



MONROE COUNTY BOARD OF SUPERVISORS

202 SOUTH K STREET, RM 1
SPARTA, WISCONSIN 54656

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COMMITTEE:

DATE:

TIME:

PLACE:

NOTICE OF MEETING

PROPERTY & MAINTENANCE

Wednesday, August 14, 2024

4:30 p.m.

Monroe County

County Board Assembly Room

210 W Oak Street, RM 1200

Sparta, WI 54656

SUBJECT MATTER TO BE CONSIDERED

1. Call to Order/Roll Call
2. Set Next Meeting Date & Time
3. Public Comment, 3 Minute Limit Rule Applies
4. Minutes Approval – July 23, 2024 (enclosed)
5. Monroe County Policy on Accepting Land via Quit Claim Deed in Lieu of Foreclosure - Discussion/Action
6. Building Consolidation – Discussion/Action
7. 2025 Budget – Discussion/Action
8. North Complex Water – Discussion/Action
9. Line Item Transfer – Discussion/Action
10. In-rem properties – Discussion/Action
11. North Complex Demo - Update
12. Building Managers Report
13. Future Agenda Items
14. Adjournment

Zach Zebell, Committee Chair - Property & Maintenance Committee

Date notices mailed: 08/08/2024

PLEASE NOTE: A quorum of the Monroe County Board or other committees may be present at this meeting.
No business of the County Board or other committees will be conducted at this meeting, only the business noted above.

Property & Maintenance Committee
July 23, 2024

Present: Zach Zebell, Adam Balz, Mary Cook, David Kuderer, Remy Gomez
Others: Derek Pierce

- The meeting was called to order in the Monroe County Board Assembly Room at 5:30 p.m. by Chair Zach Zebell.
- Minutes Approval – Motion by Mary Cook second by Adam Balz to approve the July 10, 2024 minutes. Carried 5-0.
- In-Rem Parcels – Derek Pierce, Property and Facilities Director, explained that two sand mine parcels were inadvertently missed at the last meeting from L & S Investments LP. Discussion. Motion by Remy Gomez second by David Kuderer to include the two L & S Investments LP parcels in the next round of the foreclosure process, Parcel #030-00079-0000 & 030-00088-1000. Carried 5-0.
- Motion by Adam Balz second by Remy Gomez to adjourn the meeting at 5:35 p.m. Carried 5-0.

Shelley Bohl, Monroe County Clerk
Recorder

RESOLUTION NO. 04-14-03

RESOLUTION APPROVING THE POLICY ON ROAD PARCELS

WHEREAS, the Real Property Lister brought the issue of parcels being foreclosed upon which lie entirely under public road right-of-ways to the attention of the Administrative/Executive Committee, his committee of jurisdiction; and

WHEREAS, the attached, Monroe County Policy on Accepting Land via Road Quit Claim Deed in Lieu of Foreclosure when the Tax Parcel is entirely Public Right of Way, is recommended by the Administrative/Executive Committee for approval by the County Board.

NOW, THEREFORE, BE IT RESOLVED by the Monroe County Board of Supervisors that the policy is approved and adopted.

Dated this 23rd day of April, 2014.

OFFERED BY THE ADMINISTRATIVE/EXECUTIVE COMMITTEE:

[Signature]
[Signature]
[Signature]

[Signature]

Vote: 5 yes; 0 no.

Purpose: To authorize action by the county personnel pursuant to the policy.

Fiscal Note: Undetermined cost savings for the county.

Drafted and Approved by:
Corporation Counsel, Andrew C. Kaftan ACK

STATE OF WISCONSIN }
COUNTY OF MONROE } SS
I, SHELLEY R. BOHL, Monroe County Clerk,
DO HEREBY CERTIFY that the foregoing is a true and
correct copy of 04-14-03
adopted by the County Board of Supervisors at the
meeting held 04-23-2014
[Signature]
SHELLEY R. BOHL, MONROE COUNTY CLERK

Monroe County Policy on Accepting Land via Quit Claim Deed in Lieu of Foreclosure when the Tax Parcel is Entirely Public Road Right of Way.

Many roads have been created by use of right of ways. The concept was to have the property owners own the fee simple interest in the real property to the center line of the road with the road existing by right of way.

In Monroe County there are properties discovered from time to time by the Real Property Lister in which an entire parcel lies underneath a public road right of way and the fee simple ownership is held privately. This typically arises when the parcel under the road is cut off from adjacent land when there is a land transfer. The resulting underlying road parcels usually have a nominal real estate tax associated with it. In some cases the current owner is dead or moved away; not able to be located. In cases where the owner is alive and no longer owns any of the adjacent lands there is usually no reason for them to continue to pay taxes on the parcel aside from keeping their name off the tax delinquent list or the hope that someday the public road right of way will be abandoned. Parcels subject to these circumstances are, in general, not marketable. In many cases people in this position have expressed a wish to give their land to Monroe County. This policy is to address those circumstances.

Regardless of how it came to be, the owners have a non-marketable parcel when it is the sole piece under a public road right of way. Even if they could find someone to take the parcel, they face a cost for production of a deed (minimum of \$75 but likely more under this complex set of facts) and a recording fee of \$30. In addition, even if they pay the real estate taxes through their lifetime, the County will eventually get the property as it is highly unlikely that an heir will take such a parcel. Then, with the owner dead, it is a matter of time for the parcel to become subject to in rem foreclosure.

If the owner pays the real estate taxes, the County has no incentive to act. If the owner does not pay the real estate taxes the County will encounter direct and indirect costs.

When a tax parcel in Monroe County is the subject of delinquent payment of real estate taxes the County may choose to proceed to foreclose on tax liens by an action in rem under WI §75.521. As part of proceeding to foreclosure, Monroe County hires a local title company to do title work on the parcels to identify parties to be notified of the foreclosure. Title work charges are \$75 per parcel at a minimum. In addition to the title work cost there are publication fees, certified mailings and copy charges of at least \$200 per parcel. In addition to direct monetary costs a large amount of employee time is invested in dealing with the foreclosure process.

Due to these costs and ongoing time spent determining how to proceed with parcels it would be advantageous to Monroe County to prepare and accept some "public road right of way" properties via a Quit Claim Deed and write off the back taxes rather than incur the costs involved with the In Rem Foreclosure process.

Monroe County deems the following criteria shall be met before accepting “public road right of way” property via a Quit Claim Deed.

- The property is encumbered by a public road right of way (lies under a road) in its entirety.
- If the public road right of way is not designated as a County, State or United States Highway, the owner offers the parcel to the local municipality first.
- The owner offers proof that the owners of adjoining properties to the parcel in question are not interested in the property.
- The cost of foreclosing on the property will exceed the costs associated with acquiring it via Quit Claim Deed.
- The owner has or expresses a clear willingness to let payment of real estate taxes go and allow the County to acquire a tax lien.

The County shall accept a Quit Claim Deed without any form of title work. As the Real Property Lister is the one identifying the parcels and the parcels lie under a road; risk exposure is minimal. The Real Property Lister is also in a unique position to draft a legal description for the parcel by using existing descriptions to describe the parcel. The Real Property Lister will provide a form to the owner that will identify the neighbors and the local municipality for the owner to approach and otherwise gather the information for creating the deed.

If these requirements are met Monroe County will at its expense prepare a Quit Claim Deed and pay for the recording of said Quit Claim Deed as a cost saving/avoidance mechanism. The acquisition of the property is still at Monroe County’s discretion through approval by the Property and Purchasing Committee.

The County shall be passive in implementing this policy; not seeking out owners but offering this option when contacted by the owner about the issue.

RESOLUTION AMENDING MONROE COUNTY POLICY ALLOWING FOR ACCEPTANCE OF LAND VIA QUIT CLAIM DEED IN LIEU OF FORECLOSURE FOR REMNANT PARCELS

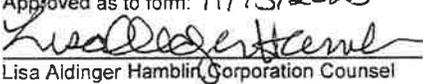
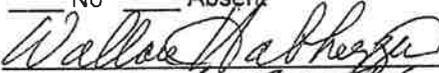
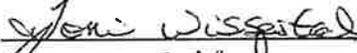
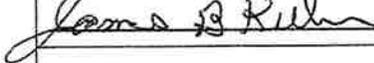
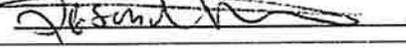
1 **WHEREAS**, Monroe County previously enacted a policy allowing Monroe County to accept land via a quit claim
 2 deed from the property owner rather than going through the foreclosure process, and
 3
 4 **WHEREAS**, the Monroe County Administrative and Personnel Committee recently reviewed this policy and did
 5 make one recommend change.
 6
 7 **NOW, THEREFORE, BE IT RESOLVED** by the Monroe County Administrative and Personnel Committee that
 8 they do hereby recommend a change to the above-entitled policy, specifically paragraph #9, line #9, in the
 9 attached policy, remove the section that currently reads:
 10 **“Risk of error will be minimal with properly done work and thus”**

Dated this 21st day of November, 2023.

Offered By The Administrative and Personnel Committee:

Fiscal note: This amendment has no financial impact to the County.

Statement of purpose: This resolution will authorize the change in language to the above entitled policy.

Finance Vote (If required): ____ Yes ____ No ____ Absent ----- Approved as to form: <u>11/15/2023</u>  Lisa Aldinger Hamblin, Corporation Counsel	Committee of Jurisdiction Forwarded on: <u>November 14</u> , 20 <u>23</u> VOTE: <u>5</u> Yes <u>0</u> No <u>0</u> Absent Committee Chair:    
<input checked="" type="checkbox"/> ADOPTED <input type="checkbox"/> FAILED <input type="checkbox"/> AMENDED <input type="checkbox"/> OTHER _____ County Board Vote on: <u>Nov 21 20 23</u> <u>14</u> Yes <u>0</u> No <u>2</u> Absent	STATE OF WISCONSIN COUNTY OF MONROE I, SHELLEY R. BOHL, Monroe County Clerk, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution # <u>11-23-03</u> acted on by the Monroe County Board of Supervisors at the meeting held on <u>November 21, 2023</u>  SHELLEY R. BOHL, MONROE COUNTY CLERK A raised seal certifies an official document.

Monroe County Policy on Accepting Land via Quit Claim Deed in Lieu of Foreclosure for Remnant Parcels.

BACKGROUND

In Monroe County there are situations that arise in which remnant tax parcels with nominal taxes become tax delinquent and the County Treasurer eventually has to take the parcels via the in rem foreclosure process. The process of foreclosure for such parcels has a cost that is not recouped if the property is not subsequently sold. There are remnant parcels that clearly have no practical value and will not have a buyer if the County forecloses. As it would pertain to this policy a remnant parcel would be defined as a tax parcel that is owned by a party who has no adjacent tax parcels and a portion of that parcel lies under road right-of-way or may be landlocked or is substandard under local zoning.

These parcels typically have nominal annual real estate taxes and there are usually limited reasons, if any, for owners to continue to pay taxes on the parcel aside from keeping their names off the tax delinquent list. Remnant tax parcels subject to these circumstances are, in general, not marketable. In some cases owners in this position have expressed a desire to give their land to Monroe County.

If the owner pays the real estate taxes, the County has no incentive to act. If the owner does not pay the real estate taxes the County will encounter direct and indirect costs when foreclosing. This policy is to address those circumstances.

Regardless of how it came to be, the owners have a parcel with no identified market value. Even if they could find someone to take the parcel, a neighbor perhaps, they face a cost for production of a deed (minimum of \$75 but likely more under this complex set of facts) and a recording fee of \$30. In addition, even if they pay the real estate taxes through their lifetime, the County may eventually get the property as it is unlikely that an heir will accept the parcel and continue to pay the taxes. Often it is only a matter of time before the parcel becomes subject to in rem foreclosure.

When a tax parcel in Monroe County is the subject of delinquent payment of real estate taxes the County may choose to proceed to foreclose on tax liens by an action in rem under WI §75.521. As part of proceeding to foreclosure, Monroe County hires a local title company to do title work on the parcels to identify parties to be notified of the foreclosure. Title work charges are \$75 per parcel at a minimum. In addition to the title work cost there are publication fees, certified mailings and copy charges of at least \$200 per parcel. In addition to direct monetary costs a large amount of employee time is invested in dealing with the foreclosure process.

Due to these costs and ongoing time spent determining how to proceed with parcels it would be advantageous to Monroe County to prepare and accept these parcels via a Quit

claim deed and write off the back taxes rather than incur the costs involved with the In Rem Foreclosure process.

POLICY

The County shall be passive in implementing this policy and will not seek opportunities to acquire lands but rather use this as an option to save tax payer money when the County would have ended up foreclosing on the property anyway. Upon discussion or inquisition should a property owner with delinquent taxes share that they are not going to continue paying the taxes or would rather just give the property to the County. A County officer or employee may direct the party to the Real Property Coordinator or the designated Land Information Officer who may inform the property owner of this policy and determine the suitability of the delinquent tax parcel in question based on the circumstances.

Monroe County deems the following criteria shall be met before accepting remnant tax parcels via a Quit claim deed.

- The property has nominal taxes.
- The property has no improvements.
- The owner(s) attests that the owners of adjoining properties to the parcel in question are not interested in the property.
- The cost of foreclosing on the property will exceed the costs associated with acquiring it via quit claim deed.
- The owner(s) has or expresses a clear willingness to let payment of real estate taxes go delinquent.

The County Treasurer is in a position to identify parcels with nominal amounts of taxes as they become delinquent. With the assistance of the Real Property Coordinator or designated Land Information Officer, parcels that are true remnants can be identified. The Real Property Coordinator or designated Land Information Officer are also in a unique position to draft a legal description for the parcel by using existing descriptions to describe the parcel. The Real Property Coordinator or designated Land Information Officer will provide a form to the owner and will identify the neighbors and the local municipality for the owner to approach and otherwise gather the information for creating the deed. The County shall accept a quit claim deed without any form of title work.

The Property and Purchasing Committee shall have authority to approve acquisition of the property under this policy. Monroe County will, by its Corporation Counsel, prepare a quit claim deed and the Treasurer shall pay for the recording of said quit claim deed as a cost saving/avoidance mechanism.