

LEE, KILKELLY, PAULSON & KABAKER, S.C.

LAWYERS

ONE WEST MAIN STREET

P.O. BOX 2189

MADISON, WISCONSIN 53701-2189

TELEPHONE (608) 256-9046

TELECOPIER (608) 256-6273

LESTER G. LEE  
(1907-1988)

BROOKLYN OFFICE  
BROOKLYN, WISCONSIN 53521

ROBERT G. LEE  
H. ROBERT KILKELLY  
LOREN R. PAULSON  
RICHARD Z. KABAKER  
JEFFREY W. YOUNGER  
THOMAS H. BRUSH  
MARILYN L. CROWLEY  
SALLY A. ATRINSON  
PAUL W. SCHWARZENBAHRT  
ROBERT O. GRULKE  
JOHN D. SLAVNEY

March 1, 1989

Town of Middleton Parks Commission  
c/o Bud Hall, Chairman  
4558 Stonewood Drive  
Middleton, Wisconsin 53562

Re: Proposed Gift of Parkland by Royce W. Goth Estate

Dear Mr. Hall:

Enclosed for your review and consideration is our revision of the proposed conditions on the gift of parkland to the Town of Middleton by the Royce W. Goth estate.

In preparing this revision, we have attempted to be responsive to the concerns raised at your meeting of February 6, 1989, within the limitations imposed upon James A. Judd as personal representative of the estate of Royce W. Goth. When considering the enclosed revision, please keep the following in mind.

During the February 6, 1989 meeting of your commission, several people, including some commission members, expressed their opinions regarding the intentions of Royce W. Goth in proposing the gift of his property as parkland. We appreciate that Mr. Goth may have discussed with many of the town's residents his plans for his property. However, Mr. Goth selected one person and only one person to speak on his behalf in establishing conditions on his proposed gift. That person is his personal representative, James A. Judd. Mr. Judd is bound by the terms of Mr. Goth's will and by law to impose conditions consistent with directions given to him in Mr. Goth's will and by Mr. Goth directly prior to his death. Mr. Goth was unequivocal in his grant of authority to Mr. Judd, directing him to impose "such conditions and restrictions as my personal representative in his sole and absolute discretion may determine." Mr. Judd has exercised the discretion available to him to address the concerns raised by all interested parties. He cannot, however, abandon the responsibilities imposed upon him to accommodate the desires of all of the town's residents.

LEE, KILKELLY & PAULSON, S.C.

Park Commission  
March 1, 1989  
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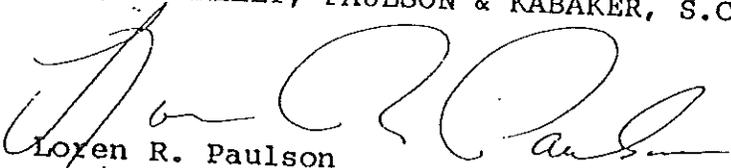
Concern was also raised at the February 6, 1989 meeting regarding the inflexibility of the proposed conditions on this gift. Unfortunately, we are not aware of any mechanism for providing greater flexibility consistent with the responsibility imposed upon Mr. Judd as the personal representative of Mr. Goth's estate. For Mr. Judd to give the park commission or the Town Board full discretion to control the use and development of this property would simply be an abdication of his responsibilities.

We believe it is important to keep these conditions and the proposed gift of parkland in prospective. The estate is not attempting to impose upon the Town of Middleton restrictions which will be expensive or difficult with which to comply. On the contrary, the purpose of the proposed conditions is to maintain the property in its natural state. These conditions limit rather than increase the town's costs in accepting, establishing and maintaining this park. It is certainly true that these proposed restrictions may not accommodate all of the demands which may be placed upon this property in the future. It is difficult to imagine a time, however, when a natural park would not be a much appreciated asset to the residents of the township.

Please advise us of your decision regarding this proposal following your March, 1989 meeting.

Very truly yours,

LEE, KILKELLY, PAULSON & KABAKER, S.C.



Loren R. Paulson

LRP/smt

Enclosure

cc: Nancy Shook  
Jaci Hausman  
Sharon Johnson  
Bill Weber  
Hazel Aune  
Jon Rush  
Atty. Thomas Voss

Jim Dahlk  
Robert Anderson  
Lynn Schultz  
Anita Schultz  
Ardith Cipar  
Merle Clark  
Town of Middleton Board

3-1-89  
Proposed

and content of this sign shall be as specified in Exhibit A attached hereto. The design and content of the sign shall not be changed without the advance written approval of the Personal Representative of the Royce W. Goth Estate. The Town, at its sole cost, shall maintain the sign.

4. Designation of Boundaries. Within three (3) years following the transfer of the Property to the Town, the Town, at its sole cost and expense, shall cause the boundaries of the Property to be marked with fencing or other markers of a type and style mutually approved by the Town and the Personal Representative of the Royce W. Goth Estate prior to the date of the transfer. The Town shall at its expense maintain such fencing or markers.

5. Permitted Improvements.

a. The southerly one-half of the Property shall be preserved in its natural state. The only improvements which are permitted on this portion of the Property are trails for hiking, bicycling, cross country skiing, and similar non-vehicular uses. The Town shall also be permitted to maintain the existing structures on this portion of the Property, but shall not expand or replace such structures or use them other than for the storage of equipment and supplies necessary for the performance of its obligations under this outline. No motorized vehicles shall be permitted on this portion of the property except for service maintenance vehicles and vehicles for the transportation of

same fencing  
as proposed  
line  
8/8/88  
Goth  
from  
Town of

with letters  
3-1-89

Ken B.

TOWN OF MIDDLETON PARKS COMMISSION

MINUTES - March 6, 1989

ROLL CALL - Present: Hall, Johnson, L. Schultz, Hausman, Dahlk, Weber,  
Shook.  
Absent: (excused) Anderson, A. Schultz

Approval of Feb. 6, 1989 minutes - Motion for approval by Johnson,  
second  
by Dahlk, unanimous approval.

PLAN COMMISSION REPORT: Johnson reported that the Plan Commission has sent a recommendation to the Board for a 1 - year moratorium on land divisions in the Town. It would apply to certified surveys of more than one lot, or plats. She also reported that the Town survey on land use planning is nearly ready to be sent.

ITEMS:

1. Goth Park Discussion and proposal review - Letter from the attorney for the estate was reviewed by the commission. Several questions from Town residents were noted. MOTION - made by Dahlk, second by Hausman that Jim Mueller, head of Dane Co. Parks Dept. be asked to consult with the Commission and give his opinion on the concerns expressed by the neighbors and the Commission. (Passed unanimously).

Several neighbors offered to form a group to help in this endeavor, and meet with Jim Mueller and Jaci Hausman. The group will report back to the Commission in April.  
Members include: Jack Cox, Walter Kuhlman, Tony Pawlowski, and Ardith Cipar-Lawson.

2. Selection of Professional Planner - The commission received proposals from several groups in the past week, and the remaining proposals at this meeting. After brief discussion, it was decided to adjourn until Sat. Mar. 11 at 8 A.M. in order to give everyone time to read and evaluate all the proposals.

ADJOURN - Motion made by Dahlk, second by L. Schultz, all in favor.

*in Biller*

TOWN OF MIDDLETON PARKS COMMISSION  
MINUTES - April 3, 1989

PRESENT: Johnson, Dahlk, Hall, Hausman, Anderson, L. Schultz, Weber, Shook.

ABSENT: A. Schultz

MINUTES OF MAR. 3, 1989 - Moved by Johnson, second by Dahlk to approve minutes as written. All in favor.

PLAN COMMISSION REPORT: Johnson reviewed the moratorium on subdivision of land in the Town for the next year while the Plan Commission revises the Town Land Use Plan.  
Shook also mentioned that the Town ordinances will be codified and updated this year as well.

ITEMS:

1. Town Hall / Park site update: Shook gave out copies of the letter from the DNR approving our Town Park grant.

Tony Pawlowski summarized the qualities of the park /Town Hall site. A schedule for the next month of working meetings was set. The Parks Commission will meet with Tony on APRIL 17, 24, and May 1. The Town Board will meet jointly with us on April 24. Board members and Plan Commission Members are invited to attend any other meetings as desired.

Informational meetings will be held for the public on May 4, at 7:30 PM and May 13, at 9:30 AM. A vote of the Township will be held on May 16.

2. Meeting times: Meetings will now be scheduled to begin at 7 PM and to end at 9:30 PM. If the commission has not completed the agenda, one of three choices will be made: to have a follow-up meeting, to postpone items to the next regular meeting, or to extend the time of the meeting.

3. Goth Park - Hausman reported that Jim Mueller of Dane Co. Parks Dept. had read the proposed deed restrictions and had concerns which he had put in writing to Jim Judd. Mueller had toured the property. Hall and Hausman will meet in the next month with the group of neighborhood volunteers and will report back to the commission at a later meeting.

4. Project priorities: The Town Hall/Park site planning and publicity were determined to be the first priority for now. Second priority was the Neighborhood Parks in Enchanted Valley and Hickory Woods.

June 5, 1989 minutes

and plan for trail areas. He presented maps of areas suggested for private or public ownership and trail or greenspace use. He will send maps and written information to Bud to be copied for the Town Board, Parks Commission, and Plan Commission. He is also concerned that the Town be aware of the actions of the County Greenspace Committee which is in a planning period until March 1990. Carol Brooks is Chair of this committee and Harland Dahlk is V. Chair.

Another area of concern to the Ice Age Trail Organization is the plans for development of the Bartell and Wilson properties in the S.W. part of the Town. Both property owners have expressed willingness to see some of their land preserved as greenspace, but not by donation.

Nancy will call Jim Mueller to get agendas and minutes for the Greenspace Committee meetings sent to Bud and Nancy.

3. Goth Park Update - Signage for the park was discussed. The sign recommended and approved at a meeting in Fall 1987 was still desired by the members, and the color combination of dark brown example was chosen by consensus.

4. Town Park Update - Current plans are that the land will probably be scheduled for grading and seeding early spring 1990, and the building construction commenced during spring/summer of 1990 with occupancy by late fall. It might be possible to plant some trees in the fall of 1989 if they were planted on areas not needing grading, and if watering could be arranged.

Building committee - Bud Hall volunteered to represent the Parks Commission. Other suggestions were a Town Board Member, Ken or Patti Biller to represent administrative needs, a Plan Commission Member, one of the Road Crew, someone to represent the baseball enthusiasts, and someone to represent neighbors.

ADJOURN; Motion by L. Schultz, second by Hausman, unanimous in favor.

NEXT MEETING : TUESDAY, JULY 11, 1989 7 p.m.

will be require  
was held and  
to the E. Park  
and subject of

Recorded June 30, 1989

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Representative of the Royce W. Goth Estate. The Town, at its sole cost, shall maintain the sign.

\* 4. Designation of Boundaries. Within three (3) years following the transfer of the Property to the Town, the Town, at its sole cost and expense, shall cause the boundaries of the Property to be marked with fencing, shrubs or other markers. The Town shall at its expense maintain such fencing, shrubs or markers.

5. Permitted Improvements.

a. The southerly one-half of the Property shall be preserved in its natural state. The only improvements which are permitted on this portion of the Property are trails for hiking, bicycling, cross country skiing, and similar non-vehicular uses, and landscaping, including the planting and maintenance of trees, shrubs, flowers and other plantings, ground covers, mulches and the like. The Town shall also be permitted to maintain the existing structures on this portion of the Property, but shall not expand or replace such structures or use them other than for the storage of equipment and supplies necessary for the performance of its obligations under this outline. No motorized vehicles shall be permitted on this portion of the property except for service maintenance vehicles and vehicles for the transportation of handicapped persons. This portion of the Property shall be mowed only to the extent necessary to provide for trails; to the extent necessary to protect the public safety

TOWN OF MIDDLETON PARKS COMMISSION

Minutes of July 11, 1989

ROLL CALL: present - Johnson, Anderson, Hausman, Weber, L.

Schultz, Shook. absent - Hall, Dahlk.

Minutes of June, 1989 approved. (Motion by Hausman, second by Johnson, unanimous approval.)

PLAN COMMISSION REPORT: Johnson reported that they are working on the Town Plan and have completed 2 pages. They have recommended that the team of Kailing and Zimmerman be hired to categorize the natural resources and features of the Town. Cost for this proposal is expected to be about \$9000.

There was discussion about the impact of the CUNA/ 1st Capitol proposed development and the Haen/ Kempport property land use plans.

Copies of the Town Land Use Survey were distributed to Parks Comm. members for reading and later discussion if desired.

ITEMS:

1. GOTH PARK - the sign is completed and should be installed soon. Nancy suggested a brief acceptance ceremony to express the appreciation of the Town for this generous gift by Royce Goth. Members suggested that this take place at 6:30 on Aug. 7, before the next Parks Comm. meeting. She will notify Jim Judd and ask him to notify appropriate relatives and friends of Royce. The Middleton Times will also be contacted.

2. COMMUNITY PARK / TOWN HALL UPDATE - The Building Committee has been selected and will meet on Aug. 8, 1989 at 7 PM, Town Hall.

Recommendation was made by Weber that the Town have an early closing date for sale of the old building and arrange for delayed occupancy. This would give the Town the actual cash to use for the new building construction, rather than needing to arrange for borrowing short-term.

The intention at present is to use the old ball fields for 1990 and construct the new park in 1990 (summer) for use in 1991.

SHOULD THE PLANNING FOR PARK BE DONE BY A LANDSCAPER WHO WILL DO THE WORK OR BY A CONSULTING LANDSCAPE ARCHITECT? - It was the feeling of members of the P.C. that a person with experience in designing/developing recreational parks should be hired. Motion by Anderson, 2nd by Hausman to have Bud Hall bring several names of people/companies to the P.C. for their choice. (Unanimous in favor.) Johnson suggested that Bud talk to Steve Zeigler (of Plan Commission) and Gerry Ophime about their recommendations.

TOWN OF MIDDLETON PARKS COMMISSION MINUTES  
MONDAY, Aug. 7, 1989

6:30 - Members of the Parks Commission and community members met at Goth Park for a dedication program marking acceptance by the Town of this generous gift of 20 acres of land by Royce Goth. A sign has been erected at the park in remembrance of Mr. Goth, his father, and grandfather.

7:00 PM - Meeting at Town Hall

ROLL CALL: Present: Dahlk, Hausman, Hall, Anderson, Shook  
Absent: Schultz, Johnson, Weber

PREVIOUS MINUTES: Hausman moved for approval of previous minutes as written, Second by Anderson, unanimous vote in approval.

PLAN COMMISSION REPORT: In the absense of Johnson, Shook reported that the team of Kailing and Zimmerman had been hired to do an environmental study of the eastern  $\frac{1}{2}$  of the Town, as a part of the continuing effort to revise the Town Plan. Motion was made by Anderson, Second by Hall that a copy of the Town Park and Recreation Plan be sent to them. (This has been done)

ITEMS:

1. Bob Anderson reported on his attendance at the Madison City Plan Commission Meeting.

2. Enchanted Valley - Dave Fredrickson and Kym Husom, new co-chairpersons for the neighborhood park group, appeared to present their landscape plan and objectives. They had hired a MS student in Landscape Architecture, K. Zuelsdorff, to draw a plan with the goals being low maintenance, prairie border around the S. perimeter of the park, and establishment of some tree and shrub plantings. Total cost of the project was estimated at \$2000 - \$2500 with several funding options available. Suggestions were: a) Town funding, b) donations by neighbors, c) a wish book to be circulated around the neighborhood, d) donations or low cost purchase from a/some landscape companies, in return for public recognition. The group desired concept approval for the plan, and hopefully funding by the Town for at least the use of ROUND-UP this fall, and some fall tree planting.

Suggestion was made that they look into free seed collection at the Arboretum prairie. Motion for Concept approval by Dahlk, Second by Hausman, Unanimous vote for approval. No action was taken on funding.