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Negotiation costs keep climbing

By Aaron Becker
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What began as an opportunity for the Green Lake School District to receive donated land in the Estates of Lawsonia is becoming an expensive and time-consuming situation for both parties. The district has already spent more than \$9,600 on legal fees for negotiations about land to be dedicated to the school. Now the developer, Lindenwood Development, indicates it may pursue legal options if the matter isn't resolved soon.

County request

Located on the eastern side of the Green Lake Conference Center, the development calls for nearly 100 new houses. Green Lake County has asked Lindenwood Development to donate six to eight acres to the school district as a condition of plat approval, citing a county ordinance dealing with public space. Negotiations between Lindenwood and the school have been ongoing since September. Two weeks ago, the Commonwealth reported how the school had spent "more than \$5,300" on legal fees in this matter. That figure came from information the district released at the time. After an open records request, however, the amount has climbed above \$9,600, with more expenses still coming. The new total of \$9,633 includes September, October and November. "There were some [costs] in December, but we don't have the bill yet," District Administrator Ken Bates said Monday. The school's legal bills include more than \$1,800 in September, more than \$5,300 in October and more than \$2,500 in November. "It's unfortunate that we've had to spend this amount, but it's an important issue," Bates said.

Developer makes offers

The school is asking Lindenwood Development to dedicate Woodland Court to the school for educational use, but Lindenwood partner Ted Dominowski has said this request is "unacceptable and unnecessary." The five-lot cul-de-sac is worth about \$1.5 million, adjacent to Carpenter Lane, he said. Dominowski said the company has made various other offers to satisfy the county's request, but the school isn't accepting. Lindenwood has provided a "huge number of options" collectively, he said. In a recent letter to the county Land Use, Planning and Zoning Committee, Lindenwood President Doug Crusan outlined the company's offers to the school: "[Lindenwood's] last proposal would give the school the 1.5 acres of outlot 2 and 5.8 acres of woods that would be adjacent to the ponds on outlot 3," Crusan wrote. "In mid-November, we received a letter from the school's attorney, telling us they were not interested in our offer. They made a counteroffer asking for the five lots on Woodland Court, an area we had told them was not open for discussion." District leaders, meanwhile, believe Woodland Court offers the best site to serve the school's outdoor education needs.

Possible other options

Since the negotiations have stalled, Lindenwood is now asking the county to consider one of two options:

1. Change the condition to remove the wording about accepting land to be dedicated.
2. Change the condition to allow for a reasonable parks fee to be charged with each building permit in lieu of land to be dedicated.

In addition, the developer is now considering other groups to whom to dedicate the land "in place of the school district that the county would approve," Dominowski said. If the matter still cannot be resolved, Lindenwood is prepared for legal action. "We are examining what our legal options are, and we are prepared to take this through the court system if that's what it comes down to," Dominowski said. The county never intended for the school to choose what land would be dedicated to it, he said. Rather, the county's intention was to provide a reasonable opportunity for the school to have land within the development, Dominowski said. "You don't get to choose what you want. You just decide, 'Do you want it or don't you?'" Dominowski said.

With the developer conducting negotiations through an attorney, the school isn't the only one paying high legal bills. Lindenwood has spent close to \$5,000 on legal fees in this matter, Dominowski said. That isn't the big issue, however. Even more important is the time and delay this is costing the development, he said. "This is the only thing left on the checklist from the county that is required [for plat approval]," he said. School Board President Wendy Schultz could not be reached for comment this week. Bates said the matter would be discussed at the school district's Buildings and Grounds Committee meeting this month.