

ORDINANCE NO. 2024-72

ORDINANCE BY THE FINANCE AND HUMAN RESOURCES COMMITTEE AMENDING SECTION 7-57 AND CREATING 7-61 OF THE RACINE COUNTY CODE OF ORDINANCES REGARDING THE PROCEDURES FOR THE SALE OR TRANSFER OF LANDS ACQUIRED BY IN REM PROCEEDINGS

To the Honorable Members of the Racine County Board of Supervisors:

The Racine County Board of Supervisors does ordain as follows:

Section 7-57 and Section 7-61 of the Racine County Code of Ordinances relating to the procedure for the sale of transfer of lands acquired by in rem proceedings is hereby amended and created to read as follows:

Sec. 7-57. - Procedure for the sale or transfer of lands acquired by in rem proceedings.

(a) In this section, the following terms have the following meanings:

“Appraised value” shall mean the value determined at the discretion of the committee, its designee, or a certified appraiser as defined in W.S.A., § 458.01(7).

“Committee” shall mean the committee that is designated by the board of supervisors in this section to manage and convey the sale or transfer of lands acquired by in rem proceedings.

(b) Lands acquired by the county under the provisions of W.S.A., § 75.521, shall be offered for sale and sold consistent with the requirements set forth under W.S.A., §§ 75.35, 75.36, and 75.69. The sale or transfer of such lands shall also be performed in the following manner:

(1) The authority to manage, sell, and transfer lands acquired by in rem proceedings is hereby delegated to the Finance and Human Resource Committee.

(2) The committee or its designee shall annually review the list of unsold lands acquired by in rem proceedings.

(3) Prior to the sale of a land, the land offered for sale must first be advertised by publishing pursuant to the requirements under W.S.A., § 75.69. In addition to the criteria stated in W.S.A., § 75.69, the publication shall include notice of the following information:

a. The appraised value of the land.

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4 b. The general location and legal description of the land.

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6 c. The date, time, and place at which bids will be opened at a public
7 meeting.

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9 d. Only sealed bids will be accepted.

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11 e. That each bid must be accompanied by a tender in the form of
12 cashier's check, certified check or money order of at least twenty (20)
13 percent of the bid price but not less than thirty dollars (\$30.00). If the
14 bidder is successful and is notified under subsection (b)(10) and fails
15 to submit the balance due within the time specified in subsection
16 (b)(11), the deposit shall be deemed forfeited. Notice of the forfeiture
17 shall be sent by certified mail. In the event of a remnant parcel, if the
18 successful bidder is an adjoining owner, he/she agrees to join the
19 two (2) parcels.

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21 f. The land will be sold subject to all applicable taxes and charges.

22
23 g. The committee reserves the right to reject any and all bids.

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25 (4) The county treasurer shall inform each bidder and each party
26 purchasing a land that the land will be conveyed by quit claim deed.

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28 (5) The committee or its designee shall fix the date and time for opening
29 bids and the same shall be not less than seven (7) days after the date
30 that the advertisement for the sale of the land was published.

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32 (6) All bids shall be opened publicly by the committee or its designee at the
33 time and place specified in the advertisement. All bids shall thereafter
34 be forwarded to the committee for consideration at its next regular
35 meeting.

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37 (7) At the first attempt to sell a land, the committee or its designee shall
38 reject and declare invalid every bid that is for an amount less than the
39 appraised value or which is not accompanied by the tender as set forth
40 in subsection (b)(3)e. above.

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42 (8) The committee may accept any valid bid deemed to be most
43 advantageous to the county. The committee may reject any valid bid if
44 such rejection is determined to be in the best interest of the county. The
45 committee or its designee may accept a bid that is less than the highest
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4 bid if the committee or its designee prepares a written statement,
5 available for public inspection, which explains the reason for accepting
6 a bid that is less than the highest bid.
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8 (9) If two (2) or more identical bids are made for the same land and one (1)
9 of the bids is made by an abutting property owner, a preference is may
10 be established in favor of the abutting property owner. If identical bids
11 are received for a particular land and neither bidder is an abutting
12 property owner, the committee shall permit those who have submitted
13 such identical bids to submit new bids without readvertising the land.
14 Such bids shall be opened at the next meeting of the committee.
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16 (10) The committee shall certify the identity of the successful bidder to the
17 county clerk and county treasurer. The county treasurer shall provide
18 written notice of certification to the successful bidder by first class mail.
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20 (11) The successful bidder shall submit the balance of the full purchase price
21 to the county treasurer within thirty (30) days of the date on which the
22 notice of certification was postmarked. Upon receipt of the full purchase
23 price, the county clerk shall execute and deliver a quit claim deed
24 conveying title to the certified successful bidder.
25

26 (c) If no valid bids were received for a land advertised for sale, the county treasurer
27 may sell or exchange the land for any amount determined by the county
28 treasurer after such land is readvertised pursuant to W.S.A., § 75.69. In addition
29 to the criteria under W.S.A., § 75.69, a publication to readvertise a land for sale
30 shall include notice of the information provided under subsection (b)(3) but
31 does not have to include the appraised value. The county may utilize the
32 services of any online surplus site to sell said land. Notwithstanding the
33 provisions provided in this subsection, the sale of said land shall otherwise be
34 performed in conformance with the requirements under this section.
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36 (d) Subsection (b) shall not apply to the withdrawal and sale of county forest
37 lands, nor to the sale or exchange of lands to or between the county and a
38 municipality or the state.
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40 (e) This section shall not apply to a land that is repurchased by a former owner
41 under W.S.A., § 75.35(3), and Racine County Ordinance 7-61.
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4 **Sec. 7-61. Right of Former Owner to Repurchase**

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6 (a) In this section, the following terms have the following meanings:

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8 "Beneficiaries" shall have the same meaning as specified in W.S.A., §
9 851.03.

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11 "Heirs" shall have the meaning as specified in W.S.A., § 851.09.

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13 "Sale" shall mean the approval of the sale or transfer of a land acquired by
14 in rem proceedings under W.S.A., § 75.521.

15
16 "Single-Family, Owner-Occupied Property" shall mean any non-multiple
17 residential unit that is used by one family who owns the property as their
18 domicile and can demonstrate such to the county upon request. This term
19 does not include rental properties, multiple unit buildings, or multiple family
20 units, nor does this term include any mixed-use building, structure, or
21 installation that contains a residential unit.

22
23 (b) Prior to the sale of a land acquired by in rem proceedings under W.S.A., §
24 75.521, a former owner of a single-family, owner-occupied property who has
25 lost his or her title through such procedure, or his or her beneficiaries or heirs,
26 shall have the right to repurchase such property. This section may, in the sole
27 discretion of the Treasurer, be applied to a land that is not single-family,
28 owner-occupied property.

29
30 (c) Repurchase by a former owner, or his or her beneficiaries or heirs, shall be
31 contingent upon the following provisions:

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33 (1) Written notification by the former owner, or his or her beneficiaries or
34 heirs, to the county treasurer that provides notice of the intent to
35 repurchase the land. Upon receipt of such notification, the county
36 treasurer shall order a title report from a title insurance company
37 showing all liens of record against the land in existence on the day
38 prior to the judgment of foreclosure in favor of the county, the cost of
39 which shall be paid in advance by the person notifying the county
40 treasurer of the intent to repurchase the property. Former owner, or his
41 or her beneficiaries or heirs, shall provide proof of satisfaction of all
42 liens of record as established in such title report to the county
43 treasurer.

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45 (2) County is provided with the funds necessary to satisfy all costs and
46 expenses provided under W.S.A., § 75.35(3).

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4 (d) If all requirements for repurchase are completed and verified by the county
5 treasurer, the county shall convey the land to the former owner, or his or her
6 beneficiaries or heirs. The manner of such conveyance shall be in the
7 discretion of the corporation counsel in the form of an amended or vacated
8 judgment.

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10 (e) A land that is repurchased under the provisions of this section shall be
11 exempt from any or all requirements set forth under W.S.A., § 75.69, and
12 Racine County Ordinance 7-57.

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16 Respectfully submitted,

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18 1st Reading _____

**FINANCE AND HUMAN RESOURCES
COMMITTEE**

19
20 2nd Reading _____

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22 BOARD ACTION _____

Donald J. Trottier, Chairman

23 Adopted _____

24 For _____

25 Against _____

26 Absent _____

Robert N. Miller, Vice-Chairman

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28 VOTE REQUIRED: Majority M.E.

Jody Spencer, Secretary

29
30 Prepared by:
31 Corporation Counsel

Jason Eckman

Renee Kelly

John A. Wisch

Brett Nielsen

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42 **The foregoing legislation adopted by the County Board of Supervisors of
43 Racine County, Wisconsin, is hereby:**

44 **Approved:** _____

45 **Vetoed:** _____

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47 **Date:** _____,

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49 _____
50 **County Executive**