



Legislation Text

File #: 030376, Version: 1

030376

SUBSTITUTE 1

CHAIR

Substitute resolution approving and authorizing stipulation with Thomas J. McKenna and Carolyn D. McKenna (d/b/a Alpine Printing) ("Owners") concerning in personam liability for 1991-2002 taxes against 3733 West Lisbon Avenue.

Resolution approves and authorizes stipulation between City and Owners pursuant to which Owners agree to entry against them of an in personam judgment for \$42,112.65 for back taxes (1991-2002) against 3733 West Lisbon Avenue, and City accepts \$27,721.12 to compromise and satisfy that judgment.

Whereas, The property is on the City's do-not-acquire list as it is suspected of being a brownfield and environmentally contaminated; and

Whereas, According to City's outside collection attorney, the Kohn Law Firm ("Kohn"), sued the Owners via the in personam remedy, and the Owners responded with a January 9, 2002 "Answer and Affirmative Defenses," and Kohn dropped the action, with leave to refile, due to a defective notice; and

Whereas, The City Attorney's Office took over prosecution of the case because the Owners were raising two defenses - statute of limitations and retroactivity; and

Whereas, On February 6, 2003, the City sent a 4-week-notice letter to the Owners under Milwaukee Code of Ordinances §304-48 indicating that if they did not pay the delinquencies, the City would file a new in personam action against them; and

Whereas, In response to the 4-week-notice letter, dialogue ensued between the Owners and the City Attorney's office; and

Whereas, The Owners have represented to the City Attorney's Office that if the City approves this matter, the Owners will settle this matter in accordance with the terms and conditions contained in the Stipulation attached to this file as Exhibit A (pursuant to which, the Owners agree to entry against them of an in personam judgment); and

Whereas, If the City does not approve the Stipulation and accept the offered \$27,721.12 lump sum payment from Owners to settle the agreed-to judgment, protracted litigation would be expected; now, therefore, be it

Resolved, That the City hereby approves and authorizes: the "Stipulation and Order for Judgment" ("Stipulation") attached to the file as Exhibit A (or in substantially the same form and substance as Exhibit A); and the compromise of the City's judgment as contemplated by the Stipulation; and, be it

Further Resolved, That the City approves and authorizes the City Attorney signing the Stipulation and filing the Stipulation with the Court so that the agreement therein may be carried out; and, be it

Further Resolved, That if the Court does approve and sign the Stipulation, that the \$27,721.12 be deposited into the delinquent tax fund per Milwaukee Code of Ordinances §304-30; and, be it

Further Resolved, That the Comptroller and Treasurer are authorized to take such actions as are appropriate to eliminate the 1991-2002 property-tax-receivable balance from the Treasurer's records and the corresponding receivable balance for those delinquencies in the delinquent-tax fund.

City Attorney
City Attorney
Gregg C. Hagopian
6/30/2003
69214