

SHEBOYGAN COUNTY RESOLUTION NO. 11 (2010/11)

Re: **Authorizing Acceptance and Sale of Emerald Hills Subdivision Parcel**

WHEREAS, under the language of the former Sheboygan County Subdivision Ordinance as recodified in December 1972, subdivision developers were required to either dedicate up to five percent (5%) of the proposed subdivision for future public use such as parks, playgrounds, and public access, subject to acceptance by the Town or County, or in lieu of such dedication, pay a fee to be deposited in the Town's Open Space Fund, or the Town could turn its rights thereunder to the County, and

WHEREAS, in 1977, in an effort to comply with the terms of the Subdivision Ordinance, the developers of the Emerald Hills Subdivision in the Town of Plymouth unilaterally deeded a certain outlot of the Emerald Hills Subdivision to Sheboygan County described as follows:

A part of Outlot 1 of Emerald Hills in the Northeast Quarter (NE 1/4) of Section Sixteen (16), Township Fifteen (15) North, Range Twenty-one (21) East, in the Town of Plymouth, Sheboygan County, Wisconsin, bounded and described as follows: Commencing at the Southwest corner of said Outlot 1; thence N01°55'30"W, 520.00 feet along the West line of said Outlot 1; thence S69°27'16"E, 470.53 feet to the northwesterly line of Emerald Drive; thence southwesterly 462.65 feet along the arc of a curve whose central angle is 46°41'55", radius of 567.64 feet and whose chord bears S35°15'58"W, a distance of 449.95 feet along the northwesterly line of Emerald Drive to the southeasterly corner of said Outlot 1; thence N85°31'05"W, 163.84 feet to the point of beginning, containing 3.00 acres of land.

WHEREAS, Sheboygan County never agreed to the conveyance or accepted the property as required by the Ordinance and therefore never agreed to preserve the parcel for future public use, and

WHEREAS, the parcel was not suitable for public use and development by Sheboygan County consistent with the terms of the former ordinance and, at the time, Sheboygan County would have accepted a fee in lieu of title had the property been properly tendered to the County in 1977, and

WHEREAS, the County has no current suitable use for the property and it is in the best interest of Sheboygan County that the property be sold and that the proceeds be placed in the Stewardship Fund created under Section 71.14 of the Sheboygan County Code, which is the successor Ordinance delineating where parkland fees would otherwise have gone under the terms of the former Subdivision Ordinance, and

WHEREAS, it would be appropriate that the other property owners of Emerald Hills Subdivision and the Town of Plymouth be given the first opportunity to purchase the property, and if a buyer cannot be found from these sources, then the opportunity to purchase the property should be opened up to the general public;

NOW, THEREFORE, BE IT RESOLVED that Sheboygan County accepts the above-described parcel and that the County Administrator be authorized and directed to offer for sale the above-described parcel first to the other property owners of Emerald Hills Subdivision and the Town of Plymouth and then to the general public.

BE IT FURTHER RESOLVED that the Planning, Resources, Agriculture, and Extension Committee is delegated to review any purchase offers that are made on the parcel and may accept any offer that the Committee believes to be in the best interests of Sheboygan County.

BE IT FURTHER RESOLVED that the County Chairperson and County Clerk are authorized and directed to sign any documents necessary to complete any sale approved by the Planning, Resources, Agriculture, and Extension Committee.

BE IT FURTHER RESOLVED that any sale proceeds be placed in the Stewardship Fund under Section 71.14 of the Sheboygan County Code.

Respectfully submitted this 15th day of June, 2010.

**PLANNING, RESOURCES, AGRICULTURE,
AND EXTENSION COMMITTEE***

Jacob Van Dixhorn

Jacob Van Dixhorn, Chairperson

Michael S. Ogea

Michael S. Ogea, Vice-Chairperson

Al Bosman

Al Bosman, Secretary

James Baumgart

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Adrian Van Dixhorn

Adrian Van Dixhorn

ADOPTED 07.20.2010