

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

ANDREW BAKER,
PLANNING DIRECTOR
INITIATED BY



ANDREW BAKER,
PLANNING DIRECTOR
DRAFTED BY

COUNTY BOARD STAFF
COMMITTEE
SUBMITTED BY

OCTOBER 6, 2021
DATE DRAFTED

**TRANSFER OF LOTS 21 AND 22, BLOCK 8, MALLWOOD ESTATES SUBDIVISION TO
THE MALLWOOD ESTATES IMPROVEMENT ASSOCIATION**

- 1 **WHEREAS**, the County of Rock obtained Lots 21 and 22, Block 8, Mallwood Estates Subdivision (“the
- 2 Lots”) in October 1981; and
- 3
- 4 **WHEREAS**, the Lots were acquired with funds designated for acquisition of structures, and property, in
- 5 the Floodplain; and
- 6
- 7 **WHEREAS**, the acquisition was one component of community development safety related
- 8 improvements in the subdivision, including constructing a road network at the east end of what were
- 9 otherwise dead end streets and installation of street lights; and
- 10
- 11 **WHEREAS**, the streets and other lands within the subdivision are privately maintained by the Mallwood
- 12 Estates Improvement Association (“the Association”), a non-stock corporation, comprised of, and
- 13 managed by, the property owners in the subdivision; and
- 14
- 15 **WHEREAS**, the Lots are located near Lake Koshkonong and adjacent to land owned by the Association
- 16 and have been used as part of the private road network and park and open space serving the local
- 17 residents and the general public since 1981, during that time being maintained by the Association; and
- 18
- 19 **WHEREAS**, the existing playground equipment on the Lots is in need of replacement and new
- 20 equipment will not be covered by the Association’s insurance carrier if it is on land not owned by the
- 21 Association; and
- 22
- 23 **WHEREAS**, the Association has requested the Lots be transferred to the Association for park and open
- 24 space use in order to facilitate the installation of new playground equipment.
- 25
- 26 **NOW, THEREFORE, BE IT RESOLVED** that the Rock County Board of Supervisors duly
- 27 assembled this 28th day of October 2021, approves the transfer of Lots 21 and 22, Block 8, Mallwood
- 28 Estates Subdivision to the Mallwood Estates Improvement Association with a deed restriction that the
- 29 property be maintained as park and open space land use.
- 30
- 31 **BE IT FURTHER RESOLVED** that the County Board Chair and the County Clerk are authorized to
- 32 execute required property transfer documents with the Association paying for costs associated with the
- 33 transfer and for the good and valuable consideration of \$1.00.

Transfer of Lots 21 and 22, Block 8, Mallwood Estates Subdivision to the Mallwood Estates Improvement Association
Page 2

Respectfully submitted,

COUNTY BOARD STAFF COMMITTEE

/s/Rich Bostwick

Rich Bostwick, Chair

/s/Wes Davis

Wes Davis, Vice Chair

/s/Tom Brien

Tom Brien

/s/Kevin Leavy

Kevin Leavy

/s/Lou Peer

Lou Peer

/s/J. Russell Podzilni

J. Russell Podzilni

/s/Alan Sweeney

Alan Sweeney

/s/ Bob Yeomans

Bob Yeomans

/s/Mary Beaver

Mary Beaver

FISCAL NOTE:

Minimal fiscal impact.

/s/Sherry Oja

Sherry Oja
Finance Director

ADMINISTRATIVE NOTE:

Recommended.

/s/Josh Smith

Josh Smith
County Administrator

LEGAL NOTE:

The County Board is authorized to take this action pursuant to secs. 59.01, 59.51 and 59.52(6), Wis. Stats.

s/Richard Greenlee

Richard Greenlee
Corporation Counsel

Executive Summary

TRANSFER OF LOTS 21 AND 22, BLOCK 8, MALLWOOD ESTATES SUBDIVISION TO THE MALLWOOD ESTATES IMPROVEMENT ASSOCIATION

The County acquired Lots 21 and 22, Block 8, Mallwood Estates Subdivision in 1981 as part of an overall project to make infrastructure improvements in the subdivision. These two lots were in private ownership at the time, with a residential structure on one of the lots, and are located in the Floodplain. Removal of the structure not only allowed the improvements to be made, but also eliminated a residence in a flood prone area. Based on current Floodplain Maps, the lots are not buildable.

Lot 21 is used for the private road network. Lot 22 is, and has been, used by the Mallwood Estates Improvement Association (the Association) for a park, including playground equipment. The Association has maintained the Lots since they were acquired. The Association desires to replace the playground equipment on Lot 22. However, the Association's insurance carrier has informed them the liability insurance will not be able to cover the park and/or playground equipment if it is not on land owned by the Association. Additionally, the Association has been made aware they could still be found liable for an accident on the equipment, even if it is on land owned by the County, since the Association owns and maintains the equipment.

Finally, in order to preserve the current and intended use of the property a note in the Quit Claim Deed from Rock County to the Association will restrict the use to park and open space land uses in perpetuity.