

2011 DRAFTING REQUEST

Bill

Received: 03/17/2011

Received By: **mshovers**

Wanted: **As time permits**

Companion to LRB:

For: **Joan Ballweg (608) 266-8077**

By/Representing: **Deanna**

May Contact:

Drafter: **mshovers**

Subject: **Local Gov't - counties**
Local Gov't - misc

Addl. Drafters:

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Rep.Ballweg@legis.wisconsin.gov**

Carbon copy (CC:) to: **gstanuch@co.green-lake.wi.us**
jsmart@co.marquette.wi.us

Pre Topic:

No specific pre topic given

Topic:

Boundary changes, Marquette and Green Lake Counties

Instructions:

See attached. Change the statutory boundary between Marquette and Green Lake County; 3/18, Deanna said to send electronic copies to Gerald Stanuch of Green Lake Co. and Jerry Smart of Marquette Co.

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> |
|--------------|------------------------|--------------------|----------------------|----------------|------------------------|-----------------------|-----------------|
| /? | mshovers 03/17/2011 | jdye 03/30/2011 | | _____ | | | S&L |
| /1 | | | phenry 03/31/2011 | _____ | sbasford 03/31/2011 | ggodwin 04/15/2011 | |
| | | | | _____ | mbarman 03/31/2011 | | |

FE Sent For: "/1" @ intro . 4/27/11

<END>

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Submit via email: YES

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Pre Topic:

No specific pre topic given

Topic:

Boundary changes, Marquette and Green Lake Counties

Instructions:

See attached. Change the statutory boundary between Marquette and Green Lake County

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> |
|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|

/? mshovers

1/1 MES 3/17/11 ³juw P/H ~~M/D~~ P/H

FE Sent For:

3/30 <END>

Shovers, Marc

From: Pettack2, Deanna
Sent: Wednesday, March 16, 2011 11:55 AM
To: Shovers, Marc
Subject: FW: Marquette & Green Lake County Boundary
Attachments: PDR Article.pdf; Boundary Support Resolution.pdf; BoundaryAmendment.doc; BoundaryAmendmentMap.pdf; GLCresolution.pdf

I was told these documents were also being forwarded to you.

If you have some time late this afternoon perhaps we could discuss this.

I have building commission until 3:00.

Thanks,

Dee Pettack
Office of Rep. Ballweg

From: Jerol Smart [mailto:jsmart@co.marquette.wi.us]
Sent: Wednesday, March 16, 2011 11:17 AM
To: Rep.Ballweg
Cc: Stanuch, Gerald
Subject: Marquette & Green Lake County Boundary

Attached are the documents related to my discussion with your staffer this morning.
Thank you for your attention to this matter.

Jerry Smart
Marquette County Surveyor / Land Information Officer

Marquette, Green Lake follow their own map

By Alex Ebert, Daily Register | Posted: Thursday, February 10, 2011 10:44 pm

After 150 years, officials in Marquette and Green Lake counties are trying to un-straighten the record

Since 1858, the two counties have been ignoring boundaries defined by Wisconsin state statute, and instead have used a map that was, for some long-forgotten reason, different from the official description on the books in Madison

The 890 acres (32 land parcels in one woody, residential chunk and one small swamp) in question technically belong to Green Lake County, but for a century and a half, the dozen people living in the boundary lands have considered themselves - and have paid taxes as - Marquette County residents. And although both counties have decided to keep the land (and tax dollars) in Marquette County, the discrepancy sheds light on a period of history when rural Wisconsin counties quickly grew and reformed as frontier gave way to farming and civilization

From 1836 to 1858, Wisconsin county boundaries were ever-shifting as settlers transformed the wilderness from untamed territory into villages and towns. In that period, Marquette County boundaries changed seven times, according to "Origin and Legislative History of County Boundaries in Wisconsin," a book produced by the Wisconsin Historical Records Survey in the 1940s that resides in the office of Jerry Smart, Marquette County surveyor

An act of territorial legislation in 1836 formed Marquette County from a chunk of Brown County, Smart said. From Marquette County's former mass of woods and rivers, the state Legislature broke off pieces to form Waushara County (1851) and Green Lake County (1858), which brought Marquette County to its current size of about 300,000 acres. Almost

Bob Marquette County and Green Lake County based their boundaries on a map showing the 890 acres as part of Marquette, while the state statute, which uses language illegible to the untrained reader known as "the rectangular system," says the two swatches of swamp and forest belong to the neighboring eastern county.

"For whatever reason it never got communicated to the state," Smart said. "I'm not terribly surprised, especially with how many changes were made."

The lost 890 acres was rediscovered by Green Lake global information systems specialist Gerald Stanuch while the mapmaker was investigating swamps on the county's western boarder. He was researching parcels of land with contested marshes, and he discovered something curious - some marsh land in Green Lake County was being taxed by Marquette County.

But as Stanuch dug deeper into the counties' zoning documents, he realized he was one in a long line of public servants puzzled by the questionable boundary land.

"I didn't think anyone's ever read the state statutes about the county," he said. "I discovered we still have records going back to the '70s." And the state's records go much further back.

A letter from 1979 describes how county representatives discussed fixing the state statute to reflect the "de facto situation that developed some time ago in disregard of the legal boundary description," which means that people living in the boundary land considered themselves Marquette County residents, even if the state didn't.

Antique legislative summaries, maintained in a state database, show that locals living in the region during the Civil War wanted to keep their land as part of Marquette County.

Summaries show that the state's boundary statute was disregarded in 1860, and that local residents, in 1862 and 1865 referendums, voted to keep their regions as part of Marquette County and ignore the state statute.

Stanuch's research was discussed between Green Lake and Marquette county officials, who decided to honor the wishes of the two referendums.

And in an approximately sesquicentennial notion, the Green Lake County Board of Supervisors, in December 2010, resolved that the county would help change the state statute, and obey the current de facto county boundary.

A similar resolution will appear before the Marquette County Board of Supervisors soon, and if passed, the counties will move toward asking the state to set the record back to where it was before 1858.

So what do the handful of residents in Marquette County (who actually live in Green Lake County) think about their unusual but unchanging position? No much.

Matthew Schoebel, a resident born and raised in the boundary land, said he didn't care where the state thought he lived, as long as nothing in his life changed.

"I pretty much bet that if you call anybody around here they'd all say the same," he said.

Rex Jacobson shared Schoebel's lack of enthusiasm about the non-change, even though Jacobson has lived on or owned property there for most of his 80-year life. His family manages nearly 100 acres of logging land in the area; still, "it doesn't matter to (him) where the boundary is."

After hearing that she technically has lived in Green Lake County for five years - despite filing votes and taxes in Marquette County - but will remain living in Marquette County after all, Janice Snyder first said she was "confused."

Then she said she was glad that she didn't have to pay Green Lake County taxes. But then, "upon reflection," she "doesn't feel any different."

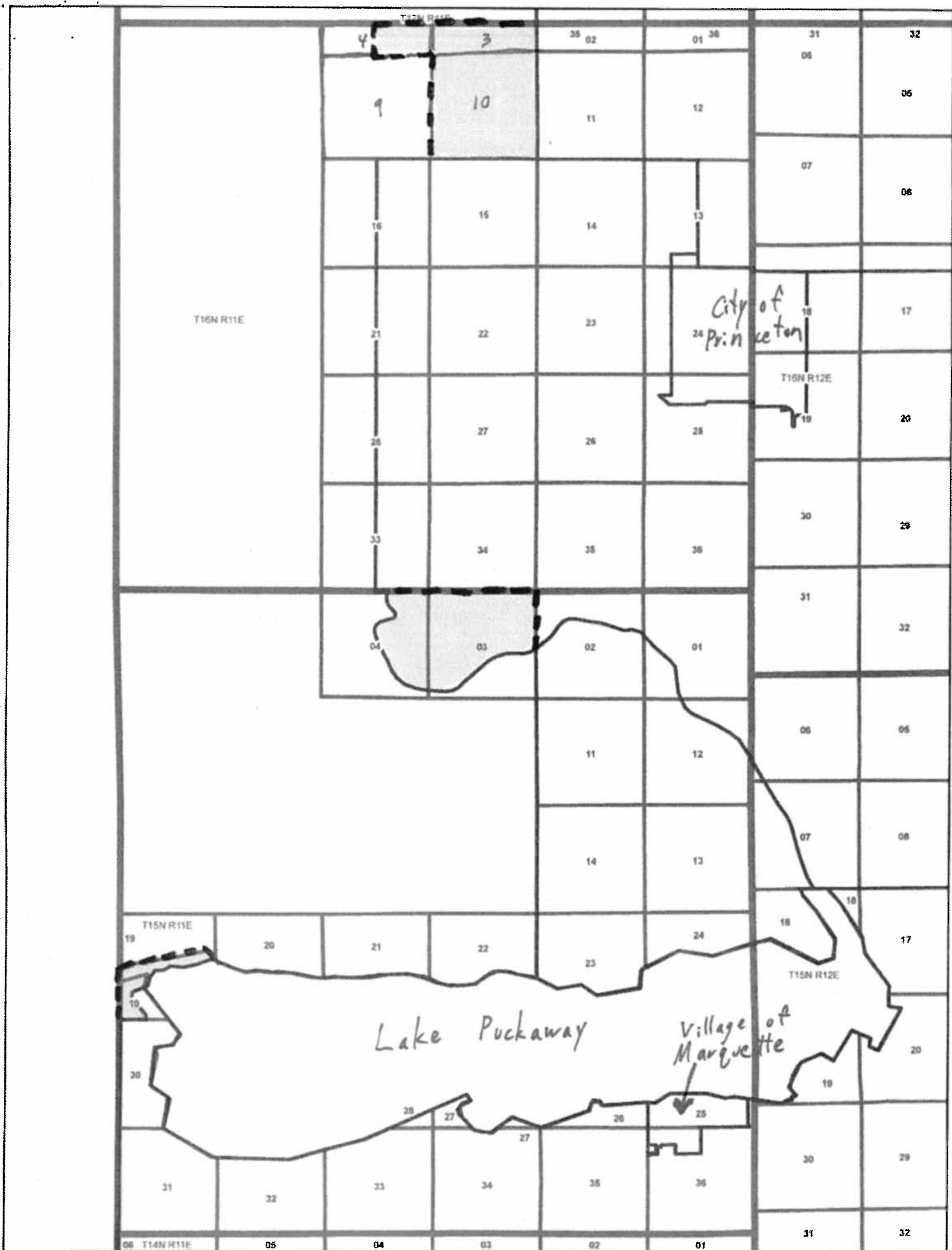
She's lived in both counties before, and she's fine with either one.

"I like Marquette County all right," she said. "It never done me any wrong."

aebert@

www.wiscnews.com

745-3509



p. 2

RELATING TO THE GREEN LAKE COUNTY
LAND USE PLANNING & ZONING COMMITTEE
RESOLUTION OF SUPPORT

The County Board of Supervisors of Green Lake County, Green Lake, Wisconsin, duly assembled at its regular meeting begun on the 21st day of December, 2010, does resolve as follows:

WHEREAS, Chapter 2 Wis. Stats. identifies each County boundary with a legal description; and

WHEREAS, the mapped boundary between Green Lake County and Marquette County differs from the Chapter 2 Wis. Stats. description; and

NOW, THEREFORE, BE IT RESOLVED that the County Land Use Planning & Zoning Committee supports the efforts of various county departments to prepare the information that will change the statutory description of the boundary line between Green Lake County and Marquette County to conform to the mapped boundary; and

BE IT FURTHER RESOLVED that the County Land Use Planning & Zoning Committee recommends that the Green Lake County Board of Supervisors also support this change and this resolution of support be included in any presentation of information to the state legislature or any state agency reviewing this change.

Submitted by the
Land Use Planning & Zoning Committee
Recommendation: Approve / Disapprove

Roll Call on Resolution No. 37 - 2010

Aye 17 Nay 0 Absent 2 Abstain 0

Passed and Enacted / Rejected
This 21st day of December, 2010

County Board Chairman

Susan McConnell - Committee Chair

Eugene Henke

Donald Peters

ATTEST County Clerk

Thomas Traxler Jr.

Approved as to Form

Ricky Perr

Assistant Corporation Counsel

Committee vote Aye 5 Nay 0 Abstain 0 Absent 0



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-16937
MES:.....

Jld
RMNR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

D-NOTE

gen

4

1

AN ACT ...; relating to: changing the boundaries of Marquette County and Green

2

Lake County

Analysis by the Legislative Reference Bureau

This bill changes the boundaries of Marquette County and Green Lake County to reflect what county officials understand to be the boundaries of these two counties.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3

SECTION 1. 2.01 (24) of the statutes is amended to read:

4

2.01 (24) GREEN LAKE: Beginning at the southwest corner of township 14, of

5

range 11 east; and running thence east on the township line to the range line between

6

ranges 13 and 14 east; thence north on said range line to the northeast corner of

7

township 17, of range 13 east; thence west on the township line to the northeast

8

corner of section 3, of township 17, of range 11 east; thence south along the east lines

1 of sections 3, 10, 15, 22, 27, and 34 of township 17 of range 11 east and the east lines
 2 of sections 3 and 10 of township 16 of range 11 east to the north line southeast corner
 3 of section 10 of township 16, of range 11 east, and to the northeast corner of section
 4 3 in the said last-named township; thence west along the township line to the half
 5 section corner of section 4 in township 16, of range 11 east; thence south to the south
 6 line of said section 4; thence east to the northeast corner of section 9 in township 16;
 7 thence south to the southeast corner of section 9; thence west to the half section
 8 corner of sections 9 and 16 along the south lines of sections 9 and 10 of township 16
 9 of range 11 east to the north one-quarter corner of section 16; thence south through
 10 the center of sections 16, 21, 28 and 33 to the township line between townships 15
 11 and 16; thence east along said township line to the northeast corner of section 3, in
 12 township 15, of range 11 east; thence south on the section line east lines of sections
 13 3, 10, 15, and 22 of township 15 of range 11 east to Lake Puckaway; thence westerly
 14 along the shore of said lake as meandered by the original government survey to the
 15 range line between ranges 10 and 11 east; thence south on said range line to the place
 16 of beginning.

SCORE hyphen

INS 2-11

INS 2-14

History: 1999 a. 25; 2001 a. 104.

SECTION 2. 2.01 (39) of the statutes is amended to read:

17 2.01 (39) MARQUETTE: Beginning at the northeast corner of section 3 in
 18 township 17, of range 11 east of the meridian aforesaid; running thence south along
 19 the east lines of sections 3, 10, 15, 22, 27, and 34 of township 17 of range 11 east and
 20 the east lines of sections 3 and 10 of township 16 of range 11 east to the north line
 21 southeast corner of section 10 of township 16, of range 11 east, and to the northeast
 22 corner of section 3 in said last-mentioned township; thence west along the township
 23 line to the half section corner of section 4 in said township 16; thence south to the
 24

of of

of of

Plain

1 south line of said ~~section 4~~; thence east to the northeast corner of section 9 in said
 2 last-mentioned township; thence south to the southeast corner of said section 9;
 3 thence west to the half section corner of sections 9 and 16 along the south lines of
 4 sections 9 and 10 of township ¹⁶ of range 11 east to the north one quarter corner of
 5 section 16 of said last-mentioned township; thence south through the center of
 6 sections 16, 21, 28 and 33 to the township line between townships 15 and 16; thence
 7 east along said last-mentioned line to the northeast corner of section 3 in township
 8 15, range 11 east; thence south on the section line east lines of sections 3, 10, 15, and
 9 22 of township ¹⁵ of range 11 east to Lake Puckaway; thence westerly along the shore
 10 of said lake, as meandered by the original government survey, to the range line
 11 between ranges 10 and 11 east; thence south on said range line to the township line
 12 between townships 13 and 14; thence west on said last-named township line to the
 13 southwest corner of township 14, range 8 east; thence north on the range line to the
 14 northwest corner of township 17, range 8 east; thence east on the township line to
 15 the place of beginning.

16 History: 1999 a. 25; 2001 a. 104. [✓]
 SECTION 3. 992.22 of the statutes is created to read:

17 992.22 Validation of actions; Green Lake County [✓] and Marquette
 18 County boundaries. [✓] Any action, proceeding, transaction, conveyance, or other
 19 matter which occurred before the effective date of this subsection ² [LRB inserts date],
 20 in Green Lake County or Marquette County, [✓] and related to or would have been
 21 impacted by the boundaries of these ² (two) counties, shall be considered to have
 22 occurred within the boundaries of Green Lake County or Marquette County [✓] as the

1 boundaries of the two counties are described in s. 2.01 (24) and (39) on the effective
2 date of this subsection [LRB inserts date].
3

(END)

D-NOTE

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1693/3dn

MES:.....

date

JLD

Representative Ballweg: ✓

*

Please note that this draft ^{e bill} is based on the instructions I received from the ✓ Marquette County surveyor/Land Information officer and the Green Lake ✓ County Geographic Information System specialist; there is really no way for the LRB to independently verify the accuracy of the boundaries of these two counties as described in the bill. ✓

Marc E. Shovers
Managing Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.wisconsin.gov

INSERTS

STATE OF WISCONSIN

AN ACT to amend 2.01 (24) and (39); and to create 992.?? and 23.25(?) of the statutes, relating to changing the descriptions of the boundaries of Green Lake and Marquette counties.

1979 Analysis by the Legislative Reference Bureau

This bill changes the statutory description of the boundaries of Green Lake and Marquette counties. Currently, the boundary line between the 2 counties described in the statutes does not correspond to the boundary line shown on maps of the counties. This bill changes the statutory description of the boundary lines of the 2 counties to conform to the boundaries of the counties shown on the maps. In addition, the bill provides that actions which occurred in Green Lake or Marquette county prior to the effective date of this bill will be considered to have occurred in the respective county as it is described in this bill.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:



SECTION 1 2.01 (24) and (39) of the statutes are amended to read:

2.01 (24) GREEN LAKE: Beginning at the southwest corner of township 14, of range 11 east; and running thence east on the township line to the range line between ranges 13 and 14 east; thence north on said range line to the northeast corner of township 17, of range 13 east; thence west on the township line to the northeast corner of section 3, of township 17, of range 11 east; thence south along the east lines of sections 3, 10, 15, 22, 27 and 34 of township 17 of range 11 east and the east lines of sections 3 and 10 of township 16 of range 11 east to the north line southeast corner of section 10 of township 16, of range 11 east, and to the northeast corner of section 3 in the said last named township; thence west along the township line to the half section corner of section 4 in township 16, of range 11 east; thence south to the south line of said section 4; thence east to the northeast corner of section 9 in township 16; thence south to the southeast corner of section 9; thence west along the south lines of sections 9 and 10 of township 16 of range 11 east to the North one quarter corner of section 16 to the half section corner of sections 9 and 16; thence south through the center of sections 16, 21, 28 and 33 to the township line between townships 15 and 16; thence east along said township line to the northeast corner point where the center of the Fox River crosses said township line between sections 4 and 33 of the last named townships; thence southerly and easterly along the center of the Fox River to the point where the center of said river crosses the east line of section 3, in township 15, of range 11 east; thence south on the east lines of sections 3, 10, 15 and 22 of township 15 of range 11 east section line to Lake Puckaway; thence westerly along the shore of said lake as meandered by the original government survey to the east line of section 19 in township 15 of range 11 east; thence westerly to the northeast corner of government lot 5 in section 19 in township 15 of range 11 east; thence southerly and westerly along the easterly line of government lot 5 in section 19 in township 15 of range 11 east to the south line of section 19 in township 15 of range 11 east; thence west on the south line of section 19 in township 15 of range 11 east to the range line between ranges 10 and 11 east; thence south on said range line to the place of beginning.

INS
2-11

INS 2-14

(39) MARQUETTE: Beginning at the northeast corner of section 3 in township 17, of range 11 east of the meridian aforesaid; running thence south along the east lines of sections 3, 10, 15, 22, 27 and 34 of township 17 of range 11 east and the east lines of sections 3 and 10 of township 16 of range 11 east to the north line southeast corner of section 10 of township 16, of range 11 east, and to the northeast corner of section 3 in said last mentioned township; thence west along the township line to the half section corner of section 4 in said township 16; thence south to the south line of said section 4; thence east to the northeast corner of section 9 in said last mentioned township; thence south to the southeast corner of said section 9; thence west along the south lines of sections 9 and 10 of township 16 of range 11 east to the North one quarter corner of section 16 to the half section corner of sections 9 and 16 of said last-mentioned township; thence south through the center of sections 16, 21, 28, and 33 to the township line between townships 15 and 16; thence east along said last-mentioned line to the northeast corner point where the center of the Fox River crosses said township line between sections 4 and 33 of the last named townships; thence southerly and easterly along the center of the Fox River to the point where the center of the said river crosses the east line of section 3 in township 15, range 11 east; thence south on the east lines of sections 3, 10, 15 and 22 of township 15 of range 11 east section line to Lake Puckaway; thence westerly along the shore of said lake, as meandered by the original government survey, to the east line of section 19 in township 15 of range 11 east; thence westerly to the northeast corner of government lot 5 in section 19 in township 15 of range 11 east; thence southerly and westerly along the easterly line of government lot 5 in section 19 in township 15 of range 11 east to the south line of section 19 in township 15 of range 11 east; thence west on the south line of section 19 in township 15 of range 11 east to the range line between ranges 10 and 11 east; thence south on said range line to the township line between townships 13 and 14; thence west on said last-named township line to the southwest corner of township 14, range 8 east; thence north on the range line to the northwest corner of township 17, range 8 east; thence east on the township line to the place of beginning.

INS
3-7

INS
3-10

SECTION 2 992.?? of the statutes is created to read:

992.?? VALIDATION OF ACTIONS IN AREAS OF GREEN LAKE AND MARQUETTE COUNTIES.

Any action, proceeding, transaction, conveyance or other matter which occurred prior to the effective date of this act (2010) in Green Lake or Marquette County shall be considered to have occurred within the boundaries of Green Lake or Marquette County as the boundaries of the 2 counties are described in § 2.01 (24) and (39) on the effective date of this act (2010).

(End)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1693/1dn
MES:jld:ph

March 30, 2011

Representative Ballweg:

Please note that this bill is based on the instructions I received from the Marquette County surveyor/Land Information officer and the Green Lake County Geographic Information System specialist; there is really no way for the LRB to independently verify the accuracy of the boundaries of these two counties as described in the bill.

Marc E. Shovers
Managing Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.wisconsin.gov

Godwin, Gigi

From: Pettack2, Deanna
Sent: Friday, April 15, 2011 10:12 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-1693/1 Topic: Boundary changes, Marquette and Green Lake Counties

Please Jacket LRB 11-1693/1 for the ASSEMBLY