



County Clerk

Kimberly S. Bushey
County Clerk

December 10, 2013 – Walworth County Board Meeting

**Report of the County Clerk Regarding
Communications Received After the Agenda Mailing**

The following items were placed on Supervisors' desks and are attached to this cover sheet:

- Res. No. 62-12/13 – Supporting Legislation Changing the Method a Municipality May Collect the Costs of Razing a Building from a Special Tax to a Special Charge and Not Requiring the County to Pay a Municipality's Razing Costs – *Vote Required: Majority* (Recommended by the Executive Committee 3-0)
- Correspondence from Geneva Lake Conservancy in regard to preparing a Land Management Plan for the new White River Park – To be referred to the Park Committee
- Correspondence from Attorney Randall G. Leece in regard to Kettle Moraine Land Trust, Inc. – To be referred to the Park Committee
- *Walworth County Aging & Disability Resource Center News*, December 2013 – To be placed on file

These items were received after the agenda mailing before the meeting. Other items that were placed on the Supervisors' desks at the meeting are not included on this report. Please contact the County Clerk's office for information regarding those items.

Resolution No. 62-12/13

Supporting Legislation Changing the Method a Municipality May Collect the Costs of Razing a Building from a Special Tax to a Special Charge and Not Requiring the County To Pay a Municipality's Razing Costs

1 Moved/Sponsored by: Executive Committee

2
3 **WHEREAS**, Wisconsin Statute section 66.0413 (1) provides that a governing body, building
4 inspector or other designated officer of a municipality may issue a raze order on any building or
5 structure or any portion of a building or structure for the reasons specified in the statute,
6 including if the building or structure is dilapidated, dangerous, unsanitary or unreasonable to
7 repair; and;

8
9 **WHEREAS**, if the building's owner fails or refuses to comply with the raze order within the
10 prescribed time, razing of the building may proceed and the cost may be charged in full or in part
11 against the real estate upon which the building, structure or portion of a building or structure is
12 located; and,

13
14 **WHEREAS**, current law permits this cost to become a lien against said real estate and assessed
15 and collected as a special tax; and

16
17 **WHEREAS**, there is little incentive for real estate owners to pay a special tax on a building that
18 will be razed, leaving the burden of paying the special tax on the county; and,

19
20 **WHEREAS**, when the cost of razing is assessed as a special tax and the owner of the real estate
21 does not pay the amount due, the municipality's costs to raze the building must be paid by the
22 county as part of the August settlement of property taxes; and,

23
24 **WHEREAS**, it is not uncommon, following razing of a building or structure, for the vacant lot
25 to be foreclosed on for delinquent taxes, resulting in the property becoming county-owned; and,

26
27 **WHEREAS**, legislation has been proposed that would allow the costs of razing to be assessed
28 and collected as a special charge but not be assessed and collected as a special tax; and,

29
30 **WHEREAS**, the proposed legislation further provides that when a delinquent special charge
31 becomes a lien on the property against which it is imposed, a county would not be required to
32 pay a municipality's razing costs when a real estate owner does not pay the special charge.

33
34 **NOW, THEREFORE, BE IT RESOLVED** that the Walworth County Board hereby supports
35 legislation changing the method by which a municipality may collect the costs of razing a
36 building from a special tax to a special charge.

37
38 **BE IT FURTHER RESOLVED** that the County Clerk forward a copy of this resolution to each
39 State Assembly Representative and Senator representing Walworth County.

40
41
42 _____
43 Nancy Russell
44 County Board Chair

Kimberly S. Bushey
County Clerk

1 County Board Meeting Date: December 10, 2013

2

3 Action Required: Majority Vote X Two-thirds Vote _____ Other _____

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl 12/3/13
Date
County Administrator/Corporation Counsel

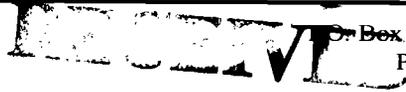
N. Andersen 12/3/13
Date
Deputy County Administrator - Finance

If unsigned, exceptions shall be so noted by the County Administrator.



Geneva Lake Conservancy

“PROTECTING THE ENVIRONMENTAL CHARACTER OF THE GENEVA LAKES AREA.”



Box 588 • 398 Mill Street • Fontana, WI 53125

Phone (262) 275-5700 • Fax (262) 275-0579

Email GLC@genevaonline.com

www.genevalakeconservancy.org

NOV 27 2013

BOARD OF DIRECTORS

Charles Colman

Merilee M. Holst

Donald Huml

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Robert Klockars

Joe Madonia

John Notz, Jr.

Don Parker

Dawn Ripkey

Peter Scherrer

Sarah Schuster

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November 25, 2013

Kevin Brunner
W4097 County Road NN
Elkhorn, WI 53121

WALWORTH COUNTY BOARD

Nancy Russell
Walworth County Board Chairperson
100 W. Walworth St.
Elkhorn, WI 53121

Dear Kevin and Nancy,

The Geneva Lake Conservancy would like to offer to prepare a Land Management Plan for the new White River Park. This plan would provide a framework for work on the parkland utilizing a combination of contracted help and volunteer efforts to bring back the land to its natural state and to then maintain it. The plan would scope out what needs to be done and to recommend steps that could be taken over time to economically achieve a positive outcome for the park.

Lynn Ketterhagen our Manager of Land Protection and Operations would work with the County to put the plan together and help on an ongoing basis to keep the plan up to date and to continuously target any current needs of the park. This is the same process we would use for properties owned by the Conservancy.

We believe that there is a natural connection between the goals of the County for the park and the mission of the Geneva Lake Conservancy. This project is a great opportunity to collaborate with the County and a way to involve our local members, and property owners in the community as well.

Please let us know if you would allow us to provide this service for you and for the community.

Best Regards,

Charles L. Colman
Chairman

LEECE & PHILLIPS, s.c.
Attorneys at Law

www.leeceandphillips.com

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leece@leeceandphillips.com

Ward D. Phillips
phillips@leeceandphillips.com

Kelly C. Nickel
nickel@leeceandphillips.com

John M. Murphy
murphy@leeceandphillips.com

December 5, 2013

SENT VIA EMAIL

Mr. Michael P. Cotter
Asst. Corporation Counsel
Walworth County Judicial Center
1800 County Road NN
Elkhorn, WI 53121

Re: Kettle Moraine Land Trust, Inc.

Dear Mr. Cotter:

Thank you for speaking with me on the telephone on December 3, 2013, concerning the interest of my client Kettle Moraine Land Trust, Inc. As I indicated, the Land Trust purchased a parcel located in the Town of East Troy, consisting of 7.8 acres, in August of 2012. That parcel was purchased from Mr. and Mrs. Tarman-Ramcheck, and was done in conjunction with a Wisconsin DNR conservation grant. Under the terms of the purchase agreement, the Sellers of that parcel had a period of time in which to vacate their premises, and remove all the buildings from the parcel site in order to comply with the conservation requirements established by this State.

As of January 1, 2014, the Tarman-Ramcheck's will have completely removed all buildings from the parcel, and it will be in complete compliance with the conservation goals set by my client and the State.

I enclose a copy of the Deed to this property which contains specific language indicating that my client has agreed that they will not convey, sell, lease, assign or mortgage the property herein conveyed or convert it to uses or purposes inconsistent with the Stewardship Program.

Mailing Address: P.O. Box 710 ◊ Elkhorn, WI 53121

Six West Street ◊ Elkhorn, WI 53121 ◊

Phone: 262.723.7040 or Toll-Free: 855.278.9097 ◊ Fax: 262.723.7039

Mr. Michael P. Cotter
December 5, 2013
Page 2

Wisconsin Statutes § 70.11(20) specifically excludes a parcel from responsibility for real estate taxes when certain exempt conditions exist. I believe that my client is in compliance with all of the elements of Wis. Stats. § 70.11(20)(a), (b) and (c). Subsection (d) of that Statute contains somewhat convoluted language stating as follows:

“The county board of the county where the property is located has not determined that the property is not owned by, or held in trust for, a nonprofit organization and has not determined that at least one of the requirements under pars. (a) to (c) has not been fulfilled.”

I find this language to be a bit confusing, but basically believe that ultimately it means that we are in fact exclusively using this property for the conservation purposes intended to create the exemption under Wis. Stats. § 70.11(20)(a), (b) and (c).

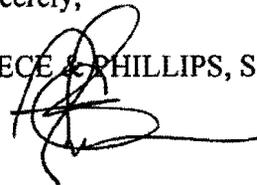
In order to apply to the State for the property tax exemption, I would request a letter from an appropriate agency of Walworth County verifying that the conditions of Wis. Stats. § 70.11(d) have been met and that in fact this property is used for conservation purposes exclusively.

Your assistance in this matter would be greatly appreciated and should you require any further information verifying my client's purpose, intent, or use, we would be pleased to provide that documentation.

Thanking you for your assistance, we remain,

Sincerely,

LEECE & PHILLIPS, S.C.



Randall G. Leece
State Bar No. 1017862

RGL:kr

Enclosure

Cc Mr. Gerald Petersen

State Bar of Wisconsin Form 1-2003
WARRANTY DEED



Doc # 844935
Recorded
August 21, 2012 2:01 PM

Document Number

Document Name

CONNIE J WOOLEVER
REGISTER OF DEEDS
WALWORTH COUNTY, WI
Fee Amount: \$30.00
Transfer Fee: \$757.50
Total Pages: 3

THIS DEED, made between William F. Brugger n/k/a William F. Tarman-Ramcheck and Kathy J. Brugger n/k/a Kathy J. Tarman-Ramcheck

("Grantor," whether one or more), and Kettle Moraine Land Trust, Ltd.

("Grantee," whether one or more).

Grantor for a valuable consideration, conveys to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in Walworth County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

SEE LEGAL DESCRIPTION ON ADDENDUM A ATTACHED HERETO.

Recording Area

Name and Return Address

Leece & Phillips, S.C.
P.O. Box 710
Elkhorn, WI 53121

P ET 800008M

Parcel Identification Number (PIN)

This is homestead property.
(is) (is not)

THIS WARRANTY DEED DECLARES THE STATE OF WISCONSIN'S INTEREST IN THE PROPERTY AS CONTAINED ON ADDENDUM B ATTACHED HERETO.

Grantor warrants that the title to the Property is good, indefeasible, in fee simple and free and clear of encumbrances except: Municipal and zoning ordinances, easements, restrictions, covenants, rights-of-way of record, if any, defects which would be revealed by survey, and general taxes for the year of closing.

Dated August 20, 2012

William F. Brugger n/k/a William F. Tarman-Ramcheck (SEAL)
* William F. Brugger n/k/a
William F. Tarman-Ramcheck (SEAL)
*

Kathy J. Tarman-Ramcheck (SEAL)
* Kathy J. Brugger n/k/a
Kathy J. Tarman-Ramcheck (SEAL)
*

AUTHENTICATION

Signature(s) William F. Brugger n/k/a William F. Tarman-Ramcheck & Kathy J. Brugger n/k/a Kathy J. Tarman-Ramcheck

authenticated on August 20, 2012

* Randall G. Leece

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, _____
authorized by Wis. Stat. § 706.06)

ACKNOWLEDGMENT

STATE OF WISCONSIN)

) ss.

WALWORTH COUNTY)

Personally came before me on _____,
the above-named _____

to me known to be the person(s) who executed the foregoing
instrument and acknowledged the same.

* _____
Notary Public, State of _____
My commission (is permanent) (expires: _____)

THIS INSTRUMENT DRAFTED BY:
Atty. Randall G. Leece, Leece & Phillips, S.C., P.O. Box
710, Elkhorn, WI 53121; SB#1017862

(Signatures may be authenticated or acknowledged. Both are not necessary.)

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATION TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

WARRANTY DEED

©2003 STATE BAR OF WISCONSIN

FORM NO. 1-2003

*Type name below signatures.

INFO-PRO™ Legal Forms • (800)655-2021 • info@proforms.com

ADDENDUM A

Seller: William F. Brugger n/k/a William F. Tarman-Ramcheck and
Kathy J. Brugger n/k/a Kathy J. Tarman-Ramcheck

Buyer: Kettle Moraine Land Trust, Ltd.

Tax Key No. P ET 800008M

Legal Description:

A parcel of land located in the Southwest 1/4 of Section 8, T4N, R18E, Walworth County, Wisconsin, described as follows, to-wit:

Commencing at a point 88.4 feet West and 600.00 feet South of the North 1/8th section corner of said Southwest 1/4; thence North 88° 42' West parallel with and 600.0 feet South of (measured at right angles to) the North line of said Southwest 1/4, 50.26 feet to the Easterly line of a 50 foot right of way; thence South 16° 21' East along the Easterly line of said right of way 83.95 feet to a point 680.00 feet South of the North line of said Southwest 1/4 and the place of beginning; thence South 88° 42' East parallel with and 680.00 feet South of the North line of said Southwest 1/4, 492.19 feet to the Westerly line of a 50 foot right of way; thence South 11° 58' East along the Westerly line of said right of way 226.90 feet; thence South 38° 09' East along the Westerly line of said right of way 178.96 feet; thence South 7° 23' East along the Westerly line of said right of way 158.00 feet; thence South 37° 02' East along the Westerly line of said right of way 95.59 feet; thence South 12° 17' West along the Westerly line of the roadway as traveled 65.47 feet; thence South 44° 08' West along the Northerly line of Beulah Drive as shown by a line located 50.00 feet Northwesterly of the Southeasterly line of said Beulah Drive as on the recorded plat of "Beulah Heights" as recorded in Volume 7 of Plats on pages 14, 15 and 16 in the office of the Register of Deeds for Walworth County, Wisconsin, 125.92 feet; thence South 73° 33' West along said Northerly line 52.15 feet; thence North 72° 50' West along said Northerly line 148.47 feet; thence North 79° 10' West along said Northerly line 194.51 feet; thence South 67° 20' West along said Northerly line 46.37 feet; thence North 1° 45' West along the Easterly line of a 50 foot right of way 191.04 feet; thence North 14° 07' West along the Easterly line of said right of way 285.64 feet; thence North 24° 34' West along the Easterly line of said right of way 88.90 feet; thence North 28° 18' West along the Easterly line of said right of way 184.02 feet to the place of beginning.

ADDENDUM B

Seller: William F. Brugger n/k/a William F. Tarman-Ramcheck and
Kathy J. Brugger n/k/a Kathy J. Tarman-Ramcheck

Buyer: Kettle Moraine Land Trust, Ltd.

Tax Key No. P ET 800008M

The rights herein conveyed are subject to the interests of the State of Wisconsin and the Department of Natural Resources Stewardship Program under Chapter 23, Wisconsin Statutes, Chapter NR 51 of the Wisconsin Administrative Code, and Stewardship Grant Agreement Number HA3-12-179 (the "Agreement") entered into by and between the Wisconsin Department of Natural Resources and the Grantee on June 20, 2012.

By acceptance of this deed, the Grantee, for itself and its successors and assigns, hereby covenants and agrees not to convey, sell, lease, assign or mortgage the property herein conveyed or convert it to uses or purposes inconsistent with the Stewardship program and Agreement without the prior written approval of the Wisconsin Department of Natural Resources.