



**City of Racine, Wisconsin  
Common Council**

**AGENDA BRIEFING MEMORANDUM**

**COMMITTEE:**                      **LEGISLATION ITEM #:**

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**AGENDA DATE:** September 13, 2021

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**DEPARTMENT:** City Attorney's Office

Prepared by: Deputy City Attorney Nicole F. Larsen

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**SUBJECT:**

Communication sponsored by Alders Taft and West on behalf of the City Attorney's Office submitting the claim of W. H. Pugh Coal Co.

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**EXECUTIVE SUMMARY:**

The W. H. Pugh Coal Co. ("claimant") filed a claim for relocation expenses incurred as part of the City's acquisition of a portion of its property located at 90 Reichert Court. Claimant requested reimbursement for two separate items. The first item is for \$9,995.00 for costs to purchase and install a fence, which would serve the purpose of securing the remaining parcel. The second item is for \$1,707.40, the total cost to relocate seven boats sitting on the area of land acquired by the City. It is this office's opinion that these costs be paid.

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**BACKGROUND & ANALYSIS:**

In Ch. 32 condemnation cases, state statute requires payment of certain expenses. Here, claimant has requested reimbursement for fencing necessary to separate its land from the land acquired by the City. Reimbursement for cost of fencing in condemnation cases is allowable under Wis. Stat. ss. 32.195(7). Additionally, claimant has requested reimbursement of costs to move boats that it has or had stored on the parcel of property acquired by the City. Such cost is considered a cost to realign personal property and is allowable under Wis. Stat. s. 32.195(4).

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31 **BUDGETARY IMPACT:**

32       Payment of \$11,707.40 from funds available in TID #14.

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34 **OPTIONS/ALTERNATIVES:**

35       Non-payment of the claims gives claimant a right of action in circuit court.

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37 **RECOMMENDED ACTION:**

38       That the claim of W.H. Pugh Coal Co. be allowed and paid.

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