 3; thence southeasterly along the north line of said Outlot 3, 170+/- feet to the northwesterly right-of-way line of North Flowage Road; thence northeasterly along the northwesterly right-of-way line of North Flowage Road, 512+/- feet to the north line of the Northwest 1/4 of the Southwest 1/4, Section 26; thence easterly along the north line of the Northwest 1/4 of the Southwest 1/4, Section 26, 366+/- feet to the northwest corner of the Northeast 1/4 of the Southwest 1/4; thence along the north line of the Northeast 1/4 of the Southwest 1/4, Section 26, 702+/- feet to the southwesterly right-of-way line of County Trunk Highway "S"; thence southeasterly along the southwesterly right-of-way line of County Trunk Highway "S" 828+/- feet to the northerly line of that parcel of land described in Document Number 503097 (CN: 8-1861); thence northeasterly along the North line of that parcel of land described in Document Number 503097 (CN: 8-1861), 38+/- feet to the northeast corner of that parcel of land described in Document Number 503097 (CN: 8-1861); thence southwesterly 337+/- feet to the northeast corner of that parcel of land described in Document Number 402282 (CN: 8-1862); thence southwesterly along the easterly line of that parcel described in Document Number 402282 (CN: 8-1862), 190+/- feet to the north line of that parcel of land described in Document Number 441812 (CN: 8-1860); thence easterly along the north line of that parcel of land described in Document Number 441812 (CN: 8-1860), 274+/- feet to the east line of the Northeast 1/4 of the Southwest 1/4, Section 26; thence southerly along the east line of the Northeast 1/4 of the Southwest 1/4, Section 26, 184+/- feet to the northeast corner of the Southeast 1/4 of the Southwest 1/4, Section 26; thence southerly along the east line of the Southeast 1/4 of the Southwest 1/4, Section 26, 620+/- feet to the northeast corner of Lot 19 of the recorded Plat of Tamarack Terrance; thence westerly along the north line of said Lot 19, 175+/- feet to the northwest corner of said Lot 19; thence southerly along the west line of said Lot 19, 100+/- feet to the southwest corner of said Lot 19; thence easterly along the south line of said Lot 19, 175+/- feet to the east line of the Southeast 1/4 of the

Exhibit A - continued

Southwest 1/4, Section 26; thence southerly along the east line of the Southeast 1/4 of the Southwest 1/4, Section 26, 601+/- feet to the northeast corner of the Northeast 1/4 of the Northwest 1/4, Section 35; thence southerly along the east line of the Northeast 1/4 of the Northwest 1/4 and the Southeast 1/4 of the Northwest 1/4, Section 35, 1709+/- feet to the southwest corner of that parcel of land described in Document Number 467570 (CN: 8-1934); thence northeasterly along the south line of that parcel of land described in Document Number 467570 (CN: 8-1934), 535+/- feet to the shore of Myrtle Lake; thence southeasterly along the shore of Myrtle Lake 770+/- feet to the west line of the east 200 feet of the Southwest 1/4 of the Northeast 1/4, Section 35; thence southerly along the west line of the east 200 feet of the Southwest 1/4 of the Northeast 1/4, Section 35, 520+/- feet to the south line of the Southwest 1/4 of the Northeast 1/4, Section 35; thence westerly along the south line of the Southwest 1/4 of the Northeast 1/4, Section 35, 1119+/- feet to the northeast corner of the Northeast 1/4 of the Southwest 1/4, Section 35; thence southerly along the east line of the Northeast 1/4 of the Southwest 1/4 and the Southeast 1/4 of the Southwest 1/4, Section 35, 2632 +/- feet to the southeast corner of the Southeast 1/4 of the Southwest 1/4, Section 35; thence westerly along the south line of the Southeast 1/4 of the Southwest 1/4, Section 35, 1319 +/- feet to the northeast corner of the Northwest 1/4 of the Northwest 1/4, Section 2; thence southerly along the east line of the Northwest 1/4 of the Northwest 1/4, Section 2, 1308 +/- feet to the southeast corner of the Northwest 1/4 of the Northwest 1/4, Section 2; thence westerly along the south line of the Northwest 1/4 of the Northwest 1/4, Section 2, 1319 +/- feet to the southeast corner of the Northeast 1/4 of the Northeast 1/4, Section 3; thence westerly along the south line of the Northeast 1/4 of the Northeast 1/4, Section 3, 1319 +/- feet to the southwest corner of the Northeast 1/4 of the Northeast 1/4, Section 3; thence northerly along the west line of the Northeast 1/4 of the Northeast 1/4, Section 3, 1306 +/- feet to the southwest corner of the Southeast 1/4 of the Southeast 1/4, Section 34; thence northerly along the west line of the Southeast 1/4 of the Southeast 1/4, Section 34, 1308 +/- feet to the northwest corner of the Southeast 1/4 of the Southeast 1/4, Section 34; thence easterly along the north line of the Southeast 1/4 of the Southeast 1/4, Section 34, 1317 +/- feet to the southwest corner of the Northwest 1/4 of the Southwest 1/4, Section 35; thence northerly along the west line of the Northwest 1/4 of the Southwest 1/4, Section 35, 1313 +/- feet to the southwest corner of the Southwest 1/4 of the Northwest 1/4, Section 35; thence easterly along the south line of the Southwest 1/4 of the Northwest 1/4, Section 35, 335 +/- feet to the southeast corner of that parcel of land described in Document Number 408871 (CN: 8-1944-04); thence northerly and northeasterly along the east line of that parcel of land described in Document Number 408871 (CN: 8-1944-04), 329 +/- feet to the northeast corner of that parcel of land described in Document Number 408871 (CN: 8-1944-04); thence northwesterly and southwestly along the north line of that parcel of land described in Document Number 408871 (CN: 8-1944-04), 449 +/- feet to the east line of Southeast 1/4 of the Northeast 1/4, Section 34; thence southerly along the east line of the Southeast 1/4 of the Northeast 1/4, Section 34, 146 +/- feet to the southeast corner of the Southeast 1/4 of the Northeast 1/4, Section 34; thence westerly along the south line of the Southeast 1/4 of the Northeast 1/4, the Southwest 1/4 of the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4, Section 34, 3953 +/- feet to the southwest corner of the Southeast 1/4 of the Northwest 1/4, Section 34; thence northerly along the west line of the Southeast 1/4 of the Northwest 1/4 and the Northeast 1/4 of the Northwest 1/4, Section 34, 2639 +/- feet to the southeast corner of the Southwest 1/4 of the Southwest 1/4, Section 27; thence westerly along the south line of the Southwest 1/4 of the Southwest 1/4, Section 27, 1326 +/- feet to the **PLACE OF BEGINNING**.

No survey was performed, no measurements were taken and no property lines were established in preparing this description.

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