



## Legislation Text

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**File #: 171379, Version: 1**

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171379  
SUBSTITUTE 1

ALD. STAMPER

Substitute resolution accepting the donation of the mixed-use building at 3801-3803 West North Avenue, in the 15th Aldermanic District.

This substitute resolution authorizes the City of Milwaukee to accept a donation of the real estate at 3801-3803 West North Avenue from the property owner and to enter into an agreement regarding the donation.

Whereas, The City of Milwaukee ("City") in July 2015 acquired by property tax foreclosure the parcel at 3805-3807 West North Avenue (the "City Parcel"); and

Whereas, The adjoining parcel to the east of the City Parcel at 3801-3803 West North Avenue (the "Store Parcel") is owned by Ms. Rabeeha Shawar; and

Whereas, Straddling the lot line and existing on both parcels (and the City Parcel and the Store Parcel) is one building that shares a common roof, but no common wall; and

Whereas, The portion of the building that is on the City Parcel is vacant and boarded and in very poor condition and the roof of the building on both parcels is in extremely poor condition, with holes in it and structural problems; and

Whereas, It is cost-prohibitive to repair the shared roof and the associated problems that the one building, under two ownerships, on two different parcels, have caused; and

Whereas, The City issued a Raze Order regarding the part of the building that is on the Store Parcel and recorded it with the Register of Deeds Office on August 8, 2017 as Document No. 10699868; and

Whereas, The first floor of the part of the building that is on the Store Parcel is leased by Ms. Shawar to North Ave Mart LLC ("Tenant") and that Tenant had operated a corner, convenience store at that location; and

Whereas, On December 10, 2017 an employee of the convenience store was shot and killed at the store, and in May 2000, Ms. Shawar's husband was shot at the store and he later died of his wounds; and

Whereas, The Tenant and Ms. Shawar voluntarily terminated the Tenant's lease affecting the Store Parcel effective December 31, 2017 such that, as of that date, the Store Parcel will not be affected by the lease if the Store Parcel is donated to the City; and

Whereas, Ms. Shawar is willing to donate the Store Parcel to the City so that the City, at its expense, may avoid the issues now surrounding the one structure being on two parcels under different ownership (for example, donation to the City (1) avoids the need for the two owners to cooperate regarding access and entry to make cost-prohibitive repairs or to demolish, (2) avoids the need for the two owners to negotiate over cost-prohibitive repairs or demolition cost, and (3) eliminates current problems with one structure straddling a lot line, being owned by two owners and sharing a roof, but no common party wall); and

Whereas, Given that the structure on both parcels should be razed, that the City will be able to more easily raze it in a cost-effective manner when the two parcels are under common ownership, and that the City will have a better site to assemble and market once the structure is razed and the parcels are combined into one; and

Whereas, Per MCO 308-22-2-h, the City recognizes that Harenda Management Group issued reports on the Store Parcel and on the City Parcel regarding asbestos materials in preparation for demolition, based on November 16, 2017 site visits showing typical conditions associated with the structures and with razing, and that the City prepared a historical land use investigation report of the Store Parcel showing typical conditions; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that per MCO 304-24-2 and 308-22-2-h, it authorizes City acceptance of the donation and gift by Ms. Shawar of the Store Parcel; and, be it

Further Resolved, That the Gift Agreement, a copy of which is attached to this Common Council File, is approved and that the appropriate City officials are authorized to enter into that document in that form or in substantial conformance therewith and to take actions contemplated and required thereunder and as necessary to effectuate the purpose of this resolution.

DCD:Matt.Haessly:mfh

12/21/17