

SHEBOYGAN COUNTY RESOLUTION NO. 06 (2017/18)

Re: **Approving Amsterdam Dunes' Conservation Easement Amendment**

WHEREAS, when the County Board adopted Resolution No. 6 (2014/15) authorizing the purchase of the Amsterdam Dunes Preservation and Wetland Mitigation Area for \$4.2 Million, it was with the directive to the County Administrator to "undertake such steps as may be necessary to secure third-party funding of the purchase," and

WHEREAS, based on that directive, the County was able to secure a Wisconsin Department of Natural Resources Stewardship grant for \$2,443,430 in partnership with Glacial Lakes Conservancy, Inc. ("Glacial Lakes"), and

WHEREAS, in conjunction with the partnership with Glacial Lakes, the County gave a conservation easement ("Conservation Easement") to Glacial Lakes for a portion of the property which easement was recorded in the office of the Sheboygan County Register of Deeds, and

WHEREAS, the County has an opportunity to receive an additional sum of \$1,295,500 for Amsterdam Dunes acquisition costs from Tecumseh Products Company LLC ("Tecumseh"), pursuant to a Funding Reimbursement Agreement with Tecumseh as the result of a settlement of a federal claim against Tecumseh in an action for the recovery of natural resource damages ("NRD") associated with the Sheboygan River and Harbor Superfund site, and

WHEREAS, as a result of the above-referenced NRD settlement, the County would also have the right to apply for and potentially receive an additional \$354,500 for wetland and woodland restoration activities on the property;

WHEREAS, as a condition of receiving the additional funding referenced above, Sheboygan County would be required to amend the terms of the Conservation Easement with Glacial Lakes to provide that the U.S. Fish and Wildlife Service would be able to enforce the provisions of the Conservation Easement together with such other terms as set forth in the draft amendment on file with the County Clerk, and

WHEREAS, it is in the best interests of the County to amend the Conservation Easement as described, in part to fulfill the conditions for receiving the additional funding, but also to provide an extra layer of protection for the conservation commitments for the property;

NOW, THEREFORE, BE IT RESOLVED that Sheboygan County accepts the Funding Reimbursement Agreement and agrees to amend the Conservation Easement in a manner substantially as set forth in the draft amendment on file with the County Clerk, and authorizes the County Board Chairperson and County Clerk to sign the amendment on behalf of the County.

BE IT FURTHER RESOLVED, that the amendment to the Conservation Easement be held in trust to be released and recorded in the Office of the Sheboygan County Register of Deeds only upon written confirmation from Tecumseh that an appropriate United States District Court has entered a Consent Decree among parties including Tecumseh, the United States, and the State of Wisconsin settling the NRD Trustees' NRD claims related to or arising from the Sheboygan River and Harbor Superfund site and that Tecumseh is prepared to deliver or has

delivered to the County a promissory note for \$1,295,500 as provided for under the terms of the Funding Reimbursement Agreement.

Respectfully submitted this 16th day of May, 2017.

PLANNING, RESOURCES, AGRICULTURE, AND EXTENSION COMMITTEE*

Keith Abler
Keith Abler, Chairperson

Fran Damp
Fran Damp, Vice-Chairperson

Libby Ogea, Secretary

Steven Bauer
Steven Bauer

James Baumgart
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Adopted 06.20.17