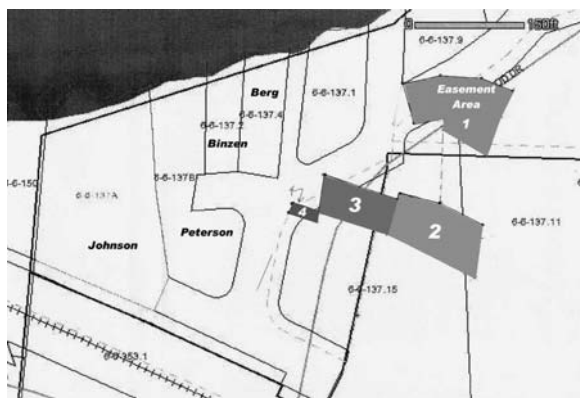


# ANATOMY OF A SEWER PROJECT

## PART 3 EASEMENTS CONFIRMED WORTHLESS



I presented *Anatomy of a Sewer Project, Part 2* at the April 20, 2010 Board meeting of the Consolidated Koshkonong Sanitary District. It documents my claim that before construction of the Applewood Area Pressure Sewer Extension could begin, Strand Associates required unnecessary easements to be obtained from some owners of property in the eastern end of the Applewood Subdivision. But because Strand technicians made a fundamental surveying error, the easements are worthless.

Rather than accept the report, apologize to the Applewood owners, and offer to repair the damage to their land records, Strand representative Paul Dreis chose to “shoot the messenger.” He refused to read the documentation. A citizen in the audience, Carl Lichtfuss, along with some CKSD Board members, challenged my assertions and suggested that better proof was needed from a professional surveyor.

So, I got it. At my own expense, I hired Combs and Associates, a well-known local company that does land surveying, land planning and civil engineering. Combs inspected six sewer main easement documents. The property descriptions are direct transcriptions from the corresponding “Easement Area” definitions provided by Strand staff member Brad Miller to attorney Mark Schroeder on February 13, 2009. Combs drew Strand’s four easement area descriptions on a Rock County plat map and added an approximate aerial photograph overlay to confirm the relative locations of roads and buildings.

We get the same results. Compare the Combs map (shown on page 1) with the map I drew on the County GIS (shown on page 2). The metes and bounds on the six Applewood easements currently filed with the Rock County Register of Deeds describe land areas located about 282 feet northeast of where Strand expected them to be. This not only makes the easements worthless; it leaves a mess in the land records of four Applewood property owners.

*David Brown*



## The burden of proof

While discussing the Applewood easements report that I submitted during its April 20 meeting, some of the CKSD Board members questioned my analysis and suggested that I needed corroboration from a professional surveyor. (An extract from the Minutes of the 4/20 meeting is provided on page 11.)

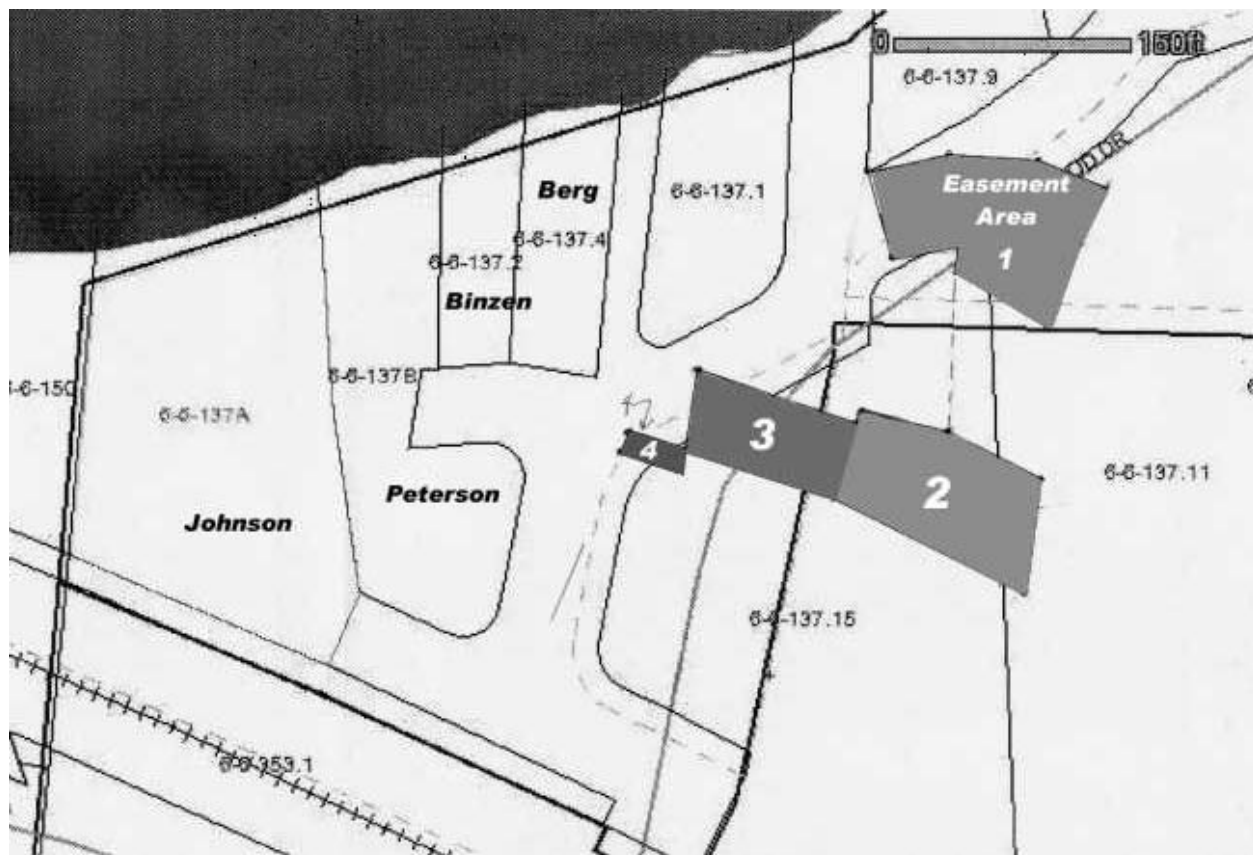
At my own expense, I hired Combs and Associates, a well known local surveying company. Combs inspected six Applewood easement documents that have been filed with the Rock County Register of Deeds. (These are reproduced on pages 5-10). The parcel descriptions in the easements are direct transcriptions from the corresponding "Easement Area" definitions provided by Strand staff member Brad Miller to attorney Mark Schroeder on February 13, 2009 (See pages 3 and 4). Combs then drew Strand's four Easement Area Applewood Descriptions on a Rock County plat map and added an approximate aerial photograph overlay to confirm the relative locations of roads and buildings. Note that the descriptions landed 283 feet northeast of where Strand expected them to be.



## Same result

Combs drew its results on a Rock County plat map with an aerial photo overlay. I had used the Rock County GIS to draw Strand's easement areas (See below). I originally published this on page 9 of *Anatomy, Part 2*.

Combs and I prove the same result -- Strand's easement area descriptions were copied verbatim into the easement documents, putting the grantors in the confusing position of allowing access to lands that they do not own.



For reference, Strand's Applewood Easement Area 1, 2, 3 and 4 descriptions are reproduced on pages 3 and 4. As-filed images of the easement documents are shown on pages 5 through 10. Attorney Schroeder obtained signatures from four property owners on six easements as follows: Binzen - Easement Area 1, Berg - Easement Area 1, Peterson - Easement Area 1 and Easement Area 2, Johnson - Easement Area 2 and Easement Area 3. Mr. Schroeder attempted to get Harold Cowell to sign for Easement Area 4, but Cowell refused.

Beyond refunding to Applewood property owners all costs arising from the definition, drafting and filing of the unnecessary and worthless easements, action is needed to clear the land records of the four property owners shown above. Any future search of their land records will discover the confusing, incorrect permanent sewer easements. An option for the Consigny law firm would be to draft and file quit claims on behalf of Fulton Sanitary District No.2 and Consolidated Koshkonong Sanitary District for the affected property owners at no charge.

Version #1  
2/13/09

Town of Fulton Sanitary District No. 2  
Applewood Description  
Easement Area 1

All the lands of the grantor located in the within the following described traverse and located in the Northwest Quarter of the Southwest Quarter of Section 14, T4N, R12E, Town of Fulton, Rock County, Wisconsin, more fully described as follows:

Commencing at the southwest corner of Section 14, Town of Fulton, thence north along the west section line  $N6^{\circ}53'10''E$ , 1800.04 feet to an iron stake in the west line of Section 14, thence  $N74^{\circ}11'00''E$ , 505.15 feet, thence  $S03^{\circ}40'20''E$ , 122.99 feet, to the point of beginning; thence  $S13^{\circ}32'40''E$ , 60.01 feet; thence  $N80^{\circ}21'40''E$ , 48 feet; thence East, 73.40 feet to the westerly right of way of East Applewood Road; thence  $N26^{\circ}36'56''E$ , 39.04 feet; thence  $N64^{\circ}02'38''W$ , 46.37; thence  $N85^{\circ}28'58''W$ , 56.03 feet; thence  $S80^{\circ}21'40''W$ , 55.52 feet to the point of beginning.

Said permanent easement contains approximately 7680 SF (.18 acres) of land more or less.

Town of Fulton Sanitary District No. 2  
Applewood Description  
Easement Area 2

All the lands of the grantor located in the within the following described traverse and located in the Northwest Quarter of the Southwest Quarter of Section 14, T4N, R12E, Town of Fulton, Rock County, Wisconsin, more fully described as follows:

Commencing at the southwest corner of Section 14, Town of Fulton, thence north along the west section line  $N6^{\circ}53'10''E$ , 1800.04 feet to an iron stake in the west line of Section 14, thence  $N74^{\circ}11'00''E$ , 505.15 feet, thence  $S03^{\circ}40'20''E$ , 122.99 feet; thence  $S13^{\circ}32'40''E$ , 60.01 feet; thence  $N80^{\circ}21'40''E$ , 48 feet; Thence  $S06^{\circ}12'00''W$ , 123.10 feet to the point of beginning; thence  $N69^{\circ}56''W$ , 61.37 feet; thence  $S19^{\circ}37'1''W$ , 58.87 feet; thence  $S64^{\circ}08'45''E$ , 132.77 feet; thence  $N08^{\circ}15'43''E$ , 73.82 feet; thence  $N69^{\circ}56'00''W$ , 56.08 feet to the point of beginning.

Said permanent easement contains approximately 8128 SF (.19 acres) of land more or less.

Town of Fulton Sanitary District No. 2  
 Applewood Description  
 Easement Area 3

All the lands of the grantor located in the within the following described traverse and located in the Northwest Quarter of the Southwest Quarter of Section 14, T4N, R12E, Town of Fulton, Rock County, Wisconsin, more fully described as follows:

Commencing at the southwest corner of Section 14, Town of Fulton, thence north along the west section line N6°53'10"E, 1800.04 feet to an iron stake in the west line of Section 14, thence N74°11'00"E, 505.15 feet, thence S03°40'20"E, 122.99 feet; thence S13°32'40"E, 60.01 feet; thence N80°21'40"E, 48 feet; Thence S06°12'00"W, 123.10 feet; thence N69°56"W, 61.37 feet; thence S19°37'1"W, 8.59 feet to the point of beginning; thence N66°11'17"W, 106.80 feet; thence S06°05'58"W, 52.49 feet; thence S66°11'17"E, 106 feet; thence N19°37'01"E, 50.28 feet to the point of beginning.

Said permanent easement contains approximately 11568 SF (.27 acres) of land more or less.

Town of Fulton Sanitary District No. 2  
 Applewood Description  
 Easement Area 4

All the lands of the grantor located in the within the following described traverse and located in the Northeast Quarter of the Southeast Quarter of Section 15, T4N, R12E, Town of Fulton, Rock County, Wisconsin, more fully described as follows:

Commencing at the southwest corner of Section 14, Town of Fulton, thence north along the west section line N6°53'10"E, 1800.04 feet to an iron stake in the west line of Section 14, thence N74°11'00"E, 505.15 feet, thence S03°40'20"E, 122.99 feet; thence S13°32'40"E, 60.01 feet; thence N80°21'40"E, 48 feet; Thence S06°12'00"W, 123.10 feet; thence N69°56"W, 61.37 feet; thence S19°37'01"W, 58.87 feet; thence N66°11'17"W, 106.00 feet to the point of beginning; thence N66°11'17"W, 40.37 feet; thence S23°33'34"W, 16.66 feet; thence S66°26'25"E, 45.59 feet; thence N06°00'08"E, 17.29 feet to the point of beginning

Said permanent easement contains approximately 708 SF (.02 acres) of land more or less.



\* 1 8 6 0 2 3 0 \*

1860230

RANDAL LEYES  
REGISTER OF DEEDS  
ROCK COUNTY, WI  
RECORDED ON  
04/20/2009 08:58:30AM

REC FEE: 11.00  
EXEMPT #:  
EXCLUSION CODE:  
WTR #:  
PAGES: 1

### SEWER MAIN EASEMENT

Document Number

Title of Document

This Easement, made by Thomas Binzen and Cynthia Binzen, Grantors, conveys a permanent sewer main easement, as described below, to Town of Fulton Sanitary District No. 2 and Consolidated Koshkonong Sanitary District, Grantees, for good and valuable consideration:

A permanent sewer main easement including for such purpose the right to operate necessary equipment thereon, and the right of ingress and egress to construct, install and maintain a sewer main, force main, pressure sewer and appurtenances. Said easement consists of the Grantors' interest in the following described parcel of land:

All the lands of the Grantors located within the following described traverse and located in the Northwest Quarter of the Southwest Quarter of Section 14, T4N, R12E, Town of Fulton, Rock County, Wisconsin, more fully described as follows:

Commencing at the southwest corner of Section 14, Town of Fulton, thence north along the west section line N 6°53'10"E, 1800.04 feet to an iron stake in the west line of Section 14, thence N74°11'00"E, 505.15 feet, thence S03°40'20"E, 122.99 feet to the point of beginning; thence S13°32'40"E, 60.01 feet; thence N80°21'40"E, 48 feet; thence S06°15'00"W, 16.06 feet; thence S56°18'6"E, 67.79 feet to the westerly right of way of East Applewood Road; thence N19°11'55"E, 57.78 feet; thence N26°36'56"E, 39.04 feet; thence N64°02'38"W, 46.37; thence N85°28'58"W, 56.03 feet; thence S80°21'40"W, 55.52 feet to the point of beginning.

Said permanent easement contains approximately 10,130 SF (.23 acres) of land more or less.

Record this document with the Register of Deeds

Name and Return Address:

Connie Zimmerman, Comm. Secretary  
Town of Fulton Town Hall  
2738 W. Fulton Center Dr.  
Edgerton, WI 53534

PARCEL DESCRIPTION  
CORRESPONDS TO  
STRAND'S EASEMENT  
AREA 1

6-6-137.2

(Parcel Identification Number)

DATED this 8<sup>th</sup> day of April, 2009.

*Thomas Binzen*  
Thomas Binzen  
*Cynthia A. Binzen*  
Cynthia Binzen

Subscribed and sworn to before me this 8<sup>th</sup> day of April, 2009.

*Connie Zimmerman*  
Notary Public, State of Wisconsin  
My Commission expires: 1/30/2013

THIS INSTRUMENT WAS DRAFTED BY:

Attorney Mark A. Schroeder  
Consigny, Andrews, Hemming & Grant, S.C.



\* 1 8 5 9 7 6 8 \*

1859768

RANDAL LEYES  
REGISTER OF DEEDS  
ROCK COUNTY, WI  
RECORDED ON  
04/15/2009 08:05:24AM

REC FEE: 11.00  
EXEMPT #:  
EXCLUSION CODE:  
WTR #:  
PAGES: 1

### SEWER MAIN EASEMENT

Document Number

Title of Document

This Easement, made by Scott Berg and Jacqueline Berg, Grantors, conveys a permanent sewer main easement, as described below, to Town of Fulton Sanitary District No. 2 and Consolidated Koshkonong Sanitary District, Grantees, for good and valuable consideration:

A permanent sewer main easement including for such purpose the right to operate necessary equipment thereon, and the right of ingress and egress to construct, install and maintain a sewer main, force main, pressure sewer and appurtenances. Said easement consists of the Grantors' interest in the following described parcel of land:

All the lands of the Grantors located within the following described traverse and located in the Northwest Quarter of the Southwest Quarter of Section 14, T4N, R12E, Town of Fulton, Rock County, Wisconsin, more fully described as follows:

Commencing at the southwest corner of Section 14, Town of Fulton, thence north along the west section line N 6°53'10"E, 1800.04 feet to an iron stake in the west line of Section 14, thence N74°11'00"E, 505.15 feet, thence S03°40'20"E, 122.99 feet to the point of beginning; thence S13°32'40"E, 60.01 feet; thence N80°21'40"E, 48 feet; thence S06°15'00"W, 16.06 feet; thence S56°18'6"E, 67.79 feet to the westerly right of way of East Applewood Road, thence N19°11'55"E, 57.78 feet; thence N26°36'56"E, 39.04 feet; thence N64°02'38"W, 46.37; thence N85°28'58"W, 56.03 feet; thence S80°21'40"W, 55.52 feet to the point of beginning.

Said permanent easement contains approximately 10,130 SF (.23 acres) of land more or less.

Record this document with the Register of Deeds

Name and Return Address:  
Connie Zimmerman, Comm. Secretary  
Town of Fulton Town Hall  
2738 W. Fulton Center Dr.  
Edgerton, WI 53534

11a

**PARCEL DESCRIPTION  
CORRESPONDS TO  
STRAND'S EASEMENT  
AREA 1**

6-6-137.4

(Parcel Identification Number)

DATED this 24<sup>th</sup> day of March, 2009.

*Scott Berg*  
\_\_\_\_\_  
Scott Berg

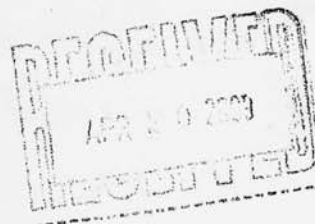
*Jacqueline Berg*  
\_\_\_\_\_  
Jacqueline Berg

Subscribed and sworn to before me this  
24<sup>th</sup> day of March, 2009.

*Rosely D. Hamilton*  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My Commission expires: 11/15/09

THIS INSTRUMENT WAS DRAFTED BY:

Attorney Mark A. Schroeder  
Consigny, Andrews, Hemming & Grant, S.C.





\* 1 8 5 9 7 6 5 \*

1859765

RANDAL LEYES  
REGISTER OF DEEDS  
ROCK COUNTY, WI  
RECORDED ON  
04/15/2009 08:05:21AM

REC FEE: 11.00  
EXEMPT #:  
EXCLUSION CODE:  
WTR #:  
PAGES: 1

### SEWER MAIN EASEMENT

Document Number

Title of Document

This Easement, made by Rita M. (Schieldt) Peterson, Grantor, conveys a permanent sewer main easement, as described below, to Town of Fulton Sanitary District No. 2 and Consolidated Koshkonong Sanitary District, Grantees, for good and valuable consideration:

A permanent sewer main easement including for such purpose the right to operate necessary equipment thereon, and the right of ingress and egress to construct, install and maintain a sewer main, force main, pressure sewer and appurtenances. Said easement consists of the Grantors' interest in the following described parcel of land:

All the lands of the Grantor located within the following described traverse and located in the Northwest Quarter of the Southwest Quarter of Section 14, T4N, R12E, Town of Fulton, Rock County, Wisconsin, more fully described as follows:

Commencing at the southwest corner of Section 14, Town of Fulton, thence north along the west section line N 6°53'10"E, 1800.04 feet to an iron stake in the west line of Section 14, thence N74°11'00"E, 505.15 feet, thence S03°40'20"E, 122.99 feet to the point of beginning; thence S13°32'40"E, 60.01 feet; thence N80°21'40"E, 48 feet; thence S06°15'00"W, 16.06 feet; thence S56°18'6"E, 67.79 feet to the westerly right of way of East Applewood Road; thence N19°11'55"E, 57.78 feet; thence N26°36'56"E, 39.04 feet; thence N64°02'38"W, 46.37; thence N85°28'58"W, 56.03 feet; thence S80°21'40"W, 55.52 feet to the point of beginning.

Said permanent easement contains approximately 10,130 SF (.23 acres) of land more or less.

Record this document with the Register of Deeds

Name and Return Address:  
Connie Zimmerman, Comm. Secretary  
Town of Fulton Town Hall  
2738 W. Fulton Center Dr.  
Edgerton, WI 53534

1100

**PARCEL DESCRIPTION  
CORRESPONDS TO  
STRAND'S EASEMENT  
AREA 1**

6-6-137.B

(Parcel Identification Number)

DATED this 23 day of March, 2009.

*Rita M. (Schieldt) Peterson*  
Rita M. (Schieldt) Peterson

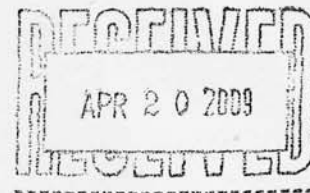
TOP

Subscribed and sworn to before me this 23 day of March, 2009.

*Connie Zimmerman*  
Notary Public, State of Wisconsin  
My Commission expires 01/20/2013

THIS INSTRUMENT WAS DRAFTED BY:

Attorney Mark A. Schroeder  
Consigny, Andrews, Hemming & Grant, S.C.





\* 1 8 5 9 7 6 4 \*

1859764

RANDAL LEYES  
REGISTER OF DEEDS  
ROCK COUNTY, WI  
RECORDED ON  
04/15/2009 08:05:20AM

REC FEE: 11.00  
EXEMPT #:  
EXCLUSION CODE:  
WTR #:  
PAGES: 1

### SEWER MAIN EASEMENT

Document Number	Title of Document

This Easement, made by Rita M. (Schieldt) Peterson, Grantor, conveys a permanent sewer main easement, as described below, to Town of Fulton Sanitary District No. 2 and Consolidated Koshkonong Sanitary District, Grantees, for good and valuable consideration:

A permanent sewer main easement including for such purpose the right to operate necessary equipment thereon, and the right of ingress and egress to construct, install and maintain a sewer main, force main, pressure sewer and appurtenances. Said easement consists of the Grantors' interest in the following described parcel of land:

All the lands of the Grantor located within the following described traverse and located in the Northwest Quarter of the Southwest Quarter of Section 14, T4N, R12E, Town of Fulton, Rock County, Wisconsin, more fully described as follows:

Commencing at the southwest corner of Section 14, Town of Fulton, thence north along the west section line N6°53'10"E, 1800.04 feet to an iron stake in the west line of Section 14, thence N74°11'00"E, 505.15 feet, thence S03°40'20"E, 122.99 feet; thence S13°32'40"E, 60.01 feet; thence N80°21'40"E, 48 feet; thence S06°12'00"W, 123.10 feet to the point of beginning; thence N69°56"W, 61.37 feet; thence S19°37'1"W, 58.87 feet; thence S64°08'45"E, 132.77 feet; thence N08°15'43"E, 73.82 feet; thence N69°56'00"W, 56.08 feet to the point of beginning.

Said permanent easement contains approximately 8128 SF (.19 acres) of land more or less.

Record this document with the Register of Deeds

Name and Return Address:  
Connie Zimmerman, Comm. Secretary  
Town of Fulton Town Hall  
2738 W. Fulton Center Dr.  
Edgerton, WI 53534

1100

**PARCEL DESCRIPTION  
CORRESPONDS TO  
STRAND'S EASEMENT  
AREA 2**

6-6-137.B

(Parcel Identification Number)

DATED this 23 day of March, 2009.

*Rita M. (Schieldt) Peterson*  
Rita M. (Schieldt) Peterson

BOTTOM

Subscribed and sworn to before me this 23 day of March, 2009.

*Connie Zimmerman*  
Notary Public, State of Wisconsin  
My Commission expires: 01/30/2013

THIS INSTRUMENT WAS DRAFTED BY:

Attorney Mark A. Schroeder  
Consigny, Andrews, Hemming & Grant, S.C.





1859766

SEWER MAIN EASEMENT

Document Number

Title of Document

This Easement, made by Leo Johnson and Susan Johnson, Grantors, conveys a permanent sewer main easement, as described below, to Town of Fulton Sanitary District No. 2 and Consolidated Koshkonong Sanitary District, Grantees, for good and valuable consideration:

A permanent sewer main easement including for such purpose the right to operate necessary equipment thereon, and the right of ingress and egress to construct, install and maintain a sewer main, force main, pressure sewer and appurtenances. Said easement consists of the Grantors' interest in the following described parcel of land:

All the lands of the Grantor located within the following described traverse and located in the Northwest Quarter of the Southwest Quarter of Section 14, T4N, R12E, Town of Fulton, Rock County, Wisconsin, more fully described as follows:

Commencing at the southwest corner of Section 14, Town of Fulton, thence north along the west section line N6°53'10"E, 1800.04 feet to an iron stake in the west line of Section 14, thence N74°11'00"E, 505.15 feet, thence S03°40'20"E, 122.99 feet; thence S13°32'40"E, 60.01 feet; thence N80°21'40"E, 48 feet; thence S06°12'00"W, 123.10 feet to the point of beginning; thence N69°56"W, 61.37 feet; thence S19°37'1"W, 58.87 feet; thence S64°08'45"E, 132.77 feet; thence N08°15'43"E, 73.82 feet; thence N69°56'00"W, 56.08 feet to the point of beginning.

Said permanent easement contains approximately 8128 SF (.19 acres) of land more or less.

RANDAL LEYES  
REGISTER OF DEEDS  
ROCK COUNTY, WI  
RECORDED ON  
04/15/2009 08:05:22AM  
REC FEE: 11.00  
EXEMPT #:  
EXCLUSION CODE:  
WTR #:  
PAGES: 1

Record this document with the Register of Deeds

Name and Return Address:  
Connie Zimmerman, Comm. Secretary  
Town of Fulton Town Hall  
2738 W. Fulton Center Dr.  
Edgerton, WI 53534

1100

PARCEL DESCRIPTION  
CORRESPONDS TO  
STRAND'S EASEMENT  
AREA 2

6-6-137A

(Parcel Identification Number)

DATED this 27<sup>th</sup> day of March, 2009.

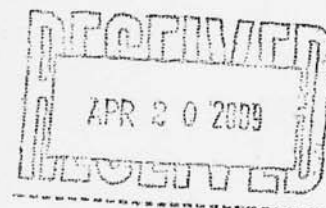
*Leo Johnson*  
Leo Johnson  
*Susan Johnson*  
Susan Johnson  
BOT

Subscribed and sworn to before me this 27<sup>th</sup> day of March, 2009.

*Andrea L. Mroz*  
Notary Public, State of Wisconsin.  
My Commission expires: 7-31-11

THIS INSTRUMENT WAS DRAFTED BY:

Attorney Mark A. Schroeder  
Consigny, Andrews, Hemming & Grant, S.C.





### SEWER MAIN EASEMENT

Document Number

Title of Document

This Easement, made by Leo Johnson and Susan Johnson, Grantors, conveys a permanent sewer main easement, as described below, to Town of Fulton Sanitary District No. 2 and Consolidated Koshkonong Sanitary District, Grantees, for good and valuable consideration:

A permanent sewer main easement including for such purpose the right to operate necessary equipment thereon, and the right of ingress and egress to construct, install and maintain a sewer main, force main, pressure sewer and appurtenances. Said easement consists of the Grantors' interest in the following described parcel of land:

All the lands of the Grantor located within the following described traverse and located in the Northwest Quarter of the Southwest Quarter of Section 14, T4N, R12E, Town of Fulton, Rock County, Wisconsin, more fully described as follows:

Commencing at the southwest corner of Section 14, Town of Fulton, thence north along the west section line N6°53'10"E, 1800.04 feet to an iron stake in the west line of Section 14, thence N74°11'00"E, 505.15 feet, thence S03°40'20"E, 122.99 feet; thence S13°32'40"E, 60.01 feet; thence N80°21'40"E, 48 feet; thence S06°12'00"W, 123.10 feet; thence N69°56"W, 61.37 feet; thence S19°37'1"W, 8.59 feet to the point of beginning; thence N66°11'17"W, 106.80 feet; thence S06°05'58"W, 52.49 feet; thence S66°11'17"E, 106 feet; thence N19°37'01"E, 50.28 feet to the point of beginning.

Said permanent easement contains approximately 11568 SF (.27 acres) of land more or less.

1859767

RANDAL LEYES  
REGISTER OF DEEDS  
ROCK COUNTY, WI  
RECORDED ON  
04/15/2009 08:05:23AM  
  
REC FEE: 11.00  
EXEMPT #:  
EXCLUSION CODE:  
WTR #:  
PAGES: 1

Record this document with the Register of Deeds

Name and Return Address:  
Connie Zimmerman, Comm. Secretary  
Town of Fulton Town Hall  
2738 W. Fulton Center Dr.  
Edgerton, WI 53534

6-6-137A  
(Parcel Identification Number)

**PARCEL DESCRIPTION  
CORRESPONDS TO  
STRAND'S EASEMENT  
AREA 3**

DATED this 2<sup>nd</sup> day of March, 2009.

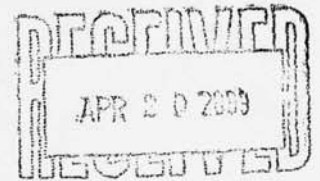
Leo Johnson  
Leo Johnson  
Susan Johnson  
Susan Johnson  
WEST

Subscribed and sworn to before me this  
27<sup>th</sup> day of March, 2009.

Andrea L Mroz  
Notary Public, State of Wisconsin.  
My Commission expires: 7-31-11



THIS INSTRUMENT WAS DRAFTED BY:  
  
Attorney Mark A. Schroeder  
Consigny, Andrews, Hemming & Grant, S.C.



## Extract from Minutes of April 20 , 2010 meeting of CKSD Board

Carl Lichtfuss, a Town of Fulton property owner, asked if we could back up to item #6, Citizens to be Heard. The Board agreed. Mr. Lichtfuss referred to the easements that were discussed. He suggested having Mr. Brown prove that the easements are incorrect instead of C.K.S.D. paying the attorney to do this. Mr. Dreis questioned if what Mr. Brown presents is going to be correct or incorrect. He wondered if Mr. Brown is going to hire an engineer or surveyor to do this. Mr. Brown stated that all he is asking is that Mr. Dreis read the report. He feels that the report lays out what is wrong with the easements. Mr. Dreis stated that it is full of false statements. Bob asked how Mr. Dreis can give an honest opinion if he has not read the report.

Mr. Dreis asked if he should spend the district's money on reviewing this report. Bob read the report and feels that Mr. Dreis should take the time to read it. Kathy asked the Board if they want Mr. Brown to present his case and have him prove it. She added that she did read the report. John Traynor stated that he has not read the report and that is why he made a motion to have Mr. Groessl to check on the easements to make sure they are correct. He stated that the district is paying Mr. Groessl and he will give us exactly what is going on.

John Traynor is not saying that Mr. Brown is not correct in what he is saying; he is asking for clarification. Kathy asked the Board if they would still like to have Mr. Groessl review this. Bob feels that we should not disregard Mr. Lichtfuss's idea. He feels that we should have Mr. Brown show good proof and then accept it. Mr. Brown stated that he is not saying it is a problem with how the easements were filed. He stated that a Strand Associates, Inc. technician made a fundamental survey mistake and this was copied in the easement and then filed. Mr. Brown stated that the problem is that the easement is 203 yards off. John Traynor stated that it sounds like someone would need to re-survey this property. Mr. Brown stated that he showed this to the county surveyor and he agreed with Mr. Brown. John Traynor asked if Mr. Brown has an official document showing this. Mr. Brown stated no. Todd stated that we are asking for a burden of proof. Barb stated that what Mr. Brown is saying is hearsay. Barb stated this could not be taken to a court of law.

Bob feels that if Mr. Brown gets a statement from the county surveyor that should be enough. Mr. Brown would like Strand Associates, Inc. to read his report and prove that he is wrong. Todd stated again that we need proof so if Mr. Brown can get a letter of discrepancy from the county surveyor that would help. Mr. Brown stated that this item was tabled until the next meeting so he will try and get this document.