

304-50 Finance

authorized hereby may be to designated persons or entities for adequate fairmarket consideration, which consideration may recognize monetary as well as non-monetary consideration, including, but not limited to, those public policy and other considerations referred to in sub. 4.

8. GENERAL BUYER POLICIES.

Notwithstanding the foregoing, unless otherwise authorized by a vote of the common council, the city shall not convey development property or neighborhood property to any person or entity ("grantee") unless the commissioner determines that the grantee has the skills and financial resources needed to successfully carry out the property rehabilitation or restoration plan required by sub. 2-b-1, if applicable, and without first obtaining such grantee's warranty that neither the grantee nor any principal of the grantee is:

a. Delinquent in the payment of any property tax, special assessment, special charge or special tax to the city.

b. A party against whom the city has an outstanding judgment.

c. A party against whom the city has outstanding health or building code violations or orders from the city's health department or department of neighborhood services that are not actively being abated.

d. A party who has been convicted of violating an order of the health department or department of neighborhood services within the past year.

e. A party who owned property in the city that, at any time within the past 5 years the city acquired by means of property-tax foreclosure.

f. A party who has been convicted of a felony determined by the commissioner to reasonably cause neighborhood or community concern with respect to neighborhood stability, health, safety or welfare. In making this determination, the commissioner may consider factors such as the nature of the crime, the date of conviction and the existence and nature of community impact and complaints.

9. DEED SIGNATURES. The commissioner or designee is authorized to sign deeds and instruments of conveyance and related documents such as, without limitation, a release of deed restriction on behalf of the city with respect to conveyances authorized hereunder.

10. RECORDING OF DEEDS. All deeds for conveyances authorized hereunder shall be recorded by the department of city

development with the Milwaukee county register of deeds office within 7 business days of closing, and the grantee shall pay the cost of recording. Alternatively, a title insurance company, a lender or the grantor's or grantee's attorney may record the deed so long as such party agrees to meet the time period for recording required hereunder.

11. SALE PROCEEDS. The net proceeds from the sale of city-owned real estate acquired through property-tax foreclosure, other than rental proceeds, shall be credited to the reserve for tax deficit fund.

12. NO TAX EXEMPTION. All deeds of conveyance for development property shall contain a permanent restriction prohibiting the grantee and all subsequent owners from applying for an exemption from real estate taxation for such development property pursuant to s. 70.11, Wis. Stats., unless otherwise approved by a two-thirds vote of the common council.

13. PROPERTY NOT AFFECTED. This section does not affect or apply to:

a. Property owned or utilized, at any time, by the Milwaukee board of school directors.

b. Property owned or controlled by the board of harbor commissioners.

c. Leases of neighborhood property pursuant to sub. 6.

304-50. Vacation of In Rem Judgment.

Where the city has obtained an in rem judgment pursuant to s. 75.521, Wis. Stats., the city attorney's office shall be directed to petition the court on an ex parte basis to reopen and vacate the city's judgment only where the following requirements have been complied with:

1. The former owner of record or any person having an interest of record has submitted a written request to the city treasurer on a form provided by the city treasurer to have the in rem judgment vacated. No written request to proceed under this section may be submitted for consideration to the common council where any of the following are true:

a. More than 90 days have elapsed from the date of entry of the in rem judgment to the date of receipt of the request by the city treasurer

b. The city treasurer has determined, based on consultation with the department of city development, that the city has accepted an offer to purchase the property.

c. The requester does not have any interest of record in the property.

2. The written request must identify the property address, the property's tax key number, the name and mailing address of the applicant, and the applicant's interest in the property. It must also include a list of all other real property in the city which the former owner has an ownership interest.

3. Prior to submittal of the written request to the city treasurer, the requester shall have paid to the city treasurer in cash or by cashier's check deposits of administrative costs of the various city departments. The requester, if the former owner of record, shall also have filed an application to record the subject property and any other unrecorded properties with the department of neighborhood services, as required in s. 200-51.5.

4. The former owner of record or person having an interest of record may request not more than once to have the in rem judgment vacated on the subject property.

5. The city treasurer shall date stamp, upon receipt, all written requests to proceed under this section and then forward all requests which are timely received to the city clerk along with a written report which indicates: the amount of unpaid taxes, charges, interest and penalties due on the subject properties; whether the administrative and overhead costs of the various city departments have been paid; and the status of tax payments for all other properties located in the city in which the former property owners have an ownership interest and which identifies any other costs incurred or to be incurred by it with respect to the properties. The city clerk shall, upon receipt of the completed written request forms and the written report from the city treasurer, introduce a common council file no later than the next regular meeting and notify the city attorney's office, city treasurer's office, department of city development, the department of neighborhood services and the health department in writing at the time of such introduction that a request has been made to proceed under this section. Those departments from which reports are due shall provide those reports to the city clerk within 15 working days. An extension of the 15-day period may be granted by the city clerk upon receipt of a written request submitted by the reporting department.

6. The department of neighborhood services has submitted a written report to the city clerk verifying whether any of the properties is subject to raze orders issued pursuant to s. 218-4, indicating what if any orders to correct cashier's check, the city's total costs associated with the property, which shall include: costs

condition of premises have been issued by the department, and listing total costs incurred or to be incurred by it with respect to each property.

7. The department of city development has submitted a report to the city clerk which indicates: whether any of the properties is located in an existing or planned project area; whether any is suitable for any public program or use; whether any is vacant or occupied; and which lists total costs incurred or to be incurred by it with respect to each property, including but not limited to: repair costs, razing charges, expenses associated with environmental matters and property management fees.

8. The health department or the department of neighborhood services has submitted a written report to the city clerk verifying whether any of the properties is subject to a nuisance notice issued by the department, and which lists total costs incurred or to be incurred by it with respect to each property.

9. Upon receipt of all of the required reports, the city clerk shall submit a coordinated report to the appropriate committee of the common council, and the common council shall make the final determination whether any of the properties should be returned to their former owners. The coordinated report shall include, on a per property basis, the total costs and expenses reported by each of the reporting departments, as well as total costs and expenses reported to the city clerk by any other city department or agency concerning the properties.

9.5. The common council reserves the right to disapprove vacation of an in rem judgment if it determines that either of the following is true:

a. The person requesting the vacation is delinquent in the payment of any property tax, special assessment, special charge or special tax to the city.

b. The person requesting the vacation has submitted false or incomplete information, particularly with respect to ownership of, and tax liability for, the subject property.

10. If vacation of the city's foreclosure judgment is approved by the common council, then the requester shall, within 30 days of the date of the resolution of the common council approving the vacation of the judgment and the return of the subject property to the former owner, pay to the city treasurer by cash or reported to the common council; all costs incurred by the city with respect to the property

304-53 Finance

through the date of vacation of the city's judgment; all city and county taxes, assessments and charges including interest and penalties through the date of the vacation; and all administrative and overhead costs, including but not limited to, administrative and overhead costs incurred by the reporting departments beyond those costs already paid under sub. 3. This amount shall be the amount needed to redeem the property and may be ascertained by the requester contacting the treasurer's office.

11. Any rental income collected by the city shall not be applied against the total amount due to the city for the redemption of the property.

12. If the requester withdraws the request after submitting it to the city treasurer or if the request is denied, the city may retain all or a portion, as the city determines, of the administrative fees paid under sub. 3 to defray the city's cost of processing the request.

13. If the requester fails to make full payment of the total amount due the city within 30 days of the date of the resolution approving return of the subject property, all deposits made by the requester shall be forfeited, and the common council's approval of the return of the property shall be null and void.

14. If each of the requirements of subs. 1 to 13 has been satisfied, the city attorney's office shall petition the court on an ex parte basis to reopen and vacate the city's judgment with respect to the subject property (on a nunc pro tunc basis to the date of the filing of the petition for foreclosure) so that title to the same may be restored to the former owner, and the city attorney's office shall cause the order from the court so vacating the judgment nunc pro tunc to be filed with the register of deeds office in Milwaukee county.

304-53. City Treasurer to Acquire Tax Certificates. Upon receipt of notification of entry of judgment declaring the city to be the owner in fee simple under tax deed:

1. TO CANCEL CERTIFICATES, ETC. It shall be the duty of the city treasurer to cancel all tax certificates held by the city against the property described in such deed and to charge the amount thereof to a special account to be made and kept of the "tax certificates of the year _____ on property acquired by tax deed" and to credit the amount of such charge to the account kept of the tax certificates in force for such year, so as to segregate the cancelled certificates from the record of certificates in force.

2. TO PAY COUNTY TAXES, ETC. It shall be the duty of the city treasurer, or of any department cooperating with him in the enforcement of delinquent tax certificates, to pay out of any funds theretofore appropriated for such purpose all outstanding county taxes, or redeem outstanding county tax certificates on the property so acquired not theretofore paid or redeemed in connection with the taking of the tax deeds, and the officer or department making such payment shall notify the city real estate agent of the amount thereof.

304-55. Examination of Tax Sale Property.

The commissioner of the department of city development, subject to any resolutions which may be adopted by the common council, shall, from lists furnished by the city treasurer, examine from time to time the improvements upon land as to which the city is owner of tax sale certificates, and report such conditions as may be considered by the commissioner to be unusual, to the city treasurer.

304-57. Tax Deed Property Reserve Deficit Fund.

1. TAXES AND EXPENSES. Whenever a parcel of land acquired by tax deed is subsequently sold by the city, the city comptroller shall first deduct from the said proceeds the fair amount of the cost of acquisition of said tax title, including the costs, disbursements, advertising and all other expenses including expense of drawing and serving papers, commencing suits, entering judgment and an amount equal to the apportioned cost to be determined by the city comptroller of prosecuting such actions, including costs of supplies and clerical support. Said sums shall be credited to the funds as provided in s. 304-63. From the remaining proceeds, the city comptroller shall deduct the statutory share to which a former owner may be entitled, and make disbursements as determined pursuant to s. 75.36(2m)(3), Wis. Stats. The city comptroller, with the advice of the city attorney, shall deposit the balance, if any, in the tax deed property reserve deficit fund to reimburse that fund for the amount of uncollectible tax that has been charged against said parcel of land.

2. ROTARY LEGAL FUND. A rotary legal fund to be administered by the city attorney is established to be known as the delinquent tax litigation fund to defray the cost and expense of all litigation for the acquisition of tax titles by the city growing out of uncollectible taxes.