

..Number

030680

..Version

ORIGINAL

..Reference

..Sponsor

THE CHAIR

..Title

Resolution authorizing and directing the City Attorney to establish internal protocol for community improvement in rem foreclosure actions. (City Attorney)

..Analysis

This resolution authorizes and directs the City Attorney to establish an internal protocol to facilitate the City's use of in rem foreclosure actions to achieve community improvement and other benefits in the City's interests.

..Body

Whereas, The Treasurer refers delinquent-property taxes to the City's outside collection attorney for action using the in personam remedy; and

Whereas, In those situations where the in personam remedy is not effective and/or where the City is willing to own the delinquent parcels, the Treasurer will typically bring its regular in rem property tax foreclosure actions against those delinquent parcels under Wisconsin Statute Section 75.521; and

Whereas, There will be circumstances where - either as a part of the City Treasurer's regular filings or on a separate basis - it will be in the City's best interest to bring in rem actions to advance community improvement objectives; and

Whereas, Examples of such circumstances include, but are not limited to, instances where:

- a) the City has approved agreements for conveyances of the delinquent parcels to third-party developers under Wisconsin Statute Section 75.106 (a brownfield-redevelopment tool); or
- b) the City wishes to acquire the property for blight elimination or other development reasons; or
- c) the property is a nuisance or is otherwise a blighting influence, and City ownership and control of the parcel will mitigate or ameliorate the nuisance or blight; and

Whereas, The City Attorney, in a February 10, 2003 opinion to the Treasurer, a copy of which is attached to this file, opined that it is lawful for the City to "fast-

track" delinquent parcels for in rem foreclosure actions so long as the City has a rational basis for doing so; and

Whereas, The aforementioned City Attorney opinion also indicated that internal communication and logistics associated with such in rem actions be coordinated; and

Whereas, The City, by its Common Council, wishes to promote efficient interdepartmental coordination and to encourage actions that are in the best interests of the City; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Attorney is authorized and directed: (i) to adopt a protocol to assist and guide with respect to the bringing of in rem actions against parcels that advance community improvement objectives; and (ii) to coordinate interdepartmental requests and communications with respect to such; and, be it

Further Resolved, That all City departments are authorized and directed to assist and cooperate with the City Attorney in this endeavor.

..Requestor

City Attorney

..Drafter

GCH

August 27, 2003

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