

Westman, Cheryl

From: Schroeder, Mark
Sent: Wednesday, December 08, 2010 1:31 PM
To: Westman, Cheryl
Subject: RE: Easement for rec trail on Reed Merrill Road
Attachments: 47-14-19 Easement.pdf

PARCELNO TS0300042600

Also, Ben provided a legal description of the trail location:

Legal description for Forestry Department- Proposed Rec. Trail Easement

Commencing at the South Quarter Corner of Section 19, T.47N., R.14W.
Thence N00°-04'-57"E along the presently traveled center of Reed Merrill Road a distance of 1248.0 feet to the Point of beginning of this description,

Thence S79°-41'53"E, a distance of 178.49 feet,

Thence S77°-35'29"E, a distance of 50.72 feet

Thence N47°-56'37"E, a distance of approx. 184 feet to the East 22 rods of the SW1/4-SE1/4.

and a pdf of the trail map (see attached).

Mark

From: Westman, Cheryl
Sent: Wednesday, December 08, 2010 1:06 PM
To: Schroeder, Mark
Subject: RE: Easement for rec trail on Reed Merrill Road

Mark –

Could you give me the parcel number if you have it handy...with all our remodeling going on, it is difficult to get to our files. If not, no problem.

Thanks.

Cheryl J. Westman

Deputy County Clerk
Douglas County
1313 Belknap Street, Room 101
Superior, Wisconsin 54880
(715) 395-1397
cheryl.westman@douglascountywi.org
www.douglascountywi.org
<http://douglasco.mapping-online.com>

12/8/2010

From: Sandvick, Sue
Sent: Wednesday, December 08, 2010 12:53 PM
To: Schroeder, Mark
Cc: Westman, Cheryl
Subject: RE: Easement for rec trail on Reed Merrill Road

Yes; I will have Cheryl make a note on the parcel record.

Susan T. Sandvick
Douglas County Clerk
1313 Belknap Street, Room 101
Superior, WI 54880
Phone: (715) 395-1568
Fax: (715) 395-1421

From: Schroeder, Mark
Sent: Wednesday, December 08, 2010 12:47 PM
To: Felker, Ric
Cc: Sandvick, Sue
Subject: RE: Easement for rec trail on Reed Merrill Road

Hi Sue,

Will doing what Ric suggests work for you? This whole issue is moot until such time as someone expresses an interest in the parcel, and we would have to reserve the rights in the deed at that time for them to be effective.

Mark

From: Felker, Ric
Sent: Wednesday, December 08, 2010 9:48 AM
To: Schroeder, Mark
Cc: Sandvick, Sue
Subject: RE: Easement for rec trail on Reed Merrill Road

Mark:

I guess I didn't understand that when we talked on the phone. We just can't record or reserve an easement to ourselves with the idea it would survive a sale. That won't accomplish our purpose. If we sell the land and deed it like we usually do, by quit claim deed (or even by warranty deed), we are selling every interest we have in the property...UNLESS we reserve rights in the deed at that time. It doesn't matter if we have an easement to ourselves already recorded; a deed ordinarily would transfer that interest without a reservation.

Bottom line. We should keep track of this internally, so that when we sell we'll include that reservation. In the mean time we can certainly bifurcate it with a trail, other things being equal.

Ric Felker
Douglas County Corporation Counsel

NOTICE: My email address at cpinternet.com is no longer active. My current email address is ric.felker@douglascountywi.org. Please make any needed changes.

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From: Schroeder, Mark
Sent: Wednesday, December 08, 2010 8:57 AM
To: Felker, Ric
Subject: RE: Easement for rec trail on Reed Merrill Road

Ric,

I approached the Land and Development Committee and requested consideration for a rec trail on some "straight" owned county lands, because we were looking at adding some infrastructure (culvert/bridge) to the existing trail and didn't want the property sold and the trail closed by the new owners. The Committee was somewhat sympathetic to my concerns, but they were also concerned about the future marketability of the parcel should someone become interested in it. They expressed concern about having the parcel "divided" by a rec trail and some other issues. Ultimately they agreed to a "permanent" arrangement for the trail (in as small of footprint as possible), but they wanted it surveyed and recorded. Enter Ben the surveyor and you...and me...perhaps you could touch base with Sue and explain the futility of their approach and we can simply make a note in the parcel information that we want to reserve the trail in the event the parcel is considered for sale and we can all move on with our lives??

Mark

From: Felker, Ric
Sent: Wednesday, December 08, 2010 8:39 AM
To: Schroeder, Mark
Subject: RE: Easement for rec trail on Reed Merrill Road

Mark:

No way. You're going to have to explain this to me again. We simply can't do that. It's meaningless. If we sell the property, then we reserve an easement in the deed. It just doesn't matter what branch of the county we're talking about. Legally, we are one entity.

*Ric Felker
Douglas County Corporation Counsel*

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From: Schroeder, Mark
Sent: Tuesday, December 07, 2010 3:40 PM
To: Felker, Ric
Subject: Re: Easement for rec trail on Reed Merrill Road

That's the weird part Ric, we are granting ourselves the easement. One branch of the county to another branch.

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From: Felker, Ric
Sent: Tuesday, December 07, 2010 03:14 PM
To: Schroeder, Mark
Subject: RE: Easement for rec trail on Reed Merrill Road

OK. An easement is what we need. I need to know the names of the people we are granting the easement to. Basically what you sent me is a land use agreement which isn't really in recordable form, but I can put the necessary language in recordable form. Thanks.

Ric Felker
Douglas County Corporation Counsel

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From: Schroeder, Mark
Sent: Tuesday, December 07, 2010 2:50 PM
To: Felker, Ric
Subject: RE: Easement for rec trail on Reed Merrill Road

Hi Ric,

I am not sure easement is the correct word, but the county owns the parcel in question and may or may not sell it in the future...my request to Land & Development was for a permanent type of retained rights or an easement to insure that if the parcel is ever sold the trail will not be eliminated. They approved that concept but wanted to have a survey done and some sort of legal language attached to the deed.

I will contact Ben and have him send you the required legal description to add into your document.

Thanks.

Mark

From: Felker, Ric
Sent: Tuesday, December 07, 2010 1:39 PM
To: Schroeder, Mark
Subject: RE: Easement for rec trail on Reed Merrill Road

Mark:

I'm sorry. I know we talked about this on the phone and you sent me some language you would like in the easement. Is this an easement for us across their property or for them across ours? Naturally, I'll be drafting it sans legal description, since I do not have one.

12/8/2010

Ric Felker
Douglas County Corporation Counsel

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From: Schroeder, Mark
Sent: Tuesday, December 07, 2010 12:47 PM
To: Felker, Ric; Klitzke, Ben
Subject: Easement for rec trail on Reed Merrill Road

Hi,

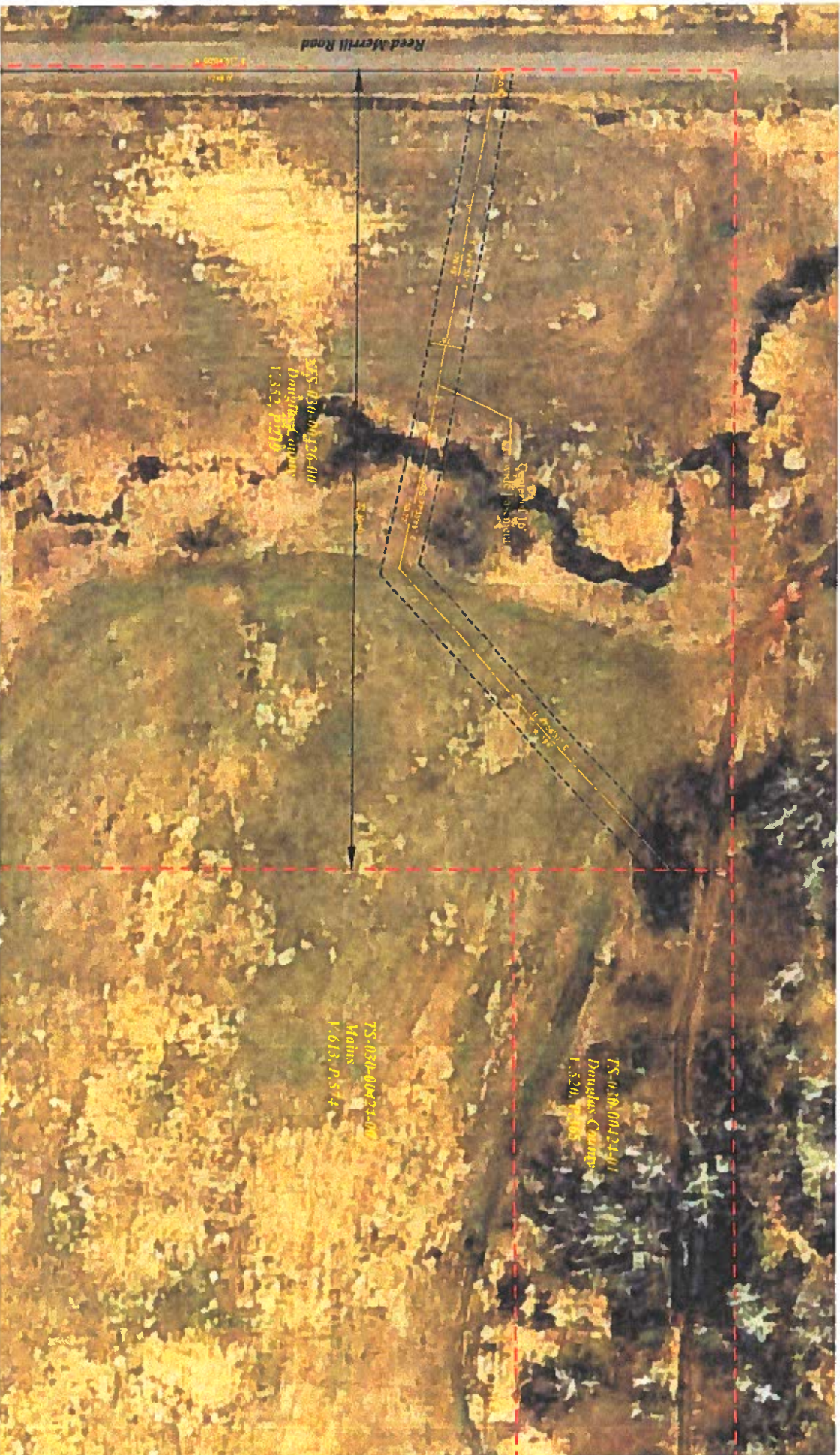
I'm wondering if you can give me an update on the status of this project...I'm wondering if it will be ready for the December 21st Land & Development Committee meeting?

Thanks.

Mark

12/8/2010

Site Sketch for Forestry Department: Proposed Rec. Trail Easement
Part of the SW 1/4 - SE1/4, T.47N, R.14W., Sec. 19



Map prepared by Ben Kitzke, Douglas County Surveyor. Parcel lines are approximate.

2009 Aerial Photo

Scale: 1" = 40'