

Lily Lake District Resolution 24-01
Procedure and Criteria for Detachment Petition

Resolved by the Lily Lake District (LLD) Board of Commissioners.

Whereas, the LLD Board of Commissioners, pursuant to Section 33.33 (3) of the Wisconsin State Statutes are authorized and empowered to detach territory from the District following its consideration of a petition of an owner of property and its finding that such property is not benefited by continued inclusion in the District: and

Whereas, it is the intent of the Board of Commissioners to provide procedures and criteria for the consideration of such partitions in order to provide for consistent treatment of requests for detachment of property from the District.

Now therefore, be it resolved that the following procedures and criteria for consideration of petitions for detachment of property from the district be adopted as the policy of the board of Commissioners.

1. Written Request.

An owner may request the Board of Commissioners to initiate proceedings for the removal of a lot or parcel of property within the District boundaries pursuant to Section 33.33(3), Wisconsin Statutes, by filing with the District Secretary a written petition signed by each owner of the subject property setting forth:

- a. The legal description of the property sought to be removed.
- b. Include any right of access to the lakeshore or a copy of the deed, land contract or other instrument of conveyance to the petitioner, if applicable.
- c. The name and address of each owner of record.
- d. A statement explaining why the property should be removed from the district.

The written petition shall be sent USPS to the official address of the LLD, P.O. Box 73, Pickerel, WI 54465.

2. Hearing and Decision.

Requests for removal will be considered at the next regular quarterly meeting of the Board of Commissioners which is at least 15 days following the filing of a complete petition for detachment. The request will be heard as follows:

- a. The petitioner, and/or a representative designated in writing by the petitioner may present testimony and evidence relevant to whether the property is or is not benefited by inclusion in the District.

- b. The Commissioners may question the petitioner or any witnesses regarding the petition, testimony or evidence presented at the hearing.
- c. The Board shall take action on the petition within 30 days of the date of the hearing. If the Board finds that the subject property is not benefitted by continued inclusion in the District, it shall grant the petition effective on the first day of January following the Board's decision. If the Board finds that the subject property is benefitted by continued inclusion in the District, it shall deny the petition.

3. Criteria

In its consideration of whether the subject property is benefitted by continued inclusion in the District, the Board may consider:

- a. The physical characteristics of the property.
- b. Its use (recreational, commercial, residential, etc.).
- c. Its relationship to the lake in terms of whether (not inclusive):
 - i. It is riparian;
 - ii. It has private access rights to the lake;
 - iii. Its proximity to public access to the lake;
 - iv. It is within the Lily River watershed (as defined by the WI DNR/NCWRPC Forest County Land and Water Resource Management Plan) or ground water table of the lake.
- d. Whether the value of the property would be enhanced if the lake were to be in reasonably clean, attractive and usable condition; or whether the value of the property would be diminished if the lake were to be in degraded condition.
- e. Whether detachment of the property will result in any "hole" or "island" in the boundaries of the District.
- f. Any other factors relevant to whether the property is benefitted by continued inclusion in the District.

Other Considerations:

- a. Testimony and/or evidence presented must be directed to whether the PROPERTY does or does not benefit from being included in the District, NOT whether the current OWNER(S) benefit or not from being included in the District.
- b. Testimony and/or evidence that other properties in the surrounding area should be included in the District shall not be considered as a criteria/reason for the petitioned property to be removed.

Passed and adopted this 27th Day of December, 2024, at a duly convened meeting of the Board of Commissioners of the Lily Lake District.

Roll Call on Resolution 24-01:

Ayes 3 Nays 0

Lily Lake District

By:


Calvin Schmidt, Chair

Attest:


Daniel Verbeten, Secretary

Certification

The undersigned Daniel Verbeten certifies that he is the Secretary of the Lily Lake District and that the foregoing Resolution 24-01 was duly adopted by the Board of Commissioners on the 27th day of December, 2024 by a vote of 3 Ayes and 0 Nays.

Dated this 27th day of December, 2024.


Daniel Verbeten, Secretary