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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2011-12

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Natural Resources...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (August 2013)

Dear Natural Resources Committee members,

At the public hearing on September 28, 2011 during the discussion on AB231 I was asked to provide documentation on the history of Hunters Point and The Town of Byron from its beginning. As I testified it was clear from the very start that there was to be no trap shooting on this property. As you read the letter from Francis Ferguson who was the town chairman the last 30 years retiring in April of 2011 you will see that had the Cardinal's truly made effort to contact the town about sport shooting they would of found plenty of minutes on the matter.

Please read the offer purchase were it is stated that under additional provisions on lines 31 thru 33 that it is for a game farm for shooting male and female birds. As you read the minutes of the meetings, the publications and statements by Joe Nolan himself you will see that it is clear from the beginning that clay bird shooting would require a special use permit and game farms will be controlled under special use permits also, as I stated. There are several points were Joe Nolan stated there would be no trap shooting other that warm up for hunters if they so choose. The town was clear on there position.

Pay particular attention to the letter sent to the Cardinals from Francis Ferguson Dated March 10, 2008, the Cardinals were provided copies off all the minutes from the meetings in 2000 as are you. They were well enough aware of the trap issue concerning the property. If they would have truly asked someone from the town before they bought they would know as it was clear Joe Nolan knew how it was felt about trap shooting in that area and the process that the town intended to follow. In the March 10, 2008 letter it makes it clear that trap shooting was not a permitted use in the Exclusive Ag zone that they are in.

Once again **PLEASE LEAVE THIS A LOCAL GOVERNMENT DECISION!**
You would not want this to happen next to your property with out having local input.

Thank You

**Ronald E Boda
440 Satterlee St
Fond du Lac WI 54935
920-923-3517**

AB231

**Requested Documents
On Hunters Point
And
The Town Of Byron**

To: Members of the Natural Resources Committee

From: Francis Ferguson

I was Town Chairperson from the start of this game farm until I decided to retire this past April, so I am well aware of what has transpired concerning this issue.

I was informed that your committee would like more history on Hunters Point and how it developed. When Joe Nolan the first owner of Hunters Point wished to build a Lodge to accommodate patrons of Hunters Point he made application to the Town of Byron Plan Commission for a zoning change on a 5 acre parcel surrounding the Lodge that would allow him to serve food and alcohol to his patrons. A public hearing was held on **February 17, 2000**, at which time the Plan Commission did not recommend the zoning change but rather, that this might be better as a special use which would give the Town more control of future use. At this meeting Mr. Nolan stated that there would be no organized trap shooting, only practice shooting prior to the hunt if so wished.

On **March 14, 2000** a public hearing was held to discuss Joe Nolan's request to rezone the 5 acres. At this meeting the Town Board agreed with the recommendation of the Planning Committee to issue a special use permit. This would give the Town more control over what this land could be used for in the future. At this meeting Mr. Nolan stated that this would be a bird hunt area only which factored into the approval of the special use permit that evening.

On **April 13, 2000 another meeting** of the Plan Commission was held to discuss the proposed amendment to the zoning that would create Sec. 6.42 which would designate game farms and hunting preserves, **but exclude skeet and trap ranges**, as special use in the Exclusive Agriculture district and Agriculture Transition District. There was a discussion as to what this ordinance would actually accomplish and the Plan Commission felt it needed to more clearly address the commercial use of game farms and the need for special use permits for such commercial use. Plan Commission voted against ordinance amendment 6.42 and will submit this recommendation to the Town board at a public hearing scheduled for April 18, 2000.

On April 18, 2000 Joe Nolan was present to answer any questions of the board. There was some discussion on the minutes of the Planning Commission Committee; the Town ordinance of Special Use Permit drawn up by the town's attorney was not in approval with the Planning Committee. Therefore, it was decided by the Town Board that they would meet with the Plan Commission Committee as to the decision on the permit as drafted.

On August 24, 2000 the Plan Commission met to consider an amendment to the Town's Zoning Ordinance to authorize game farms and skeet and trap ranges as special use in the Exclusive Agriculture and Agriculture Transition Districts. The Plan Commission voted unanimously to approve and recommend same to the Town board at a public hearing to be held September 19, 2000

On September 19, 2000 a public hearing was held and the town Board adopted the recommendation of the Plan commission to require a **Special Use Permit for Game Farms, Skeet and Trap Ranges in Exclusive AG. and Ag. Transition districts**. For some unknown reason this was not published in the paper, and this error was not noticed until after Hunters Point was sold to the Cardinal's and they indicated they were going to start a "Sporting Clays" operation. When the error was discovered, upon advice of our attorney we again adopted this amendment to our ordinance as a Special Use rather than just publishing the ordinance from September 29, 2000 with so much time having passed. It was certainly the intent of the Town that this special use permit amendment was already in place.

To my knowledge at no time prior to the Cardinal's purchasing Hunter's Point did they approach the Town Board and discuss the possibility or process to have sporting clays as part of the operation. It was not until the night of a meeting in which the Cardinal's set up to talk to the area neighbors was there any knowledge of their desire to add the sporting clays. I was not invited to this meeting however I and one other board member were in attendance at the request or other citizens from that area. This was the first we as the board were made aware of this and this was after the Cardinal's had purchased the property.

Throughout this whole process beginning in 2000 up until this date it has always been clear that no trap shooting would be allowed in this area other the

warming up if the hunter wanted to make a few practice shots. Joe Nolan was very clear on knowing this as its states in the multiple documents provided with letter.

Once again leave these matters up to Local Control where it belongs, there are many issue that will affect each location differently that only the local government can address and how it would impact each area. At this time the State that issue's the Bird Hunting License has no regulation pertaining to how these places would operate in regards to effects on neighboring properties, more reason's to leave it in the town control. I was told that at the Public Hearing on September 28, 2011 in front of your committee it was stated that if you did a search for sport shooting ranges in the State of Wisconsin there are over 750 of these types of facilities are ready in operation. If this is true that number seems to be enough to handle the demand, do we really want more to open with no regard to the development that was there before them. The people have rights too, they have worked hard, purchased their properties, invested their hearts and souls in the community and this should be their reward? Please do the right thing.

Sincerely:

Francis Ferguson 9/29/2011

Francis Ferguson

920-533-8606

WB-13 VACANT LAND OFFER TO PURCHASE

1 THE BROKER DRAFTING THIS OFFER ON 2-7-98 (DATE) IS THE AGENT OF (SELLER) (BUYER) ~~STRIKE AS APPLICABLE~~

GENERAL PROVISIONS

2
3 The Buyer, Joseph M. Nolan offers to purchase the
4 Property known as Beverly Birch Farm 180 Acres tax
5 in the Town of BYRON County of Fond du Lac, Wisconsin.
6 (Additional description, if any.) TAX PARCEL #s TO 4-17-20, 11-001, 12-001
7 14-002, 15-001
8 PURCHASE PRICE: ONE Hundred Seventy-Five Thousand on the following terms:
9 Dollars (\$ 175,000.00)

10 EARNEST MONEY of \$ ~~1000~~ in the form of _____ accompanies this Offer and earnest
11 money of \$ 1000.00 in the form of check will be paid within 10 days of acceptance.
12 THE BALANCE OF PURCHASE PRICE will be paid in cash or equivalent at closing unless otherwise provided below.

13 ADDITIONAL ITEMS INCLUDED IN PURCHASE PRICE: Seller shall include in the purchase price and transfer, free and clear of
14 encumbrances, all fixtures, as defined at lines 214 to 217 and as may be on the Property on the date of this Offer, unless excluded at lines
15 17-18, and the following additional items: NONE

16 ITEMS NOT INCLUDED IN THE PURCHASE PRICE: Personal Property of Seller

17
18
19 PROPERTY CONDITION REPRESENTATIONS: Seller represents to Buyer that as of the date of acceptance Seller has no notice or
20 knowledge of conditions affecting the Property or transaction (as defined at lines 178 to 208) other than those identified in Seller's
21 disclosure report dated Not Applicable which was received by Buyer prior to Buyer signing this Offer
22 COMPLETE DATE OR STRIKE AS APPLICABLE and _____

23
24 ZONING: Seller represents that the Property is zoned Agricultural.

25 TIME IS OF THE ESSENCE as to: (1) Earnest money payment(s); (2) binding acceptance; (3) occupancy; (4) date of closing
26 STRIKE AS APPLICABLE and all other dates and deadlines in this Offer except: NONE

27
28
29 OPTIONAL PROVISIONS AND ADDENDA See lines 252 to 305 for optional provisions including contingencies. See line 306 to
determine if addenda, riders or other documents have been made a part of this Offer.

30 ADDITIONAL PROVISIONS Line 11-Addition \$500000 Earnest Money due After Closing
31 Contingencies Are met and Prior to Survey work,
32 Contingencies Upon Buyer Rescinding Rights of Proper Zoning
33 For Shootings Pursue a Game Farm Make Female Phasants

34 ACCEPTANCE, DELIVERY AND RELATED PROVISIONS

35 BINDING ACCEPTANCE: This Offer is binding upon both parties only if a copy of the accepted Offer is delivered to Buyer on or before
36 2-13-98 CAUTION: This Offer may be withdrawn prior to delivery of the accepted Offer.

37 DELIVERY OF DOCUMENTS AND WRITTEN NOTICES: Unless otherwise stated in this Offer, delivery of documents and written
38 notices to a party shall be effective only when accomplished in any of the following ways:
39 (1) By depositing the document or written notice postage or fees prepaid in the U.S. Mail or a commercial delivery system addressed to the

REMARK →

30 **ADDITIONAL PROVISIONS**

31 Contingencies Are met and Prior to Survey work,
32 Contingencies Upon Buyer Assuming Rights & Privileges of Parcel Zone
33 For S.R. of the Purchase of Game for the State of Maryland Present

34 **ACCEPTANCE, DELIVERY AND RELATED PROVISIONS**

35 ■ **BINDING ACCEPTANCE:** This Offer is binding upon both parties only if a copy of the accepted Offer is delivered to Buyer on or be
36 2-13-98 **CAUTION: This Offer may be withdrawn prior to delivery of the accepted C**

37 ■ **DELIVERY OF DOCUMENTS AND WRITTEN NOTICES:** Unless otherwise stated in this Offer, delivery of documents and wr
38 notices to a party shall be effective only when accomplished in any of the following ways:

39 (1) By depositing the document or written notice postage or fees prepaid in the U.S. Mail or a commercial delivery system addressed to
40 party at: Buyer: WARRIEN HAVEN DRIVE CAMPBELLSPOCK W, 530
41 Seller: 90 Raven Realty W5888 CHRY B Rounsville, WI.

42 (2) By giving the document or written notice personally to the party:
43 (3) By electronically transmitting the document or written notice to the following telephone number:
44 Buyer: () Seller: (920) 583-8443

45 **OCCUPANCY AND RELATED PROVISIONS**

46 ■ **OCCUPANCY** of the Property
47 shall be given to Buyer at time of closing unless otherwise agreed in writing. **CAUTION: Consider an agreement which addre**
48 **responsibility for cleaning the Property of personal property and debts, if applicable.**

49 ■ **LEASED PROPERTY:** If Property is currently leased and leases extend beyond closing, Seller shall assign Seller's rights under
50 lease(s) and transfer all security deposits and prepayments thereunder to Buyer at closing. The terms of the (written) (oral) **STRIKE C**
51 lease(s), if any, are Attached here to file

52 ■ **CLOSING:** This transaction is to be closed at the place designated by Buyer's mortgagee or _____
53 no later than MARCH 25, 1998, unless another date or place is agreed to in wri

54 ■ **CLOSING PRORATIONS:** The following items shall be prorated at closing: real estate taxes, rents, private and municipal cha
55 property owner's association assessments, fuel and NORMA FURS

56 Any income, taxes or expenses shall accrue to Seller and be prorated through the day prior to closing.
57 Net general real estate taxes shall be prorated based on (the net general real estate taxes for the current year, if known, otherwise o
58 net general real estate taxes for the preceding year) (STRIKE AND COMPLETE AS APPLICABLE) **CAUTION: If Property has not l**

59 STRIKE AND COMPLETE AS APPLICABLE **CAUTION: If Property has not l**

60 **fully assessed for tax purposes (for example, new subdivision or completed/pending reassessment) or if proration on the basis o**
61 **general real estate taxes is not acceptable (for example, changing mill rate), insert estimated annual tax or other basis for prorator**

62 ■ **SPECIAL ASSESSMENTS:** Special assessments, if any, for work on site actually commenced or levied prior to date of this Offer sh
63 paid by Seller no later than closing. All other special assessments shall be paid by Buyer. **CAUTION: Consider special agreement if**
64 **assessments or property owner's association assessments are contemplated.**

65 ■ **FORM OF TITLE EVIDENCE:** Seller shall give evidence of title by Seller's choice of: (1) an abstract of title; or (2) an owner's policy o
66 insurance **STRIKE AS APPLICABLE** as further described at lines 155 to 169.

67 ■ **CONVEYANCE OF TITLE:** Upon payment of the purchase price, Seller shall convey the Property by warranty deed (or c
68 conveyance as provided herein) free and clear of all liens and encumbrances, except: municipal and zoning ordinances and agree
69 entered under them, recorded assessments for the distribution of utility and municipal services, recorded building and use restrictions
70 covenants, general taxes levied in the year of closing and _____

71 _____ (provided none of the foregoing prohibit present use of the Property), which constitutes merchantable
72 for purposes of this transaction. Seller further agrees to complete and execute the documents necessary to record the convey
73 **CAUTION: SEE LINES 74 TO 82.**

250 OPTIONAL PROVISIONS: THE PROVISIONS ON LINES 252 THROUGH 306 ARE A PART OF THIS OFFER IF MARKED,
251 SUCH AS WITH AN "X". THEY ARE NOT PART OF THIS OFFER IF MARKED N/A OR ARE LEFT BLANK.

252 FINANCING CONTINGENCY: This Offer is contingent upon Buyer being able to obtain, within _____ days of acceptance of this Offer,
253 a _____ STATE LOAN PROGRAM AND STATE IF CONSTRUCTION LOAN

254 (fixed/adjustable) ~~STRIKE ONE~~ rate first mortgage loan commitment, in an amount of not less than \$ _____ for a term of
255 not less than _____ years, amortized over not less than _____ years. If the purchase price under this Offer is modified, the loan amount,
256 unless otherwise provided, shall be adjusted to the same percentage of the purchase price as in this contingency and the monthly
257 payments shall be adjusted as necessary to maintain the term and amortization stated above.

258 IF FINANCING IS FIXED RATE the annual rate of interest shall not exceed _____ % and monthly payments of principal and interest shall
259 not exceed \$ _____

260 IF FINANCING IS ADJUSTABLE RATE the initial annual interest rate shall not exceed _____ %. The initial interest rate shall be fixed
261 for _____ months, at which time the interest rate may be increased not more than _____ % per year. The maximum interest rate during
262 the mortgage term shall not exceed _____ %. Initial monthly payments of principal and interest shall not exceed \$ _____

263 Monthly payments of principal and interest may be adjusted to reflect interest changes.
264 MONTHLY PAYMENTS MAY ALSO INCLUDE 1/12th of the estimated net annual real estate taxes, hazard insurance premiums, and
265 private mortgage insurance premiums. The mortgage may not include a prepayment premium. Buyer agrees to pay a loan fee in an amount
266 not to exceed _____ % of the loan. [Loan fee refers to discount points and/or loan origination fee, but DOES NOT include Buyer's other
267 closing costs.] SEE LINES 230 TO 248 FOR ADDITIONAL FINANCING PROVISIONS.

268 PROPOSED USE CONTINGENCY: Buyer is purchasing the property for the purpose of GAME FARM & SHOOTING
269 CLUB - MALDEN PRESS. This Offer is contingent upon Buyer obtaining the following CHECK ITEMS THAT APPLY:

270 Written evidence at (Buyer's) (Seller's) STRIKE ONE expense from a qualified soils expert that the Property is free of any
271 subsoil condition which would make the proposed development impossible or significantly increase the costs of such development;
272 See line 88.

273 Written evidence at (Buyer's) (Seller's) STRIKE ONE expense from a certified soils tester or other qualified expert that
274 indicates that the Property's soils at locations selected by Buyer and all other conditions which must be approved to obtain a permit
275 for a private conventional septic system for: _____

276 (insert proposed use of Property; e.g., three bedroom single family home) meet applicable codes in effect as of the date of this Offer.
277 A conventional system (does) (does not) STRIKE ONE include alternate private systems such as mound systems or in-ground
278 pressure distribution systems for the purposes of this contingency. A conventional system does not include a holding tank, privy,
279 composting toilet or chemical toilet.

280 Copies at (Buyer's) (Seller's) STRIKE ONE expense of all public and private easements, covenants and restrictions affecting
281 the Property and a written determination by a qualified independent third party, at Buyer's expense, that none of these prohibit or
282 significantly delay or increase the costs of the proposed use or development identified at lines 268 to 269.

283 Permits, approvals and licenses, as appropriate, or the final discretionary action by the granting authority prior to the issuance of
284 such permits, approvals and licenses at (Buyer's) (Seller's) STRIKE ONE expense for the following items related to the proposed
285 development GAME FARM & SHOOTING CLUB - MALDEN PRESS - MALE FEMALE RESTAURANT

286 A map of the Property at (Buyer's) (Seller's) STRIKE ONE expense of the following type:
287 a boundary map; mortgage inspection map; survey map CHECK ONE BOX TO DESIGNATE MAP TYPE

288 See lines 218 to 226 for definitions of each map type. If this paragraph is checked but more than one type or no type is selected, a
289 boundary map is deemed selected. **CAUTION: Consider cost and the need for the features of the various map types before making**

290 **selections.** The intent of the Property map showing significant encroachments or any information materially inconsistent with the

284 such permits, appraisals and licenses at (Buyer's) (Seller's) STRIKE ONE expense for the following items related to the pro-
285 development GA ME FA RM & SHOOTING LEASONS - MALE FEMALE HEELS

286 A map of the Property at (Buyer's) (Seller's) STRIKE ONE expense of the following type:
287 a boundary map. mortgage inspection map. CHECK ONE BOX TO DESIGNATE MAP TYPE

288 See lines 218 to 226 for definitions of each map type. If this paragraph is checked but more than one type or no type is selected
289 boundary map is deemed selected. CAUTION: Consider cost and the need for the features of the various map types before making
290 a selection. The map of the Property shall show no significant encroachments or any information materially inconsistent with
291 prior representations to Buyer or which would render the proposed development impossible or significantly increase its cost

292 Written evidence at (Buyer's) (Seller's) STRIKE ONE expense that the following utility connections are located as follows:
293 the Property, at the lot line, across the street, etc.): electricity _____; gas _____
294 municipal sewer _____; telephone _____
295 other _____

296 STRIKE AND COMPLETE AS APPLICABLE
297 This contingency shall be deemed satisfied unless Buyer within 10 days of acceptance delivers written notice to Seller specifying
298 those items of this contingency which cannot be satisfied and written evidence substantiating why each specific item included in B

299 notice cannot be satisfied.
300 INSPECTION CONTINGENCY: This Offer is contingent upon a qualified inspector(s) conducting an inspection(s), at B
301 expense, of the Property and _____ days of acceptance delivers to S
302 no defects as defined below. This contingency shall be deemed satisfied unless Buyer within _____ days of acceptance delivers to S
303 copy of the inspector's written inspection report and a written notice listing the defects identified in the report to which Buyer objects
304 the purposes of this contingency a defect is defined as any condition of the Property which constitutes a significant threat to the he
305 safety of persons who occupy or make use of it or gives evidence of any material use, storage or disposal of hazardous or toxic subst
306 on the property.

307 OTHER: The attached Buyer to Review Land Rental Payments - April 1st to be used
308 is/are made part of this
309 ACCEPTED. THIS OFFER CAN CREATE A LEGALLY ENFORCEABLE CONTRACT. BOTH PARTIES SHOULD CAREFULLY READ
310 DOCUMENT. BROKERS MAY PROVIDE A GENERAL EXPLANATION OF THE PROVISIONS OF THE OFFER BUT ARE PROHIBITED R
311 FROM GIVING ADVICE OR OPINIONS CONCERNING YOUR LEGAL RIGHTS UNDER THIS OFFER OR HOW TITLE SHOULD BE TAKEN AT CL
312 AN ATTORNEY SHOULD BE CONSULTED IF LEGAL ADVICE IS NEEDED.

313 This Offer was drafted on 2-7-98 [date] by Charles E. Rhein-Rheim Realty
314 [licensee and firm]

315 (x) [Signature] Print Name here: _____ Social Security No.) 397-88-2514 2-7-
316 (Buyer's Signature) Print Name here: _____ (Social Security No.) _____ (Date)

317 (x) [Signature] Print Name here: _____ Social Security No.) _____ (Date)
318 (Buyer's Signature) Print Name here: _____ (Social Security No.) _____ (Date)

319 EARNEST MONEY RECEIPT Broker acknowledges receipt of earnest money as per line 10 of the above Offer.

320 _____ Broker (By) _____

321 SELLER ACCEPTS THIS OFFER. THE WARRANTIES, REPRESENTATIONS AND COVENANTS MADE IN THIS OFFER SURVIVE CLOSING
322 THE CONVEYANCE OF THE PROPERTY. THE UNDERSIGNED HEREBY AGREES TO CONVEY THE ABOVE-MENTIONED PROPERTY (

323 TERMS AND CONDITIONS AS SET FORTH HEREIN AND ACKNOWLEDGES RECEIPT OF A COPY OF THIS OFFER.
324 Charles E. Rhein-Rheim Realty, Inc. 393 54 6226 2-
325 (Seller's Signature) Print Name here: _____ (Social Security No.) _____ (Date)

326 Charles E. Rhein-Rheim 392 03 3857
327 (Seller's Signature) Print Name here: _____ (Social Security No.) _____ (Date)

This Offer was presented to Seller by _____ on 2-7, 1998, at 12 (City) _____ (State) _____ (Date)

_____ (City) _____ (State) _____ (Date)

_____ (City) _____ (State) _____ (Date)

_____ (City) _____ (State) _____ (Date)

_____ (City) _____ (State) _____ (Date)

_____ (City) _____ (State) _____ (Date)

_____ (City) _____ (State) _____ (Date)

PART I: AMENDMENT TO CONTRACT OF SALE

Buyer and Seller agree to amend the offer dated 2-7- 1998, and accepted
2- 1998, for the purchase and sale of real estate at BOND H
BYRE FARM TAX PARCEL T09-17-20-11-001-12001-180ACRES as follows:

- 5 Closing date is changed from MARCH 25, 1998 to MAY 25, 1998
- 6 Purchase price is changed from \$ _____ to \$ _____
- 7 Occupancy of the property is changed from _____ to _____
- 8 Occupancy charge is changed from \$ _____ to \$ _____
- 9 Buyer is aware there are contemplated special assessments in the estimated amount of \$ _____ for the installation of _____ and agrees to pay for same.
- 10 Seller agrees to pay \$ _____ to Buyer at closing for contemplated special assessments for the installation of _____
- 11 Seller agrees to provide title proof in the form of title insurance in accordance with the contract. Buyer agrees to pay Seller the difference between the title insurance premium and the sum of the cost of extending any abstract(s) on the property and any abstract surrender fees).
- 12 The financing contingency is changed as follows: _____
- 13 The following item(s) of personal property are excluded from the sale: _____
- 14 The following item(s) of personal property are included in the sale: _____
- 15 Other: _____
- 16 _____
- 17 _____
- 18 _____
- 19 _____
- 20 _____
- 21 _____
- 22 _____
- 23 _____
- 24 _____
- 25 _____
- 26 _____

ALL OTHER TERMS OF THE CONTRACT AND ANY PRIOR AMENDMENTS REMAIN UNCHANGED

This Amendment is binding upon Seller and Buyer only if a copy of the accepted Amendment is delivered to the party offering the Amendment on or before MARCH 25, 1998 (Time is of the Essence). Delivery of the accepted Amendment may be made in the following ways: (1) by depositing a copy of the accepted Amendment postage or fees prepaid in the U.S. mail or a commercial delivery system addressed to _____ (2) by personal delivery to the party making the Amendment, or (3) by electronic transmission of the accepted Amendment to the following telephone number: _____

NOTE: The party making this Amendment may withdraw the Amendment prior to acceptance and delivery as provided in lines 27 to 33.

Buyer [Signature] Seller [Signature]

32 by electronic transmission of the accepted Amendment to the following telephone number
33 NOTE: The party making this Amendment
34 may withdraw the Amendment prior to acceptance and delivery as provided in lines 27 to 33.

35 Buyer: [Signature] Seller: X Ethel K Bird

36 Buyer: [Signature] Seller: X Bennett & Bird

37 Date Signed: 3-13-98 Date Signed: 3-16-98

38 ATTACH THIS AMENDMENT TO THE OFFER TO PURCHASE.

39 PART II: NOTICE RELATING TO CONTRACT OF SALE

40 This notice by (Seller) (Buyer) relates to the offer dated 2-7, 1998, and accept
41 2 Bennett Bird Farm 180 Acres tax, for the purchase and sale of real estate at _____, 1998,
42 _____

43 1. The following are no longer conditions or contingencies to the contract (supporting documents if required are attached
44 1 Rights And Privs For Zoning For Shooting Passover on
45 Game Farm To Shoot Make & Female pheasants
46 at Las A Zoning Law & Regulations

47 2. Notice is given that: _____
48 _____
49 _____
50 _____

51 (Note: Only the party giving the notice above must sign.)

52 Buyer: [Signature] Seller: X Ethel K Bird

53 Buyer: [Signature] Seller: X Bennett & Bird

54 Date Signed: 3-13-98 Date Signed: 3-16-98

55 ATTACH THIS NOTICE TO THE OFFER TO PURCHASE.



Fond du Lac County

PLANNING/PARKS DEPARTMENT
(920) 929-3135
FAX (920) 929-3016

City/County Government Center
160 South Macy Street, Fond du Lac, WI 54935

February 4, 2000

Mr. John Muentner
W6198 C.T.H. Y
Brownsville, WI 53006

RE: Joe Nolan Rezoning

Dear Mr. Muentner:

As you requested, I reviewed the Joe Nolan rezoning request and offer the following comments. I mailed copies of this letter to your zoning board and to the town board.

The Nolan request is to rezone about 5 acres of A-1 zoned land to Business. This land is located on CTH F, the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 20. A review of our maps shows that most of this land is in the 100-year floodplain. The land is within the jurisdiction of the Fond du Lac County Shoreland Zoning Ordinance and is zoned General Purpose. There is a small mapped wetland area in this $\frac{1}{4}$, $\frac{1}{4}$ under DNR and Corps of Engineers (COE) jurisdiction located on this property. A scale drawing of the proposed 5-acre lot would be helpful for this type of a rezoning.

The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 20 is made up of "prime ag soils", meaning they are very good for farming. This information comes from our Fond du Lac County Farmland Preservation Plan. There are nearby homes and active farms. According to the Farmland Preservation Plan, development is incompatible for the area. I recommend disapproval of the Nolan rezoning petition for the reasons stated above.

Let me know if I can be of any other assistance.

Sincerely,

Sam Tobias
County Planning & Parks Director

cc: Byron Zoning Board
Byron Town Board
Joe Nolan

STATE OF WISCONSIN, }
Fond du Lac County, } ss.

FRED LEDERER

----- being duly
sworn, says that he is the foreman of the publisher of the Fond du Lac
Reporter, a daily newspaper published in the City of Fond du Lac, in
said county, and that a notice, of which the annexed is a printed copy,
taken from said paper, has been published in said newspaper, as
follows: -----

FEBRUARY 14 -----, A.D. 2000

Fred Lederer

Subscribed and sworn to before me this 8TH ----- day of

FEBRUARY, A.D. 2000

Jana Mertens

Notary Public, Fond du Lac, Wisconsin

NOTARY PUBLIC STATE OF WISCONSIN
MY COMMISSION EXPIRES APRIL 9, 2001

Printer's Fees, \$ 25.77

**TOWN OF BYRON
FOND DU LAC COUNTY,
WISCONSIN**
PLEASE TAKE NOTICE that on Feb-
ruary 17, 2000 at 7:30 p.m. at the
Town of Byron Town Hall the Town of
Byron Plan Commission will conduct
public hearing to consider the appli-
cation of Joe Nolan for the rezoning
of commercial use of approximately
five acres of land presently zoned for
agricultural use and located in the
southwest Quarter of the Southeast
Quarter of Section 20 on County
Highway F. The meeting is open to
the public.
Dated this 27th day of January, 2000.
Published Feb 1 & 8, 2000 (230)



Fond du Lac County

PLANNING/PARKS DEPARTMENT
(920) 929-3135
FAX (920) 929-3016

City/County Government Center
160 South Macy Street, Fond du Lac, WI 54935

February 16, 2000

Mr. John Muentner
W6198 C.T.H. Y
Brownsville, WI 53006

RE: Joe Nolan Rezoning

Dear Mr. Muentner:

As you requested, I reviewed the site map on the Joe Nolan rezoning request and offer the following comments. I mailed copies of this letter to your zoning board and to the town board.

The Nolan request is to rezone about 5 acres of A-1 zoned land to Business. This land is located on CTH F, in Section 20. Mr. Nolan gave me a map of the 5-acre site since the last letter I wrote on this rezoning. A review of our maps shows that this land is not in the 100-year floodplain. The land is not within the jurisdiction of the Fond du Lac County Shoreland Zoning Ordinance. There are no mapped wetland areas in the 5-acre site. The scale drawing of the proposed 5-acre lot was helpful to pinpoint the land requested for rezoning.

The 5 acres is made up of "prime ag soils", meaning they are very good for farming. This information comes from our Fond du Lac County Farmland Preservation Plan. However, the home/hunting lodge proposed use is really no different than a farmhouse and outbuildings and in my opinion the proposed use has no more impact than a farm and outbuildings. Rezoning the 5-acres to Business seems appropriate. In my opinion, a better alternative would be to add game hunting to the list of special uses in the A-1 and A-T sections of your zoning ordinance, with no renewal requirements. This way, the Town could control future use of the property, keeping the use agriculture related. The downside of rezoning to Business is that any and all commercial uses would be allowed on the 5 acres.

Let me know if I can be of any other assistance.

Sincerely,

Sam Tobias
County Planning & Parks Director

cc: Byron Zoning Board
Byron Town Board
Joe Nolan

TOWN PLAN COMMISSION
MEETING MINUTES-FEB. 17, 2000
7:30 PM

Seventh public meeting of the Town Plan Commission was called to order by John Muentner. Town Plan Commission members present were Muentner, Royal Carey, Steve Wessing, and Diane Giese. Also in attendance was Town Board member Steve Kelley.

Motion by Wessing and seconded by Carey that the minutes of Hearing Six be approved. Motion carried.

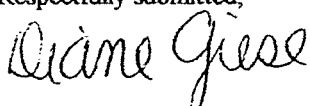
Joe Nolan was present to request the rezoning to commercial use of approximately 5 acres of land presently zoned for agricultural use and located in the Southwest 1/4 of the Southeast 1/4 of Section 20 on County Highway F. Mr. Nolan stated he wanted to build a hunting lodge on the 5 acre parcel which would serve as his residential home but would also provide a place for serving food and beverages to hunters utilizing his game farm. This would be a bird hunt area only. This would not be an overnight facility for hunters. A fence would be placed on the land running adjacent to Highway F to prevent dogs from running onto Highway F. The land has been perked and approved for a mound system. Mr. Nolan stated the game farm would be used the months of December, January, February and March. SEPT THRU APRIL

Royal Carey questioned whether other buildings would be added given the 5 acres requested for rezoning to commercial use. Mr. Nolan stated no other buildings would be put up except for a garage. There was concern that once land rezoned to commercial the Town would have no control over what buildings go on the 5 acre parcel.

The Commission Committee then heard from concerned citizens present which included Bob Hungerford, Harvey Braford, Byron Pegram and Mr. & Mrs. Wm. McKibbage. They were concerned about the safety of residents living near the game farm, the noise from trap shooting and gun hunting echoing off the ledge and the commercial use of this land for a hunting lodge which would bring more hunters to the area in large numbers. They also were concerned about possible trap shooting leagues forming. Mr. Nolan stated no league type trap shooting would be done but he would in the future offer hunters the opportunity to practice shoot on clay targets prior to going out on a hunt if they so wished. Byron Pegram who runs the Methodist Campground next to the game farm had concerns about safety. The campground is open year round with many activities taking place in the woods next to the game farm. Mr. Nolan stated the safety in this area was a concern of his also and he was going to look into fencing and marking this area carefully and would be in contact with Mr. Pegram and work with him to ensure the safety of the people utilizing the campground.

A special use permit was discussed for this parcel of land vs. rezoning to commercial use. This would allow land to revert back to agricultural in the event Mr. Nolan sold the land in question. This would give the Town more control over what this land could be used for in the future. Mr. Nolan had concerns about restrictions being placed on him by the Town after his investment made in hunting lodge and game farm.

After hearing from all interested parties present the Town Planning Commission took a vote regarding the rezoning of only 2.5 acres from agricultural to commercial. One vote in favor (Wessing) and three votes opposed (Muentner, Carey and Giese). This recommendation will be presented to the Town Board at a public hearing on March 14, 2000 at 7:45 PM.

Respectfully submitted,

Diane Giese, Secretary
Town Plan Commission

cc: Gloria Kelroy
Town Plan Commission Members

STATE OF WISCONSIN, }
Fond du Lac County, } ss.

FRED LEDERER

being duly

sworn, says that he is the foreman of the publisher of the Fond du Lac Reporter, a daily newspaper published in the City of Fond du Lac, in said county, and that a notice, of which the annexed is a printed copy, taken from said paper, has been published in said newspaper, as follows:

FEBRUARY 27 + MARCH 5, A.D. 2000

Fred Lederer

Subscribed and sworn to before me this 5TH day of

MARCH, A.D. 2000

Jana Mertens
Notary Public, Fond du Lac, Wisconsin

Printer's Fees, \$ 36.18

NOTARY PUBLIC STATE OF WISCONSIN
MY COMMISSION EXPIRES JUNE 2, 2002

TOWN OF BYRON
FOND DU LAC COUNTY,
WISCONSIN
PLEASE TAKE NOTICE that on March 14, 2000 at 7:45 p.m. at the Town of Byron Town Hall the Town of Byron Town Board will receive the recommendation of the Town Plan Commission concerning the application of Joe Nolan for the rezoning to commercial use of approximately five acres of land presently zoned for agricultural use and located in the Southwest Quarter of the Southeast Quarter of Section 20 on County Highway F. The Town Board will consider the Plan Commission's recommendations as well as comments from the public. The Town Board may take final action on the application at this hearing. All interested persons are encouraged to attend.
Dated this 27th day of January, 2000.
Published Feb. 27 & March 5, 2000
(231)

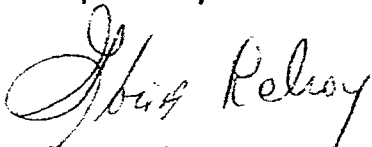
PUBLIC HEARING MINUTES
TOWN OF BYRON - MARCH 14, 2000
JOE NOLAN

Chairman Francis Ferguson called the meeting to order at 7:30 p.m. and read the notice of public hearing which was posted in three locations in the Town of Byron and published in the Reporter as a Class II Notice. Minutes from the February 17 of the Planning Commission Committee were then read by Chair Francis Ferguson. Present were Chairman Francis Ferguson, Supervisors Steve Kelley and Lowell Boelk, Clerk Gloria Kelroy, and Treasurer Los Towne.

Joe Nolan was present to request the rezoning from agricultural to commercial 5 acres of land located in the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 20 on County Highway F. Mr. Nolan would like to build a hunting lodge on the 5 acre parcel which would serve as his residential home but would also provide a place for serving food and beverages to hunter utilizing his game farm. This would be a bird hunt area only.

A discussion was then taken by the town board. The town board agreed with the recommendation of the Planning Commission Committee. The recommendation was to issue a special use permit. This would allow land to revert back to agricultural in the event Mr. Nolan sold the land in question. This would give the Town more control over what this land could be used for in the future. Francis Ferguson made a motion to issue a special use permit, Lowell Boelk seconded the motion. 3 Ayes were recorded. Motion carried.

Respectfully submitted,



Gloria Kelroy
Town of Byron Clerk

*A follow-up hearing will be April 18
at 7:30 p.m.*

LAW OFFICES
EDGARTON, ST. PETER, PETAK, MASSEY & BULLON

10 FOREST AVENUE

P.O. BOX 1276

FOND DU LAC, WISCONSIN 54936-1276

FAX NUMBER: (920) 922-9091

920-922-0470

ALLAN L. EDGARTON (1908-1994)

THOMAS L. MASSEY (1935-1995)

GEORGE M. ST. PETER, RETIRED

NEIL HOBBS, RETIRED

A.D. (DAN) EDGARTON
ROBERT V. EDGARTON
RONALD L. PETAK
JOHN A. ST. PETER
KATHRYN M. BULLON
PAUL W. ROSENFELDT

March 16, 2000

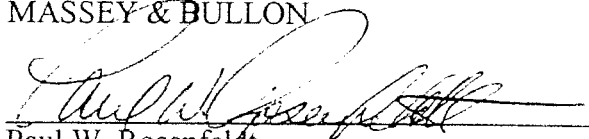
Mr. Mike Mentzer
The Reporter
33 W. Second Street
Fond du Lac, WI 54935

Dear Mr. Mentzer:

This is to advise you that on April 13, 2000 at 7:30 p.m. at the Town of Byron Town Hall the Town Board of supervisors may be in attendance at a separately noticed meeting of the Town Plan Commission scheduled to be held at said time and place. The subject matter of the meeting will be a proposed amendment of the Town's Zoning Ordinance designating game farms and hunting preserves, but excluding skeet and trap ranges, as a special use in the Exclusive Agricultural district and Agricultural Transition district. The meeting is open to the public.

This is an open meeting notice to *The Reporter* as the official newspaper for the Town of Byron.

EDGARTON, ST. PETER, PETAK,
MASSEY & BULLON


Paul W. Rosenfeldt
Attorney for Town of Byron

cc: Gloria Kelroy
Town Plan Commission
Town Board

Hearing Info

COPY

LAW OFFICES
EDGARTON, ST. PETER, PETAK, MASSEY & BULLON

10 FOREST AVENUE

P.O. BOX 1276

FOND DU LAC, WISCONSIN 54936-1276

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JOHN A. ST. PETER
KATHRYN M. BULLON
PAUL W. ROSENFELDT

ALLAN L. EDGARTON (1908-1994)
THOMAS L. MASSEY (1935-1995)
GEORGE M. ST. PETER, RETIRED
NEIL HOBBS, RETIRED

March 16, 2000

The Reporter

P.O. Box 630

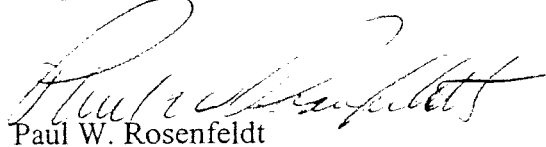
Fond du Lac, WI 54936-0630

ATTENTION: LEGALS

Dear Sir or Madam:

Enclosed for publication as Class II notices are notices of public hearings of the Town of Byron Plan Commission and Town Board to be held on April 13 and April 18, 2000, respectively. Please provide an Affidavit of Publication of each of these notices with your statement of charges.

Respectfully,



Paul W. Rosenfeldt

PWR/jap

Enclosures

cc: Gloria Kelroy, w/enc.
Town Board, w/enc.
Plan Commission, w/enc.

STATE OF WISCONSIN, |
Fond du Lac County, | ss.

FRED LEDERER

being duly

sworn, says that he is the foreman of the publisher of the Fond du Lac Reporter, a daily newspaper published in the City of Fond du Lac, in said county, and that a notice, of which the annexed is a printed copy, taken from said paper, has been published in said newspaper, as follows:

TOWN OF BYRON
FOND DU LAC COUNTY
WISCONSIN
PLEASE TAKE NOTICE that on April 13, 2000 at 7:30 p.m. at the Town of Byron Town Hall the Town of Byron Plan Commission will conduct a public hearing to consider an amendment of the Town's Zoning Ordinance. The proposed amendment would create section 6.42, which would designate game farms and hunting preserves, but excluding skeef and trap ranges, as a special use in the Exclusive Agricultural district and Agricultural Transition district. The Plan Commission will make recommendations to the Town Board concerning the proposed amendment. All interested persons are encouraged to attend.
Dated this 16th day of March, 2000.
Published March 23, 30, 2000 (387)

MARCH 23 + 30, A.D. 2000

Fred Lederer

Subscribed and sworn to before me this 30TH day of

MARCH, A.D. 2000.

Jana Mertens

Notary Public, Fond du Lac, Wisconsin

Printer's Fees, \$ 33.12

NOTARY PUBLIC STATE OF WISCONSIN
MY COMMISSION EXPIRES JUNE 2, 2002

STATE OF WISCONSIN, }
Fond du Lac County, } ss.

FRED LEDERER

being duly

sworn, says that he is the foreman of the publisher of the Fond du Lac Reporter, a daily newspaper published in the City of Fond du Lac, in said county, and that a notice, of which the annexed is a printed copy, taken from said paper, has been published in said newspaper, as follows:

MARCH 28 + APRIL 4, A.D. 2000

Fred Lederer

Subscribed and sworn to before me this HTH day of

APRIL, A.D. 2000

Jana Mertens

Notary Public, Fond du Lac, Wisconsin

Printer's Fees, \$ 37.71

NOTARY PUBLIC STATE OF WISCONSIN
MY COMMISSION EXPIRES JUNE 2, 2002

TOWN OF BYRON
FOND DU LAC COUNTY,
WISCONSIN
PLEASE TAKE NOTICE that on April 18, 2000, at 7:30 p.m. at the Town of Byron Town Hall the Town of Byron Town Board will receive the recommendation of the Town Plan Commission concerning a proposed amendment of the Town's Zoning Ordinance creating section 6.42, which would designate game farms and hunting preserves, but excluding skeet and trap ranges, as a special use in the Exclusive Agricultural district and Agricultural Transition district. The Town Board will consider the Plan Commission's recommendations as well as comments from the public. The Town Board may take final action on the proposed amendment at this hearing. All interested persons are encouraged to attend.
dated this 16th day of March, 2000.
published March 28, April 4, 2000
(388)

TOWN PLAN COMMISSION
MEETING MINUTES-APRIL 13, 2000
7:30 pm

Eighth public meeting of the Town Plan Commission was called to order by John Muentner. Town Plan Commission members present were Muentner, Steve Wessing, George Trewin, Dan Homouth and Diane Giese. Also in attendance was Town Board members Steve Kelley and Lowell Boelk.

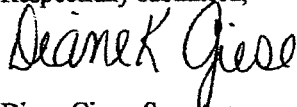
Minutes from Hearing Seven were read and amended to state that the game farm in which Joe Nolan would be operating would be open for the months of September thru April as allowed by the State DNR, December through March is incorrect. Motion by Homouth and seconded by Trewin to approve the minutes of Hearing Seven with the above amended notation. Motion carried.

The Town Plan Commission met to consider an amendment of the Town's Zoning Ordinance. The proposed amendment would create Section 6.42 which would designate game farms and hunting preserves, but excluding skeet and trap ranges, as special use in the Exclusive Agricultural district and Agricultural Transition district.

A discussion was had on what this ordinance would actually accomplish and it was decided by the Town Plan Commission that the wording of this amendment did not accomplish what the Commission would intend to do. It needs to more clearly address the commercial use of game farms and the need for special use permits for such commercial use.

The Town Plan Commission voted unanimously against the amended ordinance 6.42 and will submit this recommendation to the Town Board at a public hearing scheduled for April 18, 2000.

Respectfully submitted,



Diane Giese, Secretary
Town Plan Commission

cc: Gloria Kelroy
Town Plan Commission Members

**TOWN OF BYRON
FOND DU LAC COUNTY, WISCONSIN**

PLEASE TAKE NOTICE that on April 18, 2000 at 7:30 p.m. at the Town of Byron Town Hall the Town of Byron Town Board will receive the recommendation of the Town Plan Commission concerning a proposed amendment of the Town's Zoning Ordinance creating section 6.42, which would designate game farms and hunting preserves, but excluding skeet and trap ranges, as a special use in the Exclusive Agricultural district and Agricultural Transition district. The Town Board will consider the Plan Commission's recommendations as well as comments from the public. The Town Board may take final action on the proposed amendment at this hearing. All interested persons are encouraged to attend.

Dated this 16th day of March, 2000.

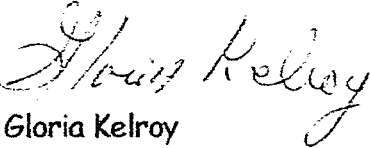
PUBLIC HEARING MINUTES
TOWN OF BYRON - APRIL 18, 2000
JOE NOLAN

Chairman Francis Ferguson called the meeting to order at 7:30 p.m. and read the notice of public hearing which was posted in three locations in the Town of Byron and published in the Reporter as a Class II Notice. Minutes from the April 13 of the Planning Commission Committee were then read by Chair Francis Ferguson. Present were Chairman Francis Ferguson, Supervisors Steve Kelley, and Lowell Boelk, Clerk Gloria Kelroy, and Treasurer Lois Towne.

Joe Nolan was present to answer any questions of the board. There was some discussion on the minutes of the Planning Commission Committee; the town ordinance of permit drawn up by the town's attorney was not in approval with the planning commission committee. Therefore, it was decided by the town board that they would meet with the planning commission committee as to the decision of the drafted permit.

The meeting was adjourned at 8:45 p.m., motion was made by Francis Ferguson, seconded by Lowell Boelk.

Respectfully submitted,


Gloria Kelroy
Town of Byron Clerk

LAW OFFICES
EDGARTON, ST. PETER, PETAK, MASSEY & BULLON

10 FOREST AVENUE
P.O. BOX 1276
FOND DU LAC, WISCONSIN 54936-1276
FAX NUMBER: (920) 922-9091
920-922-0470

ALLAN L. EDGARTON (1908-1994)
THOMAS L. MASSEY (1933-1995)
GEORGE M. ST. PETER, RETIRED
NEIL HOBBS, RETIRED

A.D. (DAN) EDGARTON
ROBERT V. EDGARTON
RONALD L. PETAK
JOHN A. ST. PETER
KATHRYN M. BULLON
PAUL W. ROSENFELDT

July 26, 2000

The Reporter
P.O. Box 630
Fond du Lac, WI 54936-0630


ATTENTION: LEGALS

Dear Sir or Madam:

Enclosed for publication as Class II notices are notices of public hearings of the Town of Byron Plan Commission and Town Board to be held on August 24 and September 19, 2000, respectively. Please provide an Affidavit of Publication for each of these notices with your statement of charges.

Respectfully,

EDGARTON, ST. PETER, PETAK,
MASSEY & BULLON



Paul W. Rosenfeldt

PWR/jap
Enclosure

cc: Gloria Kelroy, w/enc.
Plan Commission, w/enc.
Town Board, w/enc.

LAW OFFICES
EDGARTON, ST. PETER, PETAK, MASSEY & BULLON

10 FOREST AVENUE
P.O. BOX 1276
FOND DU LAC, WISCONSIN 54936-1276
FAX NUMBER: (920) 922-9091
920-922-0470

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JOHN A. ST. PETER
KATHRYN M. BULLON
PAUL W. ROSENFELDT

July 26, 2000

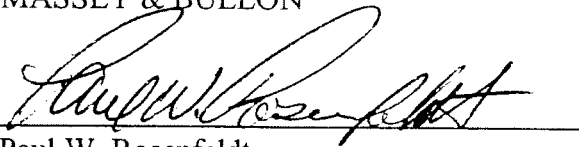
Mr. Mike Mentzer
The Reporter
P.O. Box 630
Fond du Lac, WI 54936-0630

Dear Mr. Mentzer:

This is to advise you that on August 24, 2000 at 7:30 p.m. at the Town of Byron Town Hall the Town Board of Supervisors may be in attendance at a separately noticed meeting of the Town Plan Commission scheduled to be held at said time and place. The subject matter of the meeting will be the proposed amendment of the Town Zoning Ordinance to authorize game farms and skeet and trap ranges as special uses in the Exclusive Agricultural and Agricultural Transition Districts. The meeting is open to the public.

This is an open meeting notice to *The Reporter* as the official newspaper for the Town of Byron.

EDGARTON, ST. PETER, PETAK,
MASSEY & BULLON



Paul W. Rosenfeldt
Attorney for Town of Byron

cc: Gloria Kelroy
Town Plan Commission
Town Board

STATE OF WISCONSIN,)
Fond du Lac County,) ss.

SARAH A. RADKE

being duly

sworn, says that he is the foreman of the publisher of the Fond du Lac Reporter, a daily newspaper published in the City of Fond du Lac, in said county, and that a notice, of which the annexed is a printed copy, taken from said paper, has been published in said newspaper, as follows:

AUGUST 4, 11,

A.D. 2000

Sarah A. Radke

Subscribed and sworn to before me this 15TH day of

AUGUST, A.D. 2000

Jana Mertens
Notary Public, Fond du Lac, Wisconsin

NOTARY PUBLIC STATE OF WISCONSIN
MY COMMISSION EXPIRES JUNE 2, 2002

Printer's Fees, \$ 216.53

TOWN OF BYRON
FOND DU LAC COUNTY,
WISCONSIN
PLEASE TAKE NOTICE that on August 24, 2000, at 7:30 p.m. at the town of Byron Town Hall the Town of Byron Plan Commission will conduct public hearing to consider the proposed amendment of the Town's Zoning Ordinance to authorize game farms and skeet and trap ranges as special uses in the Exclusive Agricultural District and the Agricultural Transition District. The meeting is open to the public. All interested persons are encouraged to attend.
dated this 31st day of July, 2000.
published Aug. 4 & 11, 2000 (940)

**TOWN OF BYRON
FOND DU LAC COUNTY, WISCONSIN**

PLEASE TAKE NOTICE that on August 24, 2000 at 7:30 p.m. at the Town of Byron Town Hall the Town of Byron Plan Commission will conduct a public hearing to consider the proposed amendment of the Town's Zoning Ordinance to authorize game farms and skeet and trap ranges as special uses in the Exclusive Agricultural District and the Agricultural Transition District. The meeting is open to the public. All interested persons are encouraged to attend.

Dated this 31st day of July, 2000.

YOTUM / / WWWWL

TOWN PLAN COMMISSION
MEETING MINUTES-August 24, 2000
8:00 PM

Tenth public meeting of the Town Plan Commission was called to order by John Muentner. Town Plan Commission members present were Muentner, Steve Wessing, Dan Homuth and Diane Giese. Also in attendance was Town Board Member Francis Ferguson.

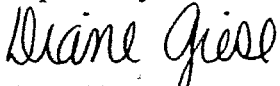
Minutes from Hearing Nine were read and motion made by Homuth and seconded by Wessing to approve the minutes. Motion carried.

The Town Plan Commission met to consider an amendment to the Town's Zoning Ordinance to authorize game farms and skeet and trap ranges as special uses in the Exclusive Agricultural and Agricultural Transition Districts.

It was felt by the Plan Commission that a special use permit was necessary to allow the Town Board a means of controlling game farm activities. The Town Plan Commission proposed an amendment of the Town's Zoning Ordinance to require game farms, skeet and trap ranges, sporting clays and target ranges to have a special use permit in the Exclusive Agricultural and Agricultural Transition Districts.

The Town Plan Commission voted unanimously on the above special use permit and will present this recommendation to the Town Board at a public hearing to be held September 19, 2000.

Respectfully submitted,



Diane Giese, Secretary
Town Plan Commission

cc: Gloria Kelroy
Town Plan Commission Members

TOWN OF BYRON
FOND DU LAC COUNTY, WISCONSIN

PLEASE TAKE NOTICE that on September 19, 2000 at 7:30 p.m. at the Town of Byron Town Hall the Town of Byron Town Board will receive the recommendation of the Town Plan Commission concerning the proposed amendment of the Town Zoning Ordinance to authorize game farms and skeet and trap ranges as special uses in the Exclusive Agricultural District and the Agricultural Transition District. The Town Board will consider the Plan Commission's recommendation as well as comments from the public. The Town Board may take final action on the proposed amendment at this hearing. All interested persons are encouraged to attend.

Dated this 31st day of July, 2000.

STATE OF WISCONSIN, }
Fond du Lac County, } ss.

FRED LEDERER

being duly

sworn, says that he is the foreman of the publisher of the Fond du Lac Reporter, a daily newspaper published in the City of Fond du Lac, in said county, and that a notice, of which the annexed is a printed copy, taken from said paper, has been published in said newspaper, as follows:

AUGUST 29, SEPTEMBER 5, A.D. 2000

Fred Lederer

Subscribed and sworn to before me this 8TH day of

SEPTEMBER, A.D. 2000

Jana Mertens
Notary Public, Fond du Lac, Wisconsin

NOTARY PUBLIC STATE OF WISCONSIN
MY COMMISSION EXPIRES JUNE 2, 2002

Printer's Fees, \$ 35.53

TOWN OF BYRON
FOND DU LAC COUNTY,
WISCONSIN
PLEASE TAKE NOTICE that on September 19, 2000, at 7:30 p.m. at the Town of Byron Town Hall the Town of Byron Town Board will receive the recommendation of the Town Plan Commission concerning the proposed amendment of the Town Zoning Ordinance to authorize game farms and skeet and trap ranges as special uses in the Exclusive Agricultural District and the Agricultural Transition District. The Town Board will consider the Plan Commission's recommendation as well as comments from the public. The Town Board may take final action on the proposed amendment at this hearing. All interested persons are encouraged to attend this 31st day of July, 2000. Published Aug. 29 & Sept. 5, 2000 (41)

PUBLIC HEARING

BYRON TOWN BOARD
SEPTEMBER 19, 2000

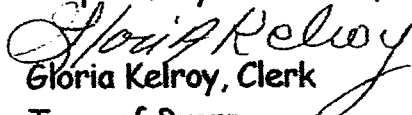
Chairman Francis Ferguson called the meeting to order at 7:45 p.m. and read the minutes of the Planning Commission Committee. Present were Chairman Francis Ferguson, Supervisors Lowell Boelk and Steve Kelley, Treasurer Lois Towne, and Clerk Gloria Kelroy.

The hearing for amendment of the Town Zoning Ordinance to authorize game farms and skeet and trap ranges as special uses in the Exclusive Agricultural District and the Agricultural Transition District. The town board has the right to step in if ordinance is not followed. Game farms are fine as long as there in no infringing on neighbors, etc.

After much discussion the board agreed to go along with the Planning Commission's recommendation which was that a special use permit was necessary to allow the Town Board a means of controlling game farm activities. Steve Kelley made a motion that we adopt this ordinance, Lowell Boelk seconded the motion. Motion carried. The Town Board voted unanimously on the special use permit. It was also the board's recommendation that the Board of Appeals review this issue on a yearly basis. The Board of Appeals will set conditions. All neighbors, etc. within a five mile radius shall be notified by mail of the upcoming meeting by the Board of Appeals.

The Town Board at their next board meeting on October 10 will review the wording of the ordinance. The public hearing was then adjourned at 8:30 a.m.

Respectfully submitted,


Gloria Kelroy, Clerk
Town of Byorn

**TOWN OF BYRON
FOND DU LAC COUNTY, WISCONSIN**

ORDINANCE AMENDING TOWN'S ZONING ORDINANCE

The Town Board of the Town of Byron does hereby ordain as follows:

SECTION 1. PURPOSE AND INTENT.

It is the intent of this ordinance to authorize game farms, as defined herein, as special uses in the Exclusive Agricultural District and the Agricultural Transition District.

SECTION 2. AUTHORITY.

The provisions of this ordinance are adopted by the Town pursuant to the authority granted by secs. 60.62, 61.35 and 62.23(7) of the Wisconsin Statutes, as amended. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing private easements, covenants, deed restrictions or agreements, nor any ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

SECTION 3. INTERPRETATION.

In their interpretation and application, the provisions of this ordinance shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

SECTION 4. NEW SPECIAL USE CATEGORY.

Add the following as an additional special use to the Exclusive Agricultural District
(A-1):

- 6.42 Game farms and hunting preserves, but excluding skeet and trap ranges.

SECTION 5. EFFECTIVE DATE.

This ordinance shall take effect upon passage and publication as required by law.

Adopted this _____ day of _____, 2000.

TOWN OF BYRON

Chairperson

Attest:

Town Clerk

NOTES FOR REZONING.

What has been heard as reasons that we should not rezone this parcel has been, "noise from trapshooting would disturb the neighbors" "loud music from parties held in or at the lodge" this complaint was stated not by the closest neighbor but by a neighbor almost 1 mile away. "Hunters would be drinking while out hunting" (then this would also have to apply to **all** persons hunting whether on Nolans land or other lands in the area). We were assured that this is covered by the type of game farm license that Mr. Nolan has, which addresses this concern. "People pulling out onto the road after drinking"

Nolan's land has been a game farm since the year 2000.

Oakfield conservation club has had a hunting area there for many years. Hungerfords have had a game farm for many years which also borders on the campgrounds.

Mc kibbage has had a game farm also.

It is the understanding that on these game farms, hunting is permitted year around.

Mr. Nolan said he does not hunt on the area from the middle of March until the first of October. So in order to supplement his income during the summer, from his significant investment, would like to hold weddings and other business or corporate and other type gathering by appointment in and around the "lodge".

Over the years we are familiar with only one instance of a complaint, which Mr. Nolan tried to resolve very soon after he was made aware of this complaint.

The area to be rezoned is not adjacent to the camp-grounds.

No organized Trap and skeet shooting is happening nor will it happen unless a special use permit is granted by the Town Board of Appeals.

There has been deed restrictions placed upon the parcel to be rezoned, (Which no other parcel, rezoned to business has ever been subject to these restrictions.)

The size of the parcel to be rezoned when presented to the Town Board from the plan commission was stated at about 2 acres. This size parcel would not be sufficient to encompass the buildings and allow necessary frontage onto a public highway.

Therefore the Town Board recommends that an area of approx. 5 acres shown on Exhibit A would be rezoned to Business.

"Draft"

Chair Francis Ferguson of the Byron Town Board called the February meeting to order at 7:30 p.m. Present were Chair Francis Ferguson, Supervisors Lowell Boelk and David Whitty, Clerk Gloria Kelroy, and Treasurer Lois Towne.

Approximately 5 town residents were present. The Pledge of Allegiance was recited.

Chair Francis Ferguson read the agenda. A motion was made by Lowell Boelk to approve the agenda as read. Dave Whitty seconded the motion. Motion carried.

A motion was made by Dave Whitty to approve the minutes from the January Meeting. Lowell Boelk seconded the motion. Motion carried.

A motion was made by Dave Whitty to approve the bills along with additions as presented by Clerk Gloria Kelroy. Lowell Boelk seconded the motion. Motion carried.

Permits issued for the month were then reported by Marlin Towne. A total of 2 permits were issued: Both were improvements.

Memorial Committee Report: Just a reminder that a corn beef and cabbage dinner will be held at the Lomira Legion on Sunday, March 16.

Historical Society – Last month's meeting was canceled due to the weather. Their next meeting is scheduled for Monday, February 18 at 7:00 p.m. at the Byron Town Hall.

Visitors Input:

Guardian Pipeline was a concern. "Is it going through?" Francis Ferguson reported that to his knowledge, it was going through.

Wind turbines were also mentioned. At present 50 are up.

Old Business:

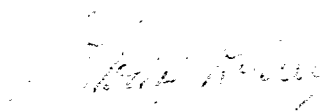
- Town Hall Remodeling – Ron Wendler will be meeting with the board as what are the possibilities for remodeling.
- Water Quality Report – Francis reported that this will be an ongoing issue for the town. Fond du Lac County has agreed to work with all townships.

New Business:

- Review of Budget Balances and Tax Collection Report – Lois Towne reported that there is a balance of 229,902.06 in the Town's checkbook. Lois also reported on the taxes. As in the past there are a few delinquent ones.
- Survey Maps – An application from Hunters Point was received. This application is pending due to a town amendment that was not completed in October of 2000. It is the board recommendation and the town's attorney that the amendment be completely redone before the application can be received.

- Discussion of Hunter's Point – Applicants are requesting an addition of a Sporting Clay Course and possible 3D archery range. In April of 2000 the Planning Commission met to consider an amendment of the Town's Zoning Ordinance. The proposed amendment would create Section 6.42 which would designate game farms and hunting preserves, but excluding skeet and trap ranges, as special use in the Exclusive Agricultural district and Agricultural Transition district. The Planning Commission felt that the wording of this amendment did not accomplish what the Commission would intend to do. It needs to more clearly address the commercial use of game farms and the need for special use permits for such commercial use. In August of 2000, the Planning Commission met again to consider an amendment to the Town's Zoning Ordinance to authorize game farms and skeet and trap ranges as special uses in the Exclusive Agricultural and Agricultural Transition Districts. It was felt by the Plan Commission that a special use permit was necessary to allow the Town Board a means of controlling game farm activities. The Planning Commission proposed an amendment of the Town's Zoning Ordinance to require game farms, skeet and trap ranges, sporting clays and target ranges to have a special use permit in the Exclusive Agricultural and Agricultural Transition Districts. In September of 2000 a public hearing was held where the town board agreed to go along with the Planning Commission's recommendation which was that a special use permit was necessary to allow the Town Board a means of controlling game farm activities. The Town Board at their next board meeting on October 10 was to review the wording of the ordinance. This never took place according to the agenda and minutes from October of 2000. Therefore, the Amendment was not published. The Amendment cannot become effective until published.
- Primary Election - February 19 at the Byron Town Hall. Polls are open from 7:00 a.m. to 8:00 p.m.
- Review of Building Permit Fees Schedule; Possible Changes – Marlin Towne listed possibilities for building permit changes. After some discussion, the board was in agreement to this recommendation. Francis Ferguson made a motion to adopt the changes and Dave Whitty seconded the motion. Motion carried with a vote of 3 ayes. Changes will go into effect March 1, 2008. The "new" building permit fee schedule will be published in the Towns Spring Newsletter.
- Publishing of Spring Newsletter – Brenda Hackbarth will continue to publish the towns' newsletter. Thank you Brenda! Next issue will be in the spring.
- Road Report – Town roads look good. Thank you to the town "highway" drivers. They have put in many long hours this winter. Thanks again!
- District Meeting in Ripon on Saturday, February 23 – Town Chair and Town Supervisors will be attending the District Meeting held in Ripon at the Royal Ridges.

Lowell Boelk made a motion to adjourn the meeting. Dave Whitty seconded the motion. Motion carried. Meeting adjourned at 9:10 p.m.



Gloria Kelroy
Town of Byron Clerk

Dates to Remember (All of the meetings listed below are held at the Byron Town Hall and are open to the public)

Monday, February 18, 2008 at 7:00 p.m. – Byron Historical Society Meeting.

Tuesday, February 19, 2008 from 7:00 a.m. to 8:00 p.m. – Primary Election.

Thursday, March 6, 2008 at 7:15 p.m. – Planning Commission Committee meeting regarding amendments to town ordinance.

Tuesday, March 11, 2008 at 7:00 p.m. – Public Hearing of Town Board to receive recommendation of Planning Commission on above subject.

Tuesday, March 11, 2008 at 7:30 p.m. - Town Board Meeting

#64

Town of Byron Plan Commission 3/6/08

Meeting Called at 7:17 PM by John Muentner - Chairman
Members Present Rudy Dubnicka, Bob Simon, John Muentner sr.
Steve Wessing, George Trowin.

Consideration of Amendments to The Town of Byron Zoning Ordinance
Sec. 6.4 to require special use permits in Exclusive Ag
districts for the following land use: (a) game farms + hunting preserve
(b) skeet/trap and sporting clay ranges and (c) private or public
airfields.

Dave Whitty stated that these items were put into the Zoning ordinance
back in the 90's but were never properly published in the
Zoning ordinance. Existing Game Farms would not need permits.

6.4 (A)(b) Difference Between Game Farm AND Commercial Game Farm.
Discussion on Difference between Re-Zoning Commercial or
Special use permit. - Hours of operation / what can be done
or what can't be done.

6.4 (C) Airfields already up and running would be grandfathered
and would not need a permit.

Motion by Steve Wessing & George Trowin to Recommend to the
Town Board the amending of 6.4 that Permits would
be Required in the future for game farms, Trap/skeet and
Sporting Clays AND Private AND public Airfields.

Motion Carried 5 yea
0 nay

Page #2

#64

Open Discussion on Town's Comprehensive Plan
Limited Access to the Town of Byron from Hwy 41.

Bob
Hungerford

Can some pressure be put on state to help give better access to help spur growth. Some also consider Limited Access a Blessing.

Larry Wunsch noted concern about out of Township waste being brought in from other areas. Possible permits or restrictions on what can be brought in

Motion by John Muentzer & ND Bob Simon to Recommend to the Town Board that outside waste coming into the Township would need to get a special use permit.

Motion Carried 5 yes
0 nays

Motion By George Travis
2ND Bob Simon
To Adjourn AT 8:11pm

Motion Carried

Respectively Submitted
Bob Simon
3/6/08

TOWN OF BYRON

March 10, 2008

TO: Todd and Angie Cardinal
Hunters Point

Enclosed are copies of minutes of Plan Commission and Town Board Meetings that were held in the Year 2000 relating to the game farm that was started by Mr. Noian.

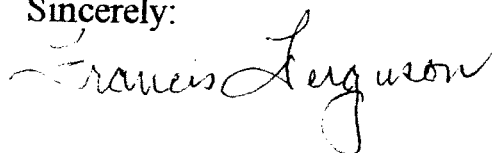
The Game Farm that was started was considered a permitted use under our Agriculture Zoning, so there would not be any change to your operation of the Game Farm, the proposed amendment to the zoning would only apply to a new Game Farm operation started after adoption of these amendments.

However the Trap and Sporting Clays mentioned in the new amendment to our zoning under 6.4 "Special Uses" **was never mentioned as a permitted use** in an zoning district, therefore was not and is not a permitted use until a special use permit would be applied for and would become a permitted use only after a special use permit would be granted.

These old minutes in fact are of no value for anything other than discussion. The Sept. 19, 2000 Hearing where the Town did approve the recommendation of the Plan Commission was never published therefore never became an amendment to our zoning, unintentionally. Upon advice of our attorney rather than publish this at this late date we were advised to do the whole process over and that is what we are doing. The new Hearing on these amendments and if approved will take effect upon Town Board Approval, signing and publication and/or posting.

We are sorry for any inconvenience and misunderstanding this may have caused.

Sincerely:



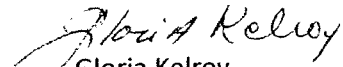
Public Hearing
Town of Byron
March 11, 2008
7:00 p.m.

Chair Francis Ferguson called the hearing to order at 7:00 p.m. Francis read the minutes of the Planning Commission Committee meeting. The following land uses were proposed:

- a) game farms and hunting preserves
- b) skeet/trap and sporting clay ranges
- c) private or public airfields.

The Planning Commission Committee met on March 6, 2008 at 7:15 p.m. and it was their recommendation to the Town Board to approve the amending of 6.4 that permits would be required in the future for game farms, trap/skeet and sporting clays and private and public airfields.

After some discussion, the board agreed to go along with the Planning Commission Committee recommendation. Dave Whitty made a motion to approve this recommendation and Lowell Boelk seconded the motion. Motion carried with a vote of 3 ayes. Meeting adjourned at 7:35 p.m.


Gloria Kelroy

Town of Byron Clerk

Town of Byron
April 7, 2008
7:30 p.m.

"Draft"

Page 1 of 2

Chair Francis Ferguson of the Byron Town Board called the April meeting to order at 7:30 p.m. Present were Chair Francis Ferguson, Supervisors Lowell Boelk and Dave Whitty, and Treasurer Lois Towne. The Pledge of Allegiance was recited.

Chair Francis Ferguson read the agenda. A motion was made by Lowell Boelk to adopt the agenda as read and Dave Whitty seconded the motion. Motion carried with a vote of 3 ayes.

A motion was made by Dave Whitty to approve the minutes from the March Meeting. Lowell Boelk seconded the motion. Motion carried with a vote of 3 ayes.

Dave Whitty made a motion to approve the bills along with the additions. Lowell Boelk seconded the motion. Motion carried with a vote of 3 ayes.

Marlin Towne then gave a report on permits issued since last month. One for a new house, 1 for a remodeled basement, and 1 for a new garage.

Memorial Committee – Francis reported they made \$2700.00 between the meal and raffle held on Sunday, March 16 at the Lomira Legion.

Historical Society – Tim Hackbarth reported they will have a display in the hall for Memorial Day.

Visitors Input – Nothing

Old Business:

- Thursday, April 10 there will be a meeting of the newly formed Water Quality Committee.
- Francis Ferguson and Dave Whitty moved to adopt the amendment to the zoning ordinance to include airports, sporting clays and trap shoots. Attorney St. Peter stated the ordinance will be published this week.

New Business:

- Budget balances reviewed.
- St. Peter went over the ordinance regulating the spreading of sludge in the Town. Lowell Boelk suggested a copy of the ordinance be sent to the DNR – Attorney St. Peter will do that and publish the ordinance. Dave Whitty and Lowell Boelk moved to adopt the ordinance. Motion carried with a vote of 3 ayes.
- No survey maps or applications

- Lois Towne read a "thank you" from Dana & Linda Williams expressing how much they appreciate the Newsletter.
- Advertising for blacktop bids will be put in the paper. Bids to be opened at the May meeting.

Correspondence:

- Request for sign warning of school bus stop ahead by Ericka King, N3815 Kelly Road
- AT & T video franchise – Francis will talk to Attorney St. Peter
- Community Development Grant

Meeting adjourned at 9:00 p.m.

Lois Towne

Town of Byron Treasurer

Dates to Remember (All of the meetings listed below are held at the Byron Town Hall and are open to the public)

Monday, April 21, 2008 at 7:00 p.m. – Byron Historical Society Meeting

Thursday, May 1, 2008 at 7:00 p.m. – Application of 4D Investments

Thursday, May 1, 2008 at 7:15 p.m. – Application of Greg Barber

Tuesday, May 13, 2008 at 6:30 p.m. – Adjourn Board of Review to later Date

Tuesday, May 13, 2008 at 7:00 p.m. – Application of Greg Barber for the rezoning to residential of approximately 28.3 acres presently zoned exclusive agricultural and located on the north side of Brookside Road in the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) and Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section One of the Town of Byron.

Tuesday, May 13, 2008 at 7:15 p.m. – Application of 4D Investments for the rezoning to residential of 1.5 acres presently zoned exclusive agricultural and located on the south side of Lost Arrow Road, west of the railroad, in the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section Three of the Town of Byron.

THE REPORTER

www.fdlreporter.com

AFFIDAVIT OF PUBLICATION

Legal No. 467
 Ad No. 5164411
 Case No. _____
 PO No. _____
 208281 ST PETER LAW

ATTN:

STATE OF WISCONSIN, }
 Fond du Lac County, } ss

Jessica Duehring being duly sworn, says that she is the fore-
 man of the publisher of The Reporter, a daily newspaper published in the city of
 Fond du Lac, in said county, and that a notice, of which annexed is a printed
 copy taken from said paper, has been published in said newspaper as follows:

APRIL 10

Jessica Duehring

Subscribed and sworn to before me this 10 day of
APRIL, A.D. 2008

Melissa G. Koester

Notary Public, Fond du Lac, Wisconsin

Printer's Fees: \$21.39

TOWN OF BYRON
 Fond du Lac County,
 WISCONSIN
 NOTICE OF
 ADOPTION OF
 AMENDMENTS TO
 TOWN ZONING
 ORDINANCE
 PLEASE TAKE NO-
 TICE that on March
 10, 2008 the Town
 Board of the Town of
 Byron amended Sec-
 tion 6.4 of the Town's
 Zoning Ordinance to
 require special use
 permits in Exclusive
 Agricultural Districts
 for the following land
 uses: (a) game farms
 and hunting pre-
 serves, (b) skeet/trap
 and sporting clay
 ranges, and (c) pri-
 vate or public air-
 fields. Existing uses
 within the preceding
 categories are exempt
 from the requirement
 to obtain a special use
 permit.
 PLEASE TAKE FUR-
 THER NOTICE that a
 full text of the Ord-
 inance may be ob-
 tained from the Town
 Clerk, Gloria Kelroy,
 3753 State Road 175,
 Fond du Lac, Wiscon-
 sin 54937-9121, tele-
 phone number:
 20-921-4799.
 GLORIA KELROY
 Town Clerk
 Published April 10,
 2008 (467)
 WJNAXLP

State of Wisconsin Fond du Lac
 County

Court

Proof of Publication Notice

Notary Public
 State of Wisconsin
 My Commission Expires Sept. 8 2009

TOWN OF BYRON
FOND DU LAC COUNTY, WISCONSIN

Certificate of Compliance

The Town Board of the Town of Byron, Fond du Lac County, Wisconsin ("Town") does hereby issue this Certificate of Compliance pursuant to Section 13.61 of the Town's Zoning Ordinance with regard to the following described real estate located in the Town and owned by Hunters Point H.C., LLC and Wisconsin Exchange Bravo, LLC d/b/a Hunter's Point Hunt Club (Todd and Angie Cardinal) ("Owners"):

A parcel of real estate located in the Northeast ¼ of the Southwest ¼ ;
Southwest ¼ of the Southwest ¼; Northwest ¼ of the Southwest ¼;
Southwest ¼ of the Northwest ¼; Southeast ¼ of the Northwest ¼;
Northwest ¼ of the Southeast ¼; Southwest ¼ of the Southeast ¼ and
Southeast ¼ of the Southwest ¼ of Section 20, T.14N-R.17E, Town of Byron,
Fond du Lac County, Wisconsin (the "Property").

The Town Board does hereby certify, as follows:

1. The Owners' predecessor in interest was Mr. Joseph Nolan. On March 14, 2000 the Town issued a special use permit to Nolan. A copy of the permit is attached and incorporated by reference. The special use permit was accompanied by a deed restriction, which is also attached and incorporated by reference.
2. The March 14, 2000 special use permit contains a statement that the Town expected the Property to revert back to agricultural use in the event that Nolan sold the Property.
3. Nolan has in fact sold the Property to the Owners and the Owners continue to use the Property as authorized by the attached special use permit and deed restriction.
4. The Town does hereby certify that the Owners' use of the Property conforms with all of the requirements of the special use permit, the deed restriction and the Town's Zoning Ordinance and, further, that the special use permit remains in full force and effect for the benefit of the Owners.

Certified this 28 day of April, 2010.

TOWN OF BYRON

By: Francis Liguore
Town Chairperson

Attest:

Kay Oostreuk
Town Clerk

