

**TOWN OF SAMPSON, CHIPPEWA COUNTY, WISCONSIN
RESOLUTION NO. 1-2020**

A RESOLUTION DETERMINING THE LOCATION OF 146TH STREET

WHEREAS, J&J Trust under the Kracum Family Irrevocable Trust U/A/D June 9, 2012 (the “Claimant”), has filed with the Town a Notice of Circumstances Giving Rise to Claim and Notice of Claim dated June 24, 2020 (the “Notice and Claim”) seeking a declaration of interest pursuant to Wisconsin law determining a Town Road identified by the Town as 146th Street (the “Road”) is located as set forth on a map of survey prepared by Peter J. Gartmann, R.L.S., dated February 5, 2020, a copy of which was attached to the Notice and Claim and was incorporated by reference (the “Survey”), that is from the water’s edge of Two Island Lake to the northern terminus of the Road, being a point 76 feet from the water’s edge of Long Lake, also known as Herde Lake, and that the Town has no rights as to 146th Street on any part of the Claimant’s land located northerly of the northern terminus of the Road as shown on the Survey; and

WHEREAS, the Notice and Claim was duly served on the Town Clerk on June 29, 2020 as required by law; and

WHEREAS, the 120 day period provided in Wisconsin Statute § 893.80(1g) for the Town to act upon the Notice and Claim has not yet expired; and

WHEREAS, Notice and Claim alleges the following facts, which the Town finds to be true:

1. The southern terminus of the Road is located at the water’s edge of a lake known as Two Island Lake.
2. The northern terminus of the Road is 76 feet from the water’s edge of Long Lake, also known as Herde Lake.
3. The length of the Road from the water’s edge of a lake known as Two Island Lake to the northern terminus described in Paragraph 2, above, as shown on the Survey, is 2,792 feet or .529 miles (which is 76 feet from the water’s edge of Long Lake, also known as Herde Lake).
4. The Town’s most current certified list of Town roads filed by the Town with the Wisconsin Department of Transportation for the purpose of receiving state road aid lists 146th Avenue as having a length of .53 miles.
5. There are no easements or other instruments of record in the chain of title to the Claimant’s land that grant to the Town any rights as to the Road.
6. The Road only abuts property owned by the Claimant and the legal description of the land is set forth on Exhibit A attached to the Notice and Claim.
7. The Road varies in width between 10 and 12 feet.

8. The Road has never been improved to Town road standards and the surface of the Road is gravel, dirt, vegetation, and brush.

9. The Town has not plowed snow from the Road or salted or sanded the Road for at least 10 years.

10. The Road is not maintained by the Town for year-round travel.

11. The Road has never been improved by the Town or opened for travel beyond the northern terminus of the Road.

12. The portion of the Claimant's Land north of the northern terminus of the Road, i.e., between the northern terminus of the Road and Long Lake, also known as Herde Lake, consists of vegetation, brush, and trees, and has a steep ridge dropping approximately 12 feet to the water's edge of Long Lake, also known as Herde Lake, and thus it is not capable for being used for motor vehicle passage.

WHEREAS, the Notice and Claim states that the Claimant intends to file a lawsuit against the Town in the Circuit Court for Chippewa County, Wisconsin seeking such a declaration of interest unless the Town, within the 120-day period provided in Wisconsin Statute § 893.80(1g), allows the Notice and Claim and enacts a resolution declaring that the Road is located as set forth on the Survey, that is from the water's edge of Two Island Lake to the northern terminus of the Road, being a point 76 feet from the water's edge of Long Lake, also known as Herde Lake and that the Town has no rights as to a Town road on any part of the Trust land located northerly of the northern terminus of the Road, as shown on the Survey; and

WHEREAS, the Town believes that if such a lawsuit were commenced against the Town the Claimant would prevail and that to defend such a lawsuit would needlessly involve the Town in litigation, expose the Town to unnecessary risk, and cause it to expend Town funds in a manner that is contrary to the best interest of the Town.

NOW, THEREFORE, the Town Board of the Town of Sampson, Chippewa County, State of Wisconsin, does resolve as follows:

1. The Town Road identified by the Town as 146th Street (the "Road") is located as set forth on a map of survey prepared by Peter J. Gartmann, R.L.S., dated February 5, 2020, a copy of which was attached to this Resolution (the "Survey");

2. The Road commences at the water's edge of Two Island Lake and then runs northeasterly to the northern terminus of the Road, being a point 76 feet from the water's edge of Long Lake, also known as Herde Lake, as depicted on the Survey;

3. The Town has no rights as to a Town road on any part of the real estate described on Exhibit A which is attached to this Resolution that is located northerly of the northern terminus of the Road, as shown on the Survey; and

4. A certified copy of this Resolution shall be recorded with the Chippewa County Register of Deeds at the expense of the Claimant.

Attachments to this Resolution: The Survey and the Legal Description of Claimant's Land.

Adopted: September 8, 2020.

Town of Sampson:

By: _____
Lynn Trowbridge, Town Chairman

Samantha King, 1st Supervisor

Jim Jerabek, 2nd Supervisor

Attest: _____
Veda Reed, Town Clerk

A motion for the adoption of the foregoing Resolution was duly made at the September 8, 2020 regular monthly meeting of the Town Board by Supervisor Jerabek, and was duly seconded by Supervisor King and, upon vote being taken, the following voted in favor thereof: Chairman Trowbridge, Supervisor(s) King and Jerabek: None against or were absent and said Resolution was declared duly passed and adopted, and approved and signed by the Town Chairman, Supervisors and attested by the Clerk, as noted above.



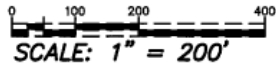
REAL LAND SURVEYING

1360 INTERNATIONAL DRIVE
EAU CLAIRE, WI 54701
(715) 514-4118

LONG LAKE

TURNAROUND

SURVEYOR'S CERTIFICATE:
I, PETER J. GARTMANN, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS SURVEY IS CORRECT AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.
P. J. Gartmann DATED THIS 5TH DAY OF FEBRUARY, 2020
PETER J. GARTMANN, P.L.S. 2279



ROAD NOTES:

- ROAD LENGTH FROM LAKE TO 145TH STREET = 252'
- ROAD LENGTH FROM 145TH STREET TO TURNAROUND = 2540'
- ROAD LENGTH FROM TURNAROUND TO SHORE OF LONG LAKE 76'
- TOTAL LENGTH OF 146TH STREET FROM LAKE TO SOUTH TO LONG LAKE 2868' OR 0.54 MILES.
- TOTAL LENGTH OF 146TH STREET FROM LAKE TO SOUTH AND TURNAROUND 2,792' OR 0.529 MILES.



Peter J. Gartmann

145TH STREET
146TH STREET

LAKE

MAP OF SURVEY

IN THE GOVERNMENT LOT 3
& SE ¼ OF THE SW ¼, SECTION 20,
TOWNSHIP 32 NORTH, RANGE 8 WEST,
TOWN OF SAMSON, COUNTY, WISCONSIN

FIELDWORK
COMPLETION
DATE: 12-20-2019

FOR: JOSEPH MIRR / RICHARD KRACUM

EXHIBIT A
LEGAL DESCRIPTION OF CLAIMANT'S LAND

Lands in the Town of Sampson, Chippewa County, Wisconsin, described as follows:

1. Government Lot 3, being located in the SE ¼ of the NW ¼ and the NE ¼ of the SW ¼, Section 20, Township 32 North, Range 8 West.

Tax parcel number 23208-2031-50030000

2. The East 30 acres of the SE ¼ of the SW ¼, Section 20, Township 32 North, Range 8 West.

Tax parcel number 23208-2034-00020000

3. Lot 3 of Chippewa County Certified Survey Map No. 3328, as recorded in Volume 15 of Certified Survey Maps, page 177, as document number 735163, located in the SE ¼ of the SW ¼ of Section 20, Township 32 North, Range 8 West.

Tax parcel number 23208-2034-73328003

4. A parcel of land in the SE ¼ of the SW ¼ of Section 20, Township 32 North, Range 8 West and in the NE ¼ of the NW ¼ of Section 29, Township 32 North, Range 8 West, described as follows: beginning at the NW corner of said SE ¼ of the SW ¼; thence South to the SW corner of said SE ¼ of the SW ¼; thence continuing south on the west line of the northeast quarter of the Northwest Quarter of Section 29, 600 feet; thence in northeasterly direction to a point where the center line of the road on the east side of Two Island Lake intersects the north line of the Northeast Quarter of the Northwest Quarter of Section 29; thence northerly along the center line of said road to a point which is 340 feet east of the west line of the Southeast Quarter of the Southwest Quarter of Section 20; thence north 4° 06' east on a line 340 feet east of and parallel to said west line of the Southeast Quarter of the Southwest Quarter of Section 20, about 285 feet more or less to the north line of the Southeast Quarter of the Southwest Quarter of

Section 20; thence west along the north line of said Southeast Quarter of the Southwest Quarter of section 20; 340 feet to the point of beginning.

Tax parcel number 23208-2034-07500000