

Acquisition & Disposal of Town Property

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Introduction

- Towns need to periodically acquire and dispose of property.
- E.g., land, buildings, vehicles, equipment, furnishings, etc.
- There are different processes for different types of property.

Real Property

- Land & whatever is erected upon or affixed to land.
- Elector approval is required first at an annual or special town meeting of the electors. ss. 60.10(2)(e), (f) & (g).
- Then, town board may act on authorization.
- Exception: land related to highways, streets & alleys just a board decision. s. 60.50(1).

Personal Property

- Everything other than real property.
- E.g. vehicles, equipment, furnishings, etc.
- No elector authorization is required.
- Just a town board decision at properly noticed board meeting.

There is no bidding!

- Bidding is only for public works contracts per s. 60.47.
- Case law requires certain things of a complete bidding process that you don't want or need for property.
- Bidding is impractical for property.
- Instead: use Request for Proposals (RFPs).
- You can always get estimates, quotes & negotiate before buying or selling.

Be careful of some statutes ...

- s. 82.03(2): elector approval for exceeding annual highway expenditure limit.
 - E.g., may affect a highway truck but not a fire truck.
- s. 175.10: cannot sell to a current town officer or employee.
- s. 67.12(12): no elector approval required for board to take on a promissory note loan with a repayment of less than 10 years.
- s. 65.90(5): board should amend the budget if necessary before purchasing.

Wrap-up

- In this video we covered:
 - Different rules for real v. personal property.
 - No bidding! Use RFPs instead.
 - Specific statutory issues.
- Thanks for watching.