

COUNTY OF MILWAUKEE
Inter-Office Communication

Date: November 4, 2011
To: Lee Holloway, Chairman, Milwaukee County Board of Supervisors
From: Jerome J. Heer, Director of Audits
Subject: Kohl Park Land Transfer

We have completed a review of several issues, brought to our attention by Supervisory Rice, related to property transfers at Kohl Park. As a result of these issues, a specific parcel at the park was first donated to Milwaukee County and then, unbeknownst to the County, sold by the donor to a private party. Records show the following:

- On December 27, 2004 the Kohl family conveyed three parcels to Milwaukee County (see Warranty Deed-**Exhibit A**);
- On May 30, 2006 the Kohl family conveyed a parcel to Leonard and Nancy Reimer. The parcel was included in the Warranty Deed attached as Exhibit A (see Land Contract-**Exhibit B**);
- On July 5, 2007 Milwaukee County Parks recorded a Warranty Deed with the Office of the Register of Deeds for all three parcels identified in Exhibit A including the parcel also identified in Exhibit B. (see Warranty Deed recording **Exhibit C**);
- City of Milwaukee Tax Records for 2009 show that the parcel conveyed to the Reimers in May 2006 is owned by them in spite of the July 2007 recording by Milwaukee County. (see Property Tax Bill – **Exhibit D**); and
- The parcel at issue is colored in blue and labeled #10 on **Exhibit E**.

In addition to issues related to the recording of the deed, there were also concerns that the Wisconsin Department of Natural Resources (DNR) has identified issues associated with the parcel. Further, State and Federal grant dollars may have been provided to Milwaukee County based on our legal ownership of the parcels that were incorporated into Kohl Park.

We met with staff from Parks and from Corporation Counsel to obtain their assistance in answering the following questions:

- **What was the reason for the delay in filing the December 2004 Warranty Deed?**

According to Parks staff, land transactions related to Kohl Park were not handled in a proper, timely manner because of administrative turnover within the Department. "Institutional knowledge" about the project was lost in August 2003 when the former Parks Director and several of her key administrative staff were terminated by the previous County Executive. This turnover was compounded by a lack of written procedures and the loss of a contract manager position due to budget cuts. The error of not filing deed documents was not detected until the City of Milwaukee raised questions about the status of the parcel.

- **If the delay was inadvertent, what procedures are in place to prevent future errors?**

Parks has had a full-time contract manager since 2006. That position has been charged with follow-through on all business transactions and safeguards have been put in place to ensure proper and timely execution of legal documents.

- **What is the current status of ownership of the parcels?**

Corporation Counsel has concluded that legal ownership of the parcel in question lies with the Reimers because their filing was made prior to Milwaukee County's. Milwaukee County has clear title to all other parcels acquired for Kohl Park.

We did not contact the Kohl family to determine why a parcel was both donated to Milwaukee County and sold to another party. However, Parks staff did note that the parcel in question is contiguous to another lot that was sold to the Reimers by the Kohls.

- **What, if any, outstanding regulatory issues remain?**

The DNR has cited the Reimers for dumping fill on the property without a permit. Parks staff noted that DNR is primarily concerned with wetland protection, not with any particular hazards in the fill. The current landowner may be required to remedy the illegal dumping at significant personal expense. Both Milwaukee County and another adjoining property owner (Alexian Village) are aware of the issues raised by the DNR.

- **Is Milwaukee County at risk regarding any State or Federal grant dollars affected by property ownership issues?**

According to Parks staff, the specific parcel of concern in this review has not been incorporated into any State or Federal grant programs. Thus, the lack of County ownership of the parcel does not put those funds in jeopardy. Parks staff also stated that while it would be optimal to control ownership of 'parcel 10' (the land in question), the lack of ownership would not be an impediment to development of Kohl Park.

Staff also noted that Parks anticipates receiving \$150,000 in grant reimbursements from the DNR as a result of various land swaps with the Milwaukee Metropolitan Sewerage District in the Kohl Park area for environmental protection purposes. According to Parks staff, this \$150,000 in anticipated grant reimbursement from the DNR relates to issues dating back to 2004 and is unrelated to the parcel 10 land issue.

Conclusions

Parks Department staff failed to file a deed for a Kohl Park land transfer in a timely manner. As a result, ownership of the parcel is now held by a private party. That private party has engaged in dumping that has drawn sanctions from the DNR.

Milwaukee County could pursue several alternative strategies to address the situation:

1. Pursue development of Kohl Park without incorporation of the parcel at issue.
2. Negotiate acquisition of the parcel with the current owner.
3. Monitor the outcome of issues that the current owner has with DNR to determine whether the property may become available as a result of those issues.

The mismanagement of this process in the Parks Department highlights the need for enhanced Countywide guidance on the steps to be taken in acquiring real property either by donation or purchase. We recommend that the Department of Administrative Services draft a section of the Administrative Procedures Manual to effect the following actions for acquiring real estate:

1. *Obtain County Board approval of any donation to the County of real property or acquisition of real property by the County.*

2. *Obtain County Corporation Counsel review "as to form" of the deed of conveyance for any real property.*
3. *Obtain County Engineer review of the legal description on the deed of conveyance for said real property.*
4. *Undertake timely recording of the executive deed of conveyance to the County after closing or receipt of executed deed of conveyance.*
5. *Furnish a copy of the executed deed of conveyance to the municipality in which the said real property is located, thus providing them notice of the conveyance. Provide a copy to the Real Estate Section also.*
6. *Seek input, direction or guidance from the County Real Estate Section, where needed.*

Please refer this report to the Committee on Finance and Audit.


Jerome J. Heer

JJH/cah

cc: Supervisor Joseph Rice, Milwaukee County Board of Supervisors
Milwaukee County Board of Supervisors
Chris Abele, Milwaukee County Executive
Patrick Farley, Director, Department of Administrative Services
Sue Black, Director, Department of Parks, Recreation and Culture
Kimberly Walker, Corporation Counsel
Terrance Cooley, Chief of Staff, County Board Staff
Stephen Cady, Fiscal and Budget Analyst, County Board Staff
Carol Mueller, Chief Committee Clerk, County Board Staff

Document Number

WARRANTY DEED

Exhibit A
(Page 1 of 3)

This Deed, made between Sidney Kohl, Alan Kohl,
Dolores Kohl a.k.a. Dolores Solovy, and K&L Trust

Grantor,
and Milwaukee County, a municipal body corporate

Grantee.
Grantor, for a valuable consideration, conveys to Grantee the following described real estate in Milwaukee County, State of Wisconsin (the "Property") (if more space is needed, please attach addendum); Pursuant to Resolution File no. Adopted by the Milwaukee County Board on July 29, 2004

SEE ATTACHED ADDENDUM "A" FOR LEGAL DESCRIPTIONS

Conveyance of described lands is subject to the following: **ATTACHED ADDENDUM B AND THE** Real Estate shall be used for public park purposes and shall be operated by Milwaukee County as a public park. Milwaukee County, by acceptance of this deed as evidenced by the recordation of the same, covenants and agrees to operate the described lands as a public park at such time as funding permits Together with all appurtenant rights, title and interests.

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances except ~~mortgage and zoning ordinances, recorded easements for public utilities, recorded building and use restrictions and covenants, general taxes levied in subsequent years.~~ owing by through or under Grantor's debt easements or restrictions of record and taxes assessed thereon.
Dated this 27th day of December, 2004.

Sidney Kohl
* Sidney Kohl

* Alan Kohl

AUTHENTICATION

Signature(s) _____
authenticated this _____ day of _____,

TITLE: MEMBER STATE BAR OF WISCONSIN
(If not, _____
authorized by §706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY
Milwaukee County Economic Development
Division
(Signatures may be authenticated or acknowledged. Both are not necessary)

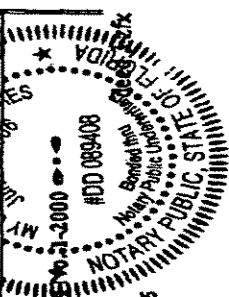
*Names of persons signing in any capacity must be typed or printed below their signature
WARRANTY DEED
STATE BAR OF WISCONSIN
Milwaukee County Economic Development, 901 N 9th St, Rm 307-C, Milwaukee WI 53233-1425
Phone: (414) 278-4876 Fax: (414) 223-1863 Milwaukee County
Produced with ZipForm™ by RE Forms, LLC 18226 Fleen Mile Road, Clinton Township, Michigan 48035, (800) 385-9805

PARCELS
2, 3, 10
LEGALS TO FOLLOW

Recording Area
Name and Return Address
Milwaukee County DPPI
9480 West Watertown Plank Road
Milwaukee, WI 53226
0059998113, 0059998123
0069999160
Parcel Identification Number (PIN)
This is not homestead property.
(is) (is not)

* Dolores Kohl-Solovy
K & L Trust
Sidney Kohl
* BY: Sidney Kohl, Trustee
ACKNOWLEDGMENT
STATE OF WISCONSIN FLORIDA }
LAN BEACH County. } ss.
Personally came before me this 27th day of DECEMBER, 2004 the above named
SIDNEY KOHL

to me known to be the person _____s who executed the foregoing instrument and acknowledged the same.
Dolores P. Moss
HARVE P. MOSS
Notary Public, State of Wisconsin
My Commission is permanent. (If not, state expiration date: _____)



Document Number

WARRANTY DEED

This Deed, made between Sidney Kohl, Alan Kohl,
Dolores Kohl a.k.a. Dolores Solovy, and REL Trust

and Milwaukee County, a municipal body corporate
Grantor,

Grantee.
Grantor, for a valuable consideration, conveys to Grantee the following
described real estate in Milwaukee County, State of
Wisconsin (the "Property") (if more space is needed, please attach addendum):
Pursuant to Resolution File no. Adopted by the
Milwaukee County Board on July 29, 2004

SEE ATTACHED ADDENDUM "A" FOR LEGAL DESCRIPTIONS

Conveyance of described lands is subject to the
following:

Real Estate shall be used for public park purposes
and shall be operated by Milwaukee County as a
public park. Milwaukee County, by acceptance of this
deed as evidenced by the recordation of the same,
covenants and agrees to operate the described lands
as a public park at such time as funding permits
Together with all appurtenant rights, title and interests.

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances ~~except~~
~~municipal and zoning ordinances, recorded easements for public utilities, recorded~~
~~building and use restrictions and covenants, general taxes levied in subsequent years,~~
~~and any other restrictions or other matters or restrictions of record and~~
~~of any other nature.~~
Dated this 23 day of Dec, 2004.

* Sidney Kohl

* Alan Kohl

AUTHENTICATION

Signature(s) _____

authenticated this _____ day of _____,

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, _____
authorized by §706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Milwaukee County Economic Development

Division

(Signatures may be authenticated or acknowledged Both are not necessary)

*Names of persons signing in any capacity must be typed or printed below their signature

WARRANTY DEED

Milwaukee County Economic Development 901 N 9th St Rm 307-C, Milwaukee WI 53233-1425
Phone (414) 278-4876 Fax (414) 223-1863 Milwaukee County

Produced with ZipForm™ by RE FormNet, LLC 18225 Fifteen Mile Road, Clinton Township, Michigan 48065-1600

STATE BAR OF WISCONSIN

FORM No. 1-2000

OFFICIAL SEAL

VICKI L LENART

deed 3.zfx

NOTARY PUBLIC STATE OF ILLINOIS

MY COMMISSION EXPIRES MAR. 15, 2006

PARCELS

2, 3, 10

LEGALS TO FOLLOW

Recording Area

Name and Return Address

Milwaukee County DPPI

9480 West Watertown Plank Road

Milwaukee, WI 53226

0059998113, 0059998123

0069999160

Parcel Identification Number (PIN)

This is not homestead property.
(is) (is not)

Dolores Kohl Solovy
* Dolores Kohl-Solovy
K & L Trust

* BY: Sidney Kohl, Trustee

ACKNOWLEDGMENT
STATE OF WISCONSIN ILLINOIS

LAKE County, } ss.

Personally came before me this 23rd day of
December, 2004 the above named

Dolores Kohl Solovy

to me known to be the person s who executed
the foregoing instrument and acknowledged the same.

Vicki L. Lenart
* VICKI L. LENART

Notary Public, State of Wisconsin ILLINOIS

My Commission is permanent. (If not, state expiration date: _____)

WARRANTY DEED

Document Number

This Deed, made between Sidney Kohl, Alan Kohl,
Dolores Kohl a.k.a. Dolores Solovy, and K&L Trust

Grantor,
and Milwaukee County, a municipal body corporate

Grantee.
Grantor, for a valuable consideration, conveys to Grantee the following described real estate in Milwaukee County, State of Wisconsin (the "Property") (if more space is needed, please attach addendum): Pursuant to Resolution File no. Adopted by the Milwaukee County Board on July 29, 2004

SEE ATTACHED ADDENDUM "A" FOR LEGAL DESCRIPTIONS

Conveyance of described lands is subject to the following:

Real Estate shall be used for public park purposes and shall be operated by Milwaukee County as a public park. Milwaukee County, by acceptance of this deed as evidenced by the recordation of the same, covenants and agrees to operate the described lands as a public park at such time as funding permits Together with all appurtenant rights, title and interests.

Grantor warrants that the title to the Property is good, indefeasible in fee simple and free and clear of encumbrances ~~except unrecorded and zoning ordinances, recorded easements for public utilities, recorded building and use restrictions and covenants, general taxes levied in subsequent years~~ *owing by the grantor under Grantor's deed returns or reflections of record and taxes assessments.*

Dated this 25th day of December, 2004.

Sidney Kohl
Alan Kohl
Dolores Kohl
PUBLIC SIGNATURES AUTHENTICATION
I participated this _____ day of _____

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, authorized by §706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

Milwaukee County Economic Development

Division
(Signatures may be authenticated or acknowledged. Both are not necessary.)

*Names of persons signing in any capacity must be typed or printed below their signature
WARRANTY DEED

Milwaukee County Economic Development 901 N 9th St, Rm 307-C, Milwaukee WI 53233-1425
Phone (414) 278-4876 Fax: (414) 223-1863
Produced with ZdrForm™ by RE FormMaker LLC 18225 Frazer Mile Road, Clinton Township, Michigan 48035, (800) 385-9605

PARCELS
2, 3, 10
LEGALS TO FOLLOW

Recording Area
Name and Return Address
Milwaukee County DPPI
9480 West Watertown Plank Road
Milwaukee, WI 53226
0059998113, 0059998123
0069999160
Parcel Identification Number (PIN)

This is not homestead property.
(is) (is not)

* Dolores Kohl-Solovy
K & L Trust
* BY: Sidney Kohl, Trustee

ACKNOWLEDGMENT

STATE OF WISCONSIN Hawaii } ss.
County of Honolulu }

Personally came before me this 25 day of December, 2004 the above named Alan Kohl, JP

to me known to be the person s who executed the foregoing instrument and acknowledged the same.

Frank Padda
Notary Public, State of Wisconsin - Hawaii
My Commission is permanent. (If not, state expiration date: Sept 29, 05)

FORM No. 1-2000

deed 3.zfx



DOC.# 09243113

REGISTER'S OFFICE | SS
Milwaukee County, WI |

RECORDED 05/30/2006 09:29AM

JOHN LA FAVE
REGISTER OF DEEDS

AMOUNT: 27.00

State Bar of Wisconsin Form 11 - 2003
LAND CONTRACT
(TO BE USED FOR NON-CONSUMER ACT TRANSACTIONS)

Document Number

Document Name

CONTRACT, by and between **Sidney Kohl** and **Dolores Kohl**
and **Leonard E. Reimer** and **Nancy M. Reimer**, husband
and **wife**, as **survivorship A** ("Purchaser," whether one or more),
("Vendor," whether one or more),
marital property

Vendor sells and agrees to convey to Purchaser, upon the prompt and full performance of this Contract by Purchaser, the following real estate, together with the rents, profits, fixtures and other appurtenant interests "Property", in Milwaukee County, State of Wisconsin:

See Legal Description Attached as Exhibit A.

TRANSFER
\$20,000
FEE

Recording Area

Name and Return Address

James S. Levin, Esq.
Michael Best & Friedrich LLP
100 E. Wisconsin Avenue, Ste. 3300
Milwaukee, WI 53202

See attached Rider to Land Contract.

Attached on Exhibit A

Parcel Identification Number (PIN)

This is not homestead property.
(is) (is not)

This is a purchase money mortgage.
(is) (is not)

Purchaser agrees to purchase the Property and to pay to Vendor at 340 Royal Poinciana Way, Ste. 305, Palm Beach, FL 34480 the sum of \$ 200,000.00 in the following manner:

- (a) \$ 20,000.00 at the execution of this Contract; and
- (b) the balance of \$ 180,000.00, together with interest from the date hereof on the balance outstanding from time to time at the rate of 6.000 % per annum until paid in full as follows:
Balloon payment in the sum of \$180,000.00 together with all accrued interest due no later than May 31, 2007.

provided the entire outstanding balance shall be paid in full on or before May 31, 2007 ("Maturity Date"). Payments shall be applied first to interest on the unpaid balance at the rate specified and then to principal.

CHOOSE ONE OF THE FOLLOWING OPTIONS; IF NO OPTION IS CHOSEN, OPTION A SHALL APPLY:

- A. Any amount may be prepaid without premium or fee upon principal at any time.
- B. Any amount may be prepaid without premium or fee upon principal at any time after _____.
- C. There may be no prepayment of principal without written permission of Vendor.

PARCEL C:

All that part of the Northeast 1/4 of Section 4, Town 8 North, Range 21 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, lying West of West Angela Avenue, North of the real estate described in Quit Claim Deed recorded as Document No. 5205126 and South of the real estate described in Warranty Deed recorded as Document No. 5586273; being a strip of land 35 feet in width.

Tax Key No. 006-9999-160-0

ADDRESS: 7603 W. COUNTY LINE ROAD

WARRANTY DEED



Document Title

DOC.# 09458331

REGISTER'S OFFICE | SS
Milwaukee County, WI |

RECORDED 07/05/2007 03:38PM

JOHN LA FAVE
REGISTER OF DEEDS

AMOUNT: 27.00

Recording Area

Name and Return Address

MILWAUKEE COUNTY PROS
ATTN: KENN HARTLEY
9480 WATERLOO PLANK DR.
WILWAUKEE, WI 53226

005 - 9998 - 113
005 - 9998 - 123
006 - 9999 - 100

Parcel Identification Number (PIN)

**EXEMPT FROM REAL ESTATE TRANSFER AND FEE
PER SECTION 77.25 (2g) AND (2r)**

This information must be completed by submitter: document title, return address, and PIN (if required). Other information such as the granting clauses, legal description, etc. may be placed on this first page of the document or may be placed on additional pages of the document.
Note: Use of this cover page adds one page to your document and \$7.00 to the recording fee. Wisconsin Statutes, 59.43(2m) WRDA 2/99

2009 CITY OF MILWAUKEE COMBINED PROPERTY TAX BILL

WAYNE F. WHITTOW
CITY TREASURER
 CITY HALL, ROOM 103
 200 EAST WELLS STREET
 MILWAUKEE, WISCONSIN 53202
 TELEPHONE: (414) 286-2240
 TTY: (414) 286-2025
 FAX: (414) 286-3186
 www.milwaukee.gov/treasurer

ACCOUNT TYPE: REAL ESTATE
 TAX KEY/ACCOUNT NO: 006-9999-160-0
 LOCATION OF PROPERTY: 7603 R W COUNTY LINE RD
 LEGAL DESCRIPTION: PLAT PAGE 006-01 NEIGHBORHOOD 0040
 LANDS IN NE 1/4 SEC 4-8-21
 A 35' WIDE STRIP OF LAND COM 1548.21' N OF SW COR SD 1/4 SEC
 -TH NELY 1199.90'-TH ELY ALG CUR 435.13'-TH SELY 110'-TH

LEONARD E REIMER
 NANCY M REIMER
 7907 W ANGELA AVE
 MILWAUKEE WI 53224

Class	Assessment-Land	Assmt.-Improvements	Total Assessment	Detail of Special Assessments and Other Charges
RES	2,600		2,600	TOTAL
Avg. Assmt. Ratio	Est. Fair Mkt-Land	Est. Fair Mkt.- Improvements	Total Est. Fair Market	
0.9282	2,800		2,800	
School taxes reduced by school levy tax credit			4.47	

Tax Levy	2008 Est. State Aids	2009 Est. State Aids	2008 Net Tax	2009 Net Tax	% Change
State of Wis.			0.47	0.48	+2.1
Sewerage Dist.			3.56	3.72	+4.4
Public Schools	704,260,990	695,778,554	21.46	23.24	+8.2
Tech. College	10,042,581	10,023,709	5.06	5.37	+6.1
County Govt.	29,627,260	29,345,589	10.92	11.65	+6.6
City Govt.	262,954,412	260,881,942	21.03	23.10	+9.8
Total	1,006,885,243	996,029,794	62.50	67.56	+8.0
First Dollar Credit			0.00	0.00	
Lottery and Gaming Credit			0.00	0.00	
Net Property Tax			62.50	67.56	+8.0
Special Assessments and Charges				0.00	

WARNING: If the first installment payment is not paid by the due date, the installment option is lost. The total tax becomes delinquent and is subject to interest and penalty charges.

			TOTAL DUE		67.56
Monthly Installment Payment Due: February through July 2010		Net Assessed Value Rate Before Credits	FULL PAYMENT DUE ON OR BEFORE JAN. 31, 2010		67.56
Monthly Installment Payment Due: August, September, and October 2010			FIRST INSTALLMENT PAYMENT DUE ON OR BEFORE JAN. 31, 2010		
			PLEASE WRITE IN AMOUNT ENCLOSED		

2009 CITY OF MILWAUKEE COMBINED PROPERTY TAX PAYMENT COUPON

ACCOUNT TYPE: REAL ESTATE TAX KEY/ACCOUNT NO: 006-9999-160-0
 LOCATION OF PROPERTY: 7603 R W COUNTY LINE RD

CHECK FOR ADDRESS CHANGE
 PAID UNDER PROTEST

Make Check Payable and Mail to: WAYNE F. WHITTOW CITY TREASURER BOX 78776 MILWAUKEE, WI 53278-0776	FULL PAYMENT DUE ON OR BEFORE JAN. 31, 2010	67.56
	FIRST INSTALLMENT PAYMENT DUE ON OR BEFORE JAN. 31, 2010	
PLEASE WRITE IN AMOUNT ENCLOSED		
\$		M

LEONARD E REIMER
 NANCY M REIMER
 7907 W ANGELA AVE
 MILWAUKEE WI 53224

EXHIBIT A - KOHL PARK ACQUISITION PARCELS

