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BRUCE D. SCHRIMFF ROXANE L. CRAWFORD SUSAN D. BICKERT HAZEL MOSLEY HARRY A. STEIN STUART S. MUKAMAL THOMAS J. BEAMISH

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DAVID J. STANOSZ SUSAN E. LAPPEN DAVID R. HALBROOKS JAN A. SMOKOWICZ PATRICIA A. FRICKER HEIDI WICK SPOERL

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## **CITY OF MILWAUKEE**

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November 26, 2002

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Assistant City Attorneys

Ms. Kathleen M. Marquardt Staff Assistant City Clerk's Office City Hall, Room 205

Re:

File Numbers 021177, 021178, 021180

Dear Ms. Marquardt:

The persons described in Exhibit A have submitted requests to the Common Council for the vacation of the City's *In Rem* Judgment regarding the properties described therein. You have requested a report concerning these requests.

Our position is that the City took all steps required of it under law to foreclose against the properties at issue. Those steps included allowing the property owners a statutory right of redemption which right was not exercised. Due to the failure to redeem, the City foreclosed against the parcels, and thereby acquired fee simple title foreclosing any interest which the former owners had in the parcels.

Under City Ordinance sec. 304-49-6-c-6, when a timely request for vacation is submitted to the City the final determination with respect to whether property should be returned to the former owner is to be made by the Common Council. If the Common Council so grants approval, the City Attorney's Office may enter into a stipulation providing for all City and County taxes, assessments and charges (including: interest and penalties through the date of the order to vacate the *In Rem* 

Kathleen Marquardt November 26, 2002 Page Two

judgment; administrative and overhead costs of the City Treasurer's Office, the City Attorney's Office, and the Department of City Development; and the cost of repairs made to the property by the City subsequent to the date of the entry of the *In Rem* judgment) to be paid by cash or cashier's check to the City Treasurer's Office. Payment must be made within 45 days of the date of the resolution of the Common Council approving the return. See, City Ordinance secs. 304-49-6-c-6 through c-9.

In light of the above, and concerning the particular properties at issue, SO LONG AS THE WRITTEN REQUESTS FOR VACATION WERE SUBMITTED TO THE CITY WITHIN 45 DAYS OF THE RESPECTIVE *IN REM* FORECLOSURE JUDGMENT, this office has no objection to the Common Council and/or the Judiciary and Legislation Committee, in its or their discretion, determining that the parcels should be returned to the former owners in accordance with the above-referenced ordinance.

Please call if you have questions or comments.

Very truly yours,

GRANT E. LANGLEY

City Attorney

BEVERLY A. TEMPLE Assistant City Attorney

BAT:enm

Enc.

60762

c: Ronald D. Leonhardt, City Clerk

## **EXHIBIT A**

1. File No.

Requestor:

Parcel Address:

Tax Key No.

Foreclosure Action:

Date of City Acquisition:

Date of Requestor's Request:

021177

**Emanuel Evangelistic Temple** 

2498 W Hopkins Street

285-1242-110-7

2002, No. 3 In Rem

Case No. 02-CV-006239

11/4/02

Acq. plus 45 days = 12/19/02

11/22/02

2. File No.

Requestor:

Parcel Address:

Tax Key No.

Foreclosure Action:

Date of City Acquisition:

Date of Requestor's Request:

021178

Sam E. Belton

4073 N 51st Blvd.

249-0134-1

2002, No. 3 In Rem

Case No. 02-CV-006239

11/4/02

Acq. plus 45 days = 12/19/02

11/21/02

3. File No.

Requestor:

Parcel Address:

Tax Key No.

Foreclosure Action:

Date of City Acquisition:

Date of Requestor's Request:

021180

Robert Tally

3148 N 30th Street

286-0751-100-6

2002, No. 3 In Rem

Case No. 02-CV-006239

11/4/02

Acq. plus 45 days = 12/19/02

11/18/02