

RESOLUTION NO. _____ - 2020

**A RESOLUTION APPROVING THE CHRISTMAS MOUNTAIN
LITIGATION SETTLEMENT AGREEMENT**

Sauk County issued a conditional use permit for a camping facility in the Town of Dellona in 1997 now generally known as Christmas Mountain. In 2014, Sauk County zoning staff observed and recorded several violations of the Sauk County Code at the site. Based on the violations, Sauk County thereafter revoked the existing zoning approval for the camping facility.

In 2015, the owners/users of many of the campsites sued Sauk County to challenge the permit revocation and related matters. That litigation is ongoing as Sauk County Case No. 2015-CV-401.

The litigation involves a parcel of real estate located in the Recreation Commercial zoning district. It contains 92 recreational vehicle campsites.

After extensive negotiations, Sauk County and the plaintiffs have reached a tentative agreement that would resolve all claims which are or might have been the subject of litigation, upon the terms and conditions set forth in the attached Agreement as Addendum A.

The agreement was reached with the assistance of legal counsel of Sauk County and the county's insurer. Sauk County's retained attorney, von Briesen & Roper, s.c., the Land Resources and Environment Department and the attorney for the county's insurer recommend approval of the proposed agreement.

Fiscal Impact: ☒ None ☐ Budgeted Expenditure ☐ Not Budgeted

NOW, THEREFORE, BE IT RESOLVED, by the Sauk County Board of Supervisors, met in regular session, that settlement of the pending litigation between the plaintiffs and Sauk County in Case No. 2015-CV-401 is approved and the Sauk County Board Chair is authorized to execute a settlement agreement on behalf of Sauk County in accordance with the approved terms.

For consideration by the Sauk County Board of Supervisors on July 21, 2020.

Respectfully submitted,

EXECUTIVE AND LEGISLATIVE COMMITTEE

Tim McCumber, Chair

Marty Krueger

Brandon Lohr, Vice Chair

Valerie McAuliffe

Wally Czuprynko

Fiscal Note: If rejected: Potential financial damages award against Sauk County. If approved: Potential damages claims by plaintiffs are waived and corresponding risk to Sauk County eliminated.

MIS Note: No information systems impact.