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LEGAL SERVICES DEPARTMENT

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TO: Kathleen Plank, Chair
Members of the Finance Committee

FROM: James P. Walsh, City Attorney 

DATE: July 21, 2014

RE: Resolution of Necessity

On the Finance Committee Agenda for Wednesday, July 23, is a Resolution of Necessity for Trinity Lutheran Church and Michiels. As the Committee is aware, the Appleton Public Library is looking at these two sites as a possible location for a new library. Pursuant to the provisions of Chapter 32 of the Wisconsin Statutes, a Resolution of Necessity is the first step a city is required to take in the acquisition of private property. The language contained in the resolution is language taken from the requirements of the Wisconsin Statutes. While the resolution and the statutes give the City options with regards to the acquisition of private property, Mayor Hanna has made it clear that the City of Appleton will not take property if the property owners are unwilling to sell. In other words, unless there is an agreement, the Appleton Public Library will look at other locations.

As indicated, this is merely the first step in a process. The City of Appleton will be obtaining an appraisal of the properties and giving the property owners the opportunity to obtain their own appraisal at City expense. Additionally, the City of Appleton will be preparing a document called a Relocation Plan, which would provide an indication of other payments to which the property owners would be entitled. The Committee and Council will have an opportunity to review any offer and/or settlement with the property owners prior to closing on land acquisition.

Hopefully this information is of assistance to the Committee as they consider this important item. If you have any questions, please do not hesitate to contact me.

JPW;jls