



## Legislation Text

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**File #:** 001594, **Version:** 1

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001594

SUBSTITUTE 1

ALD. MURPHY

Substitute resolution authorizing agreement among City, Doern Corporation, and National Recycling, Inc. concerning assignment, under § 75.106, of City's right to § 75.521 in rem foreclosure judgment against 4220 South 13<sup>th</sup> Street.

This substitute resolution authorizes contract among City, Doern Corporation ("Doern") and National Recycling, Inc. ("NRI") pursuant to which City will assign its right to in rem foreclosure judgment on 4220 South 13<sup>th</sup> Street (the "Parcel") to Doern in exchange for Doern's commitment to test, remediate and improve that parcel.

Whereas, The Parcel is (i) now owned of record by Industrial Waste Corp., (ii) is property-tax delinquent for years 1989-2000, and (iii) is, per City investigation, a brownfield and contaminated by the discharge of a hazardous substance; and

Whereas, Doern wishes to acquire the Parcel so it can test it, remediate it, and improve it, (Doern plans on using the Parcel to construct an addition thereon to expand NRI's plastic recycling business); and

Whereas, City commenced an in rem property-tax-foreclosure action against the Parcel (List of Tax Liens, 2000 No. 2, Circuit Court Case No. 00-CV-006024, Parcel 284, 4220 S. 13<sup>th</sup> St., Tax Key No. 579-9952-000-8) under Wis. Stat. § 75.521 concerning delinquent years 1989-1998, and that action is currently pending before the court; 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, brownfield remediation and redevelopment; 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 the file as Exhibit A (the "75.106 Contract") among City, Doern, and NRI governing the specifics of City's 75.106 assignment deal (which specifics also call for Doern to pay the 1999 and 2000 delinquencies that won't be foreclosed in City's foreclosure action); now, therefore, be it

Resolved, That, 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 the 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 Parcel so that judgment may be assigned to Doern per the terms of the 75.106 Contract); and, be it

Further Resolved, That, in the event judgment of foreclosure is granted to Doern in Case No. 00-CV-006024, \$83,773.69 be appropriated from 0001-2210-107801 (tax deed properties account) to pay the principal amount of the 1989-98 delinquencies against the Parcel that will be foreclosed against, and \$76,510.67 be appropriated

from the Razing Fund, Account No. 635506, Fund 0001, Org. 3600, Program 3960, Subclass S162 to pay the razing costs against the Parcel as called for in para. 15 of the 75.106 Contract.

Department of City Development

City Attorney

Gregg C. Hagopian

03/02/2001

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Clerical errors corrected 3/20/91. mbh