

CHAPTER 28

REAL PROPERTY TRANSACTIONS

- 28.01 Title.
- 28.02 Application of Chapter.
- 28.03 Authority.
- 28.04 Intent of Chapter.
- 28.05 Definitions.
- 28.06 Administration.
- 28.07 Policy Oversight.
- 28.08 No Impact on Federal and State Mandated Procedures.

[28.09 and 28.10 reserved.]

- 28.11 Authority to Represent County.
- 28.12 Notification of Supervisor.
- 28.13 Criteria Committee.
- 28.14 Real Property Acquisitions.
- 28.15 Disposition of County Owned Real Estate.

[28.16-28.20 reserved.]

- 28.21 Dane County Regional Airport Leases.
- 28.22 Alliant Energy Center Leases.

[28.23-28.30 reserved.]

- 28.31 Authority to Terminate Leases.
- 28.32 Authority to Act as Closing Officer.
- 28.33 Approval Of Easements.

[28.34-28.99 reserved.]

28.01 TITLE. This chapter shall be known by the title "Real Property Transactions."

28.02 APPLICATION OF CHAPTER. This chapter shall apply to all transactions involving real property to which the county is a party, provided, however, that this chapter shall not apply to the disposition of tax deeded property nor to the acquisition of highway right-of-way by the highway and transportation department.

28.03 AUTHORITY. This chapter is enacted under the authority of sections 59.01, 59.025, 59.07(1) and 59.07(92), Wis. Stats.

28.04 INTENT OF CHAPTER. It is intended hereby that the administrative authority of the county as it relates to real property transactions to which the county is a party shall be vested in the real estate officer under the immediate direction of the director of administration and the general direction of the county executive. Policy making and budgetary authority is retained by the county board and county executive in the manner set forth in state statutes.

28.05 DEFINITIONS. As used throughout this chapter the following words and phrases shall have the meanings indicated:

- (1) *Airport* shall mean the Dane County Regional Airport.
- (2) *Airport commission* shall mean the Dane County Regional Airport Commission.
- (3) *Committee* shall mean the public works and facilities management committee of the Dane County Board of Supervisors.
- (4) *County* shall mean the County of Dane.
- (5) *County-owned property* shall mean real property owned by the County of Dane.
- (6) *Exempt leases* shall mean, in the case of the airport, a lease which is for a term of two (2) years or less and which involves \$25,000 or less in expenditures or receipts in any one calendar year. In the case of the Alliant Energy Center, an *exempt lease* is one which is for a period of less than fourteen (14) consecutive event days in any one calendar year and which involves \$100,000 or less in rent or receipts in any one calendar year.
- (8) *Initial determination* shall mean the written decision of the real estate officer on specific requests of a county department or agency for the acquisition or disposal of real property. The initial determination shall be on a standard form and shall include, as applicable, the location of county-owned property under consideration for disposal or the location of the property proposed to be acquired; the proposed use to which an acquisition will be put or a listing of suitable uses for property to be disposed of; a notation as to whether funds have been appropriated for the acquisition of non-owned property; a notation as to whether there has been a prior approval of the disposal of the owned parcel(s); a statement whether leasing is preferred over either outright sale or purchase; the probable duration of the county's intended use of property to be acquired; the proposed means by which the acquisition or disposition will be conducted; and such additional information as the committee may require.
- (9) *Real estate officer* shall mean that employee of the department of administration of the County of Dane who is designated by the county board to represent the county's interests in real property transactions.
- (10) *Real property transaction* shall mean any conveyance of real property by or to the County of Dane whereby a fee interest, a leasehold interest or an easement is legally transferred.

[History: (3) am., OA 19, 1992-93, pub. 11/18/92; (6) am., OA 32, 1995-96, pub. 01/02/96; (6) am. and (7) resc., OA 28, 2013-14, pub. 03/31/14.]

28.06 ADMINISTRATION. This chapter shall be administered by the real estate officer under the administrative direction of the director of administration.

28.07 POLICY OVERSIGHT. The committee shall act as the policy oversight body with respect to all real property transactions and shall advise and consult with the real estate officer on all matters involving real property transactions.

28.08 NO IMPACT ON FEDERAL AND STATE MANDATED PROCEDURES.

This chapter is intended to supplement existing state and federal requirements for the acquisition and disposal of real property by the County of Dane and it shall not be construed in any manner to amend, repeal, supplant or otherwise affect such state and federal requirements.

[28.09 and 28.10 reserved.]

28.11 AUTHORITY TO REPRESENT COUNTY.

(1) Unless specifically exempted by this ordinance, no easement, lease or sale or purchase of real property to which the county is a party shall be binding on the county unless approved by the county board and county executive.

(2) Unless expressly authorized by this ordinance and amendments hereto, no officer or official, elected or appointed, and no employee or agent of the county shall solicit, pursue, accept or otherwise obligate or bind the county in any manner for the sale, purchase or lease of any real estate by the county. No such activity on the part of any officer, official, employee or agent shall in any way bind the county and any agreements, oral or written, implied or expressed, and any documents executed without county board and county executive approval shall be null and void.

28.12 NOTIFICATION OF SUPERVISOR.

(1) At the time of making the initial determination regarding the acquisition or disposal of real estate, the real estate officer shall notify the county board supervisor of the district in which the real estate involved is located by furnishing a copy of the initial determination. Notification should be at least five (5) working days prior to submission to the committee.

(2) A supervisor who has received such notice from the real estate officer may appear before the committee to request of the committee that it take such steps, including the establishment of a criteria committee, as it may deem to be in the best interests of the county and the residents of the affected district.

28.13 CRITERIA COMMITTEE.

(1) The committee may, at any point during the process of acquiring or disposing of a particular property, establish a criteria committee to review and make recommendations to the committee and the county board on the proposed transaction.

(2) Any such committee shall consist of members appointed by the public works and facilities management committee chairperson and shall include, at a minimum: three members of the public works and facilities management committee; the supervisor from the affected district; a representative of the affected municipality; a neighborhood representative and such other persons as the committee chairperson may select.

[History: (2) am., OA 19, 1992-93, pub. 11/18/92.]

28.14 REAL PROPERTY ACQUISITIONS.

(1) Any county department or agency which believes that it has need to acquire real property, whether by purchase or lease, shall contact the real estate officer for purposes of obtaining an initial determination as to the merits of the request. The real estate officer shall require that any such requests be in writing. The committee may from time to time direct the real estate officer to furnish it with copies of any such request, along with the initial determination.

(2) If funds have been appropriated and the acquisition of a particular parcel, including the method of acquisition, has been previously approved by the county board and the county executive, the real estate officer shall immediately issue a favorable initial determination. The real estate officer shall then proceed to solicit proposals in the manner most advantageous to the county and negotiate for the acquisition of suitable properties with interested sellers or lessors, as the case may be, except where properties are acquired for or on behalf of the county by federal or state agencies.

(3) If the real estate officer issues a favorable initial determination and a specific parcel has not been previously approved by the county board and county executive, committee approval shall be obtained before soliciting or negotiating for the purchase or lease of suitable properties.

(4) Any agreement, lease, offer to purchase, contract to purchase or lease and every other document relating to the acquisition of real estate negotiated by the real estate officer shall be subject to committee, county board and county executive approval, and every such document relating to the acquisition of real estate shall contain language specifying that the same is subject to such approval by the county board and county executive. The director of administration shall review all documents prior to presentation to the committee.

28.15 DISPOSITION OF COUNTY OWNED REAL ESTATE.

(1) This section, insofar as it applies to the lease of county-owned property, shall not apply to exempt leases of buildings and land at the Dane County Exposition Center and the Dane County Regional Airport.

(2) Any county department or agency which has surplus real estate shall contact the real estate officer for an initial determination as to the merits of selling or leasing such real estate. The real estate officer shall require that any such request be in writing. The committee may from time to time direct the real estate officer to furnish it with copies of any such requests, along with the initial determination as to each.

(3) If the disposal of the particular parcel, including the method of disposition, has been previously authorized by the county board and county executive, the real estate officer shall immediately issue a favorable initial determination and may also solicit proposals from prospective buyers or lessees and enter into negotiations for purposes of obtaining an offer to purchase or a lease executed by the prospective buyer(s) or lessee(s) on such terms as shall be in the county's best interests.

(4) If the real estate officer issues a favorable initial determination and the sale or lease has not been previously approved by the county board and county executive, the real estate officer shall proceed as follows:

(a) Survey other county departments to determine if there exists a need within the county for the subject parcel(s);

(b) If no county department has need for the property, proceed to obtain an appraisal of the property and, with the prior approval of the county executive and the committee, survey other Dane County municipalities to determine if there is any interest in acquiring the parcel from the county before offering the parcel to the general public;

1. before taking any further action on any department's or any municipality's request for the subject property under subsections (a) and (b) above, the real estate officer shall obtain county executive and committee approval.

(c) If no Dane County municipality indicates any interest in acquiring the subject parcel, the real estate officer shall report that fact to the committee. With the prior approval of the county executive and the committee, the real estate officer may solicit proposals, retain a private broker to promote the sale of the parcel or commence negotiations for the sale of the property. In the exercise of its discretion, the committee may elect to obtain county board approval and/or schedule a public hearing prior to authorizing any further action on the proposed disposition of the subject parcel(s).

(5) Any agreement, lease, offer to purchase, contract to purchase or lease, and every other document relating to the disposition of county-owned real estate when obtained, received or negotiated by the real estate officer shall be subject to committee, county board and county executive approval and every such document relating to the disposition of county-owned real estate shall contain language specifying that the same is subject to such approval by the county board and county executive. The director of administration shall review all documents prior to presentation to the committee and county board.

[28.16-28.20 reserved.]

28.21 DANE COUNTY REGIONAL AIRPORT LEASES.

(1) This section shall apply only to leases of buildings, space and land at the airport.

(2) When any building, space or land is determined to be available for lease to others, the airport business manager shall seek and obtain the approval of the airport commission before soliciting offers or entering into negotiations for such leases. The airport commission may give a blanket prior authorization to the airport business manager and airport director to solicit and negotiate leases, on terms in the county's best interests, of designated facilities at the airport.

(3) All leases received or negotiated by the airport business manager under subsection (2) hereof shall be presented to the airport commission for its approval. Exempt leases shall require no further approvals before execution on behalf of the county.

(4) Leases for a term longer than two (2) years or involving more than \$25,000 in expenditures or receipts in any one calendar year shall be submitted to the county board and county executive for approval before execution.

28.22 ALLIANT ENERGY CENTER LEASES.

(1) This section shall apply only to leases of buildings and space at the Alliant Energy Center.

(2) When any building or space is determined to be available for lease to others, the executive director of the Alliant Energy Center shall solicit offers and enter into negotiations for such leases. Except as provided in subs. (3) & (4), the executive director

of the Alliant Energy Center is authorized to execute leases of space or buildings at the facility.

(3) Event leases for a term in excess of twenty-one (21) consecutive event days in any one calendar year or which involve rents in any one calendar year exceeding \$200,000 shall be presented to the county board and county executive for approval.

(4) Non-event leases for a term longer than five (5) years or involving more than \$25,000 in expenditures or receipts in any one calendar year shall be submitted to the county board and county executive for approval before execution.

[History: (3) am., OA 32, 1995-96, pub. 01/02/96; (1)-(3) am., OA 28, 2013-14, pub. 03/31/14; (2) and (3) am., (4) cr., 2020 OA-41, pub. 12/31/20.]

[28.23-28.30 reserved.]

28.31 AUTHORITY TO TERMINATE LEASES.

(1) The real estate officer is authorized to recommend to the committee the termination of any lease to which the county is a party when the best interests of the county so require.

(2) Leases approved by the county board may only be terminated by action of the county board, notwithstanding sub. (3) below, provided, however, the county board may designate the real estate officer as the agent of the county for purposes of terminating any particular lease on such terms and conditions as may be set forth in the delegation.

(3) Unless otherwise stated by the terms of the lease or the resolution approving the lease, a termination which involves a lease of a term of more than 5 years or one which involves the receipt by the county of more than \$10,000 per year shall be forwarded by the committee to the county board and county executive for action. The committee is authorized to act with respect to all other terminations for which authority is not otherwise delegated.

28.32 AUTHORITY TO ACT AS CLOSING OFFICER. In conjunction with the corporation counsel, the real estate officer is authorized to act as the county's closing officer at all closings to which the county is a party and in that capacity, to execute on behalf of the county such supplementary documents as may be necessary to complete the transaction.

28.33 APPROVAL OF EASEMENTS.

(1) All proposals for the grant or acquisition of an easement by the county shall be submitted in writing to the real estate officer. The real estate officer shall review each proposal and report to the committee his or her written recommendation as to whether the best interests of the county would be served by the grant or acquisition of the proposed easement.

(2) Upon receiving the written recommendation of the real estate officer, the committee shall notice the matter on its agenda, solicit public comment and consider such additional information as it deems advisable. The committee may thereafter approve or disapprove the grant or acquisition of the proposed easement, or at the request of any supervisor, shall refer the matter to the full county board for action. In reaching its decision, the committee shall consider the financial impact, if any, on the county, whether

the county's interests are fully protected and whether the grant or acquisition of the easement is otherwise in the county's best interests.

(3) Upon approval of the grant or acquisition of an easement, the committee shall authorize the county clerk to execute on behalf of the County of Dane the documents necessary to complete the transaction, provided that if the matter is referred to the full county board, the clerk shall not so act unless authorized by the full board.

(4) Notwithstanding anything to the contrary herein, any one easement involving the expenditure or receipt of monetary consideration in excess of \$100 per calendar year shall be referred to the county board and the committee shall be without authority to authorize the clerk to execute any such easement without county board approval.

[History: (1), (2) and (3) am. and (4) cr., OA 19, 1992-93, pub. 11/18/92.]

[28.34-28.99 reserved.]

[History: Ch. 28 cr., Sub. 2 to OA 32, 1986-87, pub. 03/02/87; am., *Facilities Analyst* replaced by *real estate officer*, OA 19, 1992-93, pub. 11/18/92.]

END OF CHAPTER