



RESOLUTION # 30-9/12

TO: HONORABLE MEMBERS OF THE LA CROSSE COUNTY BOARD OF SUPERVISORS

ITEM # 9-9

**BOARD ACTION**

Adopted:   
For: 26  
Against: -  
Abstain: -  
Abs/Excd: 3  
Vote Req: \_\_\_\_\_  
Other Action: \_\_\_\_\_

**PUBLIC WORKS & INFRASTRUCTURE COMMITTEE ACTION**

Adopted:   
For: 6  
Against: 0  
Abstain: -  
Abs/Excd: 1

**RE: APPROVAL OF CHANGES TO RESTRICTIVE COVENANTS REGARDING WEST SALEM PROPERTY**

**WHEREAS**, the Village of West Salem owns approximately 9.1 acres located adjacent to the West Salem School District sports field complex; and,

**WHEREAS**, there have been discussions between the Village of West Salem and the School District of West Salem and the West Salem Hockey Association to deed portions of the 9.1 acres for educational and recreational purposes and to build a more modern hockey facility; and,

**WHEREAS**, there is a restrictive covenant in the 1947 deed to West Salem from La Crosse County that provides La Crosse County with a right to exercise an option to purchase the property for the purchase price of \$1,251.25 if the property is to be deeded to any other party and also limits the purpose for which the property can be used to an athletic field and for other educational and recreational purposes, with the right of reversion of title if violated upon payment of the same purchase prices; and,

**WHEREAS**, it would be advantageous to the parties if the County removed it's right to purchase the property upon any transfer to another party and clarified that the reversion and the County's ability to repurchase the property would only apply if the property is no longer used for educational and recreational purposes; and,

**WHEREAS**, the current restrictive covenants are outdated and overly restrictive, and it is in the best interest of all of the parties to make such changes to the restrictive covenants.

**NOW, THEREFORE BE IT RESOLVED**, that the La Crosse County Board hereby authorizes the changes to the restrictive covenants regarding the 9.1 acres subject to the 1947 deed, consisting of removal of the right to repurchase the property upon transfer to another entity and clarification that the County's ability to repurchase the property for \$1,251.25 shall only occur if the property is no longer used for educational and recreational purposes.

**BE IT FURTHER RESOLVED**, that the La Crosse County Board Chair and County Clerk are hereby authorized to execute an amendment to the restrictive covenants, after approval of Corporation Counsel.

**FISCAL NOTE:** No fiscal impact to La Crosse County.

Date: 9-10-12

Date: 9-10-12

*Don Meyer*

*Mariam Naude*

**PUBLIC WORKS & INFRASTRUCTURE COMMITTEE CHAIR**

**RECORDING CLERK**

	Reviewed Only	Recommended	Not Recommended	
Co. Admin.	_____	<u>SO</u>	_____	Requested By: Jim Speropulos Date Requested: August 13, 2012 Drafted By: Corporation Counsel
Fin. Director	_____	<u>GI</u>	_____	
Corp. Counsel	<u>[Signature]</u>	_____	_____	
Board Chair	<u>[Signature]</u>	_____	_____	

Adopted by the La Crosse County Board this 20 Day of September, 2012

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STATE OF WISCONSIN  
COUNTY OF LA CROSSE

I, Ginny Dankmeyer, County Clerk of La Crosse County do hereby certify that this document is a true and correct copy of the original resolution required by law to be in my custody and which the County Board of Supervisors of La Crosse County adopted at a meeting held on the 20<sup>th</sup> day of September, 2012.

*[Signature]*  
Ginny Dankmeyer, La Crosse County Clerk