



## Legislation Text

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**File #: 050247, Version: 0**

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ORIGINAL  
030680

ALD. D'AMATO

Resolution authorizing Community Improvement In-Rem Foreclosure Actions on three tax-delinquent brownfields located at 632 East Center Street, 2200 North 32nd Street and 2206 North 32nd Street, in the 3rd and 15th Aldermanic Districts. (DCD)

This resolution, by at least a three-fourths vote of all Common Council members, authorizes Milwaukee's City Treasurer to begin in-rem foreclosure against three certain tax-delinquent brownfields under the "Internal Protocol for Community Improvement In-Rem Foreclosure Actions" established by Milwaukee's City Attorney's Office.

Whereas, Milwaukee Code of Ordinances, Section 308-22, entitled "Environmental Audit Required Prior to Disposition or Acquisition of Property," requires the Department of City Development ("DCD"), in conjunction with the Departments of Neighborhood Services and Health, to conduct certain environmental audits of certain properties that the City of Milwaukee ("City") may acquire through the in-rem foreclosure process; and

Whereas, Tax-delinquent properties with suspected environmental problems are placed on the City's "Do-Not-Acquire List" (the "DNA List") and, generally, are not acquired; and

Whereas, DCD has screened the DNA List for properties with manageable environmental risk, high development potential or high grant eligibility and has recommended that in-rem foreclosure be commenced against three tax-delinquent brownfield properties that are on the DNA List; and

Whereas, DCD utilized the "Internal Protocol for Community Improvement In-Rem Foreclosure Actions" established by the City Attorney's Office per File No. 030680 (the "Internal Protocol") in recommending foreclosure against the three properties; and

Whereas, Per the Internal Protocol, so long as the Common Council approves the acquisition, the City Attorney's Office has approved the foreclosure; and

Whereas, The Internal Protocol provides that if a parcel is on the DNA List and a Phase-I environmental audit suggests possible environmental issues or recommends environmental testing and if the City intends to acquire the parcel via in-rem foreclosure without conducting additional testing, then the Common Council should approve the acquisition by at least a three-fourths vote of all members under Milwaukee Code of Ordinances Section 308-22; and

Whereas, DCD recommends that the City foreclose and acquire title to the afore-referenced three properties on the DNA List without conducting further pre-acquisition environmental testing; and

Whereas, The City is willing to use in-rem foreclosure in this matter in an effort to foster economic development, brownfields remediation and redevelopment, to return tax-delinquent properties to the tax rolls and to achieve community improvement; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, by at least a three-fourths vote of all its members, under Milwaukee Code of Ordinances Section 308-22 (see, in

particular, Section 308-22-2-a., c. and e.), that the City Treasurer is authorized and directed to bring in-rem foreclosure actions against the eligible tax delinquencies against the parcels at 632 East Center Street, 2200 North 32nd Street and 2206 North 32nd Street; and, be it

Further Resolved, That DCD is directed to take applicable pre-acquisition and post-acquisition precautions so that the City may take advantage of protections afforded under law, including the local governmental unit exemption in Wisconsin Statutes, Section 292.11(9)(e)lm.a.

DCD:BT:bt

06/14/05/A