

Office of the City Attorney

Robert K. Weber
City Attorney
Scott R. Letteney
Deputy City Attorney



Nicole F. Loop
Assistant City Attorney
Stacey Salvo
Paralegal
Colette Broadway
Paralegal

April 9, 2014

TODD & SANDRA NELSEN
15800 - 50TH RD
FRANKSVILLE WI 53126

COPY

Project ID:	2290-17-20
Highway Project:	STH 38 (Northwestern Av)
County:	RACINE
Parcel No.:	66 (1761 State Street)

Dear Mr. and Mrs. Nelsen:

I haven't received the property signed Temporary Limited Easement for your property.

Therefore, enclosed is the official **Jurisdictional Offer to Purchase** that portion of your property required for this project.

Please note that your response should be returned to me within 20 days of your receipt of this letter, which I calculate to be April 30, 2014 as of the mailing date of this letter.

Please refer to the "Rights of Landowners Under Wisconsin Eminent Domain Law" brochure for additional information regarding this process.

If you have any questions or concerns, please feel free to contact me at (262) 636-9117. Thank you and I look forward to working with you.

Sincerely,

Stacey Salvo, R/W-NAC
Paralegal

enc

COPY

City Hall
730 Washington Avenue, Room 201
Racine, Wisconsin 53403
262-636-9115
262-636-9570 FAX

AFFIDAVIT OF MAILING

Stacey Salvo, first being duly sworn on oath, hereby deposes and states that on this date she mailed a copy of the attached letter, and the Jurisdictional Offer secured in a postage pre-paid envelope as Certified Mail with Return Receipt requested, and deposited with the United States Postal Service, and addressed as follows:

TODD & SANDRA NELSEN
15800 - 50TH RD
FRANKSVILLE WI 53126

Further, a copy of the letter and enclosures were sent by regular mail in a postage pre-paid envelope, and deposited with the United States Postal Service, and addressed as follows:

TODD & SANDRA NELSEN
15800 - 50TH RD
FRANKSVILLE WI 53126

RACINE HOUSING DEPT
730 WASHINGTON AV
RACINE WI 53403

Dated this 9th day of April, 2014.

Stacey Salvo
Stacey Salvo

Subscribed and sworn to before me
this 9th day of April, 2014.

William J. Broadway
Notary Public, Racine County, WI
My commission: 5-17-15

JURISDICTIONAL OFFER

LPA1786 09/2011 (Replaces 3029) s.32.05 Wis. Stats.

Date
04-09-2014

To
Todd C. Nelsen and Sandra T. Nelsen hereinafter referred to as Owner.

Relocation Order Date 07-10-2013	Relocation Order Recorded with the Register of Deeds	County Racine	Public Purpose for Property highway right-of-way
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City of Racine hereinafter referred to as Purchaser, offers to purchase a parcel of real estate and/or rights therein in which you own an interest all as particularly described on attached page, and agrees to pay the sum of:

Two hundred fifty and 00/00 dollars | \$ 250.00
within 60 days from the acceptance of this offer.

- A. The said property, and/or rights as described, are required by the City of Racine for the public purpose stated above, as more fully described in the Relocation Order, date and place of filing specified above. The City of Racine in good faith intends to use the above-described property for such public purpose.
 - B. The City of Racine proposes to occupy and the Owner will vacate the premises on May 30, 2014 (date).
 - C. Pursuant to s.32.05(3)(d) Wis. Stats., the above purchase price is allocated as follows:

(a) Loss of land, including improvements and fixtures actually being acquired	\$ 250.00
(b) Damages caused by loss of existing rights of access	\$
(c) Damages caused by loss of air rights	\$
(d) Damages caused by loss of legal nonconforming use	\$
(e) Damages resulting from actual severance of land including damages resulting from severance of improvements or fixtures and proximity damage to improvements remaining on Owner's land	\$
(f) Damages to property abutting on a highway right of way due to change of grade	\$
(g) Cost of fencing reasonably necessary to separate land taken from remainder	\$
(h) Market value of uneconomic remnant	\$
(i) Other -	\$
- Compensation for additional items of damage listed in s.32.19 Wis. Stats. has not been included. If any such items are shown to exist the owner may file claims as provided in s.32.20 Wis. Stats.
- D. The purchase price is based upon an appraisal of the owner's property of which a copy of the appraisal report has been provided to the owner.
 - E. Owner has 20 days from the date of personal service of this offer, if personally served, or 20 days from the date of postmark of the certified mail envelope transmitting this offer, if transmitted by mail, or 20 days from the date of publication of this offer, if published, in which to accept this offer, unless such time is extended by mutual written consent of Owner and Purchaser. Acceptance shall be as follows: Owner must execute the acceptance clause on back of this offer on or prior to April 30, 2014; and the offer and acceptance must be delivered to Purchaser at Racine City Attorney, 730 Washington Avenue, Racine, WI 53403 not later than regular office closing time on April 30, 2014, or mailed to Purchaser at the last above stated address in an addressed, postage prepaid envelope bearing postmark of not later than 12:00 midnight on April 30, 2014.
 - F. If the Owner does not accept this offer as set forth, Owner has 40 days from the date of service, postmark or publication of this offer to commence a court action to contest the right of condemnation as provided in s.32.05(5) Wis. Stats. provided that the acceptance and retention of any compensation resulting from an award made prior to the commencement of such an action shall be an absolute bar to such action.
 - G. If owner agrees to accept the Jurisdictional Offer, it is considered a negotiated purchase; therefore, the condemnor must record the conveyance with the Register of Deeds in the county where the land is located. Also, all owners of record should receive by certified mail a copy of the conveyance and a notice of their right to appeal within 6 months after the

date of the recording of the conveyance. Such an appeal would challenge the amount of compensation received by the property owner from an accepted Jurisdictional Offer.

- H. Owner has 2 years from the date of the recording of an award, as described in s.32.05(7) Wis. Stats., in the office of the Register of Deeds in which to appeal for greater compensation without prejudice to Owner's right to use the compensation given to Owner by the award. Owner's right of appeal is subject to the provisions of s.32.05(9)(a) and (11), Wis. Stats.
- I. The law provides for the payment of litigation expenses by the condemner and these costs are defined in Ch. 814 of Wisconsin Statutes.
- J. If this offer is accepted by Owner, the transfer of title shall be accomplished within 60 days after acceptance including the payment to Owner of said purchase price, provided however, that notwithstanding any provision herein to the contrary, said 60-day period may, at the request of the Owner, be extended by mutual written agreement of the Owner and Purchaser.
- K. This offer may be withdrawn by Purchaser at any time prior to its acceptance by Owner.
- L. Real estate taxes for the current year shall be prorated as of the date of proposed occupancy set forth, said proration to be based upon the latest available tax assessment.
- M. Purchaser will prepare necessary instruments to accomplish said transfer. Transfer shall be by Warranty Deed unless a lesser conveyance is accepted by Purchaser. Transfer shall be free of defects and encumbrances but subject to ordinances and restrictions of record.
- N. If all persons or entities designated as Owner do not accept this offer within the time specified, this offer will be deemed to have been rejected by all such persons or entities notwithstanding the acceptance by one or more of such persons or entities.
- O. Included in the purchase price is payment in full for the acquisition of the following items now on the described property: Description on additional page(s).
- P. This offer, if accepted by Owner, shall constitute a binding contract.



Mark H. Yehlen

City of Racine Commissioner of Pubic Works

Title

If owner is not a firm or corporation, check and sign here:

Accepted Rejected

Owner Signature _____ Date _____

Owner Signature _____ Date _____

Owner Signature _____ Date _____

Owner Signature _____ Date _____

If owner is a firm or corporation, check and sign here:

Accepted Rejected

Name of firm or corporation _____

Officer Signature _____ Date _____

Title _____

Officer Signature _____ Date _____

Title _____

LEGAL DESCRIPTION

Parcel 66 of Transportation Project Plat 2290-17-20 - 4.07, recorded as Document number 2360786 and recorded at the Register of Deeds for Racine County, Wisconsin.

Property interests and rights of said Parcel 66 consist of: **Temporary Limited Easement**

Any interests or rights not listed above but shown as required on said Plat are incorporated herein by reference.