

Buffalo County Resolution



Drafted By: Atty. Nix

County Department: Cty. Clerk

Presented Month/Year: 8/2016

Fiscal Impact: YES / NO

Involved Committees: Finance

CA Approved: YES / NO

RESOLUTION # 16-08-01

RESOLUTION OF THE BUFFALO COUNTY BOARD OF SUPERVISORS

WHEREAS, on September 3, 2013, certain real property located in the City of Mondovi, Buffalo County, State of Wisconsin, was included in a tax certificate issued by Buffalo County; and said real property is described as follows:

Lot 22 of the 1940 Assessor's Plat to the City of Mondovi, excepting therefrom the following: Commencing at the Northwest corner of Lot 22 of the 1940 Assessor's Plat of the City of Mondovi; thence East along the North line of said Lot 22 a distance of 141.5 feet to the Northwest corner of Lot 21 of the Assessor's Plat of the City of Mondovi; thence South along the West lines of Lot 21 and Lot 20 of the Assessor's Plat of the City of Mondovi a distance of 396 feet to the Southwest corner of said Lot 20; thence West a distance of 141.5 feet along the South line of said Lot 20 extended to the West line of said Lot 22 a distance of 396 feet to the Northwest corner of said Lot 22 and the point of beginning (herein, the "Property");

WHEREAS, on September 17, 2015, a tax deed was executed and recorded at the Buffalo County Register of Deeds office as Document Number 258904 (herein, the "Tax Deed") conveying the Property from Randy Szepi to Buffalo County;

WHEREAS, subsequent to the execution and recording of the Tax Deed, it was discovered that Buffalo County inadvertently failed to strictly comply with the notice provisions set forth in Wis. Stat. § 75.12;

WHEREAS, the Wisconsin Court of Appeals has held that if a county fails to strictly comply with the notice provisions and procedures set forth in Ch. 75, Wis. Stats., that any resulting tax deed is void as a matter of law (*See Preston v. Iron County*, 105 Wis.2d 346, 349 n. 4 (Ct. App. 1981));

NOW, THEREFORE BE IT RESOLVED that the Buffalo County Board of Supervisors hereby acknowledges that Buffalo County failed to strictly adhere to the notice provisions set forth in Wis. Stat. § 75.12;

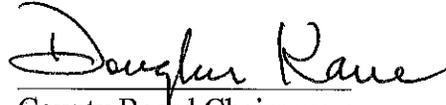
BE IT FURTHER RESOLVED, that Buffalo County acknowledges that the Tax Deed is void as a matter of law;

BE IT FURTHER RESOLVED, that this resolution shall not constitute a waiver of any claim, interest, or right that Buffalo County has as to any taxes, interest, fees, or other amounts owed on the Property, which may be owed by Randy Szepi or any other person;

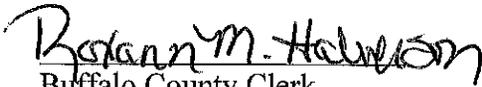
BE IT FURTHER RESOLVED, that Buffalo County shall immediately commence the Tax Deed procedure set forth in Ch. 75, Wis. Stat., as to the Property and shall adhere to all notice provisions required by Wis. Stat. § 75.12.

BE IT FURTHER RESOLVED, that despite the Tax Deed being void as a matter of law, such fact does not alter Buffalo County's rights or interests as to the Property.

Adopted at a duly called and noticed meeting of the Buffalo County Board of Supervisors on this the 22nd day of August, 2016.


County Board Chairperson
Douglas Kane

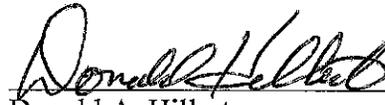
ATTEST:


Buffalo County Clerk
Roxann Halverson

Respectfully Submitted:

Finance Committee


Douglas Kane


Donald A. Hillert


Larry Grisen


Nettie Rosenow


David Danzinger