

## **PUBLIC NOTICE**

**To:** Keith Allen, Cheryl Westman, Zach DeVoe

**From:** Sue Sandvick, County Clerk

**Date:** September 11, 2017

**Subject:** Land Sales Work Group

A meeting will be held on Wednesday, September 27, 2017, at 3:00 p.m., in Room 101, Supply Room Back Area, Douglas County Courthouse, 1313 Belknap Street, Superior, Wisconsin, to discuss methods to Land Auction Ordinance amendment; land sale procedures; and methods to increase land sales.

cc: Daily Telegram  
Posting

## 1.7 LAND AUCTION ORDINANCE

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF DOUGLAS DOES ORDAIN AS FOLLOWS:

### SECTION I. PURPOSE

The Douglas County Board of Supervisors and the duly appointed Land **and Development** Committee may from time to time determine that it is in the best interests of the citizens of Douglas County to hold a ~~Land Auction~~ of tax delinquent real estate pursuant to Wisconsin Statutes 75.69.01 ~~et seq.~~

### SECTION II. PROCEDURES AUTHORITY

A. ~~Notice of such Land Auction shall meet the requirements set forth in Wis. Stat. 75.69(b).~~ **Delegation of Authority.**

**Pursuant to Wis. Stats. 75.32(2)(d), the Douglas County Board of Supervisors delegates its authority to manage and sell tax-deeded lands to the Douglas County Land and Development Committee (hereinafter referred to as "committee").**

B. ~~Douglas County hereby reserves the right provided by Wis. Stat. 75.69(4) to sell tax delinquent real estate by either open or closed bids. Whether or not the bidding will be open or closed shall be stated in the notice (Subd. A above) provided.~~

**The committee shall have jurisdiction and be responsible for the management of all tax-deeded lands acquired by the county and other lands declared surplus by the board until these lands are sold or otherwise disposed of. The committee shall have the authority to lease, sell crops and timber from and otherwise manage subject lands pending sale. The committee is also authorized to engage licensed real estate brokers and salespersons to assist in selling such lands. Retention of such lands by the county or other disposition other than as set forth in this ordinance shall be upon approval by the board. This ordinance does not apply to county forest land or surplus lands purchased by the county for highway purposes.**

C. ~~Resolution #74-84, passed by a majority of the County Board of Supervisors on August 16, 1984 describes additional land auction procedures pursuant to Wis. Stat. 75.69.01 et seq.~~

### SECTION III. SALES PROVISIONS POLICIES

**A.** All sales of tax delinquent real estate shall be by Quit Claim Deed. **unless the committee determines sale by warranty deed or other instrument to be in the county's best interest.**

~~B. Douglas County shall retain mineral rights in all sales of tax delinquent real estate. Mineral rights are all minerals which include but are not limited to the following: all iron, copper, coal, oil, gas and other minerals, including uranium, thorium and all other materials determined to be particularly essential to the production of fissionable materials, together with the usual mining rights, powers and privileges, including the right at any time to enter upon the land and use such parts of the surface as may be necessary in prospecting for, mining, saving and removing said minerals and materials. The committee may, at any time when it determines there is cause, remove parcels from the tax sale.~~

~~C. Douglas County requires full purchase price upon execution of quit claim deed. The committee may divide or join parcels in order to facilitate sales.~~

~~D. It is an offense to "Stop Payment" on a check issued in payment of County land bid at a land sale. Penalty 1.1, Section III, Douglas County Code of Ordinance. The committee shall not sell parcels by land contract.~~

**E.** The committee reserves the right provided by Wis.Stat. 75.69(4) to sell tax delinquent real estate by either open or closed bids.

**F.** The committee shall review all proposed exchanges of tax-deeded land pursuant to Wis. Stats. § 59.69(8) and make recommendations to the board before such changes are acted upon.

**G.** The committee shall retain mineral rights to subject property unless it determines it to be in the county's interest to sell such rights with the property.

**H.** The committee shall require any purchaser to assume liability for taxes for year of the sale if taxes are assessed and any special assessments that are due or may become due after purchase.

### SECTION IV. PROCEDURES

**The committee shall advertise and sell tax delinquent parcels in accordance with the Douglas County Land and Development Committee Policies and Procedures established by the committee.**

SECTION ~~IV~~V. EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication.

Any change in number or wording in any of the above mentioned statutes shall automatically become a part of this ordinance.

Dated this 16th day of August, 1984.

Amendments: January 20, 2000

## PROCEDURE FOR SALE OF TAX DEEDED LANDS

The following procedure applies to the sale of tax deeded lands and conforms with Sections 75.35 **and 75.69** of the Wisconsin Statutes:

1. A request for bid of a piece of land is made to the County Clerk's Office.
2. A Bid Application Form for Douglas County Land (Form #9-1) is completed by County Clerk staff. This form is sent to the supervisor of the district in which the property is located for comments. A copy is sent to the City Planner (if located in the City of Superior); Municipal Chair/President (if located in a town or village); County Zoning Department; County Highway Department; County Forestry Department (depending on location); and ~~Superior-Douglas County~~ **The** Development Association.
3. The Land and Development Committee receives a copy of the bid application form (#9-1) with ~~their~~ meeting agendas. At the next meeting, the committee will decide whether to approve the property for sale and set a minimum bid amount, or to hold the property from sale.
4. After the committee has set a minimum bid amount, the County Clerk's Office sends a bid form to the individual requesting said property. Bid forms are also sent to adjacent property owners, if:
  - (a) The adjacent property touches the subject property, either by being alongside the property or diagonal to it;
  - (b) The adjacent property is separated by an alley, whether physically built or not; or
  - (c) The adjacent property is separated by a platted street, which has not been physically built,

and are available for others in the County Clerk's Office. Property is advertised by publication of a Class 3 notice; sealed bids are accepted and opened ~~at the following Land and Development Committee meeting as indicated on the legal notice.~~

5. The committee reviews the bids, rejects any bids that are less than the minimum bid amount, and may accept the bid most advantageous to the county or reject any or all bids, based on the ~~following~~ **criteria: set forth in 10(c) below.**
  - (a) ~~Dollar value;~~
  - (b) ~~Prospective use of property;~~
  - (c) ~~Prior ownership;~~

- ~~(d) — Adjacent property ownership;~~
- ~~(e) — Taxability of property upon transfer;~~
- ~~(f) — Build ability under present zoning codes;~~
- ~~(g) — Access; and~~
- ~~(h) — Any other criteria the Land and Development Committee wishes to consider to evaluate any bid.~~

**In the event the committee does not meet on a scheduled date for land bid openings, the County Clerk is authorized to open bids received and refer all high bids to the County Board for approval.**

6. Notice of the pending sale is mailed to the clerk of the municipality in which the real estate is located at least three weeks prior to the time of sale.
7. A resolution is presented to the Board approving the sale.
8. A Quit Claim Deed is made out to the successful bidder.
9. Those properties that have been previously advertised for sale may be sold according to the following procedure:
  - (a) Property is advertised for sale by publication of a Class 1 notice;
  - (b) Adjacent property owner(s) (as defined in 4 above) is(are) notified;
  - (c) The Land and Development Committee reviews the bids, may reject any or all bids, or may accept a bid that is less than the minimum bid amount but, cannot accept a bid that is less than the highest bid, unless the committee outlines in the resolution the reasons for accepting a bid that is less than the highest bid. As a general practice, the committee will not consider a bid that is less than 75% of the minimum bid amount. However, the committee reserves the right to accept any bid if the proposed use and/or development of the property is deemed desirable and advantageous to the county;
  - (d) Those properties not sold after the Class I bid opening will remain available for purchase by bid, with any bids received referred to the Land and Development Committee, ~~in accordance with the process set out in (b) above.~~
  - (e) A resolution is presented to the Board approving the sale; and
  - (f) A Quit Claim Deed is made out to the successful bidder.
10. **Bids must be made on official bid blank form, which can be obtained at the County Clerk's Office, and includes the following information:**

- (a) For those parcels advertised for the first time: No bid will be accepted for less than the minimum bid amount of the parcel and full amount of bid must accompany each bid in the form of a certified cashier's check or money order made payable to Douglas County Clerk. Douglas County reserves the right to reject any and all bids or to award the bid most advantageous to Douglas County.
- (b) Bids are awarded based on the following criteria:
- (1) Dollar value;
  - (2) Prospective use of property;
  - (3) Prior ownership;
  - (4) Adjacent property ownership;
  - (5) Taxability of property upon transfer;
  - (6) Build ability under present zoning codes;
  - (7) Access;
  - (8) Delinquent real estate taxes owed by bidder; and
  - (9) Any other criteria the Land and Development Committee wishes to consider to evaluate any bid.
- (c) All mineral rights are reserved by Douglas County.
- (d) It is the responsibility of the bidder to:
- (a) Determine whether the proposed use of the property is in compliance with all zoning ordinances and wetland laws and all other county or municipal ordinances pertaining to property management and use. Douglas County does not guarantee that a proposed use will be allowable; and
  - (b) Obtain access into landlocked property. Section 80.13 of the Wisconsin Statutes governs land shut out from public highway. Douglas County does not guarantee access.
- (e) All bids are final. Any request to withdraw a bid must be made to the Land and Development Committee, with sufficient reason. A withdrawal penalty of 10% of the bid amount (minimum \$100.00; maximum \$2,000.00) will be retained by the county .
- (f) Douglas County will transfer title by Quit Claim Deed, which is intended to pass any title, interest, or claim which Douglas County may have in the property, but does not warrant clear title.
- (g) Certain City of Superior properties may have delinquent stormwater utility fees and/or sewage fees owing at the time of purchase and these will become the responsibility of the new owner. Contact

**Douglas County Treasurer to determine if this applies to the parcel you are bidding on.**

- (h) All sales are final.**
- (i) Purchaser is responsible for any current year real estate taxes or special assessments that may be owed and not paid against the subject property.**
- (j) Any maps of parcels provided by the Douglas County Clerk's Office are for illustration purposes only, and may not accurately reflect the actual legal boundaries of a parcel.**

Amendments: July 20, 2006  
June 29, 2010

## **PROCEDURE FOR SALE OF NON-TAX DEEDED LANDS**

The county may dispose of property which has not been acquired through the enforcement of the collection of delinquent taxes by tax deed in the following manner:

1. The Land and Development Committee will review any sale or transfer of property and make a recommendation to the County Board.
2. All sales require approval by County Board resolution.

## **MINIMUM LAND APPRAISAL FORMULA**

The following land appraisal formulas are the **minimum** appraisal amounts and are utilized as a guide to assist the Land and Development Committee in establishing land appraisals:

### **CITY OF SUPERIOR LAND**

- (1) Minimum lot values:
  - (a) \$400.00 for less than a 25 foot lot.
  - (b) \$600.00 for a 25 foot lot.
  - (c) \$300.00 for half lot when purchased with an adjacent lot.
- (2) Minimum acre value:

\$600.00 per acre.
- (3) \$1,000.00 add-on for building site.

### **RURAL LAND**

1. Minimum acre value:

\$500.00 per acre, plus timber value.
2. Minimum lot values:
  - (a) \$400.00, plus timber if total size of lots requested is over 5 acres.
  - (b) \$500.00 per lot for lots located in the Village of Oliver.

## SALE OF LAND TO MUNICIPALITIES

The following policy applies to purchase of county-owned property by a municipality or the State:

1. The Land and Development Committee will establish a value for a property requested by a municipality, with the minimum value to be the amount of delinquent taxes owing on the property; if no delinquent taxes are owing against the property, the committee will utilize the minimum appraisal formula.
2. This policy does not confine the Land and Development Committee from charging more than the minimum amount and property values will be established on a case-by-case basis.
3. Once a property is valued, the sale requires approval by the County Board, but there is no requirement to publicly advertise the property according to Section 75.69 (2) of the Wisconsin Statutes.

## **PAYMENT OF CITY OF SUPERIOR SPECIAL ASSESSMENTS**

The following policy, agreed to by the City of Superior and Douglas County, applies to sale of tax deed property with special assessments, located in the City of Superior:

1. If the sale of a parcel does not generate enough money to pay the taxes and specials against the parcel, the City of Superior will accept the balance, if any, as payment in full for specials to clear the deed for the purchaser.
2. Deferred specials remain with property sold and payments for them become the responsibility of the purchaser.
3. Stormwater utility fees charged on county-owned properties after the taking of a tax deed will not be paid by Douglas County.

Amendments: April 21, 2011

## **PAYMENT OF RURAL HOUSING ASSOCIATION LOANS**

The following policy applies to sale of tax deed property having Rural Housing Association loans against the property:

1. Rural Housing Association loans will be treated like specials assessments and upon sale of the property, the loan balance will be paid from profits above the delinquent tax amount to the Rural Housing Association for future loans.
2. If there is no profit over and above the delinquent taxes, no loan payment will be made.

## **DISTRIBUTION OF PROCEEDS OF SALE**

In accordance with Section 75.36(3) of the Wisconsin Statutes, the following costs will be subtracted from the sale price of tax deeded property:

1. An estimated amount to recover personnel costs associated with foreclosure costs, record-keeping costs, legal costs, advertising costs and title insurance costs.
2. Actual costs, including personnel costs associated with them, for maintenance costs required for compliance with building codes or health orders, board-up costs, clean-up costs, demolition costs and all other costs that are reasonable and necessary to sell the property.
3. Amount of real estate agent or broker fees paid for selling the property.
4. All amounts of unpaid general property taxes, special assessments, special charges and special taxes levied against the property sold, including interest and penalties imposed under Section 74.47 of the Wisconsin Statutes, previously paid to taxing jurisdictions by the county.

**REQUIREMENTS FOR ORGANIZATIONS REQUESTING  
FUNDING FROM DOUGLAS COUNTY  
LAND AND DEVELOPMENT COMMITTEE**

Organizations requesting funding from the Douglas County Land and Development Committee must submit the following:

1. Written request, identifying the purpose of the organization and intended use of the funding;
2. Detailed operating budget for the year the funding request is being made;
3. Most recent audit or financial report; and
4. Provide reasonable proof that previous year's funding was used for intended purpose.

## **RELEASE OF PUBLIC HUNTING AND FISHING RIGHTS**

The following policy applies to the release of hunting and fishing rights retained by Douglas County on property it has sold:

1. Douglas County will review individual requests to release public hunting and fishing rights upon completion of an application which can be obtained from the County Clerk.
2. The application will be referred to the Land and Development Committee for appraisal and advertising, pursuant to statutory requirements.
3. The minimum amount to be charged per acre is \$750.00.
3. The application will also be referred to the Forest, Parks and Recreation Committee, and if release of the rights is recommended, the rights will be advertised for sale, with bid to be awarded based on the criteria established in the Procedure for Sale of Tax Deeded Lands.
4. An administrative fee of \$500.00 will be charged for applications which are approved.
5. Pursuant to Section 66.1006 of the Wisconsin Statutes, the DNR may not consider a County Board resolution releasing hunting and fishing rights effective unless subsequent DNR approval is received.

**ADMINISTRATIVE FEES FOR REPURCHASE  
OR SALE OF LAND TO FORMER OWNER**

The following fees apply to repurchase of property by a former owner or sale of property to a former owner:

Repurchase or sale of unimproved property.....	\$200.00
Repurchase or sale of improved property.....	\$500.00

## ISSUANCE OF EASEMENTS AND PERMITS FOR ACCESS

It is the policy of Douglas County to grant easements to other government bodies and utilities, and only to private entities on an as-needed basis, where a permit would otherwise not be sufficient for the land owners purposes.

All requests to access county-owned land will be referred to the Land and Development Committee for review on a case-by-case basis and the committee will determine whether an easement or Permit for Access will be issued.

The committee will determine whether to charge a fee for the easement, based on the acreage requested, timber value, and other factors. In addition, a minimum administrative fee of \$500.00 will be charged for all easements granted, **and is non-refundable and payable after approval by the committee.**

All easements approved by the committee, will be presented to the County Board for final approval.

Amended: Resolution #62-04, August 19, 2004  
Resolution 2-10, January 21, 2010

## **LAND DONATION POLICY**

Douglas County may accept transfer of ownership of real estate from private individuals, if the following conditions are met:

1. All real estate taxes and special assessments, due and owing, are paid in full.
2. Grantee owns property free and clear of any mortgages, encumbrances or liens.
3. Grantee is not aware of any environmental contamination or location of any underground storage tanks on the subject property.
4. It is determined that obtaining ownership of the property would be advantageous to Douglas County.
5. The Land and Development Committee will refer all land donation recommendations for approval to the County Board.

## **POST TAX DEED PROCESS FOR IMPROVED PROPERTIES**

Upon recording of tax deeds on improved properties, the following will occur:

1. County Clerk/Treasurer to send correspondence giving former owners notice of property repurchase ability and required statutory notice of entitlement to share of proceeds of any future sale.
2. Corporation Counsel to draft "Notice to Vacate and Surrender Premises to Douglas County"; notice to be hand-delivered to former owners or posted on the premises.
3. Corporation Counsel to draft "Notice of Access by County to Inspect Premises"; notice to be sent to former owners by registered or certified mail.
4. If there is non-compliance with the notice to vacate, an eviction proceeding will be commenced.

Dated: October 18, 2012

Amendments: Res. #74-12

**DOUGLAS COUNTY  
LAND USE AGREEMENT**

This permit is entered into by Douglas County, hereinafter referred to as the "Owner" and \_\_\_\_\_, hereinafter referred to as the "Permittee", for the purpose of obtaining ingress and egress across Douglas County lands for haying, described as follows:

(Legal Description of Property Inserted)

This permit shall be in effect for a \_\_\_\_\_ period, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and ending on the \_\_\_\_\_ day of \_\_\_\_\_.

The Permittee shall pay the Owner the sum of \_\_\_\_\_. Annual payments are due in full and payable on \_\_\_\_\_ of each year.

It is understood by the Permittee and the Owner that this permit is subject to any and all of the following conditions that apply to the intended use:

1. Access roadway may not exceed \_\_\_\_\_ feet in width.
2. Prior to this permit taking effect, the Permittee shall submit for approval to the Owner a plan describing the access way's construction and maintenance. No deviations from this plan will be allowed without the prior written approval of the Owner.
3. If the Owner determines that further use of the above-described property by the Permittee will interfere with present or future management objectives of the Owner, this permit may be canceled by thirty (30) days written notice by the Owner to the Permittee. Upon cancellation of the Permit for Access for any reason, Douglas County reserves the right to close the access road.
4. This permit is non-transferable.
5. No merchantable wood products will be cut without prior written approval of the Owner.
6. Any wood products approved for cutting will be cut and piled by species; all wood in 100-inch lengths cut to a 4-inch top diameter.
7. All stumps, slash, waster materials and other debris resulting from the permitted land use shall be disposed of by the Permittee as directed by the Owner.
8. No cutting or trimming of trees shall be done without prior written approval of the Owner.
9. The Permittee agrees to reimburse the Owner for any unauthorized property damage to the subject property that may arise from the permitted construction, maintenance or use of the described lands.
10. The Permittee shall maintain the area under this permit in a safe and environmentally sound condition at all times, causing no obstruction to free

- and uninhibited use by the public.
11. Road improvement and upgrading will be supervised by Douglas County staff. Prior notification of seven days and approval by the Douglas County Land and Development is required before works begins, during permit period.
  12. No gates, signs, or other articles of the Permittee will be allowed on the Owner=s land.
  13. Permittee agrees to waive any rights to any declaration of ownership or interest in the road on county land.
  14. Should the general intended use, for which this permit was granted, be changed or altered, this permit shall be automatically null and void by action of the Douglas County Land and Development Committee. Intended use is: haying.
  15. Other conditions: Permittee agrees to grant Douglas County ingress and egress at any time.
  16. Permittee agrees to assume all liability for any damage or injury to persons or property real or personal, resulting from permittee operation of road building and will hold the county harmless for same.

In witness whereof, the parties have hereunto set their hands this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Owner:

Permittee:

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Douglas County Clerk

Approved: Land and Development Committee, 5-27-08