

**VILLAGE OF WESTON  
MARATHON COUNTY  
RESOLUTION NO. 2019-014**

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**SUPPORT FOR CLOSING THE DARK STORE AND WALGREENS PROPERTY TAX  
LOOPHOLES AND STOPPING THE SHIFT**

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**WHEREAS**, a growing number of big box and medium box retail properties are using property tax avoidance strategies known as the dark store and *Walgreens* loopholes to push their fair share of paying for the cost of critical local services on to homeowners and small businesses; and

**WHEREAS**, municipal officials across the state are deeply concerned about more of the property tax burden being shifted onto homeowners and small businesses; and

**WHEREAS**, homeowners should not and cannot bear more of the property tax burden than they already do, which is 68% of the total state levy; and

**WHEREAS**, the Wisconsin Supreme Court's 2008 *Walgreens* decision has resulted in properties leased to Walgreens and CVS stores that are selling on the open market for \$4 to \$8 million being assessed at \$1.9 to \$3.4 million; and

**WHEREAS**, courts and tax appeals commissions in other states have reached the opposite conclusion from the Wisconsin Supreme Court on how to value leased commercial properties, concluding instead it is perfectly appropriate for assessors to consider actual rent and recent sale prices of the property when valuing such properties; and

**WHEREAS**, big box chains are using what is known as the "Dark Store Theory" to argue the assessed value of a new store in a thriving location should be based on comparing their buildings to sales of vacant stores in abandoned locations from a different market segment; and

**WHEREAS**, Governor Tony Evers recommends as part of his state budget proposal, AB 56/SB 59, closing the dark store and *Walgreens* loopholes; and

**WHEREAS**, Senator Duey Stroebel (R-Saukville) and Rep. Rob Brooks (R-Saukville) have introduced Senate Bill 130/Assembly Bill 146, closing the dark store and Walgreens loopholes.

**NOW THEREFORE BE IT RESOLVED** the Village of Weston, as a member of the League of Wisconsin Municipalities, calls on the Legislature to close the dark store and *Walgreens* loopholes and stop the tax shift to homeowners and small businesses by either passing SB 130/AB 146 or adopting a state budget that includes language accomplishing that goal.

**Be it Further Resolved**, the Clerk is directed to send a copy of this resolution to the state legislators representing the Village of Weston, to Governor Tony Evers, and to the League of Wisconsin Municipalities.

**PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WESTON**, at a regular meeting thereof, this 15th day of the month of April 2019.

**VILLAGE OF WESTON, a Municipal Corporation of the State of Wisconsin.**

By:   
**BARB ERMELING, President**

ATTEST:  
By:   
**SHERRY WEINKAUF, Clerk**