

RESOLUTION 78-08

**-To Solicit Relief from Special Purpose Condition Attached to  
Property Upon Which Golden Age Manor is Located-**

**WHEREAS**, in 1957 a parcel of land located in Amery, Wisconsin, was conveyed to Polk County "to commence construction of a County infirmary within two (2) years from the date of conveyance . . ."; and

**WHEREAS**, Polk County commenced and completed construction of an infirmary, known as Golden Age Manor ("facility"), and has operated said facility as a skilled nursing home since its construction; and

**WHEREAS**, the Wisconsin Court of Appeals has interpreted such conveyance to be a donation of land to Polk County to be held for the special purpose of a County infirmary; and

**WHEREAS**, in so ruling the Court of Appeals relied upon §66.1025, Wis. Stats., which compels municipalities to which property is donated subject to the designation of a "special purpose" to limit use of such property to such special purpose unless upon a 2/3 vote of the entire membership of its governing body, the municipality asks the donor or his or her heirs to grant permission to it to be relieved of said special purpose conditions; and

**WHEREAS**, the original grantor, Annie Sylvester, is deceased; and

**WHEREAS**, for reasons of fiscal and operational concerns, it is deemed to be impracticable for Polk County to continue its operation of said facility; and

**WHEREAS**, the County desires relief from the condition of operating a County infirmary on said parcel of land;

**NOW, THEREFORE, BE IT RESOLVED** by the Polk County Board of Supervisors as follows:

That the County shall perfect a search for the heirs of Annie M. Sylvester, who conveyed real estate to the County for use as a "county infirmary" and upon locating said heirs, solicit from them their approval to waive the special condition attached to said conveyance.

**BE IT FURTHER RESOLVED** that the County Clerk, the County Board Chairpersons and such other and further officers of the County as may be required to do so, obtain said grant from the donor or dedicator, or the heirs of the donor or dedicator.

J.P.

Paragraph 5:

Whereas, one original grantor, Annie Sylvester, is deceased, and the other original donor, Amery Industrial Development Corporation ~~is~~ and has ~~is~~ remained an existing entity; and

~~Paragraph~~ Paragraph 9 under Now, Therefore, . . .

That the County . . . as a "county in firemanry" in conjunction with the Amery Industrial Development Corporation (~~AIDC~~), and upon locating said heirs, solicit from them and from the Amery Industrial Development Corporation their approval to waive the special condition attached to said conveyance.

Paragraph 10

add (s) to the words on the last line "donor", "dedicator", "donor", "dedicator"

Funding Amount: N/A

Funding Source: N/A.

Finance Committee Recommends: N/A

Approved as to form:

Jeffrey B. Fuge  
Jeffrey B. Fuge, Corporation Counsel

Date Submitted to County Board: September 30, 2008

County Board Action:

Failed

Effective Date: Upon Passage

This Resolution was enacted by the Polk County Board of Supervisors on \_\_\_\_\_.

\_\_\_\_\_  
Bryan Beseler, Polk County Board Chairperson

Attest:

\_\_\_\_\_  
Catherine A. Albrecht, County Clerk

Respectfully submitted by:

Brian Master 10/9/08

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_