



WISCONSIN WATERFOWL ASSOCIATION

RESTORATION EDUCATION LEGISLATION

October 25, 2016

To: John & Jean Elser, John Lertz

cc: WWA Executive Committee, Marvin Spindler, Jay Vanden Boogart

Re: **Memorandum of Understanding – Offer of Land Donation: “Elser’s Marsh” – Plan of Action**
Legal Description of Property: **SECXX-TXX-RXXX**

Following our board approval of the concept last summer, and confirmation of the family’s intent via telephone calls with John Lertz on the 17th and 25th, the representatives of the Wisconsin Waterfowl Association are prepared to begin the following course of action:

1. Arrange & pay for, as needed: two (2) fair-market-value appraisals of the property, as hunting or agricultural land, given that there will be a deed restriction to prevent development. These appraisals must be of use in verifying the donation of the property, for use with the IRS.
2. Arrange & pay for, as needed: a title search of the property, so as to ensure no liabilities are found. Title insurance will not be sought in this transaction, as no financial transaction will occur, for the transfer of the property to WWA.
3. Utilizing our volunteer connections to the WDNR, a “Phase 1” assessment of the properties past uses, and comparisons to inventory lists of areas of concern will be sought. If issues of concern are found, WWA would make a determination at that time, if a “Phase 2” assessment is warranted.
4. Following the completion of these preparatory works, a new Deed for the property will be prepared, including a simple deed restriction that will reflect the stated goals of the ownership group, “...to preserve the land as open space for low-impact recreational activities... and that it must not be resold or donated to a third party for the purpose of developing the land for residential, commercial or industrial use...”. The creation of this new quit-claim Deed, with its restrictions in place, prior to the transfer, will be paid for, by WWA, as needed.
5. We will endeavor to proceed in an orderly fashion, with the goal of having these activities completed, and the transfer of the donated property completed, as quickly as possible, with the goal being before the end of 2016, if possible. WWA will be responsible for the estimated property taxes of < \$160, for 2016.

This plan of action is found to be acceptable, thus WWA will begin implementing the plan & expending resources, to take advantage of this donation opportunity. Signed below, in agreement:

Don Kirby – Executive Director: WWA

John & Jean Elser, John Lertz – Elser’s Marsh Property Owners