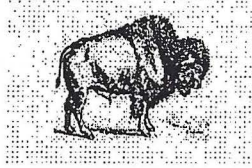


Buffalo County Ordinance



Drafted By:
R. Halverson
County Clerk
Presented Month/Year:
November 2006
Involved Committees:
Finance Committee

County Department:
County Clerk

Fiscal Impact: Yes/No

CA Approved: YES / NO

ORDINANCE # 07-01-01

AN ORDINANCE PROVIDING FORMER OWNERS OF HOMESTEAD PROPERTY, TAKEN BY TAX DEED, PREFERENCE TO REPURCHASE THE PROPERTY

Whereas, the Buffalo County Board of Supervisors desire to regulate the procedures for former owners of homestead property to repurchase property taken by tax deed procedures, and;

Now, therefore, the Buffalo County Board of Supervisors ordains as follows:

1. Preference to Former Owner to Repurchase

In the sale of tax deeded lands, the former owner who lost his or her title through delinquent tax collection enforcement procedure or the person's heir shall be given preference to repurchase such lands as provided in this Ordinance. Such preference shall exist only if the former owner used the tax deed land as his or her homestead at any time during the five years preceding the county's acquisition of the land by tax deed.

2. Limit of Time to Repurchase

Within ten (10) days of the date Buffalo County first takes title to the tax deed lands, the County Clerk shall attempt to give notice by certified letter to each former owner, at their last known address, of the right to repurchase tax deed lands as provided in this Ordinance. The notice shall inform the former owner of the requirements for repurchase, and that repurchase of the lands must be completed within sixty (60) days of the notice. The notice shall further inform the owner that failure to repurchase the lands within the time limit will result in the loss of the right to repurchase the lands as provided in this Ordinance, unless the former owner obtains an extension of time from the Finance Committee of the Buffalo County Board of Supervisors. Notice shall be given by sending a letter, certified mail, return receipt requested, addressed to the former owner at his or her last known address. The notice shall be deemed delivered as of the earlier of:

- a. The date the letter is actually received by the former owner;
- b. The date a receipt is given for the letter by or on behalf of the former owner;
- c. The date the United States Postal Service indicates service by certified mailing cannot be completed.

Failure to give notice to the proper party as former owner shall not create a right in any person or persons to redeem tax deeded lands.

3. Extension of Time to Repurchase

Failure of a former owner to complete the repurchase of tax deeded lands within sixty (60) days from the date of the delivery of the notice from the County Clerk will result in the former owner's loss of the right to repurchase, unless the Finance Committee of the Buffalo County Board of Supervisors, for good cause shown, grants a former owner a reasonable extension of time to complete the repurchase of the property.

4. Conditions of Repurchase

The former owner or the former owner's heir shall indicate his or her intent to exercise the right of preference for repurchase by application to the Buffalo County Clerk's Office. The application shall contain:

- a. The name and address of the person claiming preference, and their relationship to the former owner;
- b. The legal description or other accurate identification of the property to be repurchased;
- c. Full payment of the general property taxes, special assessments, special charges and special taxes levied against the property, including penalty and interest imposed under §74.47, Wis. Stats., any withdrawal tax under §77.88(5)(e)(b), Wis. Stats., any proration of real estate taxes for the year of sale, and any out-of-pocket costs incurred by Buffalo County as a result of the processing of delinquent tax collection enforcement procedure as determined by the County Clerk and Buffalo County Treasurer and payment of the fee established in subsection (4) (d);
- d. A sum equal to ten percent (10%) of the total taxes, interest, penalties due and any costs incurred by Buffalo County as a result of the tax deed process. Such sum is intended to offset the indirect costs of the county in processing the application for preference;
- e. The Finance Committee of the Buffalo County Board of Supervisors may set other terms and conditions as the Committee, in its discretion, deems just and proper;
- f. The names and address of any other persons claiming preference, or with the right to claim preference, for repurchase under this ordinance.

5. Delegation of Authority to County Clerk

Pursuant to Section 75.35(2), Wisconsin Statutes, the Buffalo County Board of Supervisors delegates its authority to sell and convey tax deeded lands to the former owner(s), or heir, to the Buffalo County Clerk. Such resale shall be carried out in accordance with the provisions of this ordinance.

Any conveyance to a former owner shall be by Quit Claim Deed. By repurchase of the tax deed lands, the former owner(s), or heir, hereby release Buffalo County of any and all claims against said county arising from or related to the tax collection process.

6. Exemption from the Requirements of Section 75.69 Wis. Statutes

Any sale made under the provisions of this Ordinance shall be exempt from all the requirements of Section 75.69, Wisconsin Statutes, including the requirement that the real estate be advertised for sale or sold at or above the appraised value.

7. Application of Ordinance to Certain Tax Deed Lands

This Ordinance does not apply to tax deeded lands which have been improved or dedicated to a public use by Buffalo County subsequent to the acquisition of those lands by Buffalo County.

8. Repeal of Conflicting Ordinances

All other Ordinances or parts of Ordinances in conflict with this Ordinance heretofore enacted by the Buffalo County Board of Supervisors are hereby repealed.

9. Future Statutory Amendments, Revisions and Modifications

Any future amendments, revisions or modifications of Wis. Stats. 74.47, 77.88, 75.35 and/or 75.69 are incorporated herein and made part of this Ordinance.

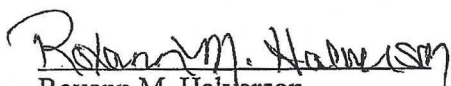
10. Severability

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County Board would have passed the other provision, sections, subsections, paragraphs, clauses or phrases of this Ordinance irrespective of whether or not one or more of such parts may be declared invalid. If any provision or part of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to the other persons or circumstances shall not be affected thereby.

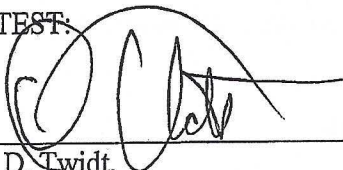
11. Effective Date

This Ordinance shall take effect and be in force after passage and publication as provided by law.

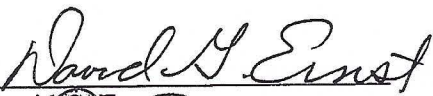
Duly adopted at a duly called and noticed meeting of the Buffalo County Board of Supervisors on this 16th day of January 2007.

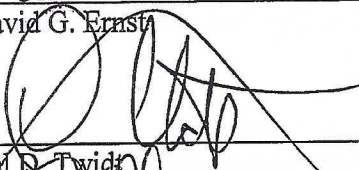

Roxann M. Halverson,
Buffalo County Clerk

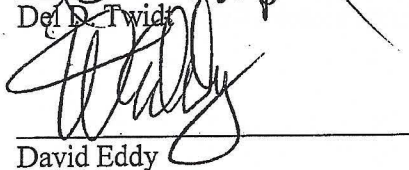
ATTEST:


Del D. Twidt,
County Board Chairperson

SUBMITTED BY:
Finance Committee


David G. Ernst


Del D. Twidt


David Eddy


Allen Carothers


Lee Wieland