

accordance with s. 66.0139 (2), Wis. Stats., dispose of the same by any means determined to be in the best interest of the city, as determined by the department of city development, including disposal by sale open to the public, by auction (in person or by internet), by private sale, by trade, by gift, by donation, by destruction, or as waste or refuse. The city may also retain any such abandoned or unclaimed personalty for its own use. If the personalty is not disposed of in a sale open to the public, the city, by its department of city development, shall maintain the inventory and record required by s. 66.0139 (2), Wis. Stats. Pursuant to s. 66.0139 (2), Wis. Stats., if the disposal is in the form of a sale, all receipts from the sale, after deducting the necessary expenses of keeping the personalty and conducting the sale, shall be paid into the treasury of the city.

2. ABANDONED TENANT PERSONALTY. a. For any personalty of a city tenant abandoned under s. 704.05, Wis. Stats. on city-owned real estate managed by the department of city development under s. 308-1, sub. 1 does not apply, and disposal of the personalty by the city shall be by any means determined to be in the best interest of the city, as determined by the department of city development. If the personalty is prescription medication or prescription medical equipment, the department of city development shall meet the holding and return requirements in s. 704.05 (5)(am), Wis. Stats. If the personalty is a manufactured home, a mobile home, or a titled vehicle, the department of city development shall give the notice required by s. 704.05 (5)(b)2, Wis. Stats.

b. Disposal may be by sale open to the public, by auction (in person or by internet), by private sale, by trade, by gift, by donation, by destruction, or as waste or refuse. The city may also retain any such abandoned or unclaimed personalty for its own use.

c. If the disposal is in the form of a sale, all receipts from the sale, after deducting the necessary expenses of keeping the personalty and conducting the sale, shall be paid into the treasury of the city, unless the common council, by resolution, directs the same to be sent to the Wisconsin department of administration, pursuant to s. 704.05 (5) Wis. Stats., for deposit in the appropriation under s. 20.505 (7)(h), Wis. Stats.

3. OTHER RIGHTS. The rights and remedies in this section are not exclusive and do not prevent the city from resorting to other available rights at law, including other rights in ch. 704, ch. 795 and s. 799.45, Wis. Stats.

4. EXCEPTIONS. The provisions of this section are not applicable to dispositions under s. 66.0139 (3), (4) or (5), Wis. Stats. or under s. 105-65, 105-122, s. 105-123, s. 110-36 or s. 310-29 of the code.

308-21. City Development, Annexation.

1. Section 62.07 (1) (a) and (b), (3), (4) and (6), Wis. Stats., 1949, and acts amendatory thereof and supplementary thereto, relating to annexation to territory and matters relevant thereto, are adopted by the common council and made applicable to the city of Milwaukee. Nothing contained herein shall in any way act to invalidate, by repeal of enabling legislation or otherwise, any annexation commenced previous to the effective date hereof under any other provisions of law, or to repeal or terminate the effect of such law prior to the completion of such annexation; provided that, except as hereinbefore stated, all ordinances or parts of ordinances contravening the provisions of this section are repealed.

2. All matters pertaining to annexation, detachments, or consolidations, including but not limited to giving assistance to property owners and electors seeking annexation or consolidation, shall be the duty and responsibility of the department of city development.

308-22. Environmental Audit Required Prior to Disposition or Acquisition of Property.

1. DEFINITIONS. In this section:
a. "Commissioner" means the commissioner of the department of city development.

b. "Environmental audit" means conducting and evaluating a series of studies regarding a property to determine if there are any potential or actual environmental hazards or hazardous substances present on the premises, or in any structure located on the premises. Environmental audits shall be identified as follows:

b-1. A phase I audit shall be the initial determination of a property's environmental status which shall include, but not be limited to:

b-1-a. A background check of the property's land use history.

b-1-b. An inspection of the site.

b-1-c. An inspection of the interior of each building on the property, provided legal access is obtainable. Such inspection may be performed, but shall not be required, if, historically, each building was used only as a tavern, restaurant, office, grocery store, department store, health clinic, church, theater, day care center,

current

308-28 City Development

microbrewery, barber shop, beauty salon, sporting goods store, video store, hotel, multi-family dwelling with more than 4 units, or membership organization meeting room, hall or recreation or eating facility.

b-1-d. A surface soil gas survey.

b-1-e. A search for the location and contents of any underground storage tanks.

b-2. A phase II audit shall include sampling and analysis of site materials to determine the nature and extent of the contamination.

b-3. A phase III audit shall include the actions necessary to eliminate the contamination.

2. ENVIRONMENTAL AUDIT.

a. Required. Prior to the city's sale or acquisition of any property, including properties in the in rem process, except those with one to 4 residential units, a Phase I environmental audit shall be conducted by the department of city development, in conjunction with the departments of neighborhood services and health.

b. Other Audits. The commissioner may authorize an environmental audit of any property to be purchased or sold or otherwise acquired by the city, including 1-4 family residential structures, if it appears that hazardous materials or substances are present on the premises, within any structure or building on the premises, or in the immediate vicinity of the property, prior to its being offered for sale or acquisition.

c. Exceptions. The city may purchase, sell or otherwise acquire property without conducting an environmental audit as required in this subsection provided approval of the common council, in the form of a 3/4 vote of all its members, has been obtained.

d. Coordinator. The health department's environmental scientist shall coordinate all environmental audits, in conjunction with the departments of neighborhood services and city development, and shall review the results, determine the environmental status of the property and present a written report to the commissioner.

e. Additional Environmental Audits. If the results of the phase I environmental audit indicate a need for further analysis of any potential environmental hazard associated with a property, the department of city development shall commence a phase II audit, and, if necessary, a phase III audit on behalf of the city, before the property is advertised for sale, or before an offer to purchase is accepted. The results of the audits shall be presented in a written report to the commissioner.

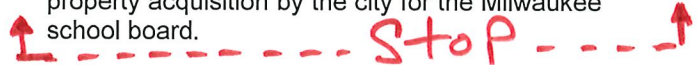
f. Reports to be Made Available. Any report concerning an environmental audit of city owned property shall be made available to prospective buyers and the general public, upon request.

g. Liability. Anyone who intends to acquire property from the city shall, prior to the closing of the property transfer, be required to sign a waiver holding the city harmless from any undetected or unknown environmental hazard that may be present in or on the property.

h. Acceptance of Real Estate As Gift. The city shall not accept any real estate property from any party as a gift without a satisfactory environmental audit of the property being performed by a professional contractor of the city's choice, at the donor's expense, prior to the city taking title to the property.

i. Security for City Owned Properties With Hazardous Materials. All city owned properties that have been determined to contain hazardous materials or wastes shall be secured to ensure that unauthorized entry is eliminated.

j. Land Acquisition for the Milwaukee School Board. The department of facilities and maintenance of the Milwaukee public schools shall administer the necessary environmental audits for property acquisition by the city for the Milwaukee school board.



~~**308-28. Procedure for Vacating a Street or Alley. 1. ABUTTING PROPERTY OWNERS OR COMMON COUNCIL TO INITIATE.** Pursuant to s. 62.73, Wis. Stats., vacation of any street or alley under the control of the city may be initiated either by a petition to the common council signed by the owners of all property which abuts the street or alley proposed for vacation or by a resolution adopted by the common council. Vacation may be initiated by common council resolution only if the city, one of its affiliated agencies or another governmental unit is the owner of property abutting the street or alley proposed for vacation, or if the vacation is a necessary component of a publicly-supported project of the city, one of its affiliated agencies or another governmental unit.~~