



Legislation Details (With Text)

File #: 050252 **Version:** 0
Type: Resolution **Status:** Passed
File created: 6/14/2005 **In control:** JUDICIARY & LEGISLATION COMMITTEE
On agenda: **Final action:** 7/6/2005

Effective date:

Title: Resolution authorizing an agreement between the City of Milwaukee and Kaufmann LeSage, LLC for assignment under Wisconsin Statutes Section 75.106 of the City's right to an in-rem foreclosure judgment against 538 South 2nd Street, in the 12th Aldermanic District. (DCD)

Sponsors: James N. Witkowiak

Indexes: AGREEMENTS, ENVIRONMENT, IN REM JUDGMENTS, TAXATION

Attachments: 1. Fiscal Note.PDF

| Date | Ver. | Action By | Action | Result | Tally |
|-----------|------|-----------------------------------|--------------------------|--------|-------|
| 6/14/2005 | 0 | COMMON COUNCIL | ASSIGNED TO | | |
| 6/20/2005 | 0 | JUDICIARY & LEGISLATION COMMITTEE | HEARING NOTICES SENT | | |
| 6/27/2005 | 0 | JUDICIARY & LEGISLATION COMMITTEE | RECOMMENDED FOR ADOPTION | Pass | 5:0 |
| 7/6/2005 | 0 | COMMON COUNCIL | ADOPTED | Pass | 15:0 |
| 7/15/2005 | 0 | MAYOR | SIGNED | | |

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ALD. WITKOWIAK

Resolution authorizing an agreement between the City of Milwaukee and Kaufmann LeSage, LLC for assignment under Wisconsin Statutes Section 75.106 of the City's right to an in-rem foreclosure judgment against 538 South 2nd Street, in the 12th Aldermanic District. (DCD)

This resolution directs property tax foreclosure against 538 South 2nd Street so assignment of the foreclosure judgment to a developer, Kaufmann LeSage, LLC, may occur so the property may be remediated, improved and placed in tax-paying ownership.

Whereas, Based on City of Milwaukee ("City") records, Jerry J. Hansher owns tax-delinquent property at 538 South 2nd Street (the "Parcel"); and

Whereas, The City and Kaufmann LeSage, LLC ("KL") believe that the Parcel may be environmentally impacted or a "brownfield" based on historical land use and other limited investigations that have been done; and

Whereas, KL wishes to use the brownfield redevelopment tool available under Wisconsin Statute Section 75.106 to acquire the Parcel via City assignment of the City's right to a Wisconsin Statute Section 75.521 in-rem foreclosure judgment; and

Whereas, The Department of City Development's Real Estate section ("DCD") completed an "Internal Protocol/Questionnaire for Community Improvement In-Rem Foreclosure Actions," as required by Common Council File No. 030680, requesting that the City commence a special in-rem foreclosure action against the Parcel and indicating that the developer will cover DCD's costs under that protocol to cover the City's foreclosure expenses; and

Whereas, KL wishes to enter into a "75.106 In-Rem Assignment Contract" ("75.106 Contract") and to accept assignment of the City's in-rem foreclosure rights in exchange for: paying for the City's foreclosure expenses (up to a maximum of \$3,500); paying the City \$19,400 for the assignment less DCD-approved, un-reimbursed remediation expenses up to a maximum credit of \$19,399, paying all un-foreclosed tax-roll amounts; testing and remediating the Parcel to the extent required by the Wisconsin Department of Natural Resources; and developing and improving the Parcel; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that DCD and the City Attorney's Office are authorized and directed to negotiate a 75.106 Contract between the City and KL consistent with the terms and conditions outlined herein; and, be it

Further Resolved, That the proper City officials are authorized to execute said 75.106 Contract; and, be it

Further Resolved, That the City Treasurer and the City Attorney shall prosecute Section 75.521 in-rem foreclosure against the Parcel so that judgment may be assigned to KL per the terms of the 75.106 Contract; and, be it

Further Resolved, That foreclosure expense amounts paid to the City under the 75.106 Contract (herein called "Foreclosure Expense Moneys") shall be deposited in a City general fund liability account (customer deposit 201104-0001-1490) under the control of the City Treasurer, to be used and applied per said 75.106 Contract (including, but not limited to, paying for or reimbursing foreclosure expenses incurred by the City Attorney or by the City Treasurer); and, be it

Further Resolved, That amounts that KL pays for the assignment shall be held in a Redevelopment Authority of the City of Milwaukee Good Faith Trust Account; and, be it

Further Resolved, That in the event judgment of foreclosure is granted to KL as a result of the City's in-rem foreclosure action against the Parcel, and if there are then any Foreclosure Expense Moneys remaining in the City general fund liability account, any such balance shall, along with assignment payment moneys not credited to KL for remediation, then be transferred and deposited to the Tax Deed Remediated Property Account 0110-107802 to help offset the principal amount of the delinquencies against the Parcel; and, be it

Further Resolved, That the Redevelopment Authority may deduct a development fee of 20 percent from the balance of assignment payment moneys that are not credited to KL for remediation.

City Attorney/DCD
GCH:mfh
06/14/05/B