Form 1100-1
Rev. 5-91

NATURAL RESOURCES BOARD AGENDA ITEM

Item No. 1.

SUBJECT: LAND ACQUISITION – STATEWIDE PUBLIC ACCESS PROGRAM – WAUKESHA COUNTY

FOR: JULY 2008 BOARD MEETING

TO BE PRESENTED BY: Richard Steffes

SUMMARY: The NRB deferred the June agenda item 3.B-8, Land Acquisition, Statewide Public Access Program in Waukesha County and directed Department staff to meet with local officials, the Okauchee Lake Management District and other interested public.

Department staff met on Tuesday, July 1, 2008 with representatives of the Okauchee Lake Management District and the Golden Mast, a private provider of public access on the lake.

The Department proposes the following in regard to future development of the boat access site:

- The Department has a long standing commitment to obtaining the public's input into decisions that will affect our natural resources. While state law does not require that the department conduct a full Wisconsin Environmental Policy Act (WEPA) review, staff will provide ample opportunity for the public to comment modeled after WEPA on the development plans. The project description typically includes an overall site layout which specifies the number and location of all parking stalls, launch ramps and boarding piers and all ancillary facilities including restrooms, landscaping, visual screening, erosion control, storm water management plan, lighting, shore fishing structures, and any proposed site operation and maintenance activities. Again, while WEPA does not require that the Department hold a public informational meeting, we will do so in an effort to obtain as much input into the development of the site as possible. This effort will include lake users, adjacent residents, the OLMD, the Town of Oconomowoc, Waukesha County, as well as the general public.
- The number of car/trailer parking stalls providing reasonable public access to Okauchee Lake is anticipated to total 35 stalls (per NR 1.91, the minimum is 29 and the maximum is 40). The 35 stalls will be provided through a combination of the 17 stalls at the Department's existing site, the 12 stalls (plus one handicap accessible stall) from the Golden Mast Inn through an extension of the private provider's agreement (five years), and six additional stalls developed with the expansion of the Department's new property acquisition. The Department will also develop a shore fishing pier and an additional five car-only parking stalls.
- The Department will develop an additional 12 car/trailer stalls (up to a maximum of 35) at the Department's public access site if/when the private providers agreement with the Golden Mast Inn expires or is terminated. In addition, the Department may increase the total number of car/trailer stalls up to a maximum of 40, should the Golden Mast Inn ever reduce the number of their 45 private car-trailer parking stalls.

The Department has obtained an option to purchase 0.68-acre of land from Gerald Kalweit for $660,000 for the Statewide Public Access program in Waukesha County. The item is being submitted because the purchase price exceeds $150,000. The Statewide Public Access program was established in 1969 to provide public access to the state's surface water resources. Sites are acquired for boat and canoe landings and related uses such as parking lots, shore fishing, and access to lakes, rivers, and streams.

The 0.68-acre Kalweit parcel allows expansion of the Department's existing public access site on Okauchee Lake. At 1,187 acres, Okauchee Lake is the third largest lake in Waukesha County, and would serve the third most populous county in the state. This lake is popular and receives heavy summer use by county residents as well as visitors. In reaction to its news release, the Department has received 16 letters or e-mails in support of the purchase and four opposed.

Purchase of this parcel will provide sufficient area for parking at the existing public boat landing. Further, the proposal provides long-term assurance that the public may access Okauchee Lake should the private access provider reduce available car/trailer parking stalls in the future. Four such private resorts/restaurants have closed for residential development on Okauchee Lake in recent years.

RECOMMENDATION: That the Board approve the purchase of 0.68 acres of land for $660,000 for the Statewide Public Access program.

LIST OF ATTACHED MATERIALS:

No ☒	Fiscal Estimate Required	Yes ☐ Attached
No ☒	Environmental Assessment of Impact Statement Required	Yes ☐ Attached
No ☐	Background Memo	Yes ☒ Attached

APPROVED:

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

Administrator, Laurie Osterndorf – AD/8 — Date 7/9/08

Secretary, Matthew J. Frank – AD/8 — Date 7/9/08

cc: S. Miller – LF/6; R. Steffes – LF/6; L. Ross – AD/8; M. Staggs – FM/4; G. McCutcheon – SER/Milwaukee

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: July 9, 2008

FILE REF: FI-2896

TO: Governor Doyle

FROM: Matthew J. Frank

SUBJECT: Proposed Land Acquisition, Kalweit Tract, File # FI-2896.
Option Expires July 29, 2008

1. PARCEL DESCRIPTION:

Statewide Public Access
Waukesha County

Grantor:

Gerald Kalweit
W354 N5098 Road T
Oconomowoc, WI 53066

Acres: 0.68
Price: $660,000
Appraised Value: $650,000; $665,000
Interest: Purchase in fee.
Improvements: There is a house, garage, and small shed on the subject.

Location: The tract is located 17 miles northwest of the City of Waukesha in northwestern Waukesha County.

Land Description: The subject area slopes gently toward the lake.

Covertype Breakdown:	Type	Acreage
	Building Site	0.68

Zoning: Residential
Present Use: Seasonal Residence
Proposed Use: Fisheries Management and Public Recreation
Tenure: 66 years
Property Taxes: $9,795.71
Option Date: April 30, 2008
Stewardship Land Access: The land will be open for fishing and other nature-based outdoor recreation. The parcel will be closed to hunting because of its close proximity to residences and public roads. It will be developed for additional parking for the adjoining Okauchee Lake boat landing.

2. JUSTIFICATION:

The Department proposes to purchase a 0.68-acre parcel from Gerald Kalweit in Waukesha County to expand the lake access site on Okauchee Lake. The land will be acquired as part of the Statewide Public Access program, which provides public access to the state's surface water resources. Sites are acquired for boat and canoe landings and related uses such as parking lots, shore fishing, and access to lakes, rivers, and streams. This parcel contains 90 feet of frontage along the western shore of Okauchee Lake and abuts the existing department-owned public access site.

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Okauchee Lake is 1,187 acres and is the third largest lake in Waukesha County. The lake has expansive open waters, many bays and coves, which makes it very attractive to boaters. This, combined with the good water quality and excellent fishery, makes it a popular destination and makes the Department's boat launch facilities one of the busiest in the Southeast Region. The existing public access facility provides 17 vehicle/trailer parking stalls and currently does not meet the minimum parking space requirements as specified in NR 1.91 (minimum 29, maximum 40). This intense popularity and significant demand for public access to Okauchee Lake has necessitated the hiring of a private security firm to oversee boat launching and parking at the existing facility on weekends and holidays during the boating season.

The lake's perimeter is fully developed and the Department has looked for viable opportunities to enhance public access to Okauchee Lake. A separate, private provider agreement with another lakefront owner provides an additional 12 vehicle/trailer parking stalls (plus one handicap accessible stall) at a private boat launch. However, purchase of the Kalweit property will insure permanent public access in case private facilities ever close.

Okauchee Lakes does not exceed the Department guidelines for public access. Section NR 1.91 is based on the premise that access to lakes is a mixture of riparian owners and public and private access sites. When public access at a reasonable fee reaches a certain level, no further public access or private sites, which require state approval are allowed. This formula is based only on sites, which qualify as reasonably priced public boating access under ss. NR 1.91(2(h) and (i). The formula does not include privately held access sites except to the extent that they are covered by a contract meeting the requirements of reasonably priced public access. In this instance, only the 17 stalls at the existing department launch site and the 13 contractual stalls at the Golden Mast so qualify. It should be noted that the stipulation and court order that settled a rip-rap violation by the Golden Mast, only requires the 13 contractual sites to be available through February 1, 2009.

This parcel will also provide additional shore fishing opportunities with an ADA accessible fishing pier. Shore fishing opportunities in southeastern Wisconsin, and Waukesha County in particular, are at a premium and in constant demand. This parcel acquisition and proposed fishing pier will contribute to meeting this demand.

The NRB deferred the June agenda item 3.B-8, Land Acquisition, Statewide Public Access Program in Waukesha County and directed department staff to meet with local officials, the Okauchee Lake Management District and a representative of the Golden Mast, a private provider of public access to the lake.

Department staff met on Tuesday, July 1, 2008 with representatives of the Okauchee Lake Management District (OLMD) and the Golden Mast. The private provider expressed willingness to extend the current private provider's agreement for a minimum of five years.

After discussions, the Department proposes the following:

- An environmental review of the future site development plans would be completed by the Department in a manner consistent with WEPA requirements. Additionally, the Department would allow for public review of the site plans by holding a public informational meeting and notifying the public of the meeting through a news release. Pubic impute will be sought on the Department's development decisions at this location.
- The number of car/trailer parking stalls providing reasonable public access to Okauchee Lake is anticipated to total 35 stalls (per NR 1.91, the minimum is 29 and the maximum is 40). The 35 stalls will be provided through a combination of the 17 stalls at the Department's existing site, the 12 stalls (plus one handicap accessible stall) from the Golden Mast Inn through an extension of the private providers agreement (five years), and six additional stalls developed with the expansion of the Department's new property acquisition. The Department also will develop a shore fishing pier and an additional five-car-only parking stalls.
- The Department will develop an additional 12 car/trailer stalls at the Department's public access site if/when the private provider's agreement with the Golden Mast Inn expires or is terminated. In

addition, the Department may increase the total number of car/trailer stalls up to a maximum of 40, should the Golden Mast Inn ever reduce the number of their 45 private car-trailer parking stalls.

The Department recommends purchase of the Kalweit parcel to provide much needed additional public access space on Lake Okauchee, consolidates state ownership, and protects our public water resources.

3. FINANCING:

State Stewardship bond (FY09) funds are anticipated:

Funds allotted to Fishery program:	Balance after proposed transaction:
$2,000,000	$1,145,350

4. ACQUISITION STATUS OF STATEWIDE PUBLIC ACCESS PROGRAM:

Established: 1969
Acres Purchased to Date: 1,151.82
Acquisition Goal: 838.65 Acres
Percent Complete: 137%
Cost to Date: $9,192,697

5a. APPRAISAL:

Appraiser: Philip Vander Male (Private Appraiser)
Valuation Date: February 4, 2008
Appraised Value: $665,000
Highest and Best Use: Residential Site with Lake Frontage

Allocation of Values:

a. lake frontage: 90 feet @ $7,389 per foot: $665,000
b. market data approach used, four comparable sales cited
c. adjusted value range: $7,258 to $7,905 per foot of frontage

Appraisal Review: Paul Scott - February 29, 2008

5b. APPRAISAL:

Appraiser: Richard Larkin (Private Appraiser)
Valuation Date: January 25, 2008
Appraised Value: $650,000
Highest and Best Use: Residential Site with Lake Frontage

Allocation of Values:

a. 0.68-acre lakefront lot: $650,000
b. market data approach used, six comparable sales cited
c. adjusted value range: $514,602 to $692,738 per lot

Appraisal Review: Paul Scott - March 18, 2008

Comments: Two appraisals were completed for this transaction. Neither appraiser assigned any value to the existing cottage, garage, and shed, indicating the highest and best use of the property was a buildable vacant lot. The best negotiated price is $660,000.

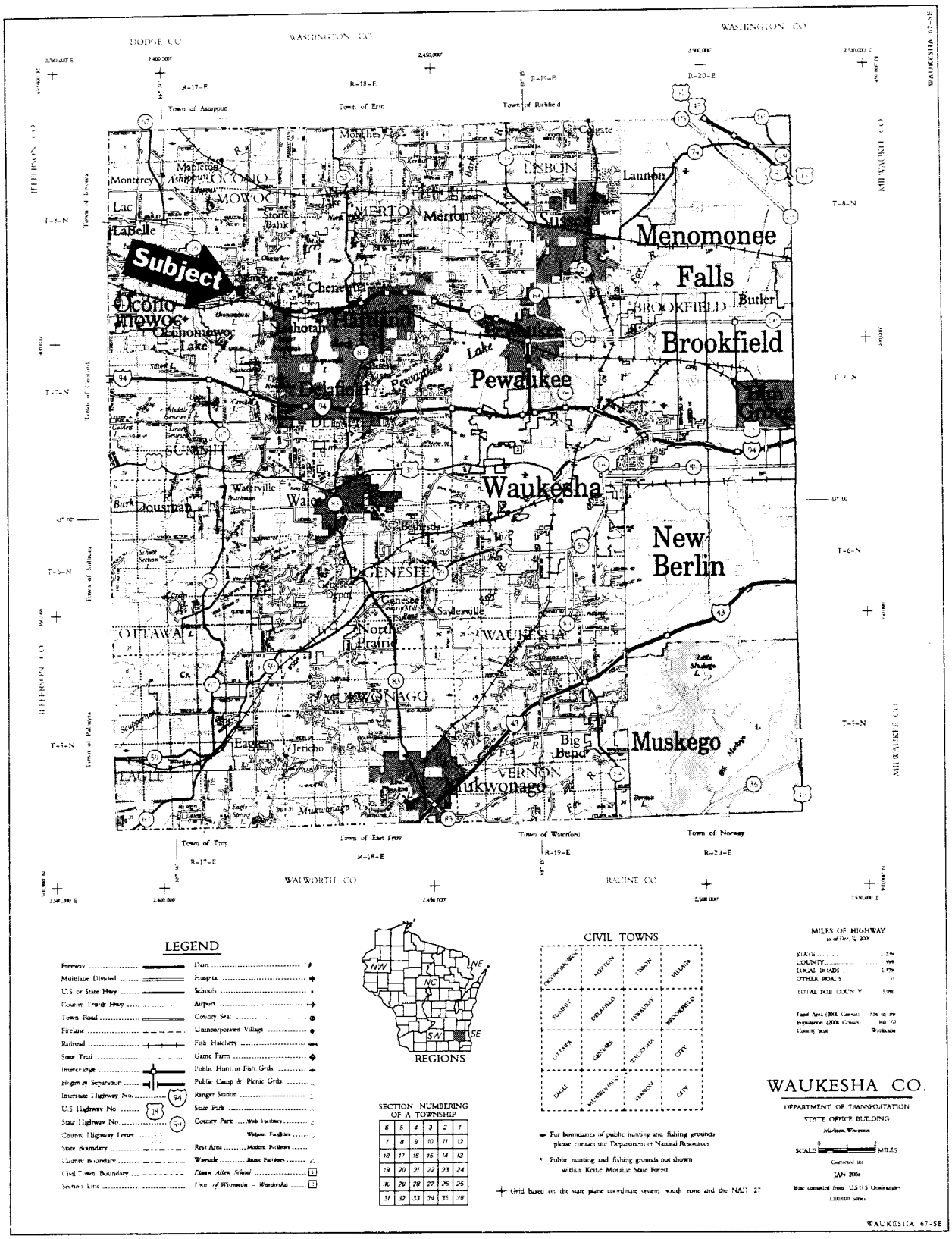
RECOMMENDED:

Richard E. Steffes — Date: 7-8-08

Bureau of Legal Services — Date: 7/9/08

Laurie Osterndorf — Date: 7/8/08

RES:ch



LEGEND

- Freeway
- Multilane Divided
- U.S. or State Hwy
- County Trunk Hwy
- Town Road
- Firelane
- Railroad
- State Trail
- Interchange
- Highway Separation
- Interstate Highway No. (94)
- U.S. Highway No. (18)
- State Highway No. (59)
- County Highway Letter
- State Boundary
- County Boundary
- Civil Town Boundary
- Section Line
- Dam
- Hospital
- Schools
- Airport
- County Seat
- Unincorporated Village
- Fish Hatchery
- Game Farm
- Public Hunt or Fish Grds.
- Public Camp & Picnic Grds.
- Ranger Station
- State Park
- County Park ... Web Facilities
- Welcome Facilities
- Rest Area ... Modern Facilities
- Wayside ... Basic Facilities
- Elkhorn Allen School
- Town of Waterford – Waukesha

REGIONS

SECTION NUMBERING OF A TOWNSHIP

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

CIVIL TOWNS

OCONOMOWOC	MERTON	LISBON	VILLAGE
TEMPLE	DELAFIELD	PEWAUKEE	BROOKFIELD
OTTAWA	GENESEE	BURLINGTON	CITY
EAGLE	MUKWONAGO	VERNON	CITY

For boundaries of public hunting and fishing grounds please contact the Department of Natural Resources

* Public hunting and fishing grounds not shown within Kettle Moraine State Forest

Grid based on the state plane coordinate system, south zone and the NAD 27

MILES OF HIGHWAY
as of Dec. 31, 2000

STATE	234
COUNTY	199
LOCAL ROADS	2,379
OTHER ROADS	0
TOTAL FOR COUNTY	3,006

Land Area (2000 Census)	556.48 sq. mi.
Population (2000 Census)	360,767
County Seat	Waukesha

WAUKESHA CO.

DEPARTMENT OF TRANSPORTATION
STATE OFFICE BUILDING
Madison, Wisconsin

SCALE 0 1 2 MILES

Corrected to:
JAN 2000

Base compiled from USGS Quadrangles
1:100,000 Series

WAUKESHA 67-SE

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Kalweit Property

Statewide Public Access

Subject Property

WDNR Owned

WNDR Eased

WDNR Leased

Project Boundary

N
W E
S

0 0.1 0.2 Miles

The DNR Managed Lands represent the boundaries of lands managed by the Wisconsin Department of Natural Resources. The Wisconsin DNR manages these lands through ownership, easement or lease rights. This data set is a spatial representation of the Oracle Land Records System maintained by the DNR, Bureau of Facilities and Lands (BF), and may include errors and/or omissions. The data should not be interpreted as a legal representation of legal ownership boundaries.

This data set does not differentiate between lands that are open or closed to the public for hunting and/or general public access. Some lands represented in this data set may not be open to the general public, or may have specific limitations or restrictions on public use. This data set is not intended for use as a land management tool, it is a listing of all DNR real estate transactions that have occurred on these lands over time.

For information about the actual management, including public use and public access of the lands, contact the nearest DNR Regional office. Contact information for DNR Regional Offices and Service Centers is provided on the following internet site:

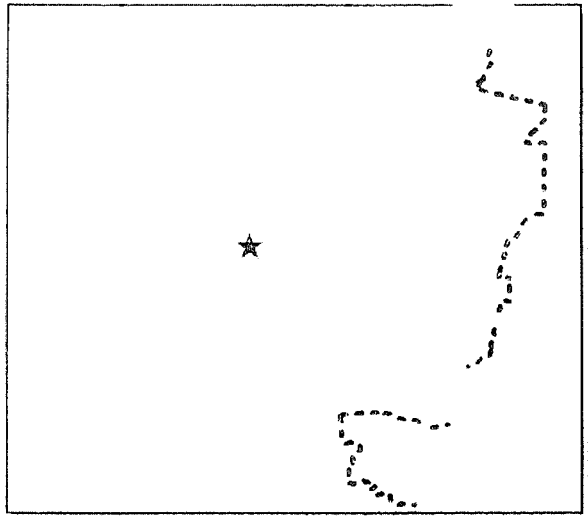
http://www.dnr.state.wi.us/org/aboutdnr/servicecenterlocations.htm

Updates to this data set are ongoing, and will be incorporated into future versions when available.

STATE OF WISCONSIN
DEPT. OF NATURAL RESOURCES

Bureau of Facilities and Lands

May 14, 2008



Kalweit Property

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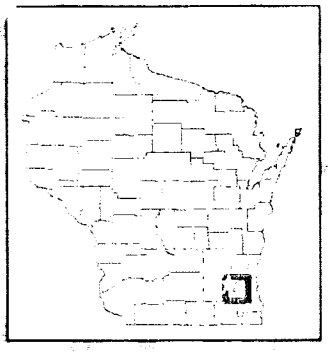
Kalweit Property

T 8N R 17E Section 35, Town of Oconomowoc, Waukesha County



Subject Parcel

DNR Owned Land

DNR Eased Land

N

0 285 570 1,140 1,710 Feet

Created by Bureau of Facilities and Lands
Real Estate Section
May 14, 2008