

Vol. 2

Releases filed by J. L. Mathen  
& A. Scott  
O. Phillips  
Town Clerk

Town of Lincoln Willow Grove  
May 14<sup>th</sup> 1877

Petition for a Road in Town  
19 Range 2 West Commencing at Gilson  
running south to the La Fayette Road  
then running West of the Town line  
Daniel Mathen Orin Gilson Isaac Pollard  
A. Gister C. K. Mathen A. Liscum  
Aaron Gutman S. L. Brown M. L. Vandervoort

County of Monroe 1875  
Town of Lincoln

Whereas upon the application  
of six freeholders residing in said Town  
of Lincoln for the laying out of a Highway  
as hereinafter described the undersigned  
supervisors of said Town did on the 9<sup>th</sup>  
day of June 1877 make out a notice and  
give therein a time and place at  
which we would meet and decide upon  
such application and did meet on the  
13<sup>th</sup> day of June 1877 at 10 o'clock in the  
forenoon of said day at Orin Gilson  
House in being the time and place fixed  
by us in said notice and having first  
been satisfied that the notice aforesaid  
had been duly given five days previous

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As the time of our said meeting to all  
 all the occupants of the land through which  
 said highway passes and had also been  
 posted up in three public places  
 in said town ten days before the time  
 of our said meeting in the manner  
 required by law we did then and there  
 proceed to examine personally said  
 highway and did hear all reasons that  
 were offered for or against laying out of  
 the same and did decide upon such  
 application and in giving our opinion  
 that the public good will thereby be  
 promoted did decide to lay out said  
 highway as herein after described now  
 therefore pursuant to said application  
 we the said supervisors do hereby order  
 and determine that a highway to and  
 the same is hereby laid out as follows  
 To wit

Commencing 30 rods north of  
 the South East corner of the northeast  
 quarter of the North East quarter of such  
 37 Town 19 Range 9 West and running  
 south of on the section line 206 rods  
 the same being an accurate survey thereof  
 caused by us to be made the line of said  
 survey is the center said highway and the  
 same is laid out of the width of 4 rods

Clifford Woodard  
 George Messer  
 Supervisors

22

43



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Section 15 running through lands  
owned by P Steubens Road and  
L Brist

Am Mills Philip Steuber Son  
Philip Steuber Jr Levi Mills  
Calvin Rose A W Brist Chas H Heath  
Henry Wilson

County of Monroe Town of Lincoln

Whereas upon the application  
of J. C. Freshholders residing in the said  
Town of Lincoln for the laying out of a  
highway as hereinafter described we  
the undersigned Supervisors of the said Town  
did on the third day of September 1877  
make out a notice and fix therein a time  
and place at which we would meet  
and decide upon such application and  
did meet on the 15<sup>th</sup> day of September  
1877 at 9 o'clock in the forenoon of said  
day at Philip Steubers in being the  
time and place fixed by us in said notice  
and having first been satisfied that the  
notice aforesaid had been duly given  
five days previous to the time of our said  
meeting to all the occupants of the land  
through which said highway passes  
and had also been posted up in three  
public places in said Town five days  
before the time of our said meeting in  
the manner required by law we did then and  
there proceed to examine personally  
said highway and did hear all reasons that  
were offered for or against laying out of the #5 21

Same and did decide upon such application and it being our opinion that the public good would thereby be promoted did decide to lay out said Highway as hereinafter described now therefore pursuant to said application on the said Supervisors do hereby order and determine that a Highway be and the same is hereby laid out as follows

To wit  
 Highway Survey commencing as follows: at 1/4 stake on South side of Sectn 15 Town 19 Range 2 West thence West on Sectn line to South West Corner of Section 15th to place of termination variation 7° 40' chains made this 15th day of September 1877 by J. M. Randall the same being an accurate survey thereof caused by us to be made. The line of said Survey is the center of said Highway and the same is laid out of the width of 3 Rods

Clifford Woodard  
 Geo. Musson  
 Supervisors

No Survey or Diagram "filed" of the foregoing Road

O. Phillips  
 He

Release signed by Calvin Rose  
 A. W. Brist & B. B. Huber

To the Supervisors of the Town of  
Lincoln County of Monroe State of  
Wisconsin

The undersigned freeholders and  
residents of the Town of Lincoln aforesaid  
do hereby make application to you to lay  
out a highway described as follows to start  
at or near the School House in School Dist  
No 4 on Section 7, Town 19 Range 2 West  
and run in a north easterly direction across  
the R R track at or near Rudd & Green  
Store and intersect the present Highway  
near Rudd & Green Boarding House  
dated at Lincoln this 9th day of April 1878  
J L Green S B Rudd L Davis  
J J Nyman J Phillips & W Nyman  
E L Nyman M. Hanson Felix Brien  
W J Randal W Randal

County of Monroe } SS  
Town of Lincoln }

Whereas upon the  
application of Elected freeholders residing  
in said Town of Lincoln for the laying  
out of a Highway as herein after described  
The undersigned Supervisors of said  
Town did on the 22d day of April 1878  
make out a notice and fix therein a time  
and place at which they would meet and  
decide upon such application and did meet  
on the 4th day of May 1878 at 10 o'clock  
in the forenoon of said day at Rudd & Green  
Store in fixing the time and place fixed by  
us in said notice and having first been  
satisfied that the notice aforesaid had been

duly given five days previous to the  
 time of our said meeting to all the  
 occupants of the land through which said  
 Highway passes and had also been  
 posted up in three public places in said  
 town ten days before the time of our said  
 meeting in the manner required by law we  
 did then and there proceed to examine  
 personally said Highway and did hear all  
 reasons that were offered for or against  
 laying out of the same and did decide upon  
 such application and it being our opinion  
 that the public good will thereby be promoted  
 did decide to lay out said Highway as herein-  
 after described. Now therefore pursuant  
 to said application we the said Supervisors  
 do hereby order and determine that a  
 Highway to and the same is hereby laid out  
 as follows to wit

Commencing as follows  
 at center of Highway 5 chains 16 links  
 north of School House on N<sup>2</sup>/<sub>4</sub> of S<sup>1</sup>/<sub>4</sub> of Section  
 2 Town 19 Range 2 West thence north easterly  
 course at 7° <sup>east</sup> ~~west~~ of North 42 chains 30 links  
 thence north easterly course at 30° <sup>east</sup> ~~west~~ of North  
 8 chains to place of termination at center  
 of Highway running through Rudd & Grinn  
 Mill yard made this 4<sup>th</sup> day of May 1878  
 by W<sup>m</sup> Randall the same being an accurate  
 survey thereof caused by us to be made  
 the line of said survey is the center of  
 said Highway and the same is laid out  
 of the width of 4 Rods

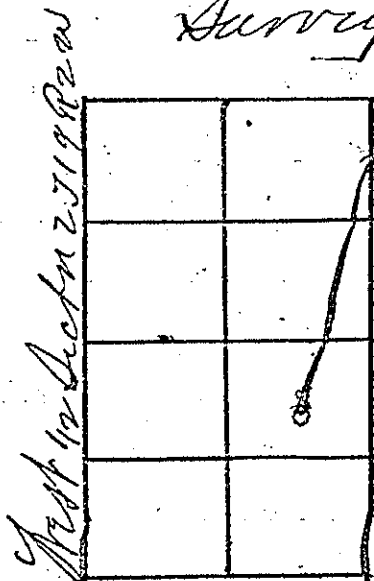
Supervisors

Clifford Woodard  
 & Powers

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Highway Survey commencing  
 as follows at center of Highway  
 5 chains and 16 links north of School  
 house on NE 1/4 of SW 1/4 of Sectn 2 Town 19  
 Range 2 1st Thence north easterly course  
 at 7° east of north 42 chains 30 links  
 Thence north easterly course at 33° east  
 of north 8 chains to place of termination  
 to center of Highway running through  
 Budd & Green's mill yard.

Made this 4th day of May 1878 by  
 J. M. Randall  
 Surveyor



O. Phillips  
 Town Clerk



Monroville  
Town of Lawrence

At a meeting of the  
Supervisors of said Town agreeable  
to notice and having examined and delib-  
erated upon the subject herein embraced  
it is ordered and determined by the  
said Supervisors that a Highway be laid  
out in said Town of the width of three  
Rods and have caused a survey thereof  
to be made as follows Commencing at  
the S E Corner NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Sectn  
24 Town 19 Range 2 West Thence  $7\frac{1}{2}$   
30 chains thence North  $44^\circ$  west 7 chains  
thence North  $66^\circ$  west 4 chains thence North  
 $44^\circ$  west 4 chains thence North  $15^\circ$  east  
7 chains thence ~~to~~ North  $68^\circ$  west 2 chains  
40 Links thence North  $68^\circ$  west 5 chains  
thence  $36^\circ$  west 5 chains 38 Links to the  
place of termination in Road  
running past J Chapman's Dwelling  
in witness whereof we have hereunto  
set our hands and Seal this 30<sup>th</sup> day of  
June 1879

J L Burk  
T. H. Sweet / Supervisors

County of Morrow SS

Town of Lincoln

Shenas upon the application of six Freeholders residing in said Town of Lincoln for the laying out of a Highway which said proposed Highway is set forth and described in said application as follows beginning at Centre of Mormon Road on NE 1/4 of sectn 18 Town 19 Range 8 West thence west on North 1/2 line as practically thence on the most practicable Route to intersect the Black River Road as near the Gabras tract as practicable at the Fred Hanna place to place of termination. We the undersigned Supervisors of said Town did on the 8th day of October 1885 make out a notice and fix therein a time and place at which we would meet and decide upon such application and did meet on the 23rd day of October 1885 at 10 o'clock in the forenoon of said day at Mrs. Jabots House it being the time and place fixed by us in said notice and during first sun subsided by our proof that the notice aforesaid had been duly given five days previous to the time of our said meeting to all the occupants of the Land through which such Highway may pass by serving each of them personally with such notice or by copy thereof left with or at the usual place of abode of such occupant and had also been posted up in three public places in said Town

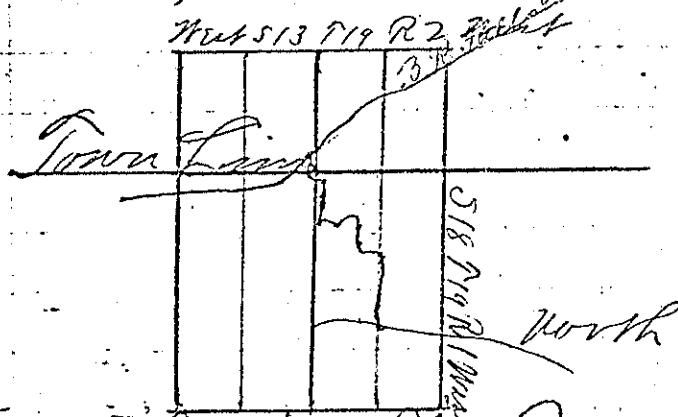
ten days before the time of our said  
 Meeting in the manner required by  
 law we did then and there proceed  
 to examine personally said Highway and  
 did hear any and all reasons that were  
 offered for or against laying out the  
 same and the said meeting having been  
 adjourned by us to the 30 day of Oct 1880  
 at 1 o'clock P M at New District House  
 of the time and place of which adjournment  
 when made public notice was duly given  
 by us and notice thereof was forthwith  
 filed in the office of Town Clerk  
 of said Town the undersigned did  
 again meet at the adjourned time  
 and place aforesaid and having made  
 further examination in the premises  
 and heard any further reasons that were  
 offered for or against such application  
 did decide upon such application  
 and it being our opinion that the public  
 good will thereby be promoted did  
 decide to lay out such Highway as  
 hereinafter described

Now therefore pursuant to  
 said application we the said Supervisors  
 do hereby order and determine that  
 a Highway be and the same is hereby  
 laid out in said Town as follows  
 to wit Highway Survey Commencing  
 as follows at Center of Morrison Road  
 on North 18 Line on the North East 1/4 of  
 Section 18 Town 19 Range 1 west  
 Meaton said 18 Line 19 Chain 30 Links 31  
 at 90°

Thence South West at  $31^{\circ}$  - 6 Chunks  
 " " " "  $68^{\circ}$  3 " "  
 " " " "  $14^{\circ}$  2 " 49 links  
 " " East "  $65^{\circ}$  5 " 8 "  
 " " West "  $37^{\circ}$  11 " "  
 " " West "  $10^{\circ}$  - 4 " 45 "  
 " " South West "  $32^{\circ}$  - 8 " 4 "

to place of termination to Center  
 of Black River Road on South East 1/4  
 Section 13 Town 19 Range 7 West 9th  
 this 3<sup>d</sup> day of Oct 1885 by W<sup>m</sup> Randall  
 the line of said survey is the Center  
 of said Highway and the same is laid  
 out of the width of three Rods  
 each under our hands this 3<sup>d</sup> day of  
 Nov 1885

Clifford Goodard }  
 D W Soule } Supervisors  
 Geo Wason }



Survey Bill by W<sup>m</sup> Randall Released by  
 J. Sabelok & F. Matthias Awards of Damage  
 to J. Burk & M. Zimmerman and Notice of  
 adjournment filed also Petition and Road  
 Notices & Return by J. Burk  
 Phillips  
 Town Clerk

County of Monroe 33  
 Court of Lincoln

Whereas upon application of seven freeholders residing in the town of Lincoln for the discontinuance of a highway, which said highway is set forth and described in said application as follows Running through the N.W.  $\frac{1}{4}$  of Sec 11 T. 19 R. 2 west also West  $\frac{1}{2}$  of N. 8  $\frac{1}{4}$  of same section to be discontinued from where it leaves the Black River road to where it intersects a highway running from Ruddle Mills in a direction of Sparta through East  $\frac{1}{2}$  Sec 11 same town running through lands owned by H. J. Randall balance unknown

We the undersigned, supervisors of said town did on the 29<sup>th</sup> day of Oct. 1883 make out a notice and fix therein a time and place at which we would meet and decide upon such application and did meet on the 10<sup>th</sup> day of Nov. 1883 at 9 o'clock in the forenoon of said day it being the time and place fixed by us in said notice and having first been satisfied by due proof that the notice aforesaid had been duly given five days previous to the time of our said meeting to all the occupants of the lands through which such highway passes, as required by law, and did then and there proceed to examine personally said highway and did hear <sup>and</sup> all reasons for or against the discontinuing such highway. Now therefore pursuant to said application the said supervisors do hereby order 33 and determine that the said highway described as follows running through the N.W.  $\frac{1}{4}$  Sec 11 T. 19 R. 2 west also West  $\frac{1}{2}$  of N. 8  $\frac{1}{4}$  same Sec.

to be discontinued from where it leaves  
The Black River road to where it intersects  
a highway running from Rudds Mills in a  
direction of Shafter, &c and the same is  
hereby discontinued

Given under our hands this  
10<sup>th</sup> day of Nov. 1888

L. K. Sweet } Supervisors  
T. Moseley }

County of Monroe } ss.  
Town of Lincoln }

(IN 19-1W)

Whereas upon <sup>the</sup> application of six freeholders  
residing in said town of Lincoln for the lay-  
ing out of a highway which said high-  
way is set forth and described in said  
application, as follows Beginning at —  
Geo Warren & Co. Lumber yard between their  
store and the depot on sec. 16 Thence westerly  
through Sec. 9 Thence through Sec. 8 through  
Meader South homestead forty & Haskins South  
Homestead forty Thence westerly to the road  
that runs by Mr. Beck's house, Or over such  
the line marked out by Mr. Power or any  
other feasible route which said supervisors  
deem fit and proper, also — to continue  
a highway from the present terminus (N.W. —  
corner of S.W. 1/4 of N.W. 1/4 of Sec. 17 P. 19 R. 1 west. to  
connect with above

We the undersigned supervisors of said  
town did on the 25<sup>th</sup> day of June 1884 make out  
a notice, and fix therein a time and place  
at which we would meet to and decide upon  
said application, and did meet on the  
3<sup>rd</sup> day of July 1884 at 9 o'clock in the

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Sec. 18 T. 19. Range 1 west Thence North 4 degrees  
 east 20 1/2 chains to place of termination at  
 The above described Road the same being an  
 accurate survey caused by us to be made.  
 The line of said survey is the center of  
 said highway and the same is laid  
 out of the width of 4 rods  
 Given under our hands this 5<sup>th</sup>  
 day of July 1884

(By clerk) H. H. Harris }  
 Clifford Woodard } Supervisors  
 Geo. F. Eberdt }  
 Wm. Bley }

County of Monroe } ss  
 Town of Lincoln }

Whereas upon application of eight  
 freeholders residing in said town of Lincoln  
 for the altering of a highway, which said  
<sup>proposed</sup> highway is set forth and described in said  
 application as follows, On the Sec. line be-  
 tween Sec. 25 and Sec. 36 which highway runs  
 one half mile east and west on said line on  
 S.E. 1/4 of S.E. 1/4 and S.W. 1/4 of S.E. 1/4 of Sec. 25 and N.E. 1/4 of  
 N.E. 1/4 & N.W. 1/4 of N.E. 1/4 of Sec. 36 of town 19 North of  
 range 2 west to be made about forty rods west  
 of corner stake of S.E. corner of Sec. 25 to take  
 up the highway now laid out up a steep hill  
 and lay out around the hill either to the north  
 or to the south as most convenient. We the  
 undersigned supervisors of said town did on  
 the 2<sup>nd</sup> day of July 1884 make out a notice  
 and fix therein a time and place at which  
 we would meet and decide upon such appli-  
 cation and did meet on the 12<sup>th</sup> day of (wh)

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July 1884 at 1 o'clock in the afternoon of said day at John Munsone it being the time and place fixed by us in said notice and having first been satisfied by due proof that the notice aforesaid had been duly given five days previous to the time of our said meeting to all the occupants of the lands through which such highway may pass by serving each of them personally with such notice and had also been posted up in three public places in said town ten days before the time of our said meeting in the manner required by law. We did then and there proceed to examine personally said highway, and did hear any and all reasons that were offered for or against altering the same, and did decide upon such application and it being our opinion that the public good will & thereby be promoted did decide to alter such highway as hereinafter described. Now therefore pursuant to said application we the said supervisors do hereby order and determine that said highway be and the same is hereby altered as follows, to wit:

Highway survey commencing as follows 5 chains and 3 links west of South east corner of section 25 Town 19 Rang 2 west thence northwest course at  $61^{\circ}$  2 chains 61 links thence west at  $10^{\circ}$  3 chains thence southwest at  $83^{\circ}$  2 chains 35 links to center of highway to place of termination, made this 12 day of July 1884 by J. W. Randall

Given under our hands this 12 day of July 1884

Clifford Woodard }  
 Wm. Polay } Supervisors  
 Geo. Eberdt }



County of Monroe }  
 Town of Lincoln }

Whereas upon application of six or more freeholders residing in said town of Lincoln for the laying out of a highway which said highway is set forth and described in said application, as follows:

Beginning at southeast corner of Sec. 16 Tm. 19 Range 2 west thence south west to the road running to Shasta

We the undersigned supervisors of said town did on the 5<sup>th</sup> day of September 1884 make out a notice and fix therein a time and place at which we would meet to decide upon such application, and did meet on the 17<sup>th</sup> day of Sept. 1884, it being then at 1 o'clock in the afternoon of said day at the house of R. N. Rose, it being the time and place so fixed by us in said notice: and having first been satisfied <sup>by due proof</sup> that the notice aforesaid had been duly given five days previous to the time of our said meeting to all the occupants of the lands through which such highway may pass, by serving each of them personally with such notice, or by copy <sup>of</sup> left with, or at the usual place of abode of each occupant of said lands and had been posted up in three public places in said town ten days before the time of our said meeting in the manner required by law: We did then and there proceed to examine personally said highway and did hear any and all reasons that were offered for or against laying out the same and did decide upon such application and it being our opinion that the public good will thereby be promoted did decide to lay out and highway as hereinafter described and therefore pursuant to such application we the said supervisors do hereby order and determine that a highway be and the same is hereby laid out in said town as

follows, to wit: commencing at the south east corner of Sec 16 Twp. 19, Range 2 west. Thence west at  $7^{\circ}$   $20\frac{1}{2}$  chains Thence south at  $8^{\circ}$  20 chains Thence west at  $7^{\circ}$  20 chains to place of termination at center of old road running in the direction of Sparta. The same being an accurate survey of said highway caused by us to be made. The line of said survey is the center of said highway and the same is laid out of the width of 3 rods.

(Per Clerk)

Wm. P. Blay

Geo. F. Eberdt

} Supervisors

RESOLUTION TO DISCONTINUE TOWN ROAD  
TOWN OF GRANT - COUNTY OF MONROE

Upon receipt of a petition bearing the signatures of six or more resident freeholders of the Town of Grant to discontinue a Town Road as set forth in the petition, a hearing was held on October 7, 1982 at 7:00 p.m. at the home of the Clerk. Notice of the hearing was duly published, giving the time, date and location of such hearing. The Supervisors of the Town of Grant then examined the described Town Road and were available to hear any reasons that may be offered for and against the petition.


After reviewing the Town Road and the petition offered, the undersigned Town Board, Town of Grant, did discontinue the following Town Road, as described in the petition:

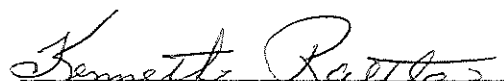
A road with a starting point at Hwy 12, traveling in an easterly direction for a distance of 1/2 mile more or less and then northeast for a distance of 1/4 mile more or less, located in the north one half of Section 2, T. 19N-R-2W in the Township of Grant, Monroe County, Wisconsin. (Known as Aaron Court)


NOW, THEREFORE, pursuant to the petition, the undersigned Town Board of the Town of Grant do hereby order and determine the above described road discontinued.

DATED this 7th day of October, 1982:

TOWN OF GRANT

  
Frederick H. Weiner, Jr. Chairman

  
Kenneth Rattle, Supervisor

  
Loren Wildes, Supervisor

cc: Dept of Transportation-LaCrosse  
Monroe Co. Highway Dept-Sparta  
Town of Millston  
Ray Williams

January 31, 1984

Dear Sir:

The enclosed letter is in regard to a Town Road in the Town of Grant which was supposedly, a closed road. After some research, it has been determined that it is not closed legally. The letter enclosed herewith will explain why.

Sincerely yours,

*Carolyn S. Miller*

Carolyn Miller, Clerk

LAW OFFICES  
**GLEISS, GOODMAN, OSBORNE & MCALPINE**  
111 SOUTH COURT STREET  
SPARTA, WISCONSIN  
54658

WM. M. GLEISS  
1880-1981  
LEO J. GOODMAN  
WM. J. GLEISS  
D. L. GOODMAN  
RALPH E. OSBORNE  
MICHAEL J. MCALPINE

TELEPHONE 508:  
262-2171

January 4, 1984

Mr. Leo Wittler  
Town Chairman - Town of Grant  
Route 1  
Warrens, WI 54666

Re: Town Road Inquiry

Dear Mr. Wittler:

During our conversation on January 3, 1984, you inquired as to whether or not a certain portion of 21st Avenue that runs North from the Leland Wildes property to the Armina Kamrath property is, in fact, a closed Town Road. I understand from our discussions that there are indications in the records of the Town of Grant that that portion of 21st Avenue was considered closed by the Town Board. I further understand that the records of the Town Board do not disclose that there was at any time any action taken under Chapter 80 of the Wisconsin Statutes for purposes of discontinuing that portion of 21st Avenue, including, most importantly, any notice to occupants and owners of record of all lands abutting on the highway as required under Section 80.05(2)(a) of the Wisconsin Statutes. Finally, it is my understanding from our conversation that although the roadway may have not been maintained as other town roadways have for several years, that, in fact, the roadway has been traveled at least by Mr. Kamrath and perhaps others to reach the Kamrath property.

The Town Board is vested with the power to open, alter and discontinue Town Roads and to otherwise provide for improvements to such roadways under Chapters 60 and 80 of the Wisconsin Statutes. In particular, the power to enter an order discontinuing the Town Road is a power that can only be exercised after the appropriate requirements are met including that of providing notice of a meeting of the supervisors of the Town to consider the discontinuance of these public highways. The notice provision of Section 80.05 of the Wisconsin Statutes in it provides that at least ten (10) days prior to such a hearing to act on an application to discontinue a Town Road there must be given notice by registered mail to "all occupants and owners of record of lands through which the highway may pass", in addition to other interested parties as set forth in Section 80.05(2) of the Wisconsin Statutes.

Mr. Leo Wittler  
Page 2  
January 4, 1983

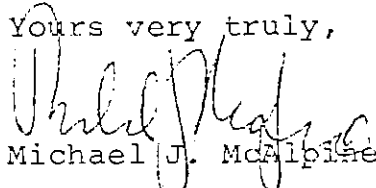
The Town Road may also be discontinued under Section 80.32 of the Wisconsin Statutes by operation of the Statute. In particular, 80.32(2) of the Wisconsin Statutes provides that "every highway shall cease to be a public highway at the expiration of four years from the time it was layed out, except such parts thereof as shall have been opened, traveled or worked between such times, and any highway which shall have been entirely abandoned as a route of travel, and on which no highway funds have been expended for five years, shall be considered discontinued."

Based on our conversation and the materials that you have provided to me, it would be our opinion that the roadway has not been discontinued by appropriate action by the Town Road, or in the alternative under Section 80.32(2) of the Wisconsin Statutes. In the first instance, the Town Board could not have discontinued that portion of 21st Avenue which I have referred to herein as there has been no notice provided to the occupants and owners of land abutting that portion of 21st Avenue which the Town Board elected to deem as discontinued. Likewise, that portion of 21st Avenue previously referred to would not be deemed discontinued as it apparently has been traveled, and to some extent there have been maintenance of the same by the Town within the last four years.

As a result of the foregoing statutory provisions that I have mentioned, it would be my opinion that the Town could upgrade that portion of 21st Avenue that runs North from the Leland Wildes residence to the Armina Kamrath property line. You then certainly have the right to include that portion of 21st Avenue on your highway tax maps and request reimbursement from the state for maintaining that additional portion of 21st Avenue.

In the event that you have any additional questions concerning this matter, please advise, and we will be happy to assist.

Yours very truly,

  
Michael J. McAlpine

MJM/db

cc: Caroline Miller  
Route 1  
Warrens, WI 54666