

MEMO

TO: HOV Commissioners

FR: District Director

RE: Outagamie County Land Purchase Request

Gentlemen;

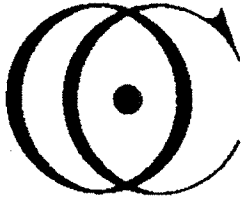
The Outagamie County Highway Department plans to reconstruct County Highway ZZ, from Highway Z to the County Line. They need to purchase right-of-way along the ZZ corridor to facilitate the roadway reconstruction. Heart of the Valley – MSD owns several properties along the stretch of highway ZZ to receive improvement.

The County has provided documents for purchase of right of way for five (5) parcels owned by Heart of the Valley. They are:

Parcel # 67	0.298 Acres x \$12,000. per Acre =	\$ 3,576	Rounded to \$3,600.
Parcel # 68	0.022 Acres x \$12,000. per Acre =	\$ 264	Rounded to \$ 275.
Parcel # 69	0.028 Acres x \$12,000. per Acre =	\$ 336	Rounded to \$ 350.
Parcel # 71	0.815 Acres x \$12,000. per Acre =	\$ 9,780	Rounded to \$ 9,800.
Parcel # 111	0.548 Acres x \$12,000. Per Acre =	\$ 6,576	Rounded to \$ 6,600.

The County provided comparable sales for property of this type and in the general area, and market evaluation information was provided which justifies the value placed on the properties, and offered in the property purchase request documentation.

I recommend the Commission accept the land purchase offers, and authorize the District Director to sign the "Agreement for Purchase and Sale of Real Estate" document, and other forms and paperwork provided by the Outagamie County Highway Department for the Parcels and Price listed above.



OUTAGAMIE COUNTY

HIGHWAY DEPARTMENT

1313 HOLLAND ROAD APPLETON, WISCONSIN 54911-8947

PHONE: (920) 832-5673 FAX: (920) 832-2032

Visit our website at www.outagamie.org

July 7, 2016

HEART OF VALLEY METRO SEW. DIS.
801 THILMANY RD
KAUKAUNA WI 541300000

Re: Northern Property Owners
County ZZ (County Z to Brown County Line)
Town of Buchanan
Reconstruction Project

Project Website:

<https://www.outagamie.org/index.aspx?page=1469>

On June 21, 2016, the Buchanan Town Board voted unanimously to support relocating the portion of County Road ZZ along the Haas Road alignment. Therefore, **we have shifted our focus and will start acquiring right of way on the southern segment and then work our way to the northern segment.** It is our intent to start construction on the southern segment first.

Your understanding and cooperation is very much appreciated to keep this project on schedule. Please do not hesitate to contact me or Cindy Roberts at my office at 920-832-5674 or cindy.roberts@outagamie.org if you have any questions or concerns about the project or process. Information can also be found on the project website: <https://www.outagamie.org/index.aspx?page=1469>

Sincerely,

Dean E. Steingraber

Dean E. Steingraber, P.E.
Highway Commissioner

cc: Mike Kohlbeck, McMahon Associates
Dave Steiro, Steiro Appraisal Service
Randy Moss, Moss & Associates
Joel Gregozeski, Buchanan Town Administrator
Thomas Nelson, Outagamie County Executive
Christine Lamers, Outagamie County Board District 10
Patrick Meyer, Outagamie County Board District 11
Highway & Solid Waste Committee Members

lpa1897 04/2010 (Replaces LPA3041) Ch. 32 Wis. Stats.

Project ID 5866 – ZZ – Z to County Line	County Outagamie	Parcel No.: 67
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AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE

lpa1895 08/2011 (Replaces DT1895)

THIS AGREEMENT, made and entered into by and between **HEART OF VALLEY METROPOLITAN SEWERAGE DISTRICT**, hereinafter called **SELLER**, and **Outagamie County**, hereinafter called **Buyer**. **If accepted, this offer can create a legally enforceable contract.** Both parties should read this document carefully and understand it before signing.

SELLER and **Buyer** agree that **Buyer** is purchasing this property for transportation purposes within the meaning of Wis. Stats.

SELLER warrants and represents to **Buyer** that **SELLER** has no notice or knowledge of any: 1) Planned or commenced public improvements which may result in special assessments to otherwise materially affect the property other than the planned transportation facility for which the **Buyer** is purchasing this property; 2) Government agency or court order requiring repair, alteration, or correction of any existing condition; 3) Shore land or special land use regulations affecting the property; 4) Underground storage tanks and the presence of any dangerous or toxic materials or conditions affecting the property.

DESCRIPTION: The **SELLER** agrees to sell and the **Buyer** agrees to buy, upon the terms and conditions hereinafter named, the following described real estate situated in **Outagamie County, Wisconsin: See attached**

The purchase price of said real estate shall be the sum of (**\$3,600**) payable as follows: **At closing.**

General taxes shall be prorated at the time of closing based on the net general taxes for the current year, if known, otherwise on the net general taxes for the preceding year.

SELLER shall, upon payment of purchase price, convey the property by warranty deed or other conveyance, free and clear of all liens and encumbrances, including special assessments, except recorded public utility easements and recorded restrictions on use running with the land or created by lawfully enacted zoning ordinances, and **Buyer**

Legal possession of premises shall be delivered to **Buyer** on date of closing.

Occupancy of property shall be given to **Buyer** on closing, **SELLER** may not occupy property after closing, unless a separate lease agreement is entered into between **Buyer** and **SELLER**.

SPECIAL CONDITIONS: N/A

This agreement is binding upon acceptance by **Buyer** as evidenced by the signature of an authorized representative of **Buyer**. If this agreement is not accepted by **Buyer** within **30** days after **SELLER's** signature, this agreement shall be null and void.

SELLER and **Buyer** agree to act in good faith and use diligence in completing the terms of this agreement. This agreement binds and inures to the benefit of the parties to this agreement and their successors in interest, personal representatives, heirs, executors, trustees and administrators.

The warranties and representations made herein survive the closing of this transaction. SELLER agrees to sell and convey the above-mentioned property on the terms and conditions as set forth and acknowledges receipt of a copy of this agreement.

Witness Signature

Print Name

Date

Seller Signature

Date

HEART OF VALLEY METROPOLITAN SEWERAGE
DISTRICT

Print Name

Seller Signature

Date

Print Name

The above agreement is accepted.

Date

Signature

Dean E. Steingraber

Print Name

Outagamie County Highway Commissioner

Title

Note: Must be signed by administrator or an authorized representative.

REAL ESTATE TRANSACTIONS CLOSING STATEMENT

lpa1617 09/2011 (Replaces LPA3013) Ch. 84 Wis. Stats.

Transferor/Property owner name and address		Transferee	
HEART OF VALLEY METROPOLITAN SEWERAGE DISTRICT 801 THILMANY RD KAUKAUNA WI 541300000		Outagamie County	
		Due Property Owner	Deductions
Agreed upon purchase price		\$3,600	XXXXXXXX
1st mortgage release Amount \$ ____			
2nd mortgage release Amount \$ ____		0	0
Land contract payment Amount \$ ____		0	0
Attach Form LPA1616	Tax proration for year ____, prorated from ____ to ____ Last year's tax \$ ____	0	0
	Delinquent taxes for years ____	0	0
	Special assessments unpaid, delinquent and future	0	0
	Estimated water and/or sewer service charges	0	0
Rent prorated, if tenant occupied		0	0
LP ____ gals., \$ ____ Fuel Oil ____ gals., \$ ____		0	0
Retention of improvements - list (if none, so state) ____ \$ 0		0	0
____ \$ 0		0	0
Other: ____		0	0
TOTAL		\$3,600	0
Less deductions			XXXXXXXX
Balance due property owner			XXXXXXXX
1st installment			
2nd installment			
3rd installment			
Total settlement due property owner		\$3,600	

This statement is accepted as correct.

Signature _____ Date _____

Signature _____ Date _____

Closing Agent _____ Date _____

Signature _____ Date _____

Project ID: 5866 – ZZ – Z to County Line County: Outagamie

Parcel No.: 67

**Transaction Over \$600
IRS 1099-S Purposes**

Owner Name	Social Security Number OR Federal Employer ID Number	Allocated Compensation
HEART OF VALLEY METROPOLITAN SEWERAGE DISTRICT		\$3,576
		\$
		\$
		\$
Total compensation attributable to real estate		\$3,576

Legal description: See Warranty Deed

WARRANTY DEED

Exempt from fee: s. 77.25(2r) Wis. Stats.
Exempt from filing transfer form s. 77.255 Wis. Stats.
LPA1560 08/2011 (Replaces LPA3004)

THIS DEED, made by **Heart of the Valley Metropolitan Sewerage District, a metropolitan sewerage district**, GRANTOR, conveys and warrants the property described below to the **County of Outagamie**, GRANTEE, for the sum of **Three Thousand Six Hundred & no/100** dollars (\$3,600.00).

Any person named in this deed may make an appeal from the amount of compensation within six months after the date of recording of this deed as set forth in s. 32.05(2a) Wisconsin Statutes. For the purpose of any such appeal, the amount of compensation stated on the deed shall be treated as the award, and the date the deed is recorded shall be treated as the date of taking and the date of evaluation.

Other persons having an interest of record in the property: **None**

This is not homestead property.

Legal description:

Parcel 67 of Transportation Project Plat 586600-17A-4.01, recorded as Document No. 2074588, recorded in Outagamie County, Wisconsin.

Property interests and rights of said Parcel 67 consist of:

Fee Simple

Any interests or rights not listed above for said parcel but shown as required on said Transportation Project Plat are hereby incorporated herein by reference Tax Key # 030006600.

This space is reserved for recording data

Return to

Outagamie County Highway Department
1313 Holland Rd
Appleton, WI 54911

Parcel Identification Number/Tax Key Number
030006600

Signature _____ Date _____

Print Name _____

Signature _____ Date _____

Print Name _____

Signature _____ Date _____

Print Name _____

Date

State of Wisconsin)
County) ss.

On the above date, this instrument was acknowledged before me by the named person(s) or officers.

Signature, Notary Public, State of Wisconsin

Print Name, Notary Public, State of Wisconsin

Date Commission Expires

Project ID: 586600-17A-4.01

This instrument was drafted by: David M. Schmalz

Parcel No.: 67

w:\PROJECTS\O0006\840111\Design\C3D\Sheets_Displays\TPP\North East Plat ZZ\Parcel Info\Parcel 67\WD-Parcel 67 Heart of the Valley.doc



Highway Department

1313 Holland Road, Appleton, WI 549118947
Phone: (920) 832-5673 Fax: (920) 832-2032
Visit our website at www.outagamie.org

September 15, 2016

MR. GLEN GEURTS
HEART OF VALLEY METROPOLITAN SEWERAGE DISTRICT
801 THILMANY RD
KAUKAUNA WI 541300000

Re: County ZZ – County Z to County Line Reconstruction
Parcel #67

A highway improvement project is being planned that will affect property adjacent to County ZZ – County Z to County Line. A search of the public records indicates title to the property is held by HEART OF VALLEY METROPOLITAN SEWERAGE DISTRICT. The portion of your land affected is indicated as Parcel Number 67 on the enclosed right of way plat. The acquisition involves 0.298 acres of land, and possibly easements (see below).

The brochure entitled, the "Rights of Landowners Under Wisconsin Eminent Domain Law" which was previously given to you will provide information regarding your rights and to serve as a guide during this acquisition process.

In acquisitions where a formal evaluation would indicate nominal damages, we are authorized to purchase the needed right of way without an appraisal. We believe that your parcel fits this situation and wish to extend to you an offer of \$3,600 for this parcel. This offer was determined based on a market sales study for the area. Copies of the comparable sales used to establish this offer are attached. This offer was arrived at and allocated as follows:

Land	0.298 Acres x \$12,000 per Acre =	\$3,576
*TLE (see attached)	0 Acres	\$-
Landscaping		\$-
	Total Damages =	<u>\$3,576</u>
	Rounded to	\$3,600

* TLE Valuation

Holding Phase is a 21 month period starting in July 2016, until construction is expected to start, April 2017. It's based on the U.S. Treasury Bond Rate, which is currently less than 1%, plus an additional 2% considered appropriate for these considerations for a total of 3%.

Construction Phase is the 7 month period during construction activities and is also based on the Treasury Bond Rate, plus a short-term land lease rate of 4% for a total of 5%.

GONNERING, JASON M & KIM M

If you are in agreement with this offer, please sign the enclosed "Nominal Payment Parcel - Waiver of Appraisal Recommendation and Approval (lpa1897)," and also **sign the deed in the presence of a Notary Public. I need to hear from you within ten (10) days.** If we do not hear from you within this period, we may need to make a formal appraisal of your property. Please give this matter your earliest consideration. I have included a postage paid envelope for your convenience in returning these documents. Upon receipt, payment will be processed to you.

If you have any questions or concerns, please do not hesitate to contact Cindy Roberts or myself at 920-832-5674.

Respectfully,

Dean E. Steingraber

Dean E. Steingraber, P.E.
Highway Commissioner

crr

Enclosures: Agreement for Purchase and Sale of Real Estate
Nominal Waiver of Appraisal
Conveyance Document
Transportation Project Plat (TPP)
Real Estate Transaction Closing Statement
W-9 Form
The Rights of Landowners Document
Appraisal Guidelines and Agreement