Legislation Details (With Text)

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Title:	An ordinance relating to policies and procedures for vacation of in rem judgments.		
Sponsors:	THE CHAIR		
Indexes:	IN REM JUDGMENTS		
Attachments:	1. Fiscal Note, 2. City Attorney Letter, 3. Hearing Notice List, 4. Notice Published on 1-8-10		

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
12/8/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
12/8/2009	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
12/14/2009	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
12/22/2009	0	COMMON COUNCIL	PASSED	Pass	14:0
1/6/2010	0	MAYOR	SIGNED		
1/8/2010	0	CITY CLERK	PUBLISHED		

090954
ORIGINAL

THE CHAIR
An ordinance relating to policies and procedures for vacation of in rem judgments.
304-50-1 rc
304-50-9.5 cr
304-50-10 am
304-50-11 am
This ordinance makes the following changes to the city's policies and procedures for vacation of in rem judgments:

1. The time period during which a former owner of record or person having an interest of record in a property acquired by the city through an in rem judgment may submit a request for vacation of the in rem judgment is lengthened from 45 days to 90 days from the date of the in rem judgment.

2. The city treasurer shall not accept a request to proceed with the in rem judgment vacation procedure if the city treasurer has determined, based on consultation with the department of city development, that the city has accepted an offer to purchase the property.

3. The common council reserves the right to disapprove vacation of an in rem judgment if the council determines that the applicant is either delinquent in the payment of any property tax, special assessment, special charge or special tax to the city, or has submitted false or incomplete information, particularly with respect to ownership of, and tax liability for, the subject property.

4. The length of time a requester has to pay the total costs associated with the property is reduced from 45 days to 30 days from the date of common council adoption of the resolution approving vacation of the in rem judgment.

5. Any rental income collected by the city during the time the property is owned by the city shall not be applied against the total amount due to the city for the redemption of the property. Current policy provides for this rental income to be subtracted from the total amount due.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 304-50-1 of the code is repealed and recreated to read:

304-50. Vacation of In Rem Judgment.

1. The former owner of record or any person having an interest of record has submitted a written request to the city treasurer on a form provided by the city treasurer to have the in rem judgment vacated. No written request to proceed under this section may be submitted for consideration to the common council where any of the following are true:

a. More than 90 days have elapsed from the date of entry of the in rem judgment to the date of receipt of the request by the city treasurer

b. The city treasurer has determined, based on consultation with the department of city development, that the city has accepted an offer to purchase the property.

c. The requester does not have any interest of record in the property.

Part 2. Section 304-50-9.5 of the code is created to read:

9.5. The common council reserves the right to disapprove vacation of an in rem judgment if it determines that either of the following is true:

a. The person requesting the vacation is delinquent in the payment of any property tax, special assessment, special charge or special tax to the city.

b. The person requesting the vacation has submitted false or incomplete information, particularly with respect to ownership of, and tax liability for, the subject property.

Part 3. Section 304-50-10 and 11 of the code is amended to read:

10. If vacation of the city's foreclosure judgment is approved by the common council, then the requester shall, within [[~~45~~]] >>30<< days of the date of the resolution of the common council approving the vacation of the judgment and the return of the subject property to the former owner, pay to the city treasurer by cash or cashier's check, the city's total costs associated with the property,

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which shall include: costs reported to the common council; all costs incurred by the city with respect to the property through the date of vacation of the city's judgment; all city and county taxes, assessments and charges including interest and penalties through the date of the vacation; and all administrative and overhead costs, including but not limited to, administrative and overhead costs incurred by the reporting departments beyond those costs already paid under sub. 3. [[~~Said~~]] >>This<< amount shall be the amount needed to redeem the property and may be ascertained by the requester contacting the treasurer's office.

11. Any rental income collected by the city shall >>not<< be applied against the total amount due to the city for the redemption of the property.

APPROVED AS TO FORM

_____
Legislative Reference Bureau
Date:_____
IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

_____
Office of the City Attorney
Date:_____
City Attorney
LRB09139-1
JDO
11/13/2009