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PROOF OF PUBLICATION

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MILWAUKEE COUNTY } S.S.

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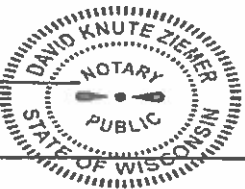
Mar. 5, 2014

Ann E. Richmond

Ann Richmond, Publisher

Sworn to me this 5th day of March 2014

David Ziemer



David Ziemer

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FROM THE OFFICE OF JOSEPH J. CZARNEKI
MILWAUKEE COUNTY CLERK
County Ordinance No. 14-4
File No. 14-88
AN ORDINANCE

The County Board of Supervisors of the County of Milwaukee does ordain as follows:

SECTION 1. Chapter 6 of the General Ordinances of Milwaukee County is renamed as follows:

Chapter 6 COLLECTION OF DELINQUENT REAL ESTATE TAXES; AND ACQUISITION, MANAGEMENT AND DISPOSITION OF LAND TAX FORECLOSURE PROPERTIES.

SECTION 2. Section 6.01 of the General Ordinances of Milwaukee County is amended as follows:

6.01. Foreclosure of tax lien by action in rem.

From and after March 1, 1983, the county elects to adopt s. 75.521, Wis. Stats. for the purpose of enforcing tax liens in such county in the cases where the procedure provided by such section is applicable. Where applicable, this method shall be used in preference to obtaining real estate by a guardianship deed, old age assistance lien or where, in the opinion of the corporation counsel, it is more effective for obtaining merchantable title.

(1) The department of public works and development through its real estate branch of the professional services division department of administrative services - economic development division shall make cursory inspections of all properties on the county treasurer's list of properties scheduled for foreclosure for nonpayment of real estate taxes. Within three (3) days after the final date of redemption, the treasurer shall furnish the department division a list of the remaining properties in the court action and the projected foreclosure date and the department division shall present a written report to the treasurer on which of the remaining properties in the court action contains or are likely to contain hazardous materials.

(2) Properties that have been identified by the division department of public works and development as containing or likely to contain hazardous materials shall be taken by foreclosure only if there is agreement of the treasurer and the division department.

(3) If it is determined by the treasurer and the division department determine that a phase one environmental assessment is required and/or a plan should be developed for submittal to the state department of natural resources in order to protect the county's interests, an assessment can be undertaken and/or a plan developed and submitted if sufficient funds are available for these purposes.

(4) If there is disagreement between the treasurer and the department of public works and development division disagree about whether a property might contain hazardous materials, the need for further environmental assessment or development of a plan for submittal to the state department of natural resources, or if sufficient funds are not available for these purposes, the county shall not take judgment of foreclosure on the property in question and the matter shall be submitted by the treasurer shall submit the matter to the committee on finance for review and disposition.

do exercise their right ability of return of said to have foreclosed property returned to them pursuant to this section, said persons shall pay:

(i) all of the delinquent taxes which were the basis for the taking of tax deed, plus interest, and any penalties established by law and all, special charges and assessments, and other tax bill charges or fees as defined in s. 75.36(1), Wis. Stats., a pro rata share of the costs of the tax collection enforcement foreclosure process, any costs accrued by the county real estate division and corporation counsel, plus an additional sum of three (3) percent of all the aforementioned amounts or two hundred dollars (\$200.00), whichever is greater.

(e) (i) The former owner(s) or his or her heir(s) shall pay the taxes for the full year in which the return of the property from the county took place and the amount the taxes, penalties and interest would have been owing in any years had the county not taken tax deed to the property.

(f) (a) If the former owner(s) do not initiate their option ability to have the foreclosed property returned within sixty (60) days of foreclosure by signing an agreed upon written contract with the office of the treasurer within sixty (60) days, the right ability of the homestead owner to have the foreclosed property returned pursuant to this section specified in this ordinance to return the property shall be forever lost.

(g) (i) The County shall not return title to the owner of the property shall not be returned to the former homestead owner until full payment is received as stipulated under section (b) (d) above and the corporation counsel has received court approval to vacate the foreclosure order regarding the property in question.

(h) (i) The preference granted to the former homestead owner(s) or his or her heir(s) to return said property from the county is exempt from the provisions of s. 75.69, Wis. Stats.

SECTION 3. Section 6.03 of the General Ordinances of Milwaukee County is repealed and recreated as follows:

(1) Declaration of surplus and assumption of jurisdiction. Upon the County Treasurer taking title of tax foreclosure properties, such properties shall automatically be deemed surplus and placed under the jurisdiction of the department of administrative services, economic development division.

(2) Management of tax foreclosure properties. While the tax foreclosure properties are under its jurisdiction, the division is responsible for managing the properties or hiring a contractor to manage the properties, which includes but is not limited to:

(a) Controlling access to and physically inspecting the properties.

(b) Arranging for cleaning, general maintenance or other repairs, as necessary to prepare the properties for resale.

(i) The division shall authorize emergency repairs not exceeding five thousand dollars (\$5,000.00).

(ii) For nonemergency repairs, the procurement provisions of chapter 32, subchapter II shall apply.

(c) Obtaining appraisals for the marketable tax deed foreclosure properties.

(d) Negotiating temporary leases or licenses with occupants, if

cross charges are required shall be determined on a case-by-case basis by the division director.

(b) Other Municipal Use. In the absence of county interest, the division shall contact the municipality in which the tax foreclosure property resides to determine whether the municipality has an interest in obtaining the property for a public purpose. The municipality shall have 30 days from the date of notification to respond in writing advising the division of its interest in the real estate. The price of the real estate is presumed to be its appraised value. Notwithstanding the foregoing, if doing so would provide a community benefit or serve a public purpose, the division may enter into a Memorandum of Understanding or other similar agreement with the municipality evidencing the mutually beneficial agreement for the transfer of real estate between them for consideration other than fair market value.

(c) The 30 day review period set forth in this section may run concurrently for county departments and other municipalities.

(4) Sale of tax foreclosure properties. The division shall sell tax foreclosure properties via offer to purchase.

(a) The division shall list marketable tax foreclosure properties for sale on the MLS (Multiple Listing Service) at their appraised values.

(i) If the division receives an offer to purchase a tax foreclosure property within ninety percent (90%) of its appraised value during the first 120 days of listing ("Initial Offer Period"); it may sell the property without further approval of the county board.

(ii) If the division receives an offer to purchase a tax foreclosure property within 75% of its appraised value during the next 120 days of listing ("Extended Offer Period"); it may sell the property without further approval of the county board.

(iii) If the Extended Offer Period lapses without a sale, the division director may authorize the sale of a tax foreclosure property without further approval of the county board, provided that the purchase price is not less than 25% of the appraised value.

(iv) As an alternative to subs. (i)-(iii) above, the division may at any time request separate board approval of an offer to purchase.

(v) The division director, or his/her designee, shall have the authority to negotiate additional terms with any potential buyer if doing so would be in the best interests of the county, provided the additional terms do not disregard the price directives in subs. (i)-(iii) above.

(b) The division shall negotiate with adjacent property owners or the municipality in which the tax foreclosure resides for the disposition of unmarketable (remnant) tax foreclosure properties. For purposes of this section, unmarketable tax foreclosure properties are those properties which are unbuildable by nature of their size, location or subsurface composition. The division shall notify the County Board of any agreements for the disposition of unmarketable tax foreclosure properties. Board members will have five (5) days to object to the sale or disposition in writing, at which point the transaction will require the approval of the full Board. In absence of a timely objection, the agreement shall be deemed

6.04. Sale of lands to county employee prohibited.

No officer or employee, either part time or full time, of the county whether elected or appointed, or either the elected or unclassified service, shall purchase real estate acquired by the county pursuant to this chapter through an agent. However, the aforementioned individuals, if not involved directly in the sale, may purchase real estate themselves or with their spouses, if their county employment is disclosed in the offer.

6.05. Conveyances for sale of lands.

The county executive and county clerk shall sign all conveyances on behalf of the county for the sale of lands acquired by the county under the procedure authorized by this chapter when approved as ready for execution by the corporation counsel.

SECTION 5. Section 32.98 of the General Ordinances of Milwaukee County is amended as follows:

32.98. Real Estate.

(1) Manage, sell and acquire real estate for the county. Specific responsibilities include managing and leasing improved and unimproved properties, including all space parking lots for the state department of transportation (WIDOT). County surplus real estate and tax deed foreclosure properties in the county suburbs are sold by the division.

(2) Land sales shall follow the policy and procedure for disposition of real estate as recommended by the committee on economic and community development (ECD committee), approved by the county board and implemented by the Department of Administration (DAS) - Economic Development Division.

(3) Sales of tax foreclosure properties shall be consistent with the provisions of s. 6.03.

(4) All land sales not covered by 6.03 including those declared surplus by the county shall be referred to the ECD committee for disposition and the ECD committee may consider any of the following policies for such disposition:

(a) A site-specific plan because of the unique character or location of the property.

(b) A request for proposal (RFP) process which is intended to be a formal process that is generally reviewed in closed hearings. If such hearings are deemed appropriate by opinion of corporation counsel.

(c) A request for information (RFI) process which is intended to be a less formal process that is generally reviewed in an open hearing unless corporation counsel provides an opinion that proprietary information must be protected. Such RFI process may be followed by a more specific procedure as recommended by the ECD committee.

(d) Any other policy for disposition that the ECD committee establishes as appropriate which may be determined by the totality of the circumstances regarding the real estate involved.

(e) A development agreement negotiated by DAS - Economic Development Division that the ECD committee established with regard to a specific developer to develop an identified real estate parcel.

(4)(5) The ECD committee may, at their discretion, recommend to the

by the county board.

(5) Return of property to former homestead owner after property is foreclosed upon by tax lien action *in rem*.

(a) Definition: "Homestead owner" is defined as owner who has lived in property within ~~two~~ (2) five (5) years of *in rem* tax lien foreclosure.

(b) Any former homestead owner(s) or his or her heir(s) who has lost his or her title to land through delinquent tax collection enforcement procedure shall have the right ability to have this property returned from the county as authorized in s. 75.35(3), Wis. Stats., and this ordinance.

(c) An exception to this policy shall allow the county to declare that it will keep the tax deed land for county use if ~~another county department, the Milwaukee County Parks Department, the county economic development department, or the county real estate division,~~ which shall be notified of such foreclosures within ten (10) days of such action acquisition of the properties, ~~de~~ declares a county interest in holding title to said property within thirty (30) days of receipt to said notice. In case of such declaration, the disposition of said property will be referred to the county board, which shall determine if whether the county shall retain title to said tax deed land(s).

(d) In cases where a former homestead owner(s) or his or her heir(s)

(i) Rental rates, shall be determined on the basis of fair market value.

(ii) Leases or licenses shall be in writing on a month-to-month basis. Leases or licenses longer than one (1) year require the approval of the county board.

(iii) All rents shall be paid directly to the division.

(e) Paying special charges levied against the properties. Notwithstanding the foregoing, the county is not required to pay any special assessment until the time of sale, pursuant to s. 73.36(2), Wis. Stats.

(f) If feasible and determined to be in the best interests of the county, combining or dividing the tax foreclosure properties with other properties to improve salability, as contemplated by s. 75.35(4), Wis. Stats.

(3) Retention of tax foreclosure properties for municipal purposes.

(a) County Use. Upon receipt of jurisdiction of the tax foreclosure properties, the division shall notify all other county department heads of the availability of the real estate for public purposes. County department heads shall have 30 days from the date of notification to respond in writing advising the division of their interest in the real estate. The property will be transferred via jurisdictional transfer agreement to the interested department, whereby the interested department assumes the carrying costs of the property.

approved by the Board per 59.17(2)(b)3, Wis. Stats.

(c) All annual proceeds from the sales - less costs incurred by Economic Development Division, Office of the Treasurer, and Corporation Counsel, as well as outstanding delinquent taxes, special assessment, special charges delinquent utility charges, as well as accrued interest and penal (already booked as receivable) shall be credited to the economic development account, unless otherwise directed in the annual budget.

(d) The provisions of sect. 32.96(7) and (8) of this Code applicable to tax foreclosure. Any land sale to an individual covered by 32.96(7) shall require county board approval per 59.17(2)(b)3, Wis. Stats.

(5) County Board Notice Upon signing an agreement for or disposition of a tax foreclosure in accordance with sections (3) and (4) above, the division shall notify County Board of the transaction. Board members will have five days to object to the sale disposition in writing, at which the transaction will require approval of the full Board. In absence of a timely objection agreement shall be deemed approved by the Board per 59.17(2)(b)3, Wis. Stats.

SECTION 4. Sections 6.05, 6.05 of the General Ordinance Milwaukee County are super by newly created Sections 32