

**SPECIAL TOWN BOARD MEETING FOR WATERFORD  
APPROVED/OFFICIAL MINUTES FOR JUNE 26, 2023  
12:00 PM AT THE TOWN HALL**

Special Town Board Meeting RE Stark Subdivision Monday June 26, 2023

Meeting called to order at 12:15 pm by Chairwoman Jendusa-Nicolai. Present, Jendusa Nicolai, Supervisors Ulander, Schwartz, Gauerke, and Szeklinski, Attorney Dubis, Attorney Purtell, Jim Hart, Dolezal family, and other Stark Subdivision neighbors.

Attorney Dennis Purtell spoke for the Stark Subdivision property owners and provided each board member with a folder containing a submission page and 4 documents; 1. An undated letter (1994?) from Dennis Tully of Fidelity Title, 2. The 8/29/1967 order laying out roads in Stark Subdivision, 3. The 6/12/1978 deed granted to Jim and Patricia Hart from the Stark family. 4. Comments from surveyor John Degan dated 6/15/1929.

Supervisor Gauerke provided 3 documents to each board member with explanation of each. 1. The 8/29/1967 order laying out the 4 Stark Subdivision roads to become Town roads, but specifically excluding the park/bathing beach located between lots 5 and 6, and River Road extending to the water located between lots 65 and 66. 2. A map of Stark Subdivision identifying the 4 roads taken over by the town and the excluded River Road and Bathing beach. 3. A copy of Jim and Patricia Hart's 6/12/1978 deed which documents that the owners of the subdivision have the use in common of the park/bathing beach and River Road for ingress and egress to the waters of the Fox River.

Attorney Dennis Purtell then addressed the board regarding his documents; Exhibit 4; surveyor John Degan's notes of 6/15/1929 which states that the Stark family agrees to "maintain all roads, streets, courts, drives and parks until the taxable property in the above-named subdivision shall insure the maintenance of the same." Exhibit 3; Mr. Purtell reinforced the wording in the Hart's 6/12/1978 deed that the owners of Stark's subdivision have the right in common to use the park/bathing beach and the River Road water access parcel. Exhibit 2; Mr. Purtell re-stated from the Town's order laying out town roads in Stark Subdivision dated 8/29/1967 that specifically excluded were the Park/bathing beach and the River Road parcel extending to the water's edge. Exhibit 1; Mr. Purtell referred to the undated letter (possibly 1994) from Dennis Tully of Fidelity Title to Atty Mike Dubis which stated that we find no documents of record affecting said parcel since the recording of the recording of the plat in the year 1925." And "it is possible that the record owner would be the Town of Waterford." He further stated that the 8/29/1967 order laying out town roads in the Stark subdivision disproves both statements.

Attorney Mike Dubis addressed the Town Board and recommended that the Town Board take no action regarding the Bathing Beach and River Road over concerns of possible lawsuits, that no title company would issue a title policy on those parcels, and that there should be a "certified copy" of the 8/29/1967 order to lay out roads in the Stark Subdivision.

Supervisor Ulander commented that the board didn't need to act on something already decided by the Town board in 1967 and questioned whether there could be other documents related to this matter

Supervisor Szeklinski suggested that the subdivision owners could put a chain across the entrance to keep non-subdivision persons out.

Supervisor Gauerke re-stated the portion of the 8/29/1967 order that the Bathing Beach and River Road were specifically excluded when the 4 Stark Subdivision roads were taken over and that a board vote could clarify and refute the statements from Dennis Tully's letter that "we find no documents of record affecting said parcel

since the recording of the plat in the year 1925" and that "it is possible that the record owner would be the Town of Waterford."

**Supervisor Gauerke made the following motion; "Based on the wording in the order laying out Town roads in the Stark Subdivision dated 8/29/1967, the Town of Waterford has no ownership in the River Road parcel located between lots 65 and 66, or the Starks Fox River Park Bathing Beach located between lots 5 and 6.", seconded by Supervisor Schwartz. Vote taken: 2-3 (Ulander, Szeklinski & Nicolai). Motion fails.**

**Supervisor Ulander motioned that the Town take no action at this time, seconded by Supervisor Szeklinski. Vote taken: 3-2 (Gauerke & Schwartz). Motion carried.**

**Supervisor Schwartz motion to adjourn at 1:00 pm, seconded by Supervisor Szeklinski. Vote taken: 5-0. Motion carried.**

Respectfully submitted,

Supervisor Dale Gauerke