

**SUBJECT: LAND ACQUISITION – ANDREW KRAKOW PUBLIC ACCESS AND FISHERY AREA –
MARQUETTE COUNTY**

FOR: DECEMBER 2010 BOARD MEETING

TO BE PRESENTED BY: Richard Steffes

SUMMARY The Department has obtained an option to purchase a 0.07-acre parcel for the Andrew Krakow Public Access and Fishery Area for \$100,000. The property is located in east-central Marquette County in the community of Montello. Acquisition is needed due to its common boundary with the Montello Dam and Dike system that the Department owns and manages. The subject 0.07-acre property is low and level and entirely within the 100-year floodplain. The parcel also includes an house and a small shed, which are presently legally non-conforming because of its small lot size, and because it does not meet minimum setback requirements. Acquisition of this tract would allow for greatly improved department management of the dike. If acquired by the Department, the house will be sold for removal or salvage.

The Montello Dam and Dike System presently has no acquisition boundary, however, adjacent department lands are part of the Andrew Krakow Public Access site. The Montello Dam and 2,523-foot long dike that forms Buffalo Lake were transferred to the State of Wisconsin from the U.S. Army Corps of Engineers in 1961. Since that time, additional parcels have been acquired as needed to accommodate and manage the needs for public use on the waterfront as well as dam operations. Presently, proper inspections and maintenance to the downstream side of the dike cannot be thoroughly completed from within the boundaries of current state ownership. Further, the dike has been declared unsafe and the Department is seeking to reconstruct the dike per a compliance order.

To complicate matters associated with the dike, the boat landing for Buffalo Lake actually sits on the dike and vehicular traffic drives on the length of the dike to access the landing. Years of vehicular use on the dike as a city street has compromised the embankment and has led to its non-compliance standard. Currently, the boat landing on the dike has been closed to deter further damage to the dike.

Potentially, the 0.07-acre Tofari property could be developed as a replacement boat landing site. Its location off the dike structure and its closer proximity to downtown businesses makes it an ideal place. While the subject 0.07-acres is one of the two alternatives for this landing relocation, it could also be developed as a shore-fishing pier area associated with the Buffalo Lake project and the Andrew Krakow Public Acces and Fishing Area.

Acquisition of the Tofari property provides additional public access to the shoreline of Buffalo Lake. Furthermore, the subject is located at a critical point very near the north end of the dike for Buffalo Lake and may be needed for certain aspects of the dike reconstruction project including a point of access for equipment as well as a public use facility. Lastly, the property is currently listed for sale by its owner and missing this acquisition opportunity would make it very difficult to to come up with a different alternative for a boat landing development at the north end of the dike.

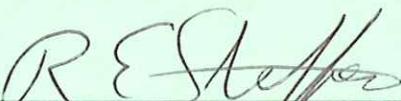
Acquisition of the Tofari parcel will enhance recreational opportunities, allow for reconstruction of the dike and consolidate state ownership.

RECOMMENDATION: That the Board approve the purchase of 0.07 acres of land for \$100,000.00 for the Andrew Krakow Public Access And Fishery Area.

LIST OF ATTACHED MATERIALS:

- | | | | |
|--|---|---|----------|
| No <input checked="" type="checkbox"/> | Fiscal Estimate Required | Yes <input type="checkbox"/> | Attached |
| No <input checked="" type="checkbox"/> | Environmental Assessment of Impact Statement Required | Yes <input type="checkbox"/> | Attached |
| No <input type="checkbox"/> | Background Memo | Yes <input checked="" type="checkbox"/> | Attached |

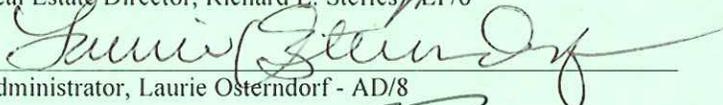
APPROVED:



Real Estate Director, Richard E. Steffes - LF/6

11-5-10

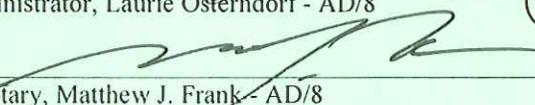
Date



Administrator, Laurie Osterndorf - AD/8

11/9/10

Date



Secretary, Matthew J. Frank - AD/8

11-12-10

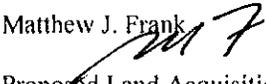
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|----------------------|------------------|--------------------------------|
| cc: S. Miller – LF/6 | L. Ross – AD/8 | R. Kazmierczak – NER/Green Bay |
| R. Steffes – LF/6 | M. Staggs – FM/4 | |

CORRESPONDENCE/MEMORANDUM

DATE: November 5, 2010

TO: Natural Resources Board

FROM: Matthew J. Frank 

SUBJECT: Proposed Land Acquisition, Tofari Tract, File # FM 10102,
Option Expires January 12, 2011

FILE REF: FM 10102

1. PARCEL DESCRIPTION:

Andrew Krakow Public Access And Fishery Area
Marquette County

Grantor:

Theodore and Jane Tofari
5 Sunset Drive
Montello, WI 53949

Acres: 0.07Price: \$100,000.00Appraised Value: \$100,000; \$113,000Interest: Fee title purchaseImprovements: NoneLocation: The property is located in Marquette County in the City of Montello.Land Description: The subject land is a level residential lot with waterfront on Buffalo Lake.Water Resources: There are about 106 feet of single bank frontage the Buffalo Lake.Covertypes Breakdown:

Type:

Acreage:

Building Site

0.07

Zoning: Multifamily ResidentialPresent Use: Residence and InvestmentProposed Use: Fishery Management and Public RecreationTenure: 5 yearsProperty Taxes: \$1,248.69Option Date: October 15, 2010Stewardship Land Access: This property will be open to the public for all nature-based outdoor recreational activities to include hunting, fishing, trapping, hiking, and cross-country skiing.2. JUSTIFICATION:

The Department has obtained an option to purchase a 0.07-acre parcel for the Andrew Krakow Public Access and Fishery Area in Marquette County. The property is located in east-central Marquette County in Montello. Acquisition is needed due to its common boundary with the Montello Dam and Dike system that the Department owns and manages. The subject 0.07-acre property is low and level and entirely within the 100-year floodplain. The parcel also includes an house and a small shed which are presently legally non-conforming because of its small lot size, and because it does not meet minimum setback requirements. The house and shed are in good condition. Acquisition of this tract would allow for greatly improved

Department management of the dike, provide public recreation and consolidate state ownership. The Department plans to remove the building.

The Montello Dam and Dike System presently has no acquisition boundary, however, adjacent department lands are part of the Andrew Krackow Public Access site. The Montello Dam and 2,523-foot long dike that forms Buffalo Lake were transferred to the State of Wisconsin from the U.S. Army Corps of Engineers in 1961. Since that time, additional parcels have been acquired as needed to accommodate and manage the needs for public use on the waterfront as well as dam operations. Presently, proper inspections and maintenance to the downstream side of the dike can not be thoroughly completed from within the boundaries of current state ownership. Further, the dike has been declared unsafe and the Department is seeking to reconstruct the dike per a compliance order.

To complicate matters associated with the dike, the boat landing for Buffalo Lake actually sits on the dike and vehicular traffic drives on the length of the dike to access the landing. Years of vehicular use on the dike as a city street has compromised the embankment and has led to its non-compliance standard. Currently, the boat landing on the dike has been closed to deter further damage to the dike.

Potentially, the 0.07-acre Tofari property could be developed as a replacement boat landing site. Its location off the dike structure and its closer proximity to down-town businesses makes it an ideal place. While the subject 0.07-acres is one of the two alternatives for this landing relocation, it could also be developed as a shore-fishing pier area associated with the Buffalo Lake project and the Andrew Krakow Public Access and Fishing Area.

Acquisition of the Tofari property provides additional public access to the shoreline of Buffalo Lake. Furthermore, the subject is located at a critical point very near the north end of the dike for Buffalo Lake and may be needed for certain aspects of the dike reconstruction project including a point of access for equipment as well as a public use facility in which the dike system ties into. Lastly, the property is currently listed for sale by its owner and missing this acquisition opportunity would make it very difficult to come up with a different alternative for a boat landing development at the north end of the dike.

The Department recommends acquisition of the Tofari parcel to enhance recreational opportunities, allow for reconstruction of the dike and consolidate state ownership.

3. FINANCING:

State Stewardship bond funds are anticipated:

Funds allotted to program:	Balance after proposed transaction:
\$50,685,000	\$11,717,498

4. ACQUISITION STATUS OF THE ANDREW KRAKOW PUBLIC ACCESS AND FISHERY AREA:

Established: 1990
Acres Purchased to Date: 7.71
Acquisition Goal: 7.28 Acres
Percent Complete: 105.91%
Cost to Date: \$90,822.00

5. APPRAISAL:

Appraiser: Paul Scott
Valuation Date: August 18, 2010
Appraised Value: \$100,000.00
Highest and Best Use: Recreational and Residential

Allocation of Values:

- a. land: \$ 22,000
- b. improvements: \$ 78,000
- c. total: \$100,000
- d. market data approach used, three comparable sales cited
- e. adjusted value range: \$19,691 to \$21,062 (vacant lot)*

Appraisal Review: Paul Scott – September 30, 2010

5.a. APPRAISAL:

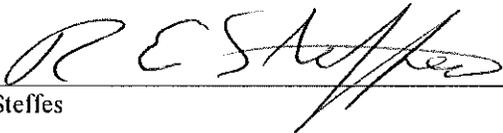
Appraiser: Rodney Bush
Valuation Date: August 18, 2010
Appraised Value: \$113,000
Highest and Best Use: Residential

Allocation of Value:

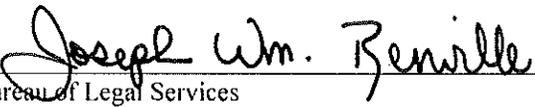
- a. land: \$ 78,000
- b. improvements: \$ 35,000
- c. total: \$113,000
- d. market data approach used, three comparable sales cited
- e. adjusted value range: \$111,256 to \$113,236

*Comments: The review appraiser, Paul Scott, completed an opinion of value using the above comparable sales data as gathered for an appraisal completed by appraiser Rodney Bush. The reviewer based his adjustment to Bush's lot value based on the subject's non-compliance status. The comparable lots provided by Bush were significantly larger in size and met building setback requirements, thus, the reviewer made his adjustment to the subject's lot value.

RECOMMENDED:


 Richard E. Steffes

11-5-10
 Date


 Bureau of Legal Services

11-5-10
 Date


 Laurie Osterndorf

11/9/10
 Date

RES:ch

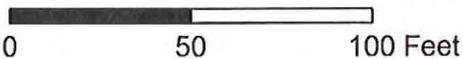
Theodore and Jane Tofari Parcel

T15N R10E Section 8, City of Montello, Marquette County, WI (0.07 Acres)



Legend

- - - PLSS Section Line
- PLSS Quarter-Quarter
-  DNR Project Boundary
-  County Boundary
-  DNR Eased
-  DNR Owned



Subject Property

FM 10102

Andrew Krakow Public Access and Fishery Area

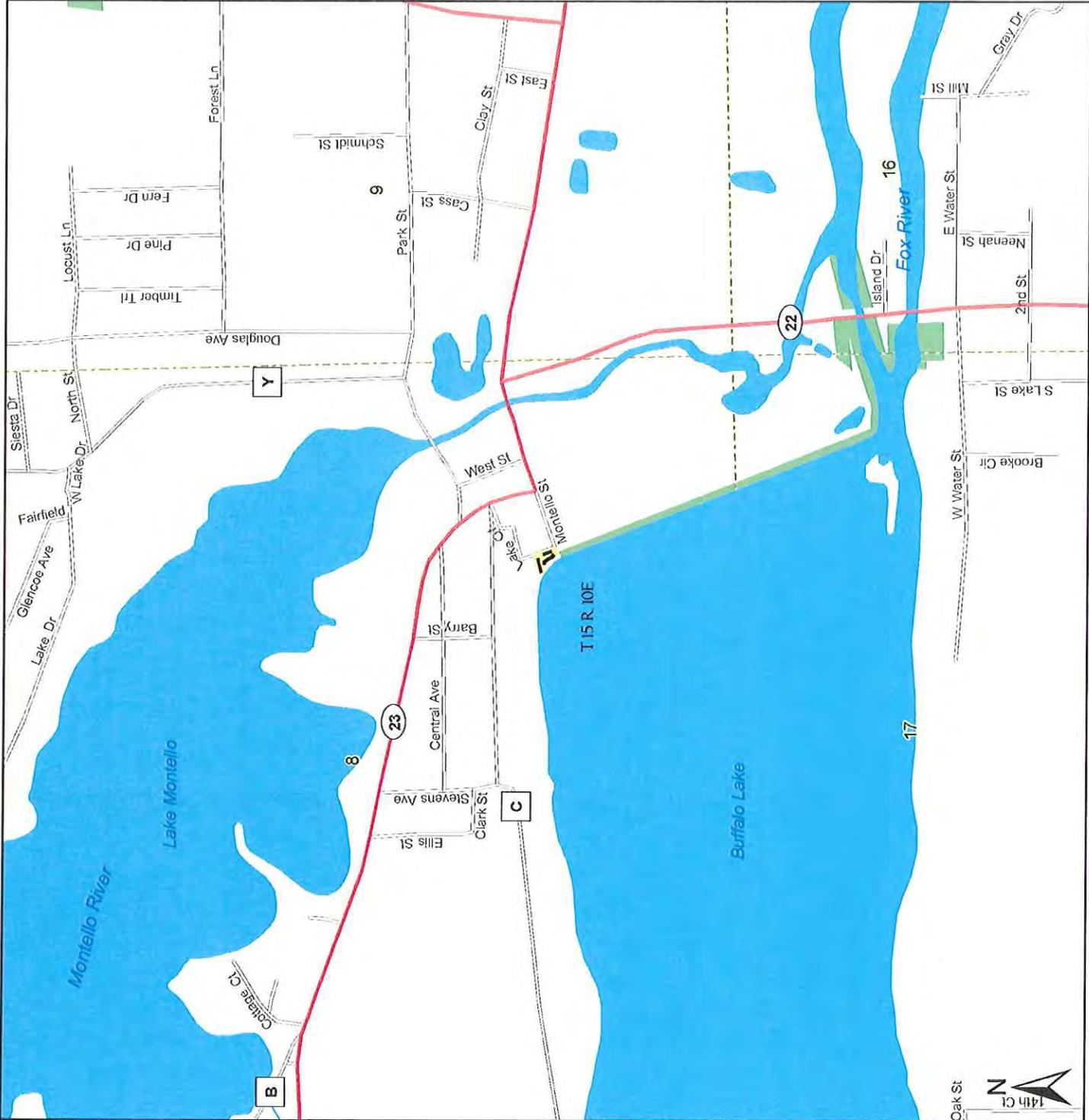
-  Fee Simple
-  Easement
-  Ingress/Egress



State of Wisconsin

Nov. 2, 2010
Real Estate Section
Bureau of Facilities and Lands

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Theodore and Jane Tofari Parcel
FM 10102
 Andrew Krakow Public Access and Fishery Area

T15N R10E Section 8
 City of Montello
 Marquette County, WI
 (0.07 Acres)

Subject Property

- Fee Simple
- Easement
- Ingress/Egress

Legend

- DNR Project Boundary
- State Natural Area
- PLSS Section Line
- County Boundary
- DNR Owned
- DNR Easement



Subject Property *County View*

The DNR Managed Lands represent the boundaries of lands managed by the Wisconsin Department of Natural Resources. The Wisconsin DNR manages these lands through ownership, easement, or lease rights. This data set does not differentiate between lands that are open or closed to the public for hunting, angling, or other recreational uses. The data should not be interpreted as a legal representation of legal ownership boundaries. This data set does not differentiate between lands that are open or closed to the public for hunting, angling, or other recreational uses. The data should not be interpreted as a legal representation of legal ownership boundaries. This data set does not differentiate between lands that are open or closed to the public for hunting, angling, or other recreational uses. For information about the actual management, including public use and public access of the lands, contact the nearest DNR Regional office. Contact information for DNR Regional Offices and Service Centers is provided on the following internet site: <http://www.dnr.state.wi.us/org/bsar/csa/servicecenter/locations.htm>. Updates to this data set are ongoing, and will be incorporated into future versions when available.