

TOWN OF RIVERVIEW
RESOLUTION NUMBER 2024 #1

RESOLUTION REGARDING NOTICE AND ORDER FOR REMOVAL OF PERSONAL PROPERTY FROM BUILDINGS SUBJECT TO RAZING ORDER LOCATED AT 15530 ELKEY ROAD, SPECIFICALLY THE REMOVAL OF PERSONAL PROPERTY LOCATED IN THE RESIDENTIAL AND ACCESSORY BUILDINGS NUMBERED 15530 ELKEY ROAD, IN THE TOWN OF RIVERVIEW, OCONTO COUNTY, WISCONSIN

The Town Board of the Town of Riverview, Oconto County, Wisconsin, by this resolution, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and orders as follows:

The Town Board has recently caused to be inspected the premises located at 15530 Elkey Road, in the Town of Riverview, Oconto County, Wisconsin, more particularly described as follows:

That part of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 23, Township 32 North, Range 17 East, in the Town of Riverview, Oconto County, Wisconsin, more particularly described as follows, to-wit: Starting at the NE corner of said 40 acre tract; thence South $1^{\circ} 02'$ East on the East line thereof a distance of 655.00 feet; thence North $88^{\circ} 56'$ West a distance of 498.00 feet; thence North $1^{\circ} 02'$ West a distance of 150.00 feet; thence South $88^{\circ} 56'$ East a distance of 117.00 feet; thence South $1^{\circ} 02'$ East a distance of 150.00 feet to the point of beginning, Tax Parcel No.: 036-5923059424GG;

and determined that the residential and accessory buildings on such premises (hereinafter referred to as the "Subject Building") are old, dilapidated, or out of repair and, consequently, dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, contrary to Section 66.0413(1)(b)1 of the Wisconsin Statutes.

The Town Board has further determined that the cost of repairs to the Subject Building would exceed 50% of the assessed value of the Subject Building divided by the ratio of the assessed value to the recommended value as last published by the State of Wisconsin, Department of Revenue for the Town of Riverview, and, therefore, repairs to the Subject Building are unreasonable.

The Town Board has authorized and directed the Town Chairperson to issue a Razing Order for the Subject Building pursuant to Section 66.0413(1)(b) of the Wisconsin Statutes.

The Town Board has determined that the Subject Building contains personal property or fixtures which will unreasonably interfere with the razing of the Subject Building, and that the razing of the Subject Building makes necessary the removal, sale or destruction of the personal property or fixtures.

Upon the above findings and pursuant to Section 66.0413(1)(i) of the Wisconsin Statutes, MURRY W. LOCKE, the owner of the above-described real property, is ordered to remove the personal property or fixtures within sixty (60) days following the service of the removal order.

If the owner of the above-described real property fails or refuses to comply with the removal order within the time prescribed above, the Town of Riverview may store, sell or, if it has no appreciable value, destroy the personal property or fixture. If the property is stored the amount paid for storage shall be charged against the real estate upon which the Subject Building is located, and shall be a lien upon the real estate assessed and collected as a special tax under Section 66.0413(1)(i) of the Wisconsin Statutes.

If the property is stored, the owner of the property, if known, shall be notified of the place of storage and if the property is not claimed by the owner it may be sold at the expiration of six (6) months after it has been stored pursuant to Section 66.0413(1)(i) of the Wisconsin Statutes. The handling of the sale and the distribution of the net proceeds after deducting the cost of storage and any other costs shall be as specified in Section 66.0413(1)(j) of the Wisconsin Statutes, and a report made to the circuit court as specified in Section 66.0413(1)(j) of the Wisconsin Statutes.

The Town of Riverview may sell the salvage and valuable materials at the highest price obtainable pursuant to Section 66.0413(1)(j) of the Wisconsin Statutes. The net proceeds of the sale, after deducting the expenses of razing the Subject Building, shall be promptly remitted to the circuit court with a report of the sale or transaction, including the items of expenses and the amounts deducted, for the use of any person entitled to the net proceeds, subject to the order of the court. If there remains no surplus to be turned over to the court, the report shall so state.

The Town Chairperson shall issue a notice and order for the removal of personal property or fixtures (the "Removal Order") pursuant to Section 66.0413(1)(i) of the Wisconsin Statutes. The Notice of the Removal Order shall be served as follows:

1. On the owner of record of the Subject Building, or on the owner's agent if the agent is in charge of the Subject Building, in the same manner as a summons is served in circuit court; and
2. On the holder of each encumbrance of record by first class mail at the holder's last known address and by publication as a class 1 notice under Chapter 985 of the Wisconsin Statutes.

If the owner, and the owner's agent, if any, cannot be found, or if the owner is deceased and an estate has not been opened, the Removal Order may be served by posting it on the main entrance of the Subject Building and by publishing it as a class 1 notice under Chapter 985 of the Wisconsin Statutes before the time limited in the Removal Order begins to run. The time limit in the Removal Order begins to run from the date of service on the owner or owner's agent, or, if the owner and agent cannot be found, from the date that the Removal Order was posted on the Subject Building.

The Town Clerk shall properly post or publish this Resolution as required under Section 60.80 of the Wisconsin Statutes.

Adopted this 19th day of June, 2024.

TOWN OF RIVERVIEW

By: James Zittlow
James Zittlow, Chairperson

Attest: Beth Hartman
Beth Hartman, Clerk