

ROCK-KOSHKONONG LAKE DISTRICT
Rock, Jefferson and Dane Counties
State of Wisconsin

Resolution 99- 03

WHEREAS, the Board of Commissioners of Rock-Koshkonong Lake District, pursuant to Section 33.33(3) of the Wisconsin Statutes are authorized and empowered to detach territory from the District following its consideration of a petition of an owner of property and its finding that such property is not benefited by continued inclusion in the District; and

WHEREAS, it is the intent of the Board of Commissioners to provide procedures and criteria for the consideration of such petitions in order to provide for consistent treatment of requests for detachment of property from the District.

NOW THEREFORE, BE IT RESOLVED that the following procedures and criteria for the consideration of petitions for detachment of property from the District be adopted as the policy of the Board of Commissioners.

I. WRITTEN REQUEST.

An owner may request the Board of Commissioners to initiate proceedings for the removal of any lot or parcel of property within the District boundaries pursuant to Section 33.33(3), Wisconsin Statutes, by filing with the District Secretary a written petition signed by each owner of the subject property setting forth:

- A. The legal description of the property sought to be removed, including any right of access to the lakeshore or a copy of the deed, land contract or other instrument of conveyance to the petitioner.
- B. The name and address of each owner of record.
- C. A statement explaining why the property should be removed from the District.

II. HEARING AND DECISION.

Requests for removal will be considered at the next regular meeting of the Board of Commissioners which is at least 10 days following the filing of a complete petition for detachment as follows:

- A. The petitioner, a representative designated in writing by the petitioner and any other interested person may present testimony and evidence relevant to whether the property is not benefited by inclusion in the District.

- B. The Commissioners may question the petitioner or any witness regarding the petition, testimony or evidence presented at the hearing.
- C. The Board shall take action on the petition within 30 days of the date of the hearing. If the Board finds that the subject property is not benefited by continued inclusion in the District, it shall grant the petition effective on the first day of January following the Board's decision. If the Board finds that the subject property is benefited by continued inclusion in the District, it shall deny the petition.

III. CRITERIA

In its consideration of whether the subject property is benefited by continued inclusion in the District, the Board may consider:

- A. The physical characteristics of the property.
- B. Its use (recreational, commercial, residential, etc.).
- C. Its relationship to the lake in terms of whether:
 - 1. It is riparian;
 - 2. It has private access rights to the lake;
 - 3. Its proximity to public access to the lake;
 - 4. It is within view of the lake; and
 - 5. It is within the watershed or ground water table of the lake.
- D. Whether the value of the property would be enhanced if the lake were to be in reasonably clean, attractive and usable condition; or whether the value of the property would be diminished if the lake were to be in a degraded condition.
- E. Whether detachment of the property will result in any "hole" or "island" in the boundaries of the District.
- F. Whether circumstances surrounding the property's inclusion in the District have changed.
- G. Any other factors relevant to whether the property is benefited by continued inclusion in the District.

Passed and adopted this 14 day of DECEMBER, 1999, at a duly convened meeting of the Board of Commissioners of the Rock-Koshkonong Lake District.

Roll Call on Resolution 99-03

Ayes 6 Nays 0

Dated this 14 day of DECEMBER, 1999.

ROCK-KOSHKONONG LAKE DISTRICT

BY: Jim Folk
Jim Folk, Chairperson

ATTEST: _____
Linn Duesterbeck, Secretary

CERTIFICATION

The undersigned Linn Duesterbeck certifies that he is the Secretary of the Rock-Koshkonong Lake District and that the foregoing Resolution 99- 03 was duly adopted by the Board of Commissioners on the 14 day of DECEMBER, 1999, by a vote of 6 Ayes and 0 Nays.

Dated this _____ day of _____, 1999.

Linn Duesterbeck, Secretary