



Legislation Text

File #: 170201, Version: 1

170201
SUBSTITUTE 1

ALD. PEREZ

Substitute resolution approving City acquisition by property tax foreclosure of 1313 and 1329-1331 West National Avenue under Milwaukee Code of Ordinances Section 308-22, in the 12th Aldermanic District.

This substitute resolution authorizes possible acquisition by the City of 1313 and 1329-1331 West National Avenue notwithstanding that Phase II environmental testing results indicate a release above regulatory guidelines and recommend that further testing be conducted. Approval of this File requires three-quarters vote of the Common Council. Whereas, Esperanza Unida, Inc. ("EU") owns 1313 and 1329-1331 West National Avenue (the "Subject Parcels"); and

Whereas, The Subject Parcels are, respectively, Parcel 184 and Parcel 183 in the City of Milwaukee's ("City") 2017 No. 2 In Rem Tax Foreclosure File, Case No. 2017-CV-002457, and in that action, the deadline for redemption is June 7, 2017, the deadline to file answers is July 7, 2017 and the expected date for the City to obtain judgment of tax foreclosure and title is July 10, 2017; and

Whereas, The Department of City Development ("DCD") issued a Request for Proposals ("RFP") for a Wisconsin Statutes Section 75.106 developer to acquire the Subject Parcels by taking assignment from the City of the City's right to tax foreclosure judgment and multiple parties responded to the RFP; and

Whereas, DCD is now evaluating the RFP responses; and

Whereas, If the responses merit DCD recommending to the Common Council approval of a contract under Wisconsin Statutes Section 75.106 with a developer/RFP respondent, a Common Council File will be introduced for such and if approved by the Common Council, then the Common Council's approval of this resolution for the City to acquire the Subject Parcels will be moot; and

Whereas, If no RFP respondent is put forward by DCD after DCD review of the responses and after DCD due diligence regarding responses, then the Subject Parcels will be proceeding toward City acquisition of title in mid-July by means of the 2017 No. 2 In Rem Action; and

Whereas, Recent environmental testing conducted for the City by Sigma revealed releases above regulatory guidelines and Sigma recommended further testing; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that if no RFP respondent or other developer is approved by the Common Council for a Wisconsin Statutes Section 75.106 transaction prior to the judgment date in the in rem action, there will be no 75.106 assignee to further test and remediate environmental conditions at the Subject Parcels and the Common Council authorizes, under Milwaukee Code of Ordinances Section 308-22-2-c, City acquisition of title by tax foreclosure judgment by a three-quarters vote of all of its members without the City testing or remediating further prior to acquisition; and, be it

Further Resolved, That the Common Council recognizes the blighting effect the Subject Parcels are having on the neighborhood in their current tax delinquent and unsecured condition and that Wisconsin Statutes Chapter 292 allows the City certain, but not absolute, protections regarding environmental matters when the City acquires property through tax delinquency proceedings; and, be it

Further Resolved, That if the City does acquire title to the Subject Parcels, DCD will be able to continue marketing them for conveyance and remediation and redevelopment by third parties.

DCD:Matt.Haessly:mfh

05/17/17