



Legislation Details (With Text)

File #: 011373 **Version:** 0
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On agenda: **Final action:** 2/12/2002
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Title: Resolution authorizing agreement among City, National Business Enterprises, Inc. ("NBE"), and 30th Street Industrial Corridor Corporation ("ICC"), concerning assignment, under § 75.106, of City's right to § 75.521 in rem foreclosure judgment against 2879 North 30th Street and 3021 West Locust Street. (City Attorney)

Sponsors: THE CHAIR

Indexes: AGREEMENTS, IN REM JUDGMENTS

Attachments: 1. Exhibit B-3.pdf, 2. City Atty Cover Letter.pdf, 3. Fiscal Note.pdf, 4. In Rem Assignment Contract.pdf, 5. Exhibit A.PDF, 6. Exhibit B.PDF, 7. Exhibit C.PDF

Date	Ver.	Action By	Action	Result	Tally
1/22/2002	0	COMMON COUNCIL	ASSIGNED TO		
1/28/2002	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/28/2002	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
2/4/2002	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
2/12/2002	0	COMMON COUNCIL	ADOPTED	Pass	16:0
2/21/2002	0	MAYOR	SIGNED		

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CHAIR

Resolution authorizing agreement among City, National Business Enterprises, Inc. ("NBE"), and 30th Street Industrial Corridor Corporation ("ICC"), concerning assignment, under § 75.106, of City's right to § 75.521 in rem foreclosure judgment against 2879 North 30th Street and 3021 West Locust Street. (City Attorney)
Resolution authorizes contract among City, NBE, and ICC pursuant to which City will assign its right to in rem foreclosure judgment on 2879 North 30th Street and 3021 West Locust Street (the "Parcels") to NBE in exchange for NBE's and ICC's commitment to cap the Parcels by improving them with a fenced-in paved parking lot, and NBE's commitment to contract with the DNR to deal with environmental issues affecting the Parcels.

Whereas, 2879 North 30th Street (i) is now owned by Oliver Patterson, Wallene Frazier and J.W. Smith, (ii) is property-tax delinquent for years 1982, and 1984-2001, (iii) is, per City belief, a brownfield, and (iv) is parcel 525 in City's 2001 No. 2 in rem foreclosure file; and

Whereas, 3021 West Locust Street (i) is now owned by Stanley Fronczak, (ii) is property-tax delinquent for years 1988-1995, 1997, and 2001, (iii) is, per City belief, a brownfield, and (iv) is parcel 526 in City's 2001 No. 2 in rem foreclosure file; and

Whereas, NBE wishes to acquire the Parcels so it and ICC can use an \$84,500 grant that ICC got from Milwaukee County to cap and improve the Parcels by constructing thereon, a paved, fenced-in parking lot; and

Whereas, The parking lot will serve NBE's business operations at the former Walsh Building at 2880 North 30th Street; and

Whereas, The former owner of the Walsh Building sold that building and moved its business operations to the suburbs largely because of the absence of off-street parking to serve the Walsh Building; and

Whereas, NBE has agreed, after it becomes owner of the Parcels, to record two deed restrictions against the Parcels - one required by the DNR to obtain conditional closure from the DNR and requiring NBE, among other things, to keep the Parcels "capped", and the other required by the City to ensure that, in the future, the parking lot (i.e. the Parcels) and the Walsh Building will be viewed as a package so that, for example, any future sale of the Walsh Building will include the parking lot along with it, and vice-versa - thus preserving availability of off-street parking for future owners and operators; and

Whereas, City's 2001 No. 2 in rem property-tax-foreclosure action under Wis. Stat. §75.521 is pending against the Parcels in Milwaukee County Circuit Court (Case No. 01-CV-006959); and

Whereas, Wis. Stat. § 75.106 allows the City to assign its right to Wis. Stat. § 75.521 in rem foreclosure judgments to third persons under certain circumstances; and

Whereas, City, wishing to foster economic development, and brownfield remediation and redevelopment, and to return tax-delinquent properties to the tax roll, and to promote public health, safety, and welfare, negotiated the "75.106 In Rem Assignment Contract" attached to this file as Exhibit A (the "75.106 Contract") among City, NBE, and ICC governing the specifics of City's 75.106 assignment deal (which specifics also call for NBE to pay the delinquencies that won't be foreclosed in City's foreclosure action); now, therefore, be it

Resolved, That the City hereby approves the 75.106 Contract and directs and authorizes: (i) its execution (or execution of a contract in substantially the form as attached to this file) by the appropriate City employees; and (ii) City action as contemplated and required thereunder (including, but not limited to, Treasurer and City Attorney prosecuting § 75.521 in rem foreclosure against the Parcels so that judgment may be assigned to NBE per the terms of the 75.106 Contract); and, be it

Further Resolved, That in the event judgment of foreclosure is granted to NBE in Case No. 01-CV-006959, \$79,229.32 be appropriated from 0110-2210-107802 to pay the principal amount of the delinquencies against the Parcels that will be foreclosed against, and the principal amount of the 1989 delinquencies against the Parcels that are no longer forecloseable due to the Wis. Stat. §75.20 statute of limitations.

Department of City Development

City Attorney

Gregg C. Hagopian

1/7/2002

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