



## Legislation Text

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File #: 220938, Version: 0

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### IMMEDIATE ADOPTION

220938  
ORIGINAL  
ALD. BAUMAN

Resolution consenting to the sale of property located at 1231 North 32nd Street, release of existing deed restrictions, and entry into restrictive covenants with new owner, in the 4th Aldermanic District.

This resolution authorizes the City's consent to the sale of property located at 1231 North 32nd Street, release of existing deed restrictions, and entry into restrictive covenants with the new owner. The City's consent is required pursuant to a deed restriction placed on the property when the City conveyed the property to the current owner.

Whereas, On December 11, 2019, the City of Milwaukee ("City") conveyed the property located at 1231 North 32nd Street ("Property") to Doris Walker, ("Owner") via quit claim deed, which also contained restrictive covenants("Deed"); and

Whereas, The Deed transferring the Property included restrictive covenants consisting of a performance restrictive covenant, code compliance requirement, and an owner occupied restriction that are "binding upon [Owner], [Owner]'s successors and assigns, and all those claiming by, through or under [Owner], including successor owners of the Property"; and

Whereas, On December 11, 2019, the City entered into a Sale and Rehabilitation Agreement with the Grantee, which was recorded in the Milwaukee County Register of Deeds Office on December 16, 2019 as Document No. 10935566 ("Agreement") whereby Grantee agreed to rehabilitate the existing structure for use as an owner occupied residence, associated parking and landscaping according to the City's minimum rehabilitation standards within eighteen months following the date of closing, ("Project"), and the Agreement "is binding upon the parties hereto and their successors and assigns, including successors in interest to the Property. Notwithstanding the foregoing, until issuance of the Certificate [of Completion], Buyer may not assign this Agreement or its rights hereunder without City's prior written consent"; and

Whereas, The Owner did not complete the Project and therefore a Certificate of Completion was not issued, but the Grantee now wishes to convey the Property to Marlon Johnson and has requested the City's consent to the sale of the Property as required by the Agreement; and

Whereas, As a condition to the City's consent of the sale of the Property to Marlon Johnson ("Buyer") and consent to release the restrictive covenants in the Deed and the Agreement the Buyer will enter into and record in the Milwaukee County Register of Deeds Office a new agreement that contains a performance restrictive

covenant, a code compliance requirement, and an owner occupancy restriction (“Restrictive Covenants Agreement”), which is attached to this file; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it consents to the sale of the parcel located at 1231 North 32<sup>nd</sup> Street from the Owner to Marlon Johnson, or if the sale to Marlon Johnson does not succeed, the Common Council consents to the sale of the parcel located at 1231 North 32<sup>nd</sup> Street from the Owner to another City-approved buyer upon the Department of City Development’s notification to and approval from the local district’s alderperson; and be it

Further Resolved, By the Common Council of the City of Milwaukee, that it consents to release the restrictive covenants in the Deed and the Agreement; and be it

Further Resolved, By the Common Council of the City of Milwaukee, that it authorizes the City to enter into the Restrictive Covenants Agreement with Marlon Johnson; and be it

Further Resolved, That the City Clerk, City Attorney and any other relevant City officials are directed to take whatever actions are necessary and execute all documents needed to release the restrictions contained in the Deed and the Agreement and enter into the Restrictive Covenants Agreement.

DCD:Yves.LaPierre:ysl  
11/01/22/A