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RESOLUTION # 23-2014

**GENERAL CODE OF ONEIDA COUNTY, WISCONSIN
ORDINANCE AMENDMENT #**

Ordinance Amendment offered by Supervisors of the Land Records Committee.

Whereas, Chapter 18, titled 'County Real Estate Transactions' was reviewed by the Land Records Committee and the Committee recommends that changes be made to various parts of the ordinance for improved administration of the ordinance.

**NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS
DOES ORDAIN AS FOLLOWS:**

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. The following Sections of Chapter 18 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

**18.04 REAL ESTATE SALES OF TAX DEED OR IN REM TAX FORECLOSURE
PROPERTIES.**

(11) The Committee may recommend one or more of the following restrictions in the quit claim deed or as a condition of granting title:

(b) Payment of all special assessments and/or special charges now in the process of collection.

(15) If the property has not sold after the first two advertized bid deadlines, the Committee may list unsold properties on the County's web site and accept and open bids at each subsequent Land Records Committee meeting and make recommendation to sell the property.

Renumber the following sections:

~~(15)~~ (16) The final authority for the sale of real estate rests with the County Board at its sole discretion. The purchaser shall be subject to all terms and conditions of this chapter and subject to any conditions set by the committee or County Board.

~~(16)~~ (17) The committee will attempt to hold an annual sale of real estate. The sale will be conducted in accordance with provisions laid out in Ch. 75, Wis. Stats. No parcels, whether previously advertised or not, will be sold other than at a publicly advertised sale. Real estate left over from the previous sale may be offered at the next annual sale or re-advertized during the year as determined by the Committee.

**18.05 ACQUISITION OR CONVEYANCE OF OTHER COUNTY OWNED REAL
ESTATE.**

(3) Requests for conveyance of lands commonly referred to as "excess road right-of-way" which are strips of lands lying on each side of existing public roads (usually 100' on

49 each side of centerline) that the County retained upon sale of properties shall be
50 submitted to the Committee for processing on a case by case basis.

51 (a) The requestor must submit in writing their interest in obtaining the strips
52 along with title evidence, a general description, and if deemed necessary by the
53 Committee, a survey or more detailed description of the land to be conveyed. An
54 administrative fee of ~~\$500.00~~ \$100.00 shall be charged to review a request but
55 shall be returned if the request is denied by the Committee or County Board and
56 shall be forfeited if the request is withdrawn.

57 (b) If the Committee determines these strips of lands that are in excess of the
58 typical road right-of-way, usually 66', are no longer needed, they shall first be
59 offered at no cost to the municipality or governmental agency responsible for the
60 maintenance of the road and shall be attached to the existing right-of-way if
61 accepted.

62 (c) If the strip is not needed by the municipality or governmental agency, the
63 strips or portions thereof may be conveyed. The Committee will first consider
64 attaching to the adjoining landowners land description from which the strip was
65 retained and then to other adjoiners. These strips may be conveyed subject to
66 easements for other landowners and/or utilities crossing the property and to
67 reservations, restrictions or other conditions the Committee deems necessary.

68 (d) ~~The Committee shall determine if it would be in the best interest of the~~
69 ~~County to obtain an appraisal of the land to determine its value or may choose to~~
70 ~~classify and sell the land as follows: 1) commercial/business (\$1000/acre), 2)~~
71 ~~upland (\$625/acre) or 3) lowland/wetland (\$250/acre).~~ Upon final approval from
72 the County Board the requestor has 60 days to complete the transaction, make
73 payment. Upon receipt of payment from the requestor for the ~~real estate and~~
74 recording fees and as directed by County Board action, the County Clerk shall
75 issue and record a quit claim deed to the landowner titled in the same manner to
76 which the land is to be attached.

77 (e) Access permits or easements for utilities, driveways or private roads to
78 serve an adjoining property in the shortest route practical across these strips are
79 not required if the width is 66' or less. This does not prevent any governmental
80 agency from requiring a driveway permit to access a public road.

81 (f) If these strips are discovered to be included on a recorded certified survey
82 map or recorded subdivision of record prior to March 30th, 2014 in the Register of
83 Deeds, the County will not make any claim of ownership to the area within the
84 certified survey map or subdivision. If the landowner or its title agent requires a
85 recorded quit claim deed, they may request one as outlined above.

86
87 Approved by the Land Records Committee this 11th day of March, 2014.

88
89 Vote Required: Majority = _____ 2/3 Majority = _____ 3/4 Majority = _____

90
91 The County Board has the legal authority to adopt: Yes _____ No _____ as
92 reviewed by the Corporation Counsel, _____, Date: _____

93
94
95 Consent Agenda Item: ____YES __X__ NO

96 Offered and passage moved by: _____
97 Supervisor
98 _____
99 Supervisor
100 _____
101 Supervisor
102 _____
103 Supervisor
104 _____
105 Supervisor

106 _____ Ayes

107 _____ Nays

108 _____ Absent

109 _____ Abstain

110 _____ Enacted

111 _____
112 _____
113 _____
114 _____
115 _____
116 _____
117 _____
118 by the County Board of Supervisors this ____ day of _____, 2014.

119 _____ Defeated

120 _____
121 _____
122 _____
123 Mary Bartelt, County Clerk Ted Cushing, County Board Chair