




## Geneva Lake Conservancy

Promoting responsible stewardship of the region's land and water resources

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### A Special Appeal to All Conservancy Friends and Supporters

**You have always stood with us when asked or needed, and the Geneva Lake Conservancy greatly appreciates your history of support.**

This is a critical time for asking, which is why we are taking the unusual step of directly soliciting you in this special insert to the newsletter. In the wake of the horrors of September 11, charitable giving has generally declined across the country, probably reflective of the sagging economy, but also an understandable (and laudable) sentiment to make absolutely certain that the needs of family and other loved ones are closely tended to.

**The Conservancy's work goes on. The development pressures that confront southeastern Wisconsin seem remarkably immune from the general economic downturn. How else can you explain the proposed Geneva Ridge?**

At a time when the state of the economy has forced many people to postpone their anticipated retirement, we're confronted with a pair of developers who want to impose a 1,200 residential unit, seniors only, golf course community on the last unsullied entrance to the lake and the City of Lake Geneva. Through the generosity of a few major donors, we've been able to mount, so far, an effective campaign against this monstrosity. And we'll continue to press the battle until resolution is at hand.

But there's a lot more on our plate than Geneva Ridge. **The Conservancy is in the process of negotiating an additional 8 conservation easements to provide permanent protection for 575 acres. We've successfully presented two workshops on conservation development attended by over 150 persons, including lawyers, real estate professionals and developers.** We are working directly with developers and their design teams to conserve open space and natural areas in new subdivision construction.

**The Conservancy is also crafting a vision of greenspace protection for southern Walworth county.** A geographic information systems (GIS)-based plan that prioritizes our land protection outreach to individual property owners will soon be operational. We are aided by a volunteer advisory committee of elected officials, realtors, planners, farmers and other interested citizens. Our goal? **10,000 additional acres protected over the next 10 years.**

**We need your help to make this vision a reality.** Please look for the membership application form elsewhere in the newsletter (even if you're already a Conservancy member/supporter), complete it and mail it to us with your generous contribution.

Thank you for your support!



## Conservancy Corps

Geospatial Technology and Database Management are probably not terms you think of often when considering the needs of a land conservation organization. Luckily some of our volunteers and donors realize how such things do play an integral part in the work of the Conservancy:

The Koermer family recently made some of the dreams from our wish list come true, with the donation of a digital camera and portable global positioning system (GPS). They even provided us with very useful accessories and carrying cases. The GPS will be used to full advantage in our stewardship program to map and monitor our conservation easements and also for land analysis of properties slated for development or protection. The new Nikon 850 digital camera takes incredibly clear photos which will be displayed on our website and used as graphics for our other publications. Many thanks!

The students in Professor Dee Fischer's Database Programming class at Gateway Technical College worked very hard last semester programming a customized membership database for the Conservancy. Mr. Larry Green continued to refine their work this summer. Conservancy Board member Grace Eckland, who also teaches at Gateway, was instrumental in coordinating the project. We thank them all for their great work. Now we will be able to update our mailing list and input the data. We hope to have it up and running by the end of the year. If you have any changes to our mailing list please let us know!


**Conservancy Corps workdays - We need volunteers for fall clean-up and trail building at the Hermansen Woods.** We can work around your hours and the weather but we are also scheduling Saturday Sept. 21 from 8 am until 11 am as a weekend workday! Please bring gloves, pruning shears and rakes. If you are experienced with a chainsaw and can bring it that would be great also! We will build some small log bridges across the streams. We have jobs for everyone from the retired to teens with energy to

little kids who can pick up garbage. Please let us know if you can come Sept 21 or if another day would be more convenient for you.

Did you notice? Our fence has been painted by Mr. Pat Sontag's workers who did a great job! We want to keep the historic Mill House well maintained so it lasts another 150 years! The porches of the Mill house still need painting and staining if any one would like to help out.

**We can always use gardeners!** We will be planting bulbs and perennials and doing some clean-up in the yard this fall so if you have time just stop by!

**If you choose to continue on our mailing list to receive the Conservancy Updates newsletter, please check if your name is on the donor list in this issue of the newsletter. If it is not, please fill out the member form below. If you would like to receive Update by e-mail please circle your e-mail address Thank you!**



### Share the Vision

Enclosed is my tax-deductible membership check.

\$25 Naturalist  
 \$50 Steward  
 \$100 Sponsor  
 \$250 Guardian  
 \$500 Benefactor  
 \$1,000 Friend of the Conservancy

### Membership Application

\$5,000 Conservancy Founders Society

Yes I would like to be a volunteer:

Outdoors  
 Indoors  
 Technical Support

Please send more info on \_\_\_\_\_

Donor(s) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Phone(s) \_\_\_\_\_

E Mail \_\_\_\_\_

Please mail to:  
 Geneva Lake Conservancy P.O. Box 588, Fontana, WI 53125  
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# Geneva Lake Conservancy UPDATE

VOLUME 39 ISSUE 3

FALL 2002 NEWSLETTER

Renae Prell-Mitchell, editor

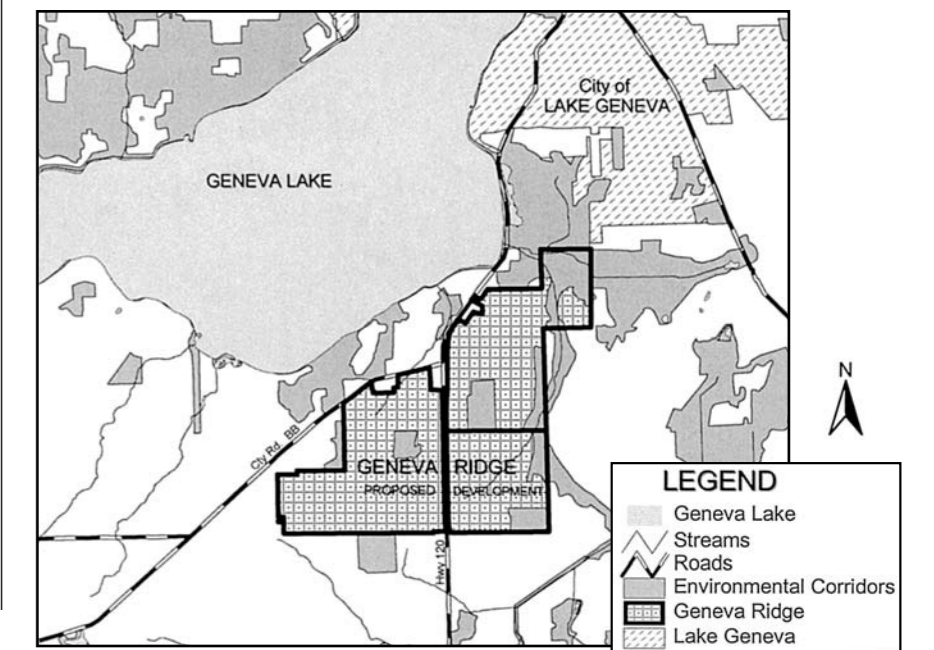
## Conservancy Acts to Protect Southern Gateway

Illinois developers Gordon Meling and Robert Hummel have teamed to propose a 1,200 residential unit, seniors only, golf course community, "Geneva Ridge", on 730 acres of farmland south of Geneva Lake. After their plan failed to secure the support of Linn Township or Walworth County authorities, the developers petitioned the City of Lake Geneva to annex the land.

The plan is not new to the Conservancy. Meling met with members of the Conservancy's executive committee a year ago to outline the idea and take exception to our publication of a full page ad in area newspapers that alerted residents to what was being proposed. It quickly became clear there was to be no meeting of the minds between the developers and the Conservancy, and nothing more was heard until the annexation petition surfaced in late July.

Wisconsin law makes annexation a relatively easy process. The intended use of the land to be annexed is generally not considered a material part of the process. The law requires a 2/3 affirmative vote of the City Council to approve the annexation. City procedures call for a prior public hearing before the plan commission, after which the plan commission votes a recommendation to the City Council. The Council is not bound, however, by the plan commission's action.

The Conservancy used full page ads, letters to the editors, direct (cont. on page 3)



**"Promoting responsible stewardship of the region's land and water resources."**

# Deed Restriction or Conservation Easement?

Another in a series of newsletter articles responding to information needs identified in our survey

Perhaps you've owned a piece of property on which a prior owner placed deed restrictions affecting your ability to do certain things. Or, you may have lived in a planned development in which residents belonged to a "neighborhood association" empowered to approve certain types of changes or improvements you might wish to make to your property. If so, you've already been exposed to the general concept of a deed restriction or restrictive covenant. Maybe you wanted to paint your house or put up a shed to house your lawnmower or cut down a tree. Chances are you had to notify the neighbors or the association of your plan and receive assurance that your action conforms to the restrictions in the deed to your property, or be granted a variance because of some special circumstance.

**Deed restrictions/covenants serve a useful purpose:** they act to protect your investment in your home by assuring that your neighbor cannot do something on his property that will negatively affect the value of yours. After all, no one wants to live next door to the Beverly Hillbillies, right? **But sometimes deed restrictions can seem too restrictive and inflexible.** News stories abound where some dotting father builds the Taj Mahal of tree houses for his adoring kids, only to run afoul of his neighbors and the dreaded "association" because deed restrictions prohibit such activity. Usually, unless cooler heads find some non-confrontational way out, the parties end up in court, where results are less than predictable: uphold the covenant and order the tree house

dismantled; find the covenant to be unreasonable and invalid, and allow Dad's monument to stay; or settle, resolving the instant issue, but leaving the future efficacy of the deed restriction very much up in the air.

That's the

nature of deed restrictions: useful or a nuisance, take your pick. They are subject to successful court challenge that alleges unreasonable interference with private property rights, or cites changing conditions with the passage of time, so that they become moot, inapplicable or unenforceable. **In all deed restrictions, private property rights and uses are affected.**

A conservation easement is likewise intended to restrict, in perpetuity (forever), the types of uses that may be made of a piece of property. In general, to qualify for favorable tax treatment under the Internal Revenue Code, a conservation easement must also contain a public benefit or purpose, which may include **protection of shorelands, farmland, natural areas, and open space.** In Walworth county land use plans for local and county governments routinely recite that policy. The Conservancy likewise references the benefit(s) in every conservation easement we draft. **Conservation easements are the Geneva Lake Conservancy's primary tool for permanent land protection. We have placed them on parcels ranging in size from 160 acres down to 1/4 acre, as long as the public conservation values are evident and the restrictions are reasonable in light of future land use possibilities.**

It is the reflection of a public purpose that gives the conservation easement greater authority. Courts are very reluctant to find land use restrictions arbitrary or unreasonable when those protections reflect a public benefit. For this reason, the Conservancy recommends that developers consider the permanent protections of a conservation easement when setting aside significant amounts of land as open space in new residential subdivisions.

**One other point of clarification: public purpose does not necessarily mean public access.** The landowner who grants a conservation easement to the Conservancy does not automatically grant public access to his property, and the Conservancy does not demand it either. Generally, the law considers visual access (i.e., being able to appreciate the existence of open space seen from a public road) sufficient. Only where the landowner voluntarily grants public access, usually to provide outdoor education opportunities, is it included in an easement.

*You're Invited!*

The Geneva Lake Conservancy presents the

**2002 Holly Ball**

Saturday, December 7, 2002  
Big Foot Country Club

Cocktails: 7:00 p.m.  
Dinner 8:00 p.m.

Dancing to the Park Avenue Band  
Black Tie Optional

Donations: \$115.00 per person  
Tables of ten \$100.00 per person

**Crystal Angel Award Recipients:**  
**Ernest and Bernice Styberg**

If you have not received an invitation in the past but would like to receive one this year please call the Conservancy at 262-275-5700 by October 15.

(cont. from page 1)

contact and thousands of postcards and petitions, to urge area residents to ask important questions about Geneva Ridge. Questions regarding the development's size, density, "seniors only" status, tax ramifications, effect on area schools, and other concerns were raised by the Conservancy. The public responded overwhelmingly, through more than 400 signed petitions and City Hall-crowding attendance at the plan commission hearing, resulting in the plan commission voting 6-0 against annexation.

At this writing it is uncertain what the next step will be. Following the August 19 plan commission defeat, the developers have asked that City Council consideration be postponed until October 28, presumably to give them an opportunity to right a heavily listing ship. As UPDATE goes to press, however, that strategy may have changed. At least one city official believes the developers may be retooling their proposal, possibly triggering a referral back to the plan commission for further deliberations.

By the time the October 28 date was brought to our attention, the Conservancy had already mailed postcards to Lake Geneva residents advising them of probable City Council action on Sept. 23rd. If a new proposal comes forward to be referred back to the plan commission, the Conservancy has already asked the City to provide at least a three week window for public review. Whatever the next step (which may occur before this article reaches you), we will remain watchful on behalf of the entire community. For the latest, go to [www.genevalakeconservancy.org](http://www.genevalakeconservancy.org).

## Water Cycles through a Lake Named Geneva

by Renae Prell-Mitchell

Autumn winds blew across Big Foot Prairie down the bluffs of Fontana, where cool glacial springs poured forth the crisp waters that flowed through spongy marshlands, filled the depths of the kettle holes, holes whose depth mirrors Black Point's hill. The waters squeezed through the narrows to lap lazily against the pristine beaches of the eastern shore freely forming a river named White, slinking on toward the dark Mississippi, never to return for hundreds of years, when autumn winds drop the rains circling up from the Gulf to replenish the aquifers of Fontana's springs.



"The Fontana Garden Club donated a beautiful Linden tree to the Conservancy as a memorial for Betty Hiebel who was one of their members and passed away earlier this summer. A plaque will be added at a later date to honor Betty."

## Conservancy Intern from Williams Bay High School

Mike Bohn of Williams Bay has joined our staff for the fall semester as an intern. We look forward to his help as he applies his computer skills to our website and database and his football player's brawn to help us build trails and clear brush at the Conservancy's Hermansen Woods property. He will also work closely with executive director Chris Goebel to research land records and learn political advocacy, and assist Renae Prell-Mitchell, director of land protection, with the new geographic information system (GIS) project to develop a greenway plan for the southern lakes area.

Mike is a personable young man committed to wise stewardship of our land and water resources. An avid outdoorsman, he is also an outstanding student. His internship goal is to learn more about the Conservancy's activities which, in turn, may lend direction to his college curriculum and career choices.



Geneva Lake Conservancy Intern Mike Bohn braves the heat to irrigate native shrub plantings around the Mill House.

## Second Growing Greener Workshop a Success

The Conservancy is working closely with a number of area builders, developers and real estate professionals to provide creative clustered, lower density conservation subdivision design concepts for areas already zoned for development. Many individuals, local businesses, and organizations such as the Lakeland Builders helped the Conservancy sponsor a Growing Greener workshop for the Fontana area this summer (see donor list). It featured well-known conservation subdivision design specialist Randall Arendt and was attended by over 80 local officials, planners, developers and citizens.

## Conservancy Accepted into Chicago Wilderness

You might ask why a southern Wisconsin organization has deemed it important to go through the rigorous membership application process of a Chicago-based nature organization? The answer is that it seems mutually beneficial since we are expanding our horizons to help protect many critical natural areas throughout southern Walworth county, and Chicago Wilderness is expanding its horizons by supporting enhanced tri-state cooperation within the "greater" Chicago metro area. The Conservancy is the first Wisconsin-based organization to join.

Geneva Lake is the headwaters of the White River which eventually flows into the Fox River. Nippersink Creek, which rises in Linn Township, also empties into the Fox River at Fox Lake, Illinois. About 2/3rds of Walworth county is in the Upper Fox River watershed.

Membership in Chicago Wilderness is another way in which the Conservancy can advance its interests through participation in regional land protection strategies and policy and program initiatives. Included among them are the Metropolis 2020 plan to better manage growth in and around natural areas throughout the region, and the Nippersink Creek Watershed Collaboration that focuses on priority land protection and water quality issues in the watershed. CW membership also opens additional grant possibilities from and through the organization. The Conservancy has agreed to serve on CW's science and land management and sustainability teams, and also sits on the policy-setting executive council.