

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

FINANCE COMMITTEE
INITIATED BY



JODI TIMMERMAN
DRAFTED BY

FINANCE COMMITTEE
SUBMITTED BY

SEPTEMBER 11, 2017
DATE DRAFTED

AUTHORIZING AGREEMENT WITH CITY OF EDGERTON FOR THE
ACQUISITION AND SALE OF TAX DELINQUENT PROPERTY LOCATED AT
322 SPENCER STREET IN THE CITY OF EDGERTON, IN ACCORDANCE
WITH SECTION 75.365 OF THE WISCONSIN STATUTES

1 WHEREAS, sec. 75.365 of the Wisconsin Statutes provides that counties may enter into
2 agreements with any local municipality for the purpose, among other things, of limiting the liability of the
3 County in taking tax title to lands or otherwise acting pursuant to such agreement; and

4
5 WHEREAS, the above-described property is believed to be contaminated with hazardous
6 substances, as defined in section 292.01(5), Wis. Stats. (however, at this time no evidence of discharge
7 has been discovered); and

8
9 WHEREAS, the property taxes on this parcel are delinquent and Rock County has initiated tax
10 lien foreclosure proceedings against this parcel; and

11
12 WHEREAS, the City of Edgerton and Rock County have reached an agreement whereby the
13 County shall obtain title to the property and convey the same to the City of Edgerton for \$3,719.69; and

14
15 WHEREAS, as further consideration for said property, the City of Edgerton agrees to cancel all
16 outstanding charges for special assessments and to indemnify, hold harmless, and defend Rock County
17 from any and all liability including claims, legal expenses and costs of every kind related to the taking of
18 tax title to the property and the sale of the property to the City of Edgerton;

19
20 NOW, THEREFORE, IT IS HEREBY RESOLVED by the Rock County Board of Supervisors
21 duly assembled this 12th day of October, 2017, that the County Board Chair and County Clerk are
22 hereby authorized to enter into the attached Agreement with the City of Edgerton for the acquisition and
23 sale of the property located in the City of Edgerton and described as 322 Spencer Street, Edgerton,
24 Wisconsin, (Rock County Tax ID Number 221 213008), more particularly described as,

25
26 ASSESSORS PLAT PT NW ¼ SE ½ OF PT NW ¼ OUTLOT 261 COM
27 150' FROM CEN CRK IN N LN NEWVILLE RD, IN DIRECT LN TO
28 WLY END CEMENT PIER ON ELY SD SD CRK TO PT IN CENT SD
29 CRK, TH UP CRK TO C STRICKER LD, ALG SD STRICKER E LN
30 TO RR, SLY TO RD ALG N LN RD TO POB

17-10A-366

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ACQUISITION AND SALE OF TAX DELINQUENT PROPERTY LOCATED
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12.B.2.(2)


Page 2

Respectfully submitted:

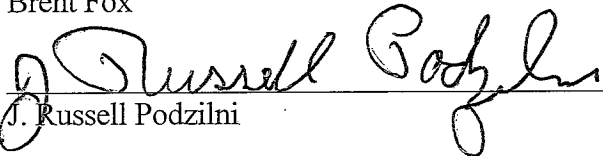
FINANCE COMMITTEE


Mary Mawhinney, Chair


Sandra Kraft, Vice Chair

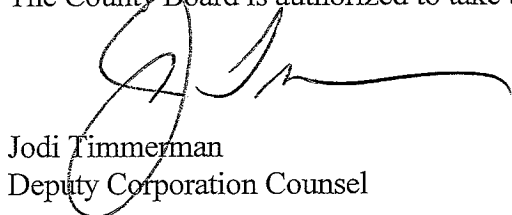

Mary Beaver


Brent Fox


J. Russell Podzilni

LEGAL NOTE:

The County Board is authorized to take this action by Wisconsin Statutes Section 75.365.


Jodi Timmerman
Deputy Corporation Counsel

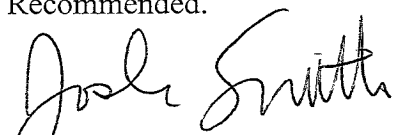
FISCAL NOTE:

This resolution authorizes the sale of a foreclosed property to the City of Edgerton. Proceeds will be used to settle the delinquent taxes.


Sherry Oja
Finance Director

ADMINISTRATIVE NOTE:

Recommended.


Josh Smith
County Administrator

AGREEMENT

REGARDING THE PURCHASE OF THE PROPERTY LOCATED AT:

322 Spencer Street, Edgerton, Wisconsin
(Rock County Tax Parcel No. 221 213008)

THIS AGREEMENT is made between the County of Rock, a political subdivision of the State of Wisconsin, with its principal place of business at 51 S. Main Street, Janesville, Wisconsin 53545 (hereinafter "County") and the City of Edgerton, a municipal corporation with its principal place of business at 12 Albion Street, Edgerton, Wisconsin 53534 (hereinafter "City").

1. The following described property (hereinafter "Property"), is currently subject to foreclosure by the County for unpaid taxes, plus applicable interest and penalties: 322 Spencer Street, Edgerton, Wisconsin (Rock County Tax Parcel No. 221 213008). The legal description for this property is:

ASSESSORS PLAT PT NW ¼ SE ½ OF PT NW ¼ OUTLOT 261 COM 150'
FROM CEN CRK IN N LN NEWVILLE RD, IN DIRECT LN TO WLY END
CEMENT PIER ON ELY SD SD CRK TO PT IN CENT SD CRK, TH UP CRK
TO C STRICKER LD, ALG SD STRICKER E LN TO RR, SLY TO RD ALG N
LN RD TO POB

The County has initiated action with regard to this property in order to obtain judgment vesting title to the property to the County, pursuant to Wis. Stat. §75.521(8).

2. The City and the County are advised that the Property may be contaminated with hazardous substances, as defined in section 292.01(5), Wis. Stats, however no evidence of discharge, as defined by section 292.01(3), Wis. Stats., has been discovered as of the date of this Agreement. The County has the right to judgment, vesting title to the property to the County, pursuant to Wis. Stat. §75.521(8). In the past, the County has stayed proceedings with regard to

contaminated properties in accordance with its policies at avoiding any possible liabilities which may be imposed on parties having an ownership interest in contaminated properties.

3. The City would like to acquire the property from the County pursuant to the applicable provisions of section 75.365, Wis. Stats., and has requested that the County acquire title to the property for the purpose of selling it to the City.

THEREFORE, the City and County agree as follows:

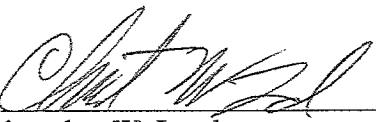
1. Upon final disposition of the foreclosure process, the County will sell the Property to the City for a total sum of \$3,719.69, which amount reflects the payments made by the County to the City in settlement of the City's local share of delinquent property taxes owed for the years, 2007 to 2017, inclusive, plus costs associated with the current court proceedings.

2. The City agrees to cancel all outstanding charges for special assessments, and to indemnify, hold harmless, and defend the County from any and all liability including claims, awards, damages, demands, settlement costs, legal expenses and costs of any and every kind related to the taking of tax title to the property and the sale of the property to the City, pursuant to this Agreement.

3. This Agreement constitutes the entire Agreement between the parties with respect to the subject matter contained herein, and no Agreements or promises shall be recognized which are not embodied in this Agreement.

CITY OF EDGERTON

ROCK COUNTY


By: 
Christopher W. Lund
Mayor

By: _____
J. Russell Podzilni
Rock County Board Chair

Dated: 09/18, 2017

Dated: _____, 2017

Attest:

By: 

Ramona Flangian
City Administrator

Dated: Sept 18, 2017

Attest:

By: _____
Lisa Tollefson
Rock, County Clerk

Dated: _____, 2017

CITY OF EDGERTON
RESOLUTION 20-17

APPROVING THE AGREEMENT REGARDING THE PURCHASE OF THE
PROPERTY LOCATED AT 322 SPENCER STREET, EDGERTON, WISCONSIN

WHEREAS, the property identified as 322 Spencer Street (Tax number 221 213008, Parcel No. 6-26-1175) is subject to foreclosure by Rock County for unpaid taxes; and

WHEREAS, Rock County has commenced an action to foreclose the tax liens affecting the property and has the right to judgment vesting title to the property; and


WHEREAS, the City would like to acquire the property from Rock County pursuant to the applicable provisions of section 75.365, Wis. Stats., and has requested the County to acquire title to the property for the purpose of selling it to the City;

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Edgerton, Rock and Dane Counties, Wisconsin, does hereby approve the attached "Agreement Regarding the Purchase of the Property Located at 322 Spencer Street, Edgerton, Wisconsin" as drafted in its entirety.

Motion by: Mark Wellnitz

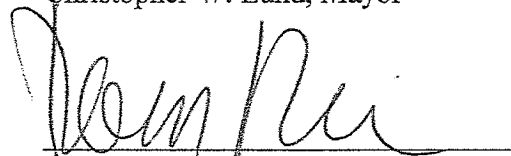
Seconded by: Candy Davis

Roll Call: Yeas: 5 Noes: 0
Dated: September 18, 2017



Christopher W. Lund, Mayor

ATTEST



Ramona Flanigan, City Administrator