

SUBJECT: LAND DONATION AND BOUNDARY MODIFICATION - STREAM BANK PROTECTION PROGRAM - DANE COUNTY

FOR: DECEMBER 2010 BOARD MEETING

TO BE PRESENTED BY: Richard Steffes

SUMMARY: DKR-Rutland, LLC has offered to donate 180.1 acres of land to the Department for the Stream Bank Protection Program - Anthony Branch. The property is 1.5 miles south of the Village of Oregon in Dane County and is partially within the project, with approximately 134 acres lying outside of the boundary. If approved by the Board, the entire 180.1-acre parcel will be added to the project boundary. The proposed donation area will provide about 1,320 feet of frontage along both banks of Anthony Branch Creek.

The Statewide Stream Bank Protection Program was established in 1991 to protect and improve water resources and fisheries throughout Wisconsin. This project was designed to protect stream bank corridors and secure public fishing access while protecting and improving water quality. The goal of the Stream Bank Protection Program is to protect water quality, in-stream fisheries, and aquatic habitat from urban and rural nonpoint source pollution. Protection is accomplished by acquiring easements or fee ownership along shorelands and managing the land to maintain permanent vegetative cover. Anthony Branch, a tributary to Badfish Creek, is a Class II trout stream that has been impacted by ditching and the construction of ponds in spring areas. The Department has been stocking it with trout since 1992.

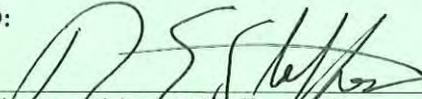
The proposed 180.1-acre donation on Anthony Branch Creek will further the goals of the Stream Bank Protection Program by providing a buffer to reduce runoff from adjacent crop fields and prohibit land use practices within the project area that could negatively impact the creek. It is bordered by department-owned land along the eastern edge. Protection of the property would provide an opportunity to reestablish native trout populations in Anthony Branch by protecting the stream from runoff and erosion and allowing fishery management. Additionally, the donation would consolidate state ownership and provide opportunities for public recreation.

RECOMMENDATION: That the Board accept the donation of 180.1 acres of land for the Stream Bank Protection Program, that a certificate of appreciation be sent to the donor and that an expression of appreciation be made a part of the official records of the Natural Resources Board.

LIST OF ATTACHED MATERIALS:

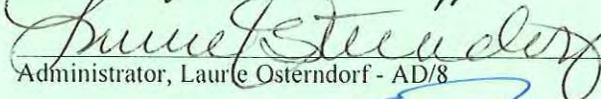
- | | |
|--|--|
| No <input checked="" type="checkbox"/> Fiscal Estimate Required | Yes <input type="checkbox"/> Attached |
| No <input checked="" type="checkbox"/> Environmental Assessment of Impact Statement Required | Yes <input type="checkbox"/> Attached |
| No <input type="checkbox"/> Background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

APPROVED:



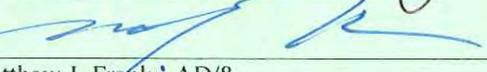
Real Estate Director, Richard E. Steffes - LF/6

11-11-10
Date



Administrator, Laurie Osterndorf - AD/8

11/11/10
Date



Secretary, Matthew J. Frank - AD/8

11-17-10
Date

- cc: S. Miller - LF/6
R. Steffes - LF/6
L. Ross - AD/8
M. Staggs - FM/4
L. Eagan - SCR/Fitchburg

CORRESPONDENCE/MEMORANDUM

DATE: November 11, 2010
 TO: Natural Resources Board
 FROM: Matthew J. Frank 
 SUBJECT: Proposed Land Donation, DKR-Rutland, LLC Tract, File # FM 10105

FILE REF: FM 10105

1. PARCEL DESCRIPTION:

Stream Bank Protection Program
 Dane County

Grantor:

DKR-Rutland, LLC
 c/o Attorney Dean T. Stange
 Michael, Best and Friedrich, LLP
 1 South Pinckney Street, #700
 P.O. Box 1806
 Madison, WI 53701-1806

Acres: 180.1Price: GiftAppraised Value: N/AInterest: Fee Title DonationImprovements: NoneLocation: The tract is located in Dane County 1.5 miles south of the Village of OregonLand Description: The subject land is level to gently rolling

<u>Covertypes Breakdown:</u>	Type:	Acreage:
	Upland Woods	52.1
	Cropland	106.0
	Grassland/Brush	<u>22.0</u>
	TOTAL:	180.1

Zoning: AgriculturePresent Use: Investment and AgricultureProposed Use: Stream Bank Protection and Public Outdoor RecreationTenure: 6 yearsAgreement Date: November 10, 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:

DKR-Rutland, LLC has offered to donate 180.1 acres of land to the Department for the Stream Bank Protection Program - Anthony Branch. The property is 1.5 miles south of the Village of Oregon in Dane County and is partially within the project, with approximately 134 acres lying outside of the boundary. If accepted, the entire 180.1-acre parcel will be added to the project boundary. The proposed donation area will provide about 1,320 feet of frontage along both banks of Anthony Branch Creek.

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3. FINANCING:

No funding is required for this transaction.

4. ACQUISITION STATUS OF THE STREAM BANK PROTECTION FEE PROGRAM:

Established: 1994

Acres Purchased to Date: 5,860.61

Acquisition Goal: 30,340.40 Acres

Percent Complete: 19.32%

Cost to Date: \$9,591,208.80

RECOMMENDED:


Richard E. Steffes

11-11-10
Date


Bureau of Legal Services

11-11-10
Date


Laurie Osterndorf

11/11/10
Date

RES:ch

Acknowledgment of Gift

This is to certify that at its December 2010 meeting, the Natural Resources Board gratefully accepted a gift of 180.1 acres of land in Dane County for the Statewide Stream bank Protection Program – Anthony Branch from

DKR-RUTLAND, LLC

It is significant that you are interested in helping protect Wisconsin's natural heritage and contribute materially toward this end.

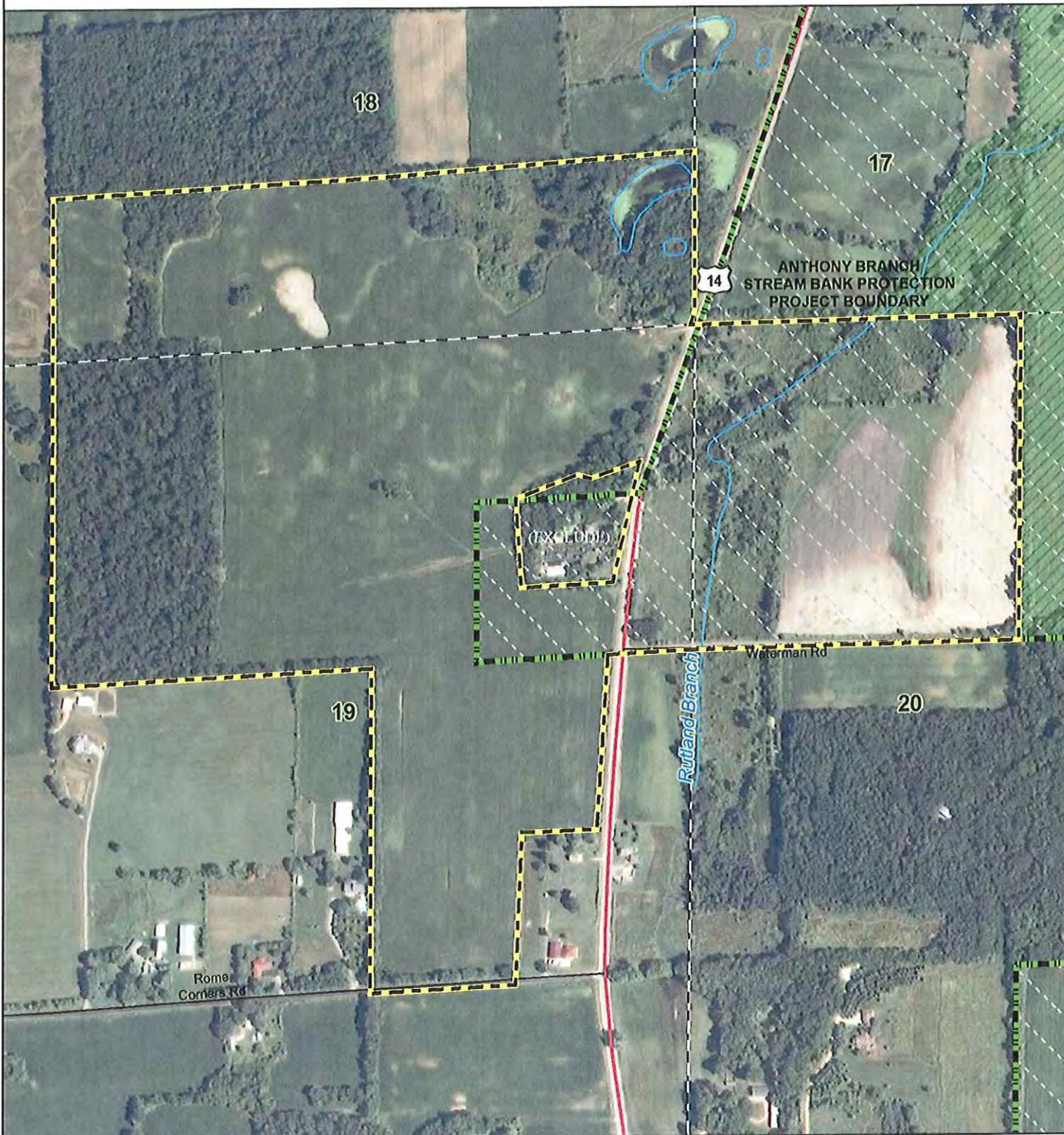
An expression of our appreciation is a part of the official records of the Natural Resources Board. We present this certificate of sincere appreciation on behalf of present and future generations to thank you for your thoughtfulness and generosity.

Natural Resources Board

Jonathan P. Ela, CHAIR

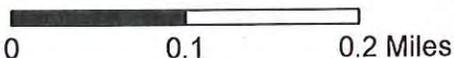
DKR-Rutland LLC - Parcel

T5N R10E Sections 18, 19, & 20, Town of Rutland, Dane County, WI (180.10 Acres)



Legend

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



Subject Property

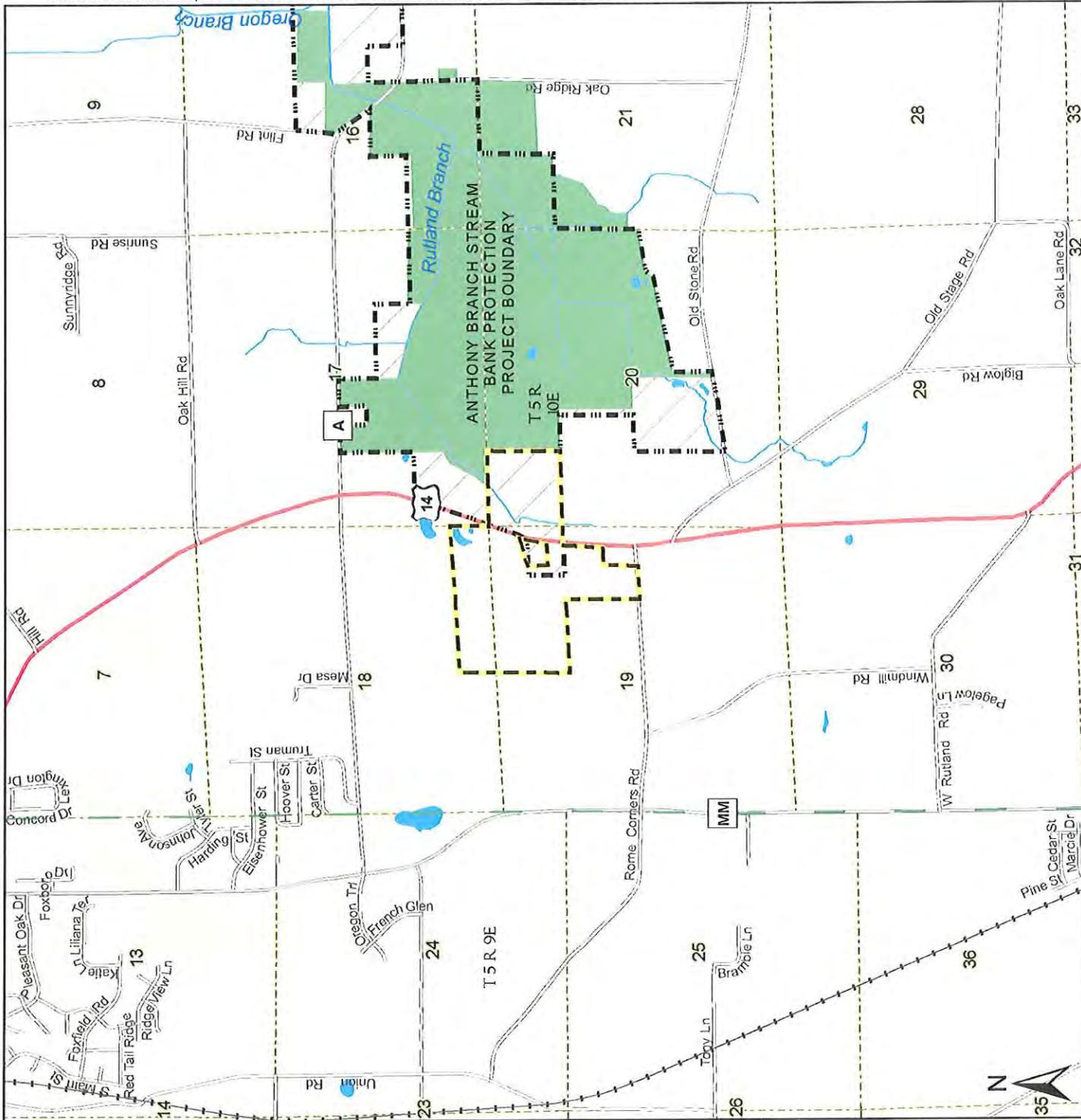
FM 10105

Stream Bank Protection Fee Program

- ▤ Fee Simple
- ▤ Easement
- ▤ Ingress/Egress

State of Wisconsin
 Nov. 5, 2010
 Real Estate Section
 Bureau of Facilities and Lands

User Advisory: Neither the Wisconsin Department of Natural Resources (DNR) nor any of its employees shall be held liable for any improper or incorrect use of the information and/or conclusions and assumes no responsibility for use of the information. Furthermore, no warranty, expressed or implied, is made regarding accuracy, adequacy, completeness, timely, or reliability of any information. The DNR provides mapped information on an "as is" basis. The DNR has made reasonable efforts to provide accurate information, but cannot exclude the possibility of errors or omissions in some information. There is no guarantee the parcel boundaries are defined by a survey. The map user is expected to exercise reasonable use of the map information.



DKR-Rutland LLC
Parcel
FM 10105

Stream Bank Protection
Fee Area

T5N R10E Sections 18, 19, & 20
Town of Rutland
Dane County, WI
(180.10 Acres)

- Subject Property**
- Fee Simple
 - Easement
 - Ingress/Egress

Legend

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



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 dataset is a spatial representation of the Circle Land Records System maintained by the DNR, Bureau of Facilities and Lands (LF), and may include errors and/or omissions. 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 and/or general public access. Some lands represented in this data set may not be open to the general public, or may have specific limitations or restrictions on public use. This dataset is not intended for use as a land management tool; it is a listing of all DNR fee estate transactions that have occurred on these lands over time. 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/air/ctsc/office/locations.htm>. Updates to this data set are ongoing, and will be incorporated into future versions when available.