

**AGENDA FOR COUNCIL MEETING**  
**CITY OF NEW RICHMOND, WISCONSIN**  
**MONDAY, AUGUST 14, 2017 - 7:00 P.M.**

**AMENDED AGENDA:**

1. Call to Order
2. Clerk's Roll Call
3. Pledge of Allegiance
4. Adoption of Agenda

**PUBLIC COMMENT**

**CONSENT AGENDA:**

1. Approval of the Minutes from the Previous Regular Council Meeting, July 10, 2017 at 7:00 p.m. and Special Council Meeting, July 21, 2017 at 8:30 a.m.
2. Applications for License to Serve from Timothy L. Scanlan, New Richmond; Robert W. Canfield, New Richmond; and Marie A. Brims, Star Prairie
3. Application for Direct Seller's Permit from Jameson Russell from Chippewa Valley Exteriors LLC and from Calvin Cooper, Catherine Mael, Isaiah Bauer and Chris Kapecky from Timber Creek Builders LLC
4. Application for Run/Walk Permit
  - a. Five Loaves Food and Clothing Harvest Moon 5K on September 30, 2017 from 6:00 to 8:30 p.m.
  - b. Heritage Days Road Race on September 23, 2017 at 8:00 a.m.
  - c. Alzheimer's Association Walk on September 16, 2017 at 9:30 a.m.
  - d. St. Mary's School Marathon It on October 7, 2017 10:00 a.m. to Noon
5. Application for Street Use Permit for the John Doar History Trail Opening Celebration on August 26, 2017 from 8:00 a.m. to Noon on West First Street from Knowles Avenue to Minnesota Avenue
6. Application for Temporary Class B Beer License from Knights of Columbus at 155 East Fourth Street for September 10, 17, 24, 29, October 1, 8, 15, 22, 27, 29, November 5, 12, 19, 24, 26, December 3, 10, 17 and 29
7. Application for Amplification Permit and Exemption from Loud & Unnecessary Noise from Westfield's Hospital for August 15, 2017 5:00 to 8:00 p.m.
8. Application for Taxicab License from Elijah Omweno of Magena SMV Transport & Taxi Service
9. Donations for K-9 Program:
  - \$50 Carolyn Craig
  - \$100 Bill Buffie
  - \$5,000 Kvitek Family
  - \$5,000 Westconsin Credit Union
  - \$5,000 Westfields Hospital
  - \$100 Bob Meyer
  - \$100 Mike and Coba Darrow
  - \$100 Sharon and James Beebe
  - \$500 Mike and Liz Montello
  - \$100 Wayne Tubbs
  - \$10,921 Anonymous
  - \$20 Sharon Fall
  - \$256.19 Olivia Naser and Friends

10. Payment of VO#60954 through VO#61076 totaling \$687,084.07 plus electronic fund transfers of \$2,746,471.40 for a grand total of \$3,433,555.47

## **Mayor's Reading Challenge Awards**

### **DEPARTMENT REPORTS:**

Administration  
Finance  
Community Development  
Public Works  
Library  
Police  
Fire  
Airport

### **UNFINISHED BUSINESS:**

(Consideration and action on matters tabled, postponed or referred to a committee at a previous meeting)

### **NEW BUSINESS:**

(Action on newly introduced motions, ordinances, resolutions or other matters)

1. VFW Request
2. Resolution #081701 – Opposing AB 399 and AB309 \*\*
3. Mayor's Appointments:
  - a. Bob Condon to Housing Authority to replace Delores Quinn
  - b. David Tyvoll to Plan Commission to replace Kyle Hinrichs
4. Naming of John Doar History Trail
5. John Doar History Trail Proclamation – Resolution #081702
6. **Plan Commission Recommendation:**
  - a. Ordinance #496 - Amending Wall Signs Ordinance
  - b. Ordinance #497 - Annexing Dionisopoulos property
  - c. Ordinance #498 – Annexing Krumm Property
  - d. Certified Survey Map from DCCI Land Planners
  - e. Airport Projects
7. Single-Axel Plow Truck Bids
8. Second Quarter 2017 Financial Report
9. 2018 Budget Update
10. Ordinance #499 – Amending Section 50-291 Restricted Areas for Sex Offenders
11. Resolution #081703 – Opposing 2017 Assembly Bill 361
12. Proposed Ordinance Amendment for Direct Sellers Permits
13. Purchase Agreement with School District of New Richmond
14. Work Session on August 28, 2017 at 5:30 p.m.

15. Communications & Miscellaneous
16. Closed Session per State Statute 19.85 (1)(e)(f)(g) –
  - a. TID #6 Sale of Land
  - b. TID #10 Update
  - c. Nuisance Property Issue
  - d. Evergreen Valley – Storm Water Management
17. Open Session – Action on Closed Session Agenda
18. Adjournment

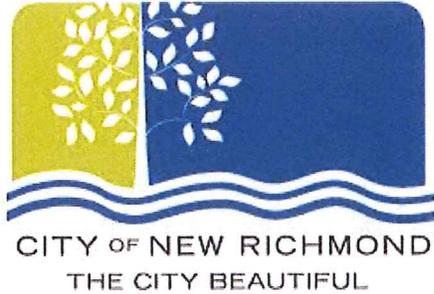
Frederick Horne, Mayor

***(THE ABOVE AGENDA IS NOT NECESSARILY IN ORDER OF PRESENTATION)***

\*\*Late Changes and Additions

***Posted: Civic Center and City Website***

If you need a sign language interpreter or other special accommodations, please contact the City Clerk at 246-4268 or Telecommunications Device for the Deaf (TDD) at 243-0453 at least 48 hours prior to the meeting so arrangements can be made.



156 East First Street  
New Richmond, WI 54017  
Ph 715-246-4268 Fax 715-246-7129  
[www.newrichmondwi.gov](http://www.newrichmondwi.gov)

TO: Mayor and City Council  
FROM: Scottie Ard, Council Member  
DATE: August 13, 2017  
RE: Resolution Opposing AB 399 and 309

### **Background**

AB 399 and SB 309 are in response to a property owner's current inability to operate an event site on their property in the Lower St. Croix Riverway, Town of Somerset, WI

History: The Trustees of the Fourth Baptist Church of Minneapolis acquired a tract of land in the Town of Somerset on January 11, 1963; the land would be used as Bible camp. On October 15, 1985, the Trustees of the Fourth Baptist Church of Minneapolis signed an easement agreement with United States of America and added additional land easements on September 10, 1992; the easements administered by the National Park Service under the Scenic and Wild Rivers Act would run with the land in perpetuity.

The Bible camp closed completely in 2011 and the property was sold in 2013 to the Hansen family known as "Family First Farms, LLC". The Hansen's began a commercial event and wedding business known as "the Lodge on Croix". Adjacent residents and Town of Somerset objected as the area is zoned AG/RES and spot zoning is prohibited under the comprehensive plan. The Town of Somerset is under St. Croix County Zoning.

St. Croix County commenced a legal action Nov. 12, 2015, the court awarded summary judgement to St. Croix County on Aug. 15, 2016.

Please see attached court transcript, bill language and web link for further information.

June 2017 Public Hearing doc. Link:

<http://docs.legis.wisconsin.gov/document/lcbillhearingtestimonyandmaterials/2017/REG/AB399>

RESOLUTION #081701

OPPOSING AB 309 AND AB 399

**WHEREAS**, the City of New Richmond takes great pride and effort in preserving and protecting the natural resources of our rural community and county; and

**WHEREAS**, in 1968, 200 miles of the St. Croix National and Scenic Riverway was established as one of the original eight rivers under the Wild and Scenic Rivers Act and in 1972, an additional 27 miles of the Lower St. Croix became the first segment added since 1968, with an additional 25 miles down to the confluence of the Mississippi River in 1976; and

**WHEREAS**, the designation of National and Scenic Riverway for the Lower St. Croix Riverway established easements which run with the land under the administration of the National Park Service, with private owners being duly compensated; and

**WHEREAS**, towns, villages and cities in the State of Wisconsin have or are expending significant amounts of time, resources and dollars to complete or update required comprehensive planning to ensure environmental preservation, as well as balanced and logical community growth; and

**WHEREAS**, Public Law 90-542; 16 U.S.C.1271*et seq.*- Wild and Scenic Rivers Act, Wisconsin Chapter NR 118 - Standards for the Lower St. Croix National Scenic Riverway, Wisconsin Statute 59.69 – Non conforming Use Law, St. Croix County Code of Ordinances Chapter 17, The Town of Somerset Comprehensive Plan and the Circuit Court of St. Croix County uphold local control in matters related to the Lower St. Croix Riverway; and

**WHEREAS**, Assembly Bill 399 and Senate Bill 309 propose to relieve the DNR of oversight and mandate St. Croix County, the Town of Somerset as well as towns, villages and cities on the Lower St. Croix to accept state rezoning in contradiction to current law and the rural character of the Lower St. Croix River; and

**WHEREAS**, the proposed language while specific to the Lower St. Croix Riverway, if passed will establish a precedent which will be utilized in other areas of the state relieving towns, villages, cities and counties of local control and stewardship.

**NOW, THEREFORE BE IT RESOLVED**, that the Common Council of the City of New Richmond does find it in the best interest of the people and in consideration of future generation to strongly oppose Assembly Bill 399 and Senate Bill 309; and

**BE IT FURTHER RESOLVED**, that the Common Council of the City of New Richmond does support the opposition to AB 399 and SB 309 by the St. Croix County Board of Supervisors, Town of Somerset, Town of River Falls and the Town of St. Joseph; and

**BE IT FURTHER RESOLVED**, that the Common Council of the City of New Richmond directs the Clerk to send a copy of this resolution to the League of Wisconsin Municipalities, our State Legislators and Governor Scott Walker.

Passed and approved: August 14, 2017

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Frederick Horne, Mayor

ATTEST:

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Tanya Batchelor, Clerk



## 2017 SENATE BILL 309

June 15, 2017 - Introduced by Senator HARSDORF, cosponsored by Representatives JARCHOW, STAFSHOLT and ZIMMERMAN. Referred to Committee on Economic Development, Commerce and Local Government.

1       **AN ACT to amend** 30.27 (3); and **to create** 30.27 (2) (d) of the statutes; **relating**  
2       **to:** zoning ordinances in the Lower St. Croix riverway.

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### *Analysis by the Legislative Reference Bureau*

This bill provides that neither the Department of Natural Resources nor a county may enforce a guideline or standard for local zoning ordinances applicable to the Lower St. Croix riverway, a general zoning standard, or a stipulation made between a county and a property owner to prohibit the operation of an event facility and lodging establishment in existing buildings on a property located in the riverway that was historically used as a recreational campground.

Under current law, DNR is required to promulgate rules establishing guidelines and standards for local zoning ordinances that apply to the banks, bluffs, and bluff tops of the Lower St. Croix River, and counties and municipalities located in the riverway are required to adopt zoning ordinances complying with the guidelines and standards. Current law also prohibits a county or municipality from modifying or providing a variance from the ordinances without DNR consent. The bill eliminates this prohibition.

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

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

**SENATE BILL 309****SECTION 1**

1           **SECTION 1.** 30.27 (2) (d) of the statutes is created to read:

2           30.27 (2) (d) Notwithstanding par. (a) 1., neither the department nor a county  
3 may enforce a guideline or standard under this section, any general zoning standard,  
4 or a stipulation made between a county and a property owner to prohibit the  
5 operation of an event facility and lodging establishment in buildings that existed  
6 prior to the effective date of this paragraph .... [LRB inserts date], on a property  
7 located wholly or partially within the Lower St. Croix riverway that was historically  
8 used as a recreational campground.

9           **SECTION 2.** 30.27 (3) of the statutes is amended to read:

10           30.27 (3) IMPLEMENTATION. Counties, cities, villages, and towns lying, in whole  
11 or in part, within the areas affected by the guidelines adopted under sub. (2) are  
12 empowered to and shall adopt zoning ordinances complying with the guidelines and  
13 standards adopted under sub. (2) within 30 days after their effective date. If any  
14 county, city, village, or town does not adopt an ordinance within the time limit  
15 prescribed, or if the department determines that an adopted ordinance does not  
16 satisfy the requirements of the guidelines and standards, the department shall  
17 immediately adopt such an ordinance. An ordinance adopted by the department  
18 shall be of the same effect as if adopted by the county, city, village, or town, and the  
19 local authorities shall administer and enforce the ordinance in the same manner as  
20 if the county, city, village, or town had adopted it. ~~No zoning ordinance so adopted~~  
21 ~~may be modified nor may any variance therefrom be granted by the county, city,~~  
22 ~~village or town without the written consent of the department, except nothing in this~~  
23 ~~section shall be construed to prohibit a county, city, village or town from adopting an~~  
24 ~~ordinance more restrictive than that adopted by the department.~~

25

(END)



## 2017 ASSEMBLY BILL 399

June 19, 2017 - Introduced by Representatives JARCHOW, STAFSHOLT and ZIMMERMAN, cosponsored by Senator HARSDORF. Referred to Committee on Natural Resources and Sporting Heritage.

- 1 **AN ACT to amend 30.27 (3); and to create 30.27 (2) (d) of the statutes; relating**  
2 **to: zoning ordinances in the Lower St. Croix riverway.**

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### *Analysis by the Legislative Reference Bureau*

This bill provides that neither the Department of Natural Resources nor a county may enforce a guideline or standard for local zoning ordinances applicable to the Lower St. Croix riverway, a general zoning standard, or a stipulation made between a county and a property owner to prohibit the operation of an event facility and lodging establishment in existing buildings on a property located in the riverway that was historically used as a recreational campground.

Under current law, DNR is required to promulgate rules establishing guidelines and standards for local zoning ordinances that apply to the banks, bluffs, and bluff tops of the Lower St. Croix River, and counties and municipalities located in the riverway are required to adopt zoning ordinances complying with the guidelines and standards. Current law also prohibits a county or municipality from modifying or providing a variance from the ordinances without DNR consent. The bill eliminates this prohibition.

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

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

**ASSEMBLY BILL 399****SECTION 1**

1           **SECTION 1.** 30.27 (2) (d) of the statutes is created to read:

2           30.27 (2) (d) Notwithstanding par. (a) 1., neither the department nor a county  
3 may enforce a guideline or standard under this section, any general zoning standard,  
4 or a stipulation made between a county and a property owner to prohibit the  
5 operation of an event facility and lodging establishment in buildings that existed  
6 prior to the effective date of this paragraph .... [LRB inserts date], on a property  
7 located wholly or partially within the Lower St. Croix riverway that was historically  
8 used as a recreational campground.

9           **SECTION 2.** 30.27 (3) of the statutes is amended to read:

10           30.27 (3) IMPLEMENTATION. Counties, cities, villages, and towns lying, in whole  
11 or in part, within the areas affected by the guidelines adopted under sub. (2) are  
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18 shall be of the same effect as if adopted by the county, city, village, or town, and the  
19 local authorities shall administer and enforce the ordinance in the same manner as  
20 if the county, city, village, or town had adopted it. ~~No zoning ordinance so adopted~~  
21 ~~may be modified nor may any variance therefrom be granted by the county, city,~~  
22 ~~village or town without the written consent of the department, except nothing in this~~  
23 ~~section shall be construed to prohibit a county, city, village or town from adopting an~~  
24 ~~ordinance more restrictive than that adopted by the department.~~

25

(END)

GRANT OF EASEMENT

THIS INDENTURE, made between the TRUSTEES OF THE FOURTH BAPTIST CHURCH OF MINNEAPOLIS, a Corporation duly organized and existing under the laws of the State of Minnesota, GRANTORS, and the UNITED STATES OF AMERICA, and its assigns, GRANTEE,

WITNESSETH, that the GRANTORS, for and in consideration of the sum of ONE HUNDRED SIXTY THOUSAND AND/NO 100 DOLLARS (\$ 160,000.00), to them in hand paid by the GRANTEE, the receipt of which is hereby acknowledged, by these presents Grant, Bargain, Sell, Warrant and Convey unto the GRANTEE and its assigns, forever, a permanent and assignable easement of the nature and character and to the extent and for the purpose set forth in EXHIBIT "B", attached hereto and made a part hereof, in, upon, over and across all those tracts or parcels land lying and being in the County of St. Croix, State of Wisconsin, described as follows:

See legal description for Tract 09-166 in attached EXHIBIT "A"

TO HAVE AND TO HOLD THE SAME together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the GRANTEE and its assigns forever. And the said GRANTORS, for themselves, their assigns, executors and administrators, do covenant with the GRANTEE and its assigns that they are well and lawfully seized in fee of the lands and premises aforesaid, and have good right to sell and convey the same in the manner and form aforesaid, and that the same are free from all encumbrances, except existing easements for public roads and highways, public utilities, railroads and pipelines.

GRANTORS will warrant and defend GRANTEE and its assigns in the quiet and peaceable possession of the above bargained and grante interest in the lands and premises herein described against all persons lawfully claiming or to claim the whole or any part thereof.

IN WITNESS WHEREOF, the GRANTORS have caused their corporate name and seal, to be hereunto affixed by their authorized representatives this 10<sup>th</sup> day of SEPTEMBER, 1992.

Fourth Baptist Church of Minneapolis

REGISTER'S OFFICE  
ST. CROIX CO., WI.  
Rec'd for Record  
SEP 28 1992

el 8:15 AM

James O. Cornell  
Register of Deeds

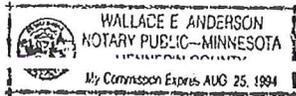
BY: James K. Martin  
James Martin, Chairman of the Trustees

Lynn Reemtsma  
ATTEST: Lynn Reemtsma, Secretary of the Trustees

STATE OF MINNESOTA )  
COUNTY OF HENNEPIN )

On this 10<sup>th</sup> day of SEPTEMBER, 1992, before me, a Notary Public, personally appeared James Martin, known to me to be the Chairman of the Trustees and Lynn Reemtsma, known to me to be the Secretary of the Trustees of the corporation described in and who executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

(SEAL)



Wallace E. Anderson  
Notary Public  
My Commission expires August 25, 1994

The interest in the lands described herein is being acquired by the Secretary of the Interior for administration by the National Park Service. This instrument was drafted by the National Park Service, St. Croix Falls, Wisconsin and is exempt from payment of State transfer tax pursuant to Section 77.25(12).

Owner:	Trustees of the Fourth Baptist Church of Minneapolis	Lower St. Croix National Scenic Riverway Revised: February 7, 1985
Area:	27.39 acres	Revised: January 8, 1985

Interest to be acquired: Scenic

Tract 09-166

A tract of land situate in Government Lot 1 and the East Half Southeast Quarter, Section 7, Township 31 North, Range 19 West, 4th Principal Meridian, St. Croix County, Wisconsin, described as follows:

Beginning at the southeast corner of said Section 7, thence, along the south line of said Section 7,

- South 89° 20' 34" West, 550 feet, thence
- North 50° 36' 26" West, 2050 feet, more or less, to a point on the north line of said Government Lot 1. Said point being 800 feet, more or less, West of the northeast corner of said Lot 1, thence
- East along said north line 800 feet to the northeast corner of said Lot 1, thence
- North along the east line of Government Lot 2, a distance of 440 feet, more or less, thence
- South 37° 31' 26" East, 2200 feet, more or less to the point of beginning.

Said tract contains 27.39 acres, more or less.

The above-described Tract 09-166 Lower St. Croix National Scenic Riverway, National Park Service, is part of that land acquired by Trustees of the Fourth Baptist Church of Minneapolis from Wilbur L. Peterson and Muriel K. Peterson, his wife, by deed dated January 11, 1963 and recorded March 19, 1963 in Volume 392 Page 639, Document Number 271854 of the St. Croix County, Wisconsin records.

SCENIC EASEMENT TERMS AND CONDITIONS

AS USED HEREIN, THE FOLLOWING DEFINITIONS SHALL APPLY

"THE LAND" means all the land covered by this easement, as described herein or in attachments hereto.

"RIVERWAY" means either the Upper or Lower St. Croix National Scenic Riverway projects or both.

"RIVER" means either the St. Croix or Namekagon Rivers or both, their islands, sloughs, backwaters and tributaries lying within the project boundaries.

"LINE OF SIGHT" means a determination of areas of the land inadequately screened from view from the river including, but not limited to, consideration of topography and the existence of permanent vegetation and trees during the summer months when they are fully leafed out.

"TREES" means all trees of every species measuring four (4) inches or more in diameter at a point four and one-half (4 1/2) feet above the ground.

THE RESTRICTIONS HEREBY IMPOSED ON THE LAND, THE ACTS WHICH THE GRANTOR PROMISES TO DO OR REFRAIN FROM DOING UPON THE LAND AND THE RIGHTS IN AND TO THE LAND GRANTED TO THE UNITED STATES OF AMERICA AND ITS ASSIGNS BY THE GRANTOR ARE AS FOLLOWS:

(1) This easement shall not be construed as affecting, without the grantor's consent, any regular, legal use of the land exercised prior to the acquisition of this easement; granting the public any right to enter or use the land for any purpose; or altering, circumventing, replacing or eliminating the need for the grantor's compliance with any state or local government zoning or land use regulations in force at any time.

(2) On land already improved with an existing dwelling, storage and/or use of an owner's personal travel trailer, motor home or recreational vehicles and equipment will be permitted on locations out of line of sight from the river; however, on locations within line of sight from the river, storage and/or use shall not exceed a maximum of fifteen (15) consecutive days unless prior written approval is received from the National Park Service. On all other lands, upon written application by the grantor, written permission will automatically be granted by the NPS for storage and/or use of travel trailers, motor homes or recreational vehicles and equipment on locations that meet all the following criteria: (a) have 250 feet of frontage on the side nearest and most parallel to the river (b) are one and one-half acres of land, and (c) are out of line of sight from the river.

(3) The construction of additional single family dwellings, buildings, structures or development of any kind, the replacement of existing structures and the construction of accessory buildings, the installation of utilities and the construction of access roads necessary to the reasonable use and enjoyment of a dwelling will require a written request from the grantor to the National Park Service and receipt by the grantor of written approval from the National Park Service. Upon receipt of an adequately documented request, such approval will be automatically granted by the National Park Service if (a) the replacement of or the addition to an existing structure which is within line of sight from the river neither increases the width or height of the original structure when viewed from the river, or (b) the location of a replacement structure or accessory building or the addition to an existing structure is out of line of sight from the river, or (c) the proposed installation of utilities or construction of access roads is located and accomplished in such a manner as to do the least possible damage to the terrain, vegetation and trees, or (d) a proposed single family dwelling will be located on its own separate site in a location out of line of sight from the river, said site having minimums of 1 1/2 acres of land and 250 feet of frontage on the side, nearest and most parallel to the river.

(4) The grantor reserves the right to perform all regular and ordinary maintenance to all existing structures, buildings, grounds and access roads, to replace, for any reason, any existing structure with another of the same size and in the same location, and to repair, or rebuild to no greater than the former size, any existing buildings or structures which are damaged by fire, storm or other casualty.

(5) Except for on-going uses and activities provided for in (1) above, the land shall not be used for any new or additional mining, quarrying, sand and gravel removal or industrial activity whatsoever, nor shall the grantor make or permit any change in the character or topography of the land, unless previously approved in writing by the National Park Service.

(6) No trees shall be cut or removed without the prior written permission of the National Park Service, except permission need not be obtained for removal of mature, diseased or injured trees when necessary for protection of persons or property. Permission for cutting and/or removal of trees for other purposes will be granted if necessary in development of an approved use or as set out in item 7(b) herein.

(7) Except for on-going uses and activities provided for in (1) above, the land shall not be used for any new or additional farm, business or commercial activity except the National Park Service, upon receipt of a written request, will issue written approval for the following: (a) farming and grazing livestock if done in conformity with good husbandry practices approved in writing by appropriate local county and state officials, (b) timber harvesting in accordance with a forest management plan if approved in writing by the appropriate local county and state officials, (c) other business or commercial activities or uses not in line of sight from the river and demonstrated to the satisfaction of the National Park Service to be compatible with and supportive of management of the Riverway.

(8) No accumulation or dumping of trash or unsightly materials shall be permitted on the land and no signs, billboards or advertisements shall be displayed or placed upon the land, except that a family name or ownership and address sign and one sign, not greater than 24 x 30 inches in size, advertising the sale of products raised thereon, services available on the premises, or sale or lease of the land, may be displayed on appropriate occasions in locations out of line of sight from the river.

(9) The National Park Service, its agents, employees and assigns, shall have the right upon reasonable notice, to enter upon and cross the land for the purpose of managing the Riverway or to determine compliance with the terms of this easement. Reasonable verbal or written notice of intent to enter the said lands shall be given by the National Park Service to the grantor and existing roads or other normally traveled routes shall be utilized wherever practicable except in instances of fire, police action, rescue action or other circumstances of an emergency or similar nature.

(10) The National Park Service shall have the right to erect and maintain signs on the land, except in the immediate vicinity of or directly in front of a dwelling. Such signs shall be limited to those deemed appropriate for the management of the Riverway or to delineate private areas from public areas and shall not exceed 24 x 30 inches in size. Advance written notice of size, content and location of each sign shall be given to the grantor by the National Park Service.

(11) The land shall not be used for additional public utility purposes other than as necessary in connection with a permitted use on this land as provided for in this easement.

(12) The National Park Service may take any legal action necessary to have removed from the land any unauthorized signs, personal property, or structures, or to require compliance with any of the terms of this easement. Written notice of intent to take such action or require such compliance shall be sent to the grantor 10 days in advance by the National Park Service. Title to items removed under such notice shall remain in the name of the grantor. The cost of such removal or required compliance shall be at the expense of the National Park Service, subject to the availability of funds regularly appropriated for such purposes.

(13) The National Park Service shall be solely responsible for determining areas within "line of sight" on the land. Such determination shall be in writing and a copy furnished to the grantor prior to the acquisition of this easement.

(14) The National Park Service agrees to furnish written determinations within a reasonable period of time whenever the grantor submits a written request for approval of some action proposed to be taken under the terms of this easement.

(15) The grantor agrees that any future transfer, sale, leasing or conveyance of any interest in the land or any agreement for use of the land, whether verbal or written, shall include a reference indicating that the transaction is subject to the terms of this easement.

(16) The terms and conditions of this easement shall run with the land, and bind the grantor and the United States of America, and assigns, in perpetuity.

THIS INSTRUMENT, made this 15th day of October, 1985 between the Trustees of the Fourth Baptist Church of Minneapolis, A Corporation duly organized and existing under the laws of the State of Minnesota, GRANTOR, and the UNITED STATES OF AMERICA and its assigns, GRANTEE,

WITNESSETH, that the GRANTOR, for and in consideration of the sum of TWENTY-SIX THOUSAND THIRHUNDRED AND NO/100 (\$26,300.00), to them in hand paid by the GRANTEE, the receipt of which is hereby acknowledged, do by these presents Grant, Assign, Sell, Warrant and Convey unto the GRANTEE and its assigns, forever, a permanent and assignable easement of the nature and character and to the extent and for the purpose set forth on pages two and three hereof, in, upon, over and across all those tracts or parcels of land lying and being the County of St. Croix, State of Wisconsin, described as follows:

All that part of Government Lot 1, Section 18, Township 31 North, Range 19 West which lies west of the line drawn parallel with and 200 feet easterly from the line reached by highwater in the sloughs so called, east of the channel of the St. Croix River, (so called Dead Man's Slough) except that part which lies in the east 200 feet of Government Lot 1.

The interest in the lands described herein is being acquired for administration by the Secretary of the Interior through the National Park Service.

TO HAVE AND TO HOLD THE SAME, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the GRANTEE and its assigns, forever. And the said GRANTOR for themselves, their heirs, executors and administrators, do covenant with the GRANTEE and its assigns that they are well and lawfully seised in fee of the lands and premises aforesaid, and has good right to sell and convey the same in the manner and form aforesaid, and that the same are free from all encumbrances, except existing easements for public roads and highways, public utilities, railroads and pipelines.

GRANTOR will warrant and defend GRANTEE and its assigns in the quiet and peaceable possession of the above bargained and granted interest in the lands and premises herein described against all persons lawfully claiming or to claim the whole or any part thereof.

IN WITNESS WHEREOF, the GRANTOR has caused its corporate name and seal to be hereunto affixed by its duly authorized representatives the day and year above written.

REGISTRY OFFICE  
ST. CROIX CO., WIS.  
Filed for Record this 16th  
day of Oct. A.D. 1985  
2:30 P.M.  
James O'Connell, Register of Deeds  
Fourth Baptist Church of Minneapolis  
Corporate Name  
By: Charles Pratt, Chairman of the Trustees  
Donald E. Ogilvie, Secretary of the Trustees

STATE OF Minnesota  
COUNTY OF St. Croix

On this 15th day of October, 1985, before me, a Notary Public, personally appeared Charles Pratt, known to me to be the Chairman of the Trustees, and Donald E. Ogilvie, known to me to be the Secretary of the Trustees of the corporation described in and who executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

(SEAL)

Virginia P. Hartman  
Notary Public  
Commission Expires 2/14/88

This instrument was drafted by the National Park Service, St. Croix Falls, Wisconsin. This deed is exempt from payment of State deed stamps, pursuant to Wisconsin statutes, Section 77.25(2).

**RIVERFRONT EASEMENT TERMS AND CONDITIONS  
AS USED HEREIN, THE FOLLOWING DEFINITIONS SHALL APPLY:**

- "THE LAND" means all the land covered by this easement, as described herein or in attachments hereto.
- "RIVERWAY" means either the Upper or Lower St. Croix National Scenic Riverway projects or both.
- "RIVER" means either the St. Croix or Namekagon Rivers or both, their islands, sloughs, backwaters and tributaries lying within the project boundaries.
- "LINE OF SIGHT" means a determination of areas of the land inadequately screened from view from the river including, but not limited to, consideration of topography and the existence of permanent vegetation and trees during the summer months when they are fully leafed out.
- "TREES" means all trees of every species measuring four (4) inches or more in diameter at a point four and one-half (4 1/2) feet above the ground.

THE RESTRICTIONS HEREBY IMPOSED ON THE LAND, THE ACTS WHICH THE GRANTOR PROMISES TO DO OR REFRAIN FROM DOING UPON THE LAND AND THE RIGHTS IN AND TO THE LAND GRANTED TO THE UNITED STATES OF AMERICA AND ITS ASSIGNS BY THE GRANTOR ARE AS FOLLOWS:

- (1) Unless otherwise stated herein, this easement shall not affect, without the grantor's consent, any regular, legal use of the land exercised prior to the acquisition of this easement.
- (2) This easement shall not be construed as granting the public any right to enter or use the land for any purpose, except members of the public shall be allowed to have access from the river or from adjoining river front lands to use that portion of the land lying within 66 feet of the ordinary high water mark of the River for purposes of hiking, fishing, nature study and temporary beaching of water craft, not including camping or picnicking.
- (3) No travel trailers, motor homes or mobile homes may be permanently placed on or affixed to the land. On land already improved with an existing dwelling, storage and/or use of owner's personal travel trailer, motor home or recreational vehicles and equipment will be permitted on locations out of line of sight from the river. On all other lands, storage and/or use of travel trailers, motor homes or recreational vehicles and equipment will require the prior written permission of the National Park Service.
- (4) No additional construction of dwelling or structures containing living quarters will be permitted on the land. The construction of other additional buildings, structures or development of any kind, the construction of additions to existing, detached single family dwellings, or the construction of accessory buildings necessary to the reasonable use and enjoyment of such dwellings may be permitted only after the grantor has submitted a written request to the National Park Service and has received written approval. Such request must be granted by the National Park Service if a proposed addition to an existing single family dwelling neither increases the width or height of the structure when viewed from the river or if the location of a proposed accessory building is out of line of sight from the river.
- (5) The grantor reserves the right to perform all regular and ordinary maintenance to all existing structures, buildings, grounds and access roads; to replace, for any reason, any existing structure with another of the same size and in the same locations, and; to repair, or rebuild to no greater than the former size, any existing buildings or structures which are damaged by fire, storm or other casualty.
- \* (6) Except for on-going uses and activities provided for in (1) above, the land shall not be used for any new or additional mining, quarrying, sand and gravel removal, industrial or commercial activity whatsoever, nor shall the grantor make or permit any change in the character or topography of the land, unless previously approved in writing by the National Park Service.
- (7) No accumulation or dumping of trash or unsightly materials shall be permitted on the land and no signs, billboards or advertisements shall be displayed or placed upon the land, except that one sign, not greater than 24 inches by 30 inches in size, advertising the sale of products raised thereon, services available on the premises, or sale or lease of the land, may be displayed on appropriate occasions in a location out of line of sight from the river.

(8) Cutting, trimming, destroying or removal of trees, grasses, brush, or shrubbery shall be permitted on the land in accordance with good husbandry practices only if such action is necessary to the cultivation or harvesting of crops on lands currently in use for farming or raising orchard fruit or nut trees; necessary for the maintenance of existing routes of ingress and egress to or from the land; necessary to the maintenance of the existing yard area of a residence; necessary for the protection and safety of existing dwellings and accessory buildings, or; necessary for the safety and well being of authorized persons using or occupying the land. Additional activities of this type shall require the prior written approval of the National Park Service.

(9) The National Park Service, its agents, employees and assigns, shall have the right, upon reasonable notice, to enter upon and cross the land for the purpose of managing the Riverway or to determine compliance with the terms of this easement. Reasonable verbal or written notice of intent to enter said lands shall be given by the National Park Service to the grantor and existing roads or other normally travelled routes shall be utilized wherever practicable except in instances of fire, police action, rescue action or other circumstances of an emergent and similar nature.

(10) The National Park Service shall have the right to erect and maintain signs on the land, except in the immediate vicinity of or directly in front of a dwelling. Such signs shall be limited to those deemed appropriate for the management of the Riverway or to delineate private areas from public areas and shall not exceed 24 inches by 30 inches in size. Advance written notice of size, content and location of each sign shall be given to grantor by the National Park Service.

(11) The land shall not be used for public utility purposes other than as necessary in connection with a nonprohibited use of this land as provided for herein.

(12) The National Park Service may take any legal action necessary to have removed from the land any unauthorized signs, personal property, or structures, or to require compliance with any of the terms of this easement. Written notice of intent to take such action or require such compliance shall be sent to the grantor 10 days in advance by the National Park Service. Removal of items or required compliance with the terms of this easement under such notice shall be at the expense of the National Park Service, subject to the availability of funds regularly appropriated for such purposes.

(13) The National Park Service shall be solely responsible for determining areas within "line-of-sight" on the land. Such determination shall be in writing and a copy furnished to the grantor prior to the acquisition of this easement.

(14) The National Park Service agrees to furnish written determinations within a reasonable period of time whenever the grantor submits a written request for approval of some action proposed to be taken under the terms of this easement.

(15) Other than the rights of the public, if any, provided for in Paragraph (2) herein, use of the river frontage or beach areas of the property for boat launchings, beachings or dockage, and access to the river across this property by the grantor, his heirs, agents, lessees, licensees or assigns for such purposes, shall be limited to that legal level and type of use and access practiced and enjoyed by the said grantor at the time of acquisition of this easement by the United States of America, or to the maximum such usage allowed for a single family residential type ownership by the local, state or federal government agency having control over such usage, whichever is greater. The granting or conveyance by the grantor of additional rights of use and/or access is prohibited. This prohibition shall apply to any sale of all or part of the property which provides for such additional rights of use and/or access. However, this prohibition is not intended to limit, prevent or preclude personal, pedestrian use and enjoyment of the property, including the river frontage or beach areas.

(16) The grantor agrees that any future transfer, sale, leasing or conveyance of any interest in the land or any agreement for use of the land, whether verbal or written, shall include a reference indicating that the transaction is subject to the terms of this easement.

(17) The terms and conditions of this easement shall run with the land, and bind the grantor and the United States of America, and assigns, in perpetuity.