

January 28, 2020

VIA MESSENGER

Maribeth Witzel-Behl
Clerk, City of Madison
210 Martin Luther King Jr. Blvd.
Room 103, City-County Building
Madison, WI 53703

Re: Claim for Excessive Assessment for Esker Apartments LLC,
Parcel Number 251-0608-022-0301-2

Dear Ms. Witzel-Behl:

Pursuant to Wis. Stat. § 74.37, enclosed is a Claim for Excessive Assessment for the above parcel, which we are hereby serving upon you. I am also enclosing an Agent Authorization which has been previously provided to the City.

Please indicate your receipt of the Claim by file-stamping the enclosed extra copy and return it to our messenger.

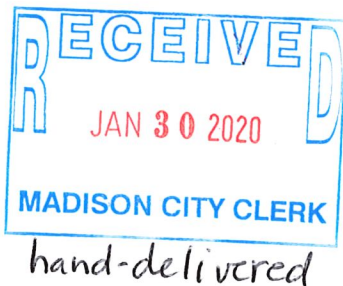
Thank you for your attention to this matter.

Sincerely,

FOLEY & LARDNER LLP



Eric J. Hatchell



Enclosures

CLAIM FOR EXCESSIVE ASSESSMENT

Maribeth Witzel-Behl
Clerk, City of Madison
210 Martin Luther King Jr. Blvd.
Room 103, City-County Building
Madison, WI 5303

Pursuant to Wis. Stat. § 74.37, Esker Apartments LLC (the “claimant”), whose address is 1910 Hawks Ridge Drive, Suite #322, Verona, Wisconsin 53593, hereby files a 2019 claim for excessive assessment regarding the property located in the City of Madison (“City”) at 2801 Hickory Ridge Road, Parcel No. 251-0608-022-0301-2 (“Subject Property”).

1. For the year 2019, the City originally assessed the Subject Property at a total assessment of \$1,950,000.
2. The 2019 assessment exceeds the fair market value of the Subject Property.
3. Claimant challenged the assessment at the Board of Review, and the Board reduced the final assessment to \$1,879,000 (“the revised assessment”). The revised assessment was used for purposes of calculating the 2019 net property tax amount, which was \$42,383.03.
4. The City assessed the property based on the recent sale of the property. The sale price, however, included the value of non-assessable park impact fees in the total amount of \$592,191.16. The park impact fees were akin to a tax paid by the previous owner and included in the final purchase price of the property. The money generated from the park impact fees were not, for example, used to connect utility laterals to the property that increased the value of the property. Instead, the park impact fee is an intangible which is not assessable as part of a real estate assessment. Thus, using the arm’s-length sale price and assessing the value of the *real estate* only, the 2019 net estimated fair market value should not have exceeded \$1,357,808.90.
5. Claimant has satisfied all conditions precedent to filing this claim.
6. Claimant hereby requests a refund of 2019 taxes in the minimum amount of \$13,478.77, plus statutory interest.
7. The undersigned is authorized to file this Claim on claimant’s behalf; see attached authorization.

Dated this 28th day of January 2020.

FOLEY & LARDNER LLP

By  _____
Eric J. Hatchell

Claimant's Authorized Agent

Agent Authorization

for Property Assessment Appeals

If an agent is representing the property owner or municipality, the property owner or municipality must provide prior written authorization for the agent to represent the company or municipality when contacting the reviewing authority.

Section 1: Property Owner and Property Information

Company/property owner name Esker Apartments LLC			Taxation district (Check one) <input type="checkbox"/> Town <input type="checkbox"/> Village <input checked="" type="checkbox"/> City		County Dane
Mailing address 1910 Hawks Ridge Drive, Suite 322			Street address of property 2801 Hickory Ridge Road		
City Verona	State WI	Zip 53593	City Madison	State WI	Zip 53719
Parcel number 251-0608-022-0301-2		Phone (608) 469-2520	Email AC2ROOKS@TRMCKENZIE.com		Fax (608) 848-- 6013

Section 2: Authorized Agent Information

Name / title Eric J. Hatchell, Esq.			Company name Foley & Lardner LLP		
Mailing address 150 E. Gilman Street, P. O. Box 1497			Phone (608) 258 - 4270	Fax (608) 258 _4258	
City Madison	State WI	Zip 53701	Email ehatchell@foley.com		

Section 3: Agent Authorization

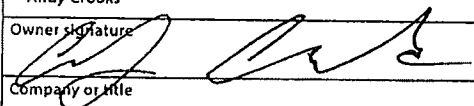
Agent Authorized for: (check all that apply) <input type="checkbox"/> Manufacturing property assessment appeals (BOA) <input type="checkbox"/> Access to manufacturing assessment system (MAS) <input type="checkbox"/> Wisconsin Department of Revenue 70.85 appeals <input checked="" type="checkbox"/> Municipal Board of Review <input checked="" type="checkbox"/> Other <u>All property tax issues</u>	Enter Tax Years of Authorization _____ _____ _____ 2019, 2020
Authorization expires: <u>12 - 31 - 2021</u> (unless rescinded in writing prior to expiration) (mm - dd - yyyy)	
Send notices and other written communications to: (check one or both) <input checked="" type="checkbox"/> Authorized Agent <input checked="" type="checkbox"/> Property Owner	

Section 4: Agreement/Acceptance

I understand, agree and accept:

- The assessor's office may divulge any information it may have on file concerning this property
- My agent has the authority and my permission to accept a subpoena concerning this property on my behalf
- I will provide all information I have that will assist in the discussion and resolution of any assessment appeal of this property
- Signing this document does not relieve me of personal responsibility for timely reporting changes to my property and paying taxes, or penalties for failure to do so, as provided under Wisconsin tax law
- A photocopy and/or faxed copy of this completed form has the same authority as a signed original
- If signed by a corporate officer, partner, or fiduciary on behalf of the owner, I certify that I have the power to execute this Agent Authorization form

Section 5: Owner Grants Authorization

Owner Sign Here ▶	Owner name (please print) Andy Crooks	
	Owner signature 	
	Company or title Owner	Date (mm-dd-yyyy) 1 - 28 - 2020