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Shoreowner, county settle for $586,000

Property owner predicts his suit is 'the first of many'

Terrell Boettcher
Sawyer County Record
Wednesday, July 20th, 2005 02:14:31 PM

The Sawyer County Board and a Round Lake home owner who claimed the county was responsible for high-water damage to his shoreline and mismanaged water levels on the lake have settled the dispute out of court for $586,000.

County Clerk Kris Mayberry said that the settlement with James Hausman was approved in theory in closed session by the 15-member board. A copy of the settlement agreement was provided by Mayberry to the Record this week.

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This Thursday evening, the board will act to ratify the final agreement and act on a recommendation from its finance committee that the money to pay Hausman be taken from the resource development fund. The fund consists

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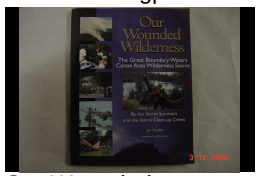

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of the proceeds of timber sales on the county forest and has been used to maintain county-owned dams and for other natural resources-related projects.

The agreement states, “the payment to Hausman is for a disputed claim, and neither the payment nor settlement of the action constitutes an admission of liability on the part of the county, and liability is expressly denied.”

Furthermore, the county’s petition to the Department of Natural Resources to clarify orders pertaining to the Round Lake water system remains in effect.

Hausman, who owns a house and lot at 10536N Scarlet Tanager Lane on Blue Island Bay, sued the county in 2003. He asked for damages for an alleged taking of his property by high water levels in May, 2002 and the winter of 2002-03.

Hausman also sought a court injunction to require the county to:

• Maintain the water levels as specified in the 1941 order by the State Public Service Commission;

• Construct, operate and maintain the dam at Carlson Road in compliance with state statutes;

• Construct and maintain the culverts under County Highway NN near World’s End Road in compliance with statutes;

• “Take any other actions necessary to ensure the normal water levels on Round Lake do not rise to a height that . . . damages, interferes with and/or physically occupies private property; interferes with the public rights in navigable waters; and/or causes sediment erosion into, and contamination of, Round Lake, Little Round Lake, and Osprey Lake.”

The 2005 settlement bars Hausman from making any future claims against the county for damages arising from high water or groundwater levels in the Round Lake system. The settlement doesn’t bar any claims that may arise from Hausman’s present efforts to improve his property including any requests for an extension of time on his existing building variance.

The case had been scheduled for a two-week trial in Sawyer County beginning July 11 before Judge John P. Anderson. But the trial was not held.

County board chairman Hal Helwig said he can’t comment on or release details of what took place in closed session.

He said there is “no question” there is enough money in the resource development fund to pay for the settlement.

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"I feel the DNR is responsible for a lot of this whole (Round Lake) problem," Helwig added. He believes the injunction requested by Hausman is made moot by the settlement.

Helwig said he understands the cost of lawsuit-related engineering studies and attorney fees are covered by the county's insurer.

On Tuesday, Hausman said the reason the county settled was that the county knew they would lose if the issue came to trial. He said the county's expert witness stated in a deposition that the county caused the shoreline damage by the structures it has built or altered in the past.

"Sawyer County systematically raised the water level of this lake," Hausman said.

"So much deception and lies have come out of this case that have been orchestrated by Sawyer County," Hausman alleges. "There should be an investigation for waste of taxpayer money and corruption."

He says the county could have fixed the water problem for $100,000 but for whatever reason, it didn't.

Hausman added that he assumes his is "the first of many lawsuits" to be filed against the county by Round Lake shore owners. The lake's water quality is deteriorating and there is no beach left, he said. But Hausman said the rumors that he wants the lake to be lowered below its authorized level (77 feet) are untrue. "There's no way the water level can be controlled," he said.

The county has raised the level of Osprey Lake to that of Round Lake, resulting in bogs coming to the surface on Osprey Lake, he added.

Hausman said he "really wanted to go to court" over the matter, but has a 23-month child he's concerned about, so he decided to settle.

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