

Timeline campground:

1948- Property Deeded to the Village of Empire and Empire Township. Deed states solely for "public purposes"

July 1958- The Village and Township establish a joint airport authority, with board members and terms.

**August 1959-** Empire Airport Authority files Articles of Incorporation. While the Articles state that the Authority possesses the property there was no legal conveyance filed by either lease or deed.

**April 1982** The Village and Township meet to discuss the Airport Authority request for \$2500.00 from each for the purpose of establishing a campground next to the airport. The Village says yes, the Township says no due to budgetary considerations.

**April 1 1983** Attorney Aylsworth issues a written opinion to the Township Clerk that the Township Bd may act as a Board of Park Commissioners. Advises that campground admission fees may not be more than similar fees charged by the state for state parks. Admission fees may only be used for improvement of places of recreation. "public Purposes" again. Attorney Aylsworth also advises that both legislative bodies should lease the airport property to the Airport Authority.

The Township board decides to operate the campground "until such time as the Village can legally do so" The Village Council decides to allow the township to operate said campground.

**April 26, 1983** Village and Township board meet in joint session with Attorney Aylsworth. Aylsworth advises that if the Township agrees to operate the campground, the Village should lease their interest in the property to the township for that purpose. Also advises that the Village and the Township should lease the airport property to the Airport Authority.

**No leases for either the campground or for the airport were ever approved or executed.**

**May 3 1983** Attorney Aylsworth issues a written opinion to ETB regarding a resolution adopted by the Township electors at the Annual Meeting authorizing the Township to lease the campground to the Village for 3 years. States that the problem for the Village is the legality of operating a campground outside of the Village corporate limits.

**NO Such Lease was ever executed. The Village did not take over management of the campground.**

**July 29, 1992** A proposal to lease a portion of the land for use as a "commercial charter airplane service" The Village of Empire sent a letter to the Tax Land Services Real Estate Division of the DNR requesting a determination of the use due to the provision that the property must be used solely for public use.

**August 17, 1992** The DNR responds to the Village confirming that a private charter service would violate the restriction requirement for public purpose. It also outlines the steps that would have to be

Taken in order for the request to be reviewed.

**October 15, 1982** A letter was received by the Village regarding the inquiry for the operation of a private charter service from the DNR. They had contacted the Attorney General's office for a review of their rationale for the denying of the request. He ruled that a commercial charter service meets the criteria of public use. He states that the original deed indicated "airport purposes" that this met the spirit of the law. However proceeds which exceed Village and Townships costs for maintaining the property must be distributed back through the County and then redistributed to the local units.

**NO Private Charter Service was ever approved for the Airport Property.**

**June 28, 2016** The Township and Village agree to review the historic documentation in regards to the establishment and development of the Empire Township Campground on the 60 acres adjacent to the Airport. Attorney Figura recommends that there should be a lease between the Village and the Township (as landlords) to the Airport Authority (as tenant). The Village and Township could also give the AA a deed to the airport area if they chose.

FACT: THE VILLAGE AND THE TOWNSHIP OWN THE 160 ACRES JOINTLY AS TENANTS IN COMMON. WHILE MANY SCENARIOS HAVE BEEN DISCUSSED OVER THE YEARS NONE HAVE BEEN EXECUTED.

1. THE VILLAGE COULD LEASE IT'S INTEREST IN THE CAMPGROUND TO THE TWP FOR THE PURPOSE OF OPERATING THE CAMPGROUND.
2. THE VILLAGE AND TOWNSHIP COULD ENGAGE IN A INCOME AND EXPENSE ACCOUNTING FOR THE PAST YEARS TO DETERMINE IF EITHER PARTY HAS BEEN AGGREVED.
3. THE VILLAGE COULD QUIT CLAIM ITS INTEREST IN THE CAMPGROUND FOR \$1.00
- 4, The Village and Township could enter into mediation to determine the best way to resolve the issue.

It is my opinion that many people are confusing documents, and history with ownership and facts. The Village and the Township jointly own 160 acres in Empire Township. An Airport operates on a portion as well as a campground. There is a need to do our legal diligence to protect the interests of the residents of the Village. A lease has been advised multiple times throughout history. The Township has submitted a draft copy of a lease for the Village's review at the Village's request. The Village Council has previously agreed a lease would be in order.

Currently the Township has submitted a lease for the Village's review.

\*If the Village does not want to release ownership to the Township a formal document or lease should be drafted.

\* The lease should be for a specific trial period, exempt the Village of liability, protect the Village from uses other than the campground, provide for maintenance, insurance, a prioritization of net proceeds, and reporting procedure to the Village, and a timely remedy in the case of default . The Village and Township should then enter into a lease with the Airport Authority.