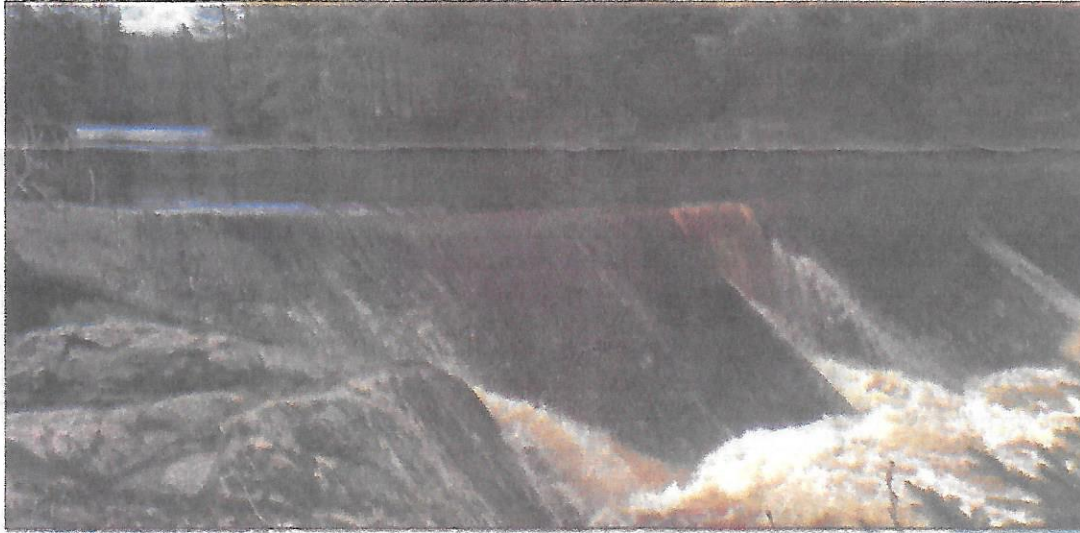


DAM PROBLEMS

Lakeshore owners propose taxing themselves to save dam



Ownership of the Hudson Bay Dam must be determined before steps can be taken to fund its maintenance and repairs. Owners of lakeshore property on the two lakes the dam impounds have pledged \$30,000 and offered to form a taxing district to pay for the dam's future in a bid to make ownership more palatable for the county.

BY [REDACTED]

tend its maintenance and repairs. Owners of lakeshore property on the two lakes the dam impounds have pledged \$30,000 and offered to form a taxing district to pay for the dam's future in a bid to make ownership more palatable for the county.

BY RICK OLIVO
rolivo@ashlanddailypress.net

Hudson Bay dam is a small concrete barrier on the Brunsweller River in west-central Ashland County with a lot of problems — and a lot of people willing to pay to find solutions.

First off, no one knows precisely who owns it. When it was built in 1969, Ashland County thought it was the owner and for years the county filed permit paperwork with the U.S. Forest Service to keep the dam in operation. The dam was built at the request of landowners on Spider and Moquah lakes to replace a washed-out beaver dam that had held the lakes.

Nobody ever questioned the dam's ownership until a Department of Natural Resources inspector began checking on it. In the process, the inspector discovered that the paperwork submitted to the state included a draft version of the deed and that was never legally recorded. Without that critical step, ownership papers are not legally valid, Ashland County Zoning Administrator Joshua Rowley said.

But that's just the first problem. The second is that the DNR inspector found several maintenance issues that need to be addressed

at the dam — but with no clear legal owner, no one knows who is responsible for repairs. And given the cost of renovations, county officials are not eager to claim ownership.

Rowley said the ownership issue is a real conundrum. The owner who conveyed the land to the county, Fred Keller, has died and the rest of his property now belongs to a different owner.

Without the deed, the DNR would need to resort to a lawsuit to determine if the county owns it. If a judge decided it didn't, the dam would be legally without an owner and the DNR would take custody of it and could remove the dam.

Lakeshore landowners want to avoid that at all cost because their property values would wash away with the lake water.

Several Spider Lake landowners attended a Thursday Ashland County Board meeting and told the board they wanted to form a taxing district that would assess property owners \$200 each every year with the money placed in a special fund to cover costs of dam maintenance and a

dam failure-analysis that the DNR requires.

Spider Lake resident Sue Kozelka told board members that property owners had raised pledges for \$30,000 to show they were serious about doing what they needed to save the dam.

Kozelka said the main issue is to determine dam ownership, and she hopes that property owners demonstrating that they are willing to dig into their own pockets to pay for the dam's expenses would encourage either the county or the town of Gordon to accept ownership, knowing they were not on the hook for the dam's costs.

Kozelka said property owners have been wrestling with the issue for the past two years and residents pledged the funds in an effort to bring the wrangling to a close.

"Through some clerical error 50 years ago, we are in a bad situation with no owner," she said. "If we don't get one, it will go on the dam-removal list and nobody wants to know what would happen to our lake."



Rowley



Kozelka

Rowley is skeptical that removing the dam would result in eliminating the two lakes. He pointed to a 1939 aerial photo that shows the lakes at about the same dimensions they are now.

But the photo doesn't persuade Kozelka.

"We are not willing to find out what the end result would be if you take the dam out," she said. "When we all bought our property, we were on a lake, and the lake should remain here for our future enjoyment."

Members of the county board took no action Thursday. Rowley said he favors creating a lake district organization, which would give property owners government-like control of the lake.

"They would be forming an organization that would own the dam," he said. "That way they could do what they wanted to do with water levels. They could raise or lower it, things like that," he said.

Kozelka said a lake district would simply add another layer of government for property owners to contend with, with additional costs that would exceed the \$200-per-property cost a taxing district would add.

"We've eliminated that as an option," she said.

Creating a taxing district was far more painless, as residents would pay the fee as part of their tax bill, she said.

"And I don't have to go door to door to collect the money," she said.

Kozelka said the taxing district would make it far more palatable for the county to accept ownership of the dam because property owners — no the entire county — would be assessed for costs.

"All of that money would go into a fund to pay for the dam, and part of it would go to pay for insurance for the dam. So they really would have no expense," she said.