

2001 DRAFTING REQUEST**Assembly Amendment (AA-ASA1-SB55)**

Received: 06/23/2001

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Raschka

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Nat. Res. - fish and game

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Raschka - AM94,

Topic:

Validity of hunting easements in Crawford County

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rkite 06/26/2001	jdye 06/26/2001	haugca 06/26/2001	_____	lrb_docadmin 06/26/2001		
/2	phurley 06/27/2001	jdye 06/27/2001	kfollet 06/27/2001	_____	lrb_docadmin 06/27/2001		
/3	rkite 06/27/2001	jdye 06/27/2001	jfrantze 06/27/2001	_____	lrb_docadmin 06/27/2001		

FE Sent For:

<END>

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/2	phurley 06/27/2001	jdyer 06/27/2001	kfollet 06/27/2001	_____	lrb_docadmin 06/27/2001		

13 6/27 jld 6/27 Self 6/27

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/1	rkite 06/26/2001	jdyer 06/26/2001	haugeca 06/26/2001	_____	lrb_docadmin 06/26/2001		

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1/2 6/27 jld
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 6/27
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1?	rkite	1/6/01 kjld	CH 6-2-01	CH 6-2-01 0-2-01			

FE Sent For:

<END>

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

Statement of Intent DNR easement on land in Wauzeka, Crawford County.

Legislator	Johnsrud	Amendment	94
Legislator 2		Pass or Fail	Pass
Legislator 3		Spending Cut	
Legislator 4		Withdrawn	
Staff contact	Scott	Package	

Agency Natural Resources

Summary Require the DNR to partially nullify hunting easements in Crawford County in the village of Wauzeka on portions of those eased lands which are adjacent to school owned properties.

Fiscal Impact No fiscal effect.

Drafting Inst

ARC Analyst Raschka

*Per Raschka - talk to Scott in Joann's office
called Scott -
landowner wants to build a house on
the easement - doesn't want to prohibit
hunting on entire easement but just where
he wants to build his house*

Request # 305

Friday, June 22, 2001

Page 17 of 18

Kite, Robin

From: Loomans, Scott
Sent: Monday, June 25, 2001 3:05 PM
To: Kite, Robin
Subject: How about something like this?

DNR shall issue a quit claim deed to the owner of property in the village of Wauzeka on which the DNR owns a hunting easement as necessary to allow development on portions of the property which are near school owned land in the Village of Wauzeka in Crawford County.

Scott Loomans, office of Representative DuWayne Johnsrud

JUN-14-01 07:37 AM DH INCORPORATED

6083264233

P.01

ATTN: Robin Kite
264-6948

Design Homes Inc
Prairie du chlen, Wisconsin, 53821, ph 608 326 6041

6/13/01

Dear Scott

Thank you and please thank DuWayne for help in solving the Wauzeka easement problem.

The land description is attached and is for all of the property. This land is all in the village of Wauzeka. The State has hunting easements on part of this property. We wish to remove the easement on the part which lies South of the North power lines that cross the ridge.

This land overlooks the school, village and playground. The village has passed an ordinance to prohibit shooting a firearm on this property.

Please call with any questions.

Sincerely

Frank Weeks

EXHIBIT "A"

Lots Five (5) and Six (6), Section Nineteen (19), Township Seven (7) North, Range Four (4) West; Government Lots Three (3), Four (4) and Five (5), The South East One-quarter (1/4) and that part of the South East One-quarter (1/4) of the South West One-quarter (1/4) lying North and East of the Wauzeka Ridge Road; all in Section Number Seven (7) Township Number Seven (7) North, Range Number Four (4) West, Subject to the right-of-way of the Kickapoo Branch of the C.M. & St. P. RR Co., also subject to easements given to Interstate Power Company and Mid-Continental Utilities. Also, all that part of Government Lot Three (3), Section Seventeen (17), Township Seven (7) North, Range Four (4) West, which lies south of the C.M. & St. P. RR track or right-of-way. The East One-half (1/2) of the North East One-quarter (1/4); the North East One-quarter (1/4) of the South East One-quarter (1/4); Government Lots One (1) and Two (2) (Also known as the South One-half (1/2) of the South East One-quarter (1/4); a strip of land Thirty (30) rods wide off the east side of the West One-half (1/2) of the North East One-quarter (1/4) and a strip of land Thirty (30) rods wide off the east side of the North West One-quarter (1/4) of the South East One-quarter (1/4); all in Section Number Eighteen (18), Township Seven (7) North, Range Number Four (4) West, excepting from the above, the following parcels, to-wit:

Parcel One:

That part of the West One-half (1/2) of the North East One-quarter (1/4) of Section Eighteen (18), Township Seven (7) North, Range Four (4) West, owned by Amy R. McFall, as recorded in Volume 218 of Deeds at page 224.

Parcel Two:

That part of the South West One-quarter (1/4) of the North East One-quarter (1/4) and the North West One-quarter (1/4) of the South East One-quarter (1/4) of Section Eighteen (18), Township Seven (7) North, Range Four (4) West, owned by Percy P. Jones, as recorded in Volume 191 of Deeds at page 370 and in Volume 218 of Deeds at page 490.

Parcel Three:

That part of the North West One-quarter (1/4) of the South East One-quarter (1/4) of Section Eighteen (18), Township Seven (7) North, Range Four (4) West, being a piece of land 495 feet east and west and 130 feet north and south, more particularly described in Volume 89 of Deeds at page 203 and in Volume 218 of Deeds at page 475.

Parcel Four:

One acre of land located in the North East One-quarter (1/4) of the North East One-quarter (1/4) of Section Eighteen (18), Township Seven (7) North, Range Four (4) West, more particularly described in Volume 118 of Deeds at page 207.

Parcel Five:

A parcel of land, now owned by Peter M. Nissen, more particularly described in Volume 183 of Deeds at page 42 and in Volume 183 of Deeds at page 161.

Parcel Six:

A parcel of land located in the North East One-quarter (1/4) of the North East One-

Parcel Seven:

A one acre parcel owned by J. McDonnell south of the depot and more particularly described in Volume 32 of Deeds at page 224.

Parcel Eight:

A one acre tract situated in the North East One-quarter (1/4) of the South East One-quarter (1/4), Section Eighteen (18), Township Seven (7) North, Range Four (4) West on which is located the stock yards, more particularly described in Volume 202 of Deeds at page 566.

Parcel Nine:

Commencing at the North East corner of the North East One-quarter (1/4) of the North East One-quarter (1/4), Section Eighteen (18), Township Seven (7) North, Range Four (4) West, thence south along the east line of said section 1177 feet to the point of beginning, thence south 218 feet to the north boundary line of the Village of Wauzeka North Road, thence South 53° 36' West 200 feet along the north boundary line of said road, thence north 321 feet, thence North 84° 26' East 161.8 feet, more or less to the point of beginning. A part of the South East One-quarter (1/4) of the North East One-quarter (1/4) of Section Eighteen (18) Township Seven (7) North, Range Four (4) West, described as follows: Commencing at the South West corner of Lot No. 5, Block No. 3 of Distzmanns Subdivision, Village of Wauzeka, Crawford County, Wisconsin, thence South 74° 32' West 466 feet; thence North 8° 27' West 389 feet; thence North 74° 11' East 429 feet; thence South 14° 00' East 389 feet, more or less to the point of beginning.

Parcel Ten:

Consisting of the following four parcels:

Part of the South East One-quarter (1/4) of the North East One-quarter (1/4) of Section Eighteen (18), Township Seven (7) North, Range Four (4) West, in the Village of Wauzeka, Crawford County, Wisconsin, described as follows, to-wit: Commence at the intersection of the west line of said South East 1/4 of the North East 1/4 and the north line of State Trunk Highway # 60 right-of-way; thence North 75° 44' East 378.20 feet along the North right-of-way line of State Trunk Highway # 60, to the point of beginning; thence North 14° 16' West 133.10 feet perpendicular to the north right-of-way line of State Trunk Highway # 60; thence North 75° 44' East 100.00 feet parallel with the north right-of-way line of State Trunk Highway # 60; thence South 14° 16' East 133.10 feet perpendicular to the north right-of-way line of State Trunk Highway # 60; thence South 75° 44' West 100.00 feet on the north right-of-way line of State Trunk Highway # 60 to the point of beginning.

Part of the South East One-quarter (1/4) of the North East One-quarter (1/4) of Section Eighteen (18), Township Seven (7) North, Range Four (4) West, in the Village of Wauzeka, Crawford County, Wisconsin, described as follows, to-wit: Commence at the intersection of the west line of said South East 1/4 of the North East 1/4 and the north line of State Trunk Highway # 60 right-of-way; thence North 75° 44' East 478.20 feet along the north right-of-way line of State Trunk Highway # 60, to the point of beginning; thence North 14° 16' West 133.25 feet perpendicular to the north right-of-way line of State Trunk Highway # 60; thence North 75° 44' East 94.00 feet parallel with the North right-of-way line of State Trunk Highway # 60; thence South 14° 16' East 94.00 feet perpendicular to the north right-of-way line of State Trunk

Part of the South East One-quarter (1/4) of the North East One-quarter (1/4) of Section Eighteen (18), Township Seven (7) North, Range Four (4) West, in the Village of Wauzeka, Crawford County, Wisconsin, described as follows, to-wit: Commence at the intersection of the west line of said South East 1/4 of the North East 1/4 and the north line of State Trunk Highway # 60 right-of-way; thence North 75° 44' East 228.20 feet along the north right-of-way line of State Trunk Highway # 60 to the point of beginning; thence North 14° 16' West 132.65 feet perpendicular to the north right-of-way line of State Trunk Highway # 60; thence North 75° 44' East 50.00 feet parallel with the north right-of-way line of State Trunk Highway # 60; thence South 14° 16' East 132.65 feet perpendicular to the north right-of-way line of State Trunk Highway # 60; thence South 75° 44' West 50.00 feet on the north right-of-way line of State Trunk Highway # 60 to the point of beginning.

Part of the South West One-quarter (1/4) of the North East One-quarter (1/4) and the North West One-quarter (1/4) of the South East One-quarter (1/4) of Section Eighteen (18), Township Seven (7) North, Range Four (4) West, in the Village of Wauzeka, Crawford County, Wisconsin, described as follows, to-wit: Commence 6.80 feet South 75° 44' West of the intersection of the East line of said North West 1/4 of the South East 1/4 and the north line of State Trunk Highway # 60; thence North 92.00 feet along centerline of County "N"; thence South 82° 47' West 161.00 feet to the point of beginning; thence North 0° 15' West 175.20 feet; thence North 82° 47' East 122.30 feet; thence North 0° 15' West 551.80 feet on the west right-of-way line of County "N"; thence North 53° 03' West 32.10 feet; thence North 89° 06' West 411.90 feet on the south right-of-way line of County "N"; thence South 822.80 feet; thence North 82° 47' East 335.10 feet to the point of beginning.

Subject to the platted portions of Deitzman's and McHarg's Addition to the Village of Wauzeka, also less Blocks "L" and "D" of the South East 1/4 of the North East 1/4, Section Eighteen (18), Township Seven (7) North, Range Four (4) West, sometimes referred to as Blocks "L" and "D" of McHarg's Addition to the Village of Wauzeka. Also subject to an easement given to Robert W. Zlabek over the east part of the North East 1/4 of the North East 1/4 of Section Eighteen (18), Township Seven (7) North, Range Four (4) West and over the east part of the South East 1/4 of the South East 1/4 of Section Seven (7), Township Seven (7) North, Range Four (4) West, more particularly described in Volume 203 of Easements at page 179; all of the above being recorded in the Office of the Register of Deeds, Crawford County, Wisconsin.

ALSO, excepting the following described parcels of land:

Parcel Eleven:

A parcel of land in the South East One-quarter (1/4) of the North East One-quarter (1/4) of Section Eighteen (18), Township Seven (7) North, Range Four (4) West, described as follows: Commencing at a point where State Trunk Highway # 60 intersects said quarter line; thence East on said north line of said Highway, 75 feet; thence in a northwesterly direction 15° West to a point 39 feet East of the West line of said quarter section line above referred to; thence West 39 feet to said quarter section line above referred to; thence South on said quarter section line to the point of beginning.

Parcel Twelve:

A part of the South East One-quarter (1/4) of the North East One-quarter (1/4) of Section Number Eighteen (18) of Township Number Seven (7) North, of Range Number Four (4) West, described as follows: Commencing at a point in the north boundary of Highway Sixty (60), two hundred seventy five (275) feet East of the point where the West line of the above described forty acre tract intersects the North boundary of said Highway number Sixty; thence easterly along the north boundary line of said highway number sixty (60) one hundred feet (100); thence North fifteen (15) degrees West (which is at a right angle with the highway) one hundred forty (140) feet; thence westerly parallel with the North line of said highway one hundred (100) feet; thence southerly to the place of beginning.

Parcel Thirteen:

The West Fifty (50) rods of Government Lot No. Two (2), Section Eighteen (18), Township Seven (7) North, Range Four (4) West.

Parcel Fourteen:

A part of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Eighteen (18), Township Seven (7) North, Range Four (4) West of the Fourth P.M. in the Village of Wauzeka, Crawford County, Wisconsin, more particularly described as follows:

Commencing at the intersection of the North right-of-way line of County Highway "N" and the West line of the said Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$); thence South along said West line approximately 768.69 feet to the Northwest corner of land described in Vol. 295 Deeds 89 (Zeeh Deed); thence West parallel with the North right-of-way line of State Highway 60, 89 feet along the North line of said land described in Vol. 295 Deeds 89 to the Northeast corner thereof, which is a point on the West line of land described as Parcel III in Vol. 506 Deeds 339 (DuCharme Deed); thence Northerly and parallel with the West line of said Southeast Quarter, Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) 10 feet along the West line of said Parcel III to the Northwest corner of said Parcel III; thence Easterly along the North line of said Parcel III which is parallel with the North right-of-way line of Highway 60, 100 feet to the Northeast corner of said Parcel III; thence Southerly along the East line of said Parcel III (which is described in Parcel III of 506 Deeds 339 as being parallel with the West line of said Parcel III, and which is described in Parcel IV of 506 Deeds 339 as having a bearing of South 14° 16' and being perpendicular to the North right-of-way line of Highway 60) 7.35 feet to the Northwest corner of land described as Parcel IV in Vol. 506 Deeds 339; thence North 75° 44' East parallel to the North right-of-way line of Highway 60, 50 feet along the North line of said Parcel IV to a point on the West line of land described in Vol. 517 Deeds 83 (Siegenthaler Deed); thence North 15° West perpendicular to the North right-of-way line of Highway 60, 7.35 feet along the West line of said land described in Vol. 517 Deeds 83 to the Northwest corner thereof; thence Easterly and parallel with the North right-of-way line of Highway 60, 100 feet along the North line of said land described in Vol. 517 Deeds 83 to the Northeast corner thereof; thence South 15° East perpendicular to the North right-of-way line of Highway 60, 6.9 feet along the East line of said land to the Northwest corner of land described in Vol. 543 Deeds 257 (Bassett Deed); thence North 75° 44' East parallel with the North right-of-way line of Highway 60, 194 feet along the North line of said land described in Vol. 543 Deeds 257 to the Northeast corner thereof; thence South 14° 16' East perpendicular to the North right-of-way line of Highway 60, 133.25 feet along

the East line of said land described in Vol. 543 Deeds 257, to the Southeast corner thereof and the intersection with the Northerly right-of-way line of Highway 60; thence North $75^{\circ} 44'$ East 235.83 feet along the North right-of-way line of Highway 60 to the Southwest corner of Lot two (2) of Block Five (5) of Dietzmans Addition; thence North $13^{\circ} 4' 29''$ West along the West line of said Block Five (5) and the extension thereof along the West line of Lot Six (6) of Block Three (3) of Dietzmans Addition, 506.91 feet to the Northwest corner of said Lot Six (6); thence South $69^{\circ} 51' 33''$ West 75.35 feet along the South line of Lots Four (4) and Five (5) of Block Three (3) of Dietzmans Addition; thence South $74^{\circ} 58' 24''$ West, 466.21 feet along the South line of land currently owned by the Wauzeka School District (currently used as a football field) to the southwest corner thereof; thence North $8^{\circ} 0' 52''$ West along the West line of said land owned by the Wauzeka School District to a point on said line which is located South $88^{\circ} 39' 03''$ East of the point of beginning and which is also the beginning of "Reference Line A" referred to in the Easement below; thence North $88^{\circ} 39' 03''$ West to the point of beginning which is the end of said "Reference Line A;"

Parcel Fifteen:



Soon
D-Note

JLD

ARC:.....Raschka - AM94, Validity of hunting easements in Crawford County

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page ¹³⁴⁸~~1401~~, line ⁹~~16~~: after that line insert:

3 nonstat ^{8b}~~(4)~~ RELEASE OF EASEMENT. No later than 30 days after the effective date of this
4 subsection, the department of natural resources shall release a portion of its
5 easement located on certain land owned by Fran ^KWeeks in the [✓]village of Wauzeka so
6 that he may construct a residence on the ^{land}~~property~~. The landowner shall specify the
7 portion of the property upon which the easement shall be released.”

8 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1679/1dn

RNK:.....

date

JLD

I have drafted this amendment after discussions with Scott Loomans in Representative Johnsrud's office. I was directed to him by Adam Raschka. Scott Loomans explained that the landowner seeks release of the easement so that the landowner can construct a residence on the property.

I have specified in the draft that the portion of the easement to be released by DNR must be released no later than 30 days after the effective date of the budget bill. Is this O.K.?

It is ~~possible~~ ^{likely} that a Wisconsin court would find that this amendment is a "private or local law" which, under art. IV, sec. 18 of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. As it is difficult to predict the potential for ~~and outcome of~~ any court action on this amendment, you may wish to consider introducing this proposal as a separate bill.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1679/1dn
RNK:jld:ch

June 26, 2001

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I have specified in the draft that the portion of the easement to be released by DNR must be released no later than 30 days after the effective date of the budget bill. Is this O.K.?

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Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us

Kite, Robin

From: Raschka, Adam
Sent: Tuesday, June 26, 2001 3:40 PM
To: Kite, Robin
Subject: FW: LRB Draft: 01b1679/1 Validity of hunting easements in Crawford County

I spoke to Johnsrud's office and there is one minor technical problem with the amendment. On line 5, instead of Frank Weeks, it should read "Design Homes Incorporated."

Thanks

Adam Raschka
Assembly Republican Caucus
adam.raschka@legis.state.wi.us
Direct Line: 608-267-0892
Toll-Free: 888-394-1452
Fax: 608-264-6999

-----Original Message-----

From: Haugen, Caroline
Sent: Tuesday, June 26, 2001 2:33 PM
To: Raschka, Adam
Cc: Legislative Fiscal Bureau; Hanaman, Cathlene; Haugen, Caroline
Subject: LRB Draft: 01b1679/1 Validity of hunting easements in Crawford County

Following is the PDF version of draft 01b1679/1.



01b1679/1dn



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1679/1

RNK:jld:ch

2
redraft
/ur

ARC:.....Raschka - AM94, Validity of hunting easements in Crawford
County

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1348, line 6: after that line insert:

3 "(8b) RELEASE OF EASEMENT. No later than 30 days after the effective date of this
4 subsection, the department of natural resources shall release a portion of its
5 easement located on certain land owned by ~~Phyllis Weeks~~ in the village of Wauzeka
6 so that he may construct a residence on the land. The landowner shall specify the
7 portion of the property upon which the easement shall be released."

8

(END)

Design Homes Incorporated

Kite, Robin

From: Raschka, Adam
Sent: Wednesday, June 27, 2001 1:54 PM
To: Kite, Robin
Subject: FW: LRB Draft: 01b1679/2 Validity of hunting easements in Crawford County

This is ok

Adam Raschka
Assembly Republican Caucus
adam.raschka@legis.state.wi.us
Direct Line: 608-267-0892
Toll-Free: 888-394-1452
Fax: 608-264-6999

-----Original Message-----

From: Loomans, Scott
Sent: Wednesday, June 27, 2001 11:21 AM
To: Kite, Robin
Cc: Johnson, Dan (Legislature); Raschka, Adam
Subject: RE: LRB Draft: 01b1679/2 Validity of hunting easements in Crawford County

One change for LRB 1679/2

Line 6, substitute the owner may construct private residences and strike ~~he may construct a residence~~

Thanks much.

-----Original Message-----

From: Johnson, Dan (Legislature)
Sent: Wednesday, June 27, 2001 10:58 AM
To: Loomans, Scott
Subject: FW: LRB Draft: 01b1679/2 Validity of hunting easements in Crawford County

Please review....

Subject: LRB Draft: 01b1679/2 Validity of hunting easements in Crawford County

Following is the PDF version of draft 01b1679/2.

<< File: 01b1679/2 >>



ARC:.....Raschka - AM94, Validity of hunting easements in Crawford County

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1348, line 6: after that line insert: *private residences*

3 “(8b) RELEASE OF EASEMENT. No later than 30 days after the effective date of this

4 subsection, the department of natural resources shall release a portion of its

5 easement located on certain land owned by Design Homes Incorporated in the village

6 of Wauzeka so that ~~the~~ may construct ~~a residence~~ *the landowner* on the land. The landowner shall

7 specify the portion of the property upon which the easement shall be released.”.

(END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1679/3
RNK:jld:jf

ARC:.....Raschka – AM94, Validity of hunting easements in Crawford
County

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1348, line 6: after that line insert:

3 “(8b) RELEASE OF EASEMENT. No later than 30 days after the effective date of this
4 subsection, the department of natural resources shall release a portion of its
5 easement located on certain land owned by Design Homes Incorporated in the village
6 of Wauzeka so that the landowner may construct private residences on the land. The
7 landowner shall specify the portion of the property upon which the easement shall
8 be released.”.

9 (END)