



RESOLUTION NO. 2019-23

**RESOLUTION CLARIFYING THE PURPOSE AND INTENT OF TAX
INCREMENTAL DISTRICT NO.1 FOR LOCAL GOVERNMENTAL LIABILITY
PROTECTIONS**

BY THE VILLAGE BOARD OF THE VILLAGE OF ALLOUEZ:

WHEREAS, Wisconsin State Statutes Section 292.11(9)(e) created an environmental liability exemption to help local governmental units (LGUs) redevelop their brownfields and remove most environmental liability for LGUs that acquire property through tax delinquency; bankruptcy proceedings; condemnation; eminent domain according to Wis. Stat. ch.32; escheat; slum clearance or blight elimination; using stewardship funds; or acquisition from another eligible LGU; and

WHEREAS, a local governmental unit (LGU) is not responsible for investigating or cleaning up hazardous substances, including contaminated soil and groundwater, at property acquired through one of the aforementioned methods, as long as the LGU did not cause the contamination; restricts access in order to minimize costs or damages that may result from unauthorized access to the property; samples and analyzes any unidentified substances in containers that are stored above ground; removes and properly disposes of, or properly stores, any hazardous substances in above ground containers that are leaking or likely to leak; immediately reports any discharge of hazardous substances to the DNR; and takes any necessary actions to reduce to acceptable levels any substantial threats, if the local government plans to use the property; and

WHEREAS, the Village of Allouez created the Tax Incremental District No. 1 (TID#1) in 2012 as a Rehabilitation or Conservation TID; and

WHEREAS, in Section 5 of the Project Plan for Tax Incremental District No. 1 (TID#1), the village identified properties within the district that meet the criteria of “rehabilitation or conservation areas” as defined in Wisconsin State Statutes Section 66.1337(2m)(a), which includes:

1. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements.
2. Acquisition of real property and demolition, removal or rehabilitation of buildings and improvements on the property where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, to

otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities.

3. Installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the objectives of the urban renewal project; and

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Allouez, Wisconsin, as follows:

SECTION 1. Reaffirms Tax Incremental District No. 1 was created for the purpose of slum clearance, blight elimination, and conservation efforts; and

SECTION 2. Acquisition of property within Tax Incremental District No. 1 is for the purpose of addressing slum clearance, blight elimination, and conservation, which exempts the Village of Allouez of known or unknown environmental clean-up liabilities according to the criteria listed in Wisconsin State Statutes Section 292.11(9)(e).

Adopted by the Village Board of the Village of Allouez, Wisconsin, this 15th day of October, 2019.

By a vote of: ____ in favor, ____ opposed, and ____ abstain

James F. Rafter, Village President

ATTEST:

Debra M. Baenen, Village Clerk