

Village grapples with easement challenge for dam repairs

Written by STEVE OSTERMANN
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Board OKs jurisdictional offer for riverwalk access as precursor to eminent domain

Facing a potential snag in pending repair work on the Bridge Street dam, the Village Board on Monday approved a jurisdictional offer to purchase easements from adjoining property owners.

By a 6-0 vote, the board agreed to offer the Bridgewater Condominium Association \$5,000 for the easements, which are needed for riverwalk upgrades in the repair project.

The offer was made as part of a process in which the village could use eminent domain to acquire the easements if the offer is refused.

“In light of the recent decision to proceed with the dam repairs and riverwalk improvements, the village needs limited temporary and permanent easements,” Village Administrator Darrell Hofland said.

The Bridgewater Condominium Association represents residents living on Water Terrace along the west side of the river. Hofland said the village made an initial offer to the association on May 7 but did not receive a response.

During a special meeting Monday, the board met in closed session to discuss negotiations for the easements and then held an open-session vote on a resolution of necessity for the riverwalk project and a jurisdictional offer.

Under state law, municipalities can exercise eminent domain through a condemnation process to acquire property and easements for public improvements.

The jurisdictional offer states that the \$5,000 “represents the fair market value of the temporary and permanent easement.”

The offer also states that the village will pay for removing an unneeded entrance ramp from Bridge Street and prepare all documents needed to remove the easement area from the title.

The association has 20 days from the mailing of the offer to accept or reject it. If the offer is not accepted, the association then has 40 days to challenge the village’s right of condemnation in court.

If the 20-day deadline has passed, the village can petition the Ozaukee County Condemnation Commission to determine fair compensation for the easement through the eminent-domain process.

Hofland said village officials believe the easement issue will be resolved without the use of eminent domain.

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“The village is optimistic that an agreement can be reached in the next few weeks,” he said.

Failure to obtain the easements has not delayed the dam upgrade project, Hofland said. The work, which will be done this summer, includes repairing both abutments, widening the spillway, installing a hydraulic crest gate, raising the grade of the riverwalk and rebuilding the overlook area.

The upgrades are needed to bring the downtown landmark into compliance with state flood-control regulations.

In June, the board accepted a \$1.1 million bid from Staab Construction of Marshfield to complete the work.

Hofland said the village is continuing to keep Staab informed about the easement acquisition process “so that any adjustments can be made as needed.”

Jim Grant was the only board member who did not attend Monday’s meeting.