

From: [Kowalkowski, Michael J - DNR](#)
To: mayor@ci.superior.wi.us
Cc: [Scherf, Rebecca](#)
Subject: Easement matter
Date: Monday, February 12, 2024 4:13:00 PM
Attachments: [image001.png](#)
[image002.png](#)
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[Superior easement release proposal 2-12-24.jpg](#)

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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