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Rebecca Scherf
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City of Superior
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Superior, WI 54880
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From: Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov <mailto:Michael.Kowalkowski@wisconsin.gov> >
Sent: Thursday, September 5, 2024 2:39 PM
To: Scherf, Rebecca <scherrfr@superiorwi.gov <mailto:scherfr@superiorwi.gov> >
Subject: RE: Easement matter

Hello Rebecca,

I have decent availability next week as follows:

M: 10-2, T: 10-12, W: 1-3, Th: 10-12, F: 9-12

Please let me know if a time in one of these windows will work. If not, let me know some preferred times and I will see if I can make arrangements to accommodate.

Thanks and regards,

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Michael Kowalkowski
Phone: (608) 287-8130
michael.kowalkowski@wisconsin.gov <<mailto:michael.kowalkowski@wisconsin.gov>>

From: Scherf, Rebecca <scherrfr@superiorwi.gov <mailto:scherfr@superiorwi.gov> >
Sent: Thursday, September 5, 2024 1:49 PM
To: Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov <mailto:Michael.Kowalkowski@wisconsin.gov> >
Subject: RE: Easement matter

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Hello Attorney Kowalkowski,

Do you have time next week for a meeting regarding the below easement with Mayor Paine and potentially Mr. Fred Paine who owns the mentioned property?

Thank you,

Rebecca Scherf

Chief of Staff to the Mayor

City of Superior

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From: Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov <mailto:Michael.Kowalkowski@wisconsin.gov> >
Sent: Monday, May 6, 2024 11:35 AM
To: Scherf, Rebecca <scherrfr@superiorwi.gov <mailto:scherfr@superiorwi.gov> >
Cc: Herrick, Sarah K - DNR <Sarah.Herrick@wisconsin.gov <mailto:Sarah.Herrick@wisconsin.gov> >
Subject: RE: Easement matter

Hello Rebecca,

Following up from my last message, DNR would look to the City to draft the Articles of Dedication with technical support from the Department. As part of the process, the Department would look to revise the boundary of the Natural Area to be consistent with the natural values to be protected by the dedication, as opposed to the existing boundary. Our ecologist visited the site early in the Spring so we are prepared to propose boundaries for the dedication. As the City works on Articles, Sarah Herrick will be the primary point of contact, and you may also be in touch with me if I can be of assistance.

Regards,

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From: Kowalkowski, Michael J - DNR
Sent: Friday, May 3, 2024 1:57 PM
To: Scherf, Rebecca <scherfr@superiorwi.gov <<mailto:scherfr@superiorwi.gov>> >
Subject: RE: Easement matter

Good afternoon Rebecca,

Thank you for following up. The Department looks forward to working with the City on the State Natural Areas dedication process. I am attaching some information about the dedication process and some recent examples of Articles of Dedication for your reference. The process for DNR's drafting of Articles for a non-DNR-owned site is typically collaborative with the landowner, so I've reached out to our SNA program staff and managers to see what they envision for next steps and which staff will be involved. I expect to have further info within the next few days. Has the City have identified people on your end to work with, or may I assist organizing any City-DNR interaction through you?

Thanks and have a good weekend,

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From: Scherf, Rebecca <scherfr@superiorwi.gov <<mailto:scherfr@superiorwi.gov>> >
Sent: Friday, May 3, 2024 12:18 PM
To: Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov <<mailto:Michael.Kowalkowski@wisconsin.gov>> >
Subject: RE: Easement matter

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Hello Attorney Kowalkowski,

Just checking in on next steps of receiving the draft articles of dedication on the Paine easement.

Thank you,

Rebecca Scherf

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From: Scherf, Rebecca

Sent: Thursday, April 18, 2024 10:27 AM

To: Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov> <<mailto:Michael.Kowalkowski@wisconsin.gov>> >

Subject: RE: Easement matter

Hello Attorney Kowalkowski,

I apologize for the delay in our response. We are ready to move forward with the process you outlined below. Could you provide us with the draft articles of dedication? We will then proceed with our legal and administrative reviews and move them for proper approvals.

Thank you,

Rebecca Scherf

Chief of Staff to the Mayor

City of Superior

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Phone: 715-395-7480

From: Kowalkowski, Michael J - DNR <Michael.Kowalkowski@wisconsin.gov> <<mailto:Michael.Kowalkowski@wisconsin.gov>> >

Sent: Monday, February 12, 2024 4:15 PM

To: Mayor <Mayor@ci.superior.wi.us> <<mailto:Mayor@ci.superior.wi.us>> >

Cc: Scherf, Rebecca <scherfr@ci.superior.wi.us> <<mailto:scherfr@ci.superior.wi.us>> >

Subject: Easement matter

Hello Mayor Paine,

Thank you for your diligence in pursuing resolution of the encroachment on the Department of Natural Resources' easement encumbering property formerly owned by the City of Superior adjacent to the St. Louis River. I have conferred with my clients and can report that the Department would be prepared to resolve this matter as follows:

The City of Superior would pursue dedication of the Dwight's Point and Pokegema Wetlands State Natural Area.

The property owners would have the sunken barge removed from the bed of the river and properly disposed of at an upland location not encumbered by the Department's easement. The property owner would remove any other structures within the retained easement area, including the pier and shed on the shore. The property owners would be required to comply with the retained easement and refrain from placing structures on or altering vegetation in the easement areas remaining. Note, this agreement would not prevent the property owners from placing a pier on the property to the south of the easement area.

Upon completion of the dedication and completion of the property owner's obligations, the Department would agree to release a portion of the easement encompassing the developed homes, lawn areas, and driveways, as well as the hay field on the eastern side of the property. The Department would retain the easement for 35 ft. width of the shoreline portion adjacent to the homes as well as the easement area north of the homes and hayfield. I have attached a visual representation for reference.

In the interest of working with the City should the City opt to pursue dedication of the Natural Area, the Department will conduct a preliminary field evaluation of the existing boundary this winter. This step does not obligate the City to proceed, but does assist with moving the process along expediently by supplying information necessary for the process. The next step, which can begin at the City's convenience, would be to work to draft articles of dedication to be recorded. Once the City has confirmed it is prepared to move forward with dedication, the Department can commit to engaging with the City on the articles of dedication as desired, and further as the proposal moves through the process. When the City is ready I would be happy to connect your staff to the appropriate department staff.

Please let me know if I can provide additional information or if you would like to discuss. I suggest we check in in two weeks to determine whether we have a path forward.

Regards,

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Michael Kowalkowski
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