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THE HERITAGE HOUSE  
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Minocqua, Wisconsin

October 5, 2004

Mr. Donald Gauger  
Minocqua Town Chairman  
P.O. Box 168  
Minocqua, WI 54548

**RE: Legal Opinion - Camp Pinemere Road**

Dear Don:

*Speed*  
*10/6/04*

MAP #	<b>L 3 0 8 7</b>
DATE FILED	<b>5/24/2016</b>
BY	<b>HB</b>
DESCRIPTION FILED	
ONEIDA CO. SURVEYOR'S OFFICE	

The Town has requested my opinion as to the width of Camp Pinemere Road. I have been provided with a copy of an order laying out Camp Pinemere Road adopted by the Town of Minocqua on the 18<sup>th</sup> of June, 1906. On its face, the order indicates that it was filed in the office of the Town Clerk on June 18, 1906.

Section 80.01(1), Wis. Stats., defines "recorded highway" as "a highway for which the order laying out the highway, or a certified copy of the order, has been filed in the office of the clerk of the town in which the county is situated". Consequently, the order signed by the Town Board of Supervisors for the Town of Minocqua dated June 18, 1906 creates a three rod highway from U.S. Highway 70 leading south on the section line to "Little Lake" (Swan Lake), then "southeast through Maddins Farm to Minocqua Lake in said town". In fact, that is exactly where Camp Pinemere Road is located. The road proceeds straight south on the section line from Highway 70 to the vicinity of Swan Lake. At that point, it makes a 90 degree turn for approximately 1,300 feet and then turns south to southeast down to the tip of the peninsula which lies surrounded by Kawagasauga Lake.

The anecdotal evidence that exists concerning the width of the road consists of the following:

1. There are several survey maps which have been filed with the county which indicate that the width of Camp Pinemere Road is 66 feet. None of those survey maps refer to the order on file at the Town since 1906.
2. Section 80.01(2), Wis. Stats., indicates that "any unrecorded highway that has been worked as a public highway for 10 years or more is a public highway and is presumed to be 66 feet wide". It is important to recognize that this statutory

Don Gauger  
RE: Camp Pinemere Road  
October 5, 2004  
Page 2

section is limited solely to unrecorded highways. In the case of Camp Pinemere Road, it is a "recorded highway" as that term is defined in Section 80.01(1), Wis. Stats.

- 3. In addition, I am advised by the Town Public Works Supervisor that there is evidence of the existence of ancient fences which are 1 1/2 rods exactly from the center of the highway. This physical evidence confirms that when the highway was created, it was actually created at 3 rods in width.

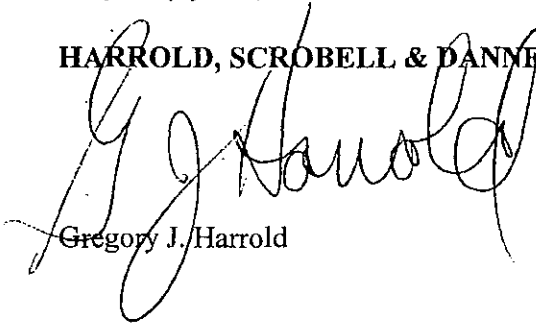
In light of the foregoing evidence, it is my conclusion that Camp Pinemere Road is 3 rods wide throughout the entire length of the road from its inception at Highway 70 West to where it ends as a dead end road on a peninsula near Lake Kawagasuaga in Section 16, T39N, R6E.

If you have any further questions regarding this matter, please feel free to contact me.

Thank you.

Very truly yours,

HARROLD, SCROBELL & DANNER, S.C.



Gregory J. Harrold

GJH;jm

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REGULAR MEETING  
MINOCQUA BOARD OF SUPERVISORS  
October 19<sup>th</sup>, 2004

A regular meeting of the Minocqua Board of Supervisors was called to order by Chairman Don Gauger at 7:00 p.m. on October 19<sup>th</sup>, 2004 in the Board Room of the Minocqua Center.

Present were Chairman Don Gauger, Supervisors, Susan Heil, Mary McMahon, Mark Hartzheim and Bryan Jennings, Clerk Roben Haggart, PW Superintendent Robert "Butch" Welch and Police Chief Norbert "Mac" McMahon.

**Motion by Heil, seconded by Hartzheim to approve the agenda as presented. Voice Vote: Motion carried.**

**Motion by McMahon, seconded by Jennings to approve the minutes from Special Town Board Meetings held on September 21<sup>st</sup>, September 27<sup>th</sup>, Hearing on October 13<sup>th</sup>, 2004 and Regular Town Board Meeting held on September 21<sup>st</sup>, 2004. Voice Vote: Motion Carried.**

OLD BUSINESS

AMENDED ORDINANCE 10.05 PARKING REGULATIONS

Second reading of Amended Ordinance 10.05 Parking Regulations – (1) Streets: No Parking (j) Old Highway 51, both sides of the road, a distance of 200' in both directions from the entrance of ice arena.

**Motion by Hartzheim, seconded by Jennings to dispense with the second reading and adopt Amended Ordinance 10.05 Parking Regulations. Voice Vote: Motion Carried.**

CAMP PINEMERE ROAD

A letter was received from Town Attorney Greg Harrold regarding the width of Camp Pinemere Road. Attorney Harrold was asked to review all of the information provided by Butch Welch and make a legal determination as to the width of the road. Based on the evidence provided, his conclusion is that Camp Pinemere Road is 3 rods wide throughout the entire length of the road from its inception at Highway 70 West to where it ends as a dead road on a peninsula near Lake Kawaguesaga in Section 16, T39N, R6E.

**Motion by McMahon, seconded by Heil to approve the recommendation from Attorney Greg Harrold to determine that Camp Pinemere Road is 3 rods wide with existing utilities being approved. Voice Vote: Motion Carried.**

NEW BUSINESS

TIMBER SALE

Tim Friedrich, Forester/Ranger from the Department of Natural Resources was present advising the board of the need to harvest and sell timber located on Town of Minocqua property, south of Town on Highway 51. He explained that time is of the essence due to dead and dying oak on the property. He suggested advertising as soon as possible as the value and viability of this sale largely depends on how fast a contract is awarded and cutting can begin.