

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

FINANCE COMMITTEE
INITIATED BY



EUGENE R. DUMAS
DRAFTED BY

FINANCE COMMITTEE
SUBMITTED BY

DECEMBER 5, 2012
DATE DRAFTED

AUTHORIZING AGREEMENT WITH CITY OF JANESVILLE FOR THE ACQUISITION AND SALE OF TAX DELINQUENT PROPERTY LOCATED AT 1114 ROCKPORT ROAD IN THE CITY OF JANESVILLE, 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.; and

7
8 WHEREAS, the property taxes on this parcel are delinquent and Rock County has initiated tax
9 lien foreclosure proceedings against this parcel, but obtained a stay of judgment as to this parcel, prior to
10 obtaining judgment of title, pursuant to Rock County's established policies regarding contaminated tax
11 delinquent properties; and

12
13 WHEREAS, the City of Janesville and Rock County have reached an agreement whereby the
14 County shall obtain title to the property and convey the same to the City of Janesville for \$859.73 which
15 amount reflects the payments made by the County to the City of Janesville in settlement of delinquent
16 property taxes owed for the years, 2000-2011, inclusive; and

17
18 WHEREAS, as further consideration for said property, the City of Janesville agrees to cancel all
19 outstanding charges for special assessments, to assume liability for any 2012 real estate taxes assessed
20 against said parcel, and to indemnify, hold harmless, and defend Rock County from any and all liability
21 including claims, legal expenses and costs of every kind related to the taking of tax title to the property
22 and the sale of the property to the City of Janesville;

23
24 NOW, THEREFORE, IT IS HEREBY RESOLVED by the Rock County Board of Supervisors
25 duly assembled this 13 day of December, 2012, that the County Board Chair and County Clerk are
26 hereby authorized to enter into the attached Agreement with the City of Janesville for the acquisition and
27 sale of the property located in the City of Janesville and described as 1114 Rockport Road, Janesville,
28 Wisconsin, (Rock County Tax ID Number 241 0135300129), more particularly described as,

29
30 "CITY OF JANESVILLE SMITH'S ADD. L 12, 13, 14, & 15 B2
31 EX. R.R.RY. LP: 1114 ROCKPORT RD"


12-12A-208


Respectfully submitted,

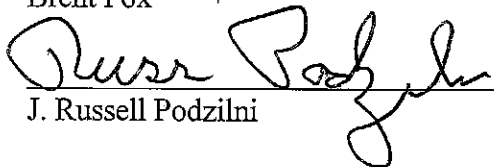
FINANCE COMMITTEE


Mary Mawhinney, Chair


Sandra Kraft, Vice Chair

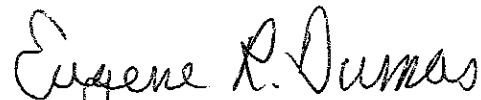

Mary Beaver


Brent Fox


J. Russell Podzilni

LEGAL NOTE:

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


Eugene R. Dumas
Deputy Corporation Counsel

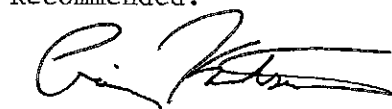
FISCAL NOTE:

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


Sherry Oja
Finance Director

ADMINISTRATIVE NOTE:

Recommended.


Craig Knutson
County Administrator

AGREEMENT

REGARDING THE PURCHASE OF THE PROPERTY LOCATED AT:
1114 Rockport Road, Janesville, Wisconsin
(Rock County Tax Parcel No. 241 0135300129)

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 Janesville, a municipal corporation with its principal place of business at 18 North Jackson Street, Janesville, Wisconsin 53548 (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

1114 Rockport Road, Janesville, Wisconsin
(Rock County Tax Parcel No. 241 0135300129)

2. The City and the County are advised and do believe that the Property was contaminated with hazardous substances, as defined in section 292.01(5), Wis. Stats.; and

3. The County has the right to judgment vesting title to the property in the County, pursuant to sec. 75.521(8), Wis. Stats. However, in the past the County has stayed proceedings with regard to the Property in accordance with its policies directed at avoiding any possible liabilities which may be imposed on parties having an ownership interest in contaminated properties.

4. 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 the County to 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 \$859.73, 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, 2000-2011, inclusive.

2. The City agrees to cancel all outstanding charges for special assessments, to assume liability for any 2012 real estate taxes assessed against said parcel, and indemnify, hold harmless, and defend the County from any and all liability including claims, awards, damages, demands, settlement costs, legal expenses and costs of 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 JANESVILLE

ROCK COUNTY

By: _____
Eric J. Levitt, City Manager

By: _____
J. Russell Podzilni, County Board Chair

Dated: _____, 2012

Dated: _____, 2012

Attest:

Attest:

By: _____
Jean Wulf, Clerk-Treasurer

By: _____
Lori Stottler, County Clerk

Dated: _____, 2012

Dated: _____, 2012