



LEGAL SERVICES DEPARTMENT

Office of the City Attorney


100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

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TO: Kathleen Plank, Chair
Members of the Finance Committee

FROM: James P. Walsh, City Attorney 

DATE: August 6, 2015

RE: Rescission of Resolution of Necessity

This Committee may recall that in July of 2014 it approved a Resolution of Necessity for Trinity Lutheran Church and Michiels that was subsequently approved by the Common Council on August 20, 2014. This was a required first step in order for the City to pursue acquiring the private property for the purpose of constructing a new library. On June 17, 2015 the Common Council debated whether to make an offer to purchase the properties (111 East Kimball Street and 209 South Allen Street) for the purpose of the library project. As a result of a 6-8 vote, authorization to make an offer to purchase these properties was not granted. The Council's action essentially ended the City's efforts to acquire these properties for the purpose of building a library.

The Resolution of Necessity previously passed by the Council was drafted and recorded with the Register of Deeds with regard to each of the properties. Considering the Council's vote on June 17, 2015 it is necessary for the Council to adopt a resolution rescinding the Resolution of Necessity in order to clear the title of these properties from any encumbrance associated with a Resolution of Necessity.

It is my recommendation that the Finance Committee and Common Council adopt a resolution rescinding the Resolution of Necessity previously filed by the City with regard to the Trinity Lutheran Church and Michiels properties.

If you have any questions, please do not hesitate to contact me.

JPW:jl

RESCISSION OF RESOLUTION OF NECESSITY

The Common Council of the City of Appleton, Outagamie, Calumet and Winnebago Counties, Wisconsin, hereby resolves as follows:

1. That the Resolution of Necessity previously passed and adopted by the Common Council of the City of Appleton on the 20th day of August, 2014 relating to the within-described real estate shall be rescinded in its entirety.
2. The above-described Resolution of Necessity was recorded by the Outagamie County Register of Deeds on February 19, 2015 as Document No. 2036440.

That the herein Resolution rescinding the previously-adopted Resolution of Necessity was passed and adopted by the Common Council of the City of Appleton this _____ day of _____, 2015 by a vote of _____ ayes and _____ nays.

Record and return to:
City of Appleton – City Attorney's Office
100 North Appleton Street
Appleton, WI 54911-4799

Tax Key No: 31-2-0156-00

ATTEST:

Jamie L. Sova, Deputy City Clerk

APPROVED:

Timothy M. Hanna, Mayor

This instrument was drafted by:

James P. Walsh, Appleton City Attorney

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RESCISSION OF RESOLUTION OF NECESSITY

The Common Council of the City of Appleton, Outagamie, Calumet and Winnebago Counties, Wisconsin, hereby resolves as follows:

1. That the Resolution of Necessity previously passed and adopted by the Common Council of the City of Appleton on the 20th day of August, 2014 relating to the within-described real estate shall be rescinded in its entirety.

2. The above-described Resolution of Necessity was recorded by the Outagamie County Register of Deeds on February 19, 2015 as Document No. 2036439.

That the herein Resolution rescinding the previously-adopted Resolution of Necessity was passed and adopted by the Common Council of the City of Appleton this ____ day of _____, 2015 by a vote of ____ ayes and ____ nays.

Record and return to:

City of Appleton – City Attorney's Office
100 North Appleton Street
Appleton, WI 54911-4799

Tax Key No: 31-2-0144-00

ATTEST:

Jamie L. Sova, Deputy City Clerk

APPROVED:

Timothy M. Hanna, Mayor

This instrument was drafted by:

James P. Walsh, Appleton City Attorney

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