Connect Lake Winnebago Flyer Facts

A recent posting by a Resident on the HOA Face Book (FB) page included a page, or handout flyer. The HOA has also received a request that this flyer be distributed with the next Signal. This flyer includes opinions and incorrect information. The opinions expressed in this flyer are not endorsed by the HOA Board. The facts concerning the history and current status of the proposed development of the existing spillway are included in the November 12, 2019 letter that has been distributed to all residents by email and/or hard copy, and is also available on the HOA website. This letter also explains the current and ongoing process to amend the Restrictions.

Relative to the specific bullet items in the flyer the HOA Board would comment as follows.

“The current proposal has no financial gain to the City, only to the Developer.”

It is our understanding (and the City has confirmed) that the City, police, and area fire departments are in favor of the current proposal because it will provide better response times for public safety. The current proposal would provide a road built to City specifications with utilities at no cost to the City or to the HOA. If the road is not constructed per the current proposal, which has already been agreed to between the HOA and the developer, with City approval of the plat, there will be a future cost to the HOA and the City - if a road is ever constructed. Having that future cost be zero, is a financial gain for both the City and the HOA. Having that future cost be zero, means that the HOA and City will have more funds for amenities and other City services.

“A connecting road could still be constructed between the 600 block and LWII without houses and docks.”

The road as proposed in the Developer’s current proposal has been routed by professional engineers and will be designed to meet all City requirements. It will require significant amounts of fill dirt for the road and the lots, and the fill is currently available to the Developer. If the amendment of the Restrictions and
acceptance of the current proposal is not agreed to by “consent” of 2/3 of the property owners alternative designs and construction methods could be investigated. The Developer has confirmed to the HOA Board that if his current proposal (as already agreed to with the HOA) is not approved with the amendment to the Restrictions he would not construct a road without compensation, but he has also advised that he has no interest performing such work. The Developer has also advised that if the existing dam excavated earth/fill is not placed in the existing spillway as it is removed there will be no practical way to bring fill into the existing spillway area in the future.

“We can preserve our property and NOT give it away for private use. With the upcoming HOA proposal, we will be giving up 13+ acres in trade for only 1.5 acres of land in LWII.”

The existing spillway property is not being given away, and it is for “private use” only in the sense that 9 private residences with lake front Green Belt access to all residents would be built. The proposal has been explained to residents numerous times, including in the November 12 letter. The “13+ acres” is incorrect. The 9 lots which will be “traded” to the developer are platted and they total a little less than 5.9 acres. The remainder of the existing spillway area will become City streets and HOA owned tracts of land. Relative to questions about how the existing spillway tract, which totals 31 acres and includes all the LWH property south of the existing dam to the old 167th street (most of which is already under water), became temporarily deeded to the Developer we would refer residents to the HOA November 13, 2018 meeting minutes and handouts, which are posted on the HOA web site.

The statement “…for only 1.5 acres of land in LWII.” is incorrect. The acres being provided in LWII is 1.8 acres. This 1.8 acres, which is a 50 per cent increase in the amenity area, will make the total amenity area in LWII 5.2 acres. The 1.8 acres is lake front in the no wake portion of the west cove of LWII and preliminary plans are for the shoreline of the 1.8 acres to be used for 20 or more Tier 2 docks and 10 HOA day docks. If the current proposal is not accepted, and the additional 1.8
acres goes away, these Tier 2 docks will need to be located at the dam, and they may decrease available full speed lake surface.

“According to Cad Drawings provided by the developers engineering firm, LWII is smaller than promised.”

As explained in the November 12 letter, and numerous other times, the Developer has agreed to reduce the number of lots (all Tiers) if the new lake area is less than what was indicated in the Development Agreement (DA). The ratio of lots to lake surface would remain the same as it was in the original DA - if the current proposal is accepted. The Developer has been enlarging the lake surface area throughout 2019. This has, and will, include enlarging some coves, the LWII side areas on both the east and west side of the existing dam, the removal of the Benedict Pond dam, and the addition of the Benedict Pond itself. An ALTA survey by a licensed independent surveyor will be conducted by the Developer to determine the lake surface area. If the current proposal is not accepted, the Developer’s agreement to adjust the allowed number of lots in LWII based on the lake area goes away.

“Adding first tier docks will reduce usable lake size by Approximately 2+ acres.”

“2+ acres” is incorrect. The area lost would be the 36 feet allowed for docks and ramps times the length of shoreline along the 9 lots. This is 1.02 acres based on the plat. This full speed lake area loss would be lost even if the current proposal is not accepted and the 9 lots are located on other full speed areas of the lake. The 9 docks, if not placed in the spillway area, could very likely become 9 additional Tier 2 docks at the dam where they may decrease available full speed lake surface.

“A recent Declaratory Judgement ....”

The current status and the HOA Board’s planned actions, and the Developer’s planned actions relative to this Declaratory Judgement are explained in the November 12 letter. The judgement requires that the Restrictions be amended to
"If you are in favor of a connection to LWII without homes in our designated "common area" simply abstain voting on the upcoming proposal."

There is not an "upcoming proposal". This is not a vote. The status of the Developer's proposal, and the agreements in place are fully explained in the November 12 letter, which also explains the process for amending the Restrictions as required by the Declaratory Judgement. If you are in favor of the proposed amendment to the Restrictions, you would "consent" to the amendment of the Restrictions for each property, parcel, or tract you own. You can sign one consent form that lists all your properties. Each property counts as a "consent". If you are not in favor of the proposed Restrictions amendment, you would not provide, i.e. sign, a consent.

A November 16, 2019 picture of the existing spillway provided by Terry Siegel and his drone.