

**CHAPTER 308
CITY DEVELOPMENT**

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redevelopment authority, or the city plan commission, as the case may be.

j. To provide assistance related to housing activities that encourage reinvestment in residential property as part of an overall neighborhood economic stabilization strategy.

k. To attend to the operation, maintenance and repair of improvements upon land acquired by tax deed by the city in order that the premises may be rented and kept rented until sold, otherwise disposed of or appropriated.

3. COMMISSIONER. a. Authority. The department of city development shall be under the supervision and direction of a commissioner who shall be known as the commissioner of city development. He shall be paid a salary as the common council shall by ordinance determine.

c. Jurisdiction. c-1. The commissioner of the department of city development shall have supervision, control and direction over all matters related to community development, city planning, urban renewal and real estate (except demolition and vacant lot maintenance).

c-2. The commissioner shall have such powers and duties with respect to redevelopment and public housing as from time to time may be delegated to him or her by either the common council, redevelopment authority, housing authority or city plan commission, as the case may be.

c-3. The commissioner of the department of city development is authorized to issue parking citations to illegally parked motor vehicles. Pursuant to sub. 6-b, the commissioner may designate special deputies within the department, including employes of the housing authority of the city of Milwaukee, to issue the citations to illegally parked motor vehicles on property under the ownership and control of the housing authority of the city of Milwaukee.

d. To Act as Executive Director. Said commissioner of city development shall serve as the executive director of the redevelopment authority of the city of Milwaukee, executive director of the housing authority of the city of Milwaukee, and the executive secretary of the city plan commission of the city of Milwaukee, subject to the approval of the aforesaid agencies.

308-1. Department of City Development.

1. CREATED. There is created a department of city development which shall have the same status and standing as any other city department.

2. FUNCTIONS, POWERS AND DUTIES. The department of city development shall have the following authority, functions and responsibilities:

a. To develop comprehensive plans and programs designed to promote the overall development of the city.

b. To provide assistance and programs to further the economic development of the city.

c. To create and manage adequate public housing to meet the needs of the city's residents.

d. To actively manage and promote the conservation and redevelopment of property in the city, and other activities or projects related to community development.

e. To coordinate the use of land and recommend changes in land use patterns.

f. To provide real estate, relocation and other services to other city departments and agencies.

g. To administer city youth initiative services.

h. To perform such other duties and functions as are assigned to the department or the commissioner elsewhere in this code.

i. To contract with various departments and agencies for the performance of duties and responsibilities relating to the powers provided for in this section. The powers herein provided for shall be exercised subject to the approval of the common council or the housing authority, or the

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e. State Compliance. Nothing contained in this section shall be considered to mean that the position of executive director of the redevelopment authority, the position of executive director of the housing authority, or the position of executive secretary of the city plan commission, are transferred to the department of city development. The duties and responsibilities set forth by either the statutes or by other ordinances shall not be affected by any transfer provided for in this section.

6. ORGANIZATION. a. Departmental Divisions. The commissioner of the department of city development shall be empowered to establish divisions and sections within the department and shall make such assignments of personnel under his or her supervision and direction as he or she shall deem appropriate. Assignments may include designations of supervisory personnel for each of the divisions within the department, subject, however, to the provisions of the positions ordinance. In doing so, the commissioner shall cooperate with and receive the assistance of the department of employe relations.

b. Special Deputies and Their Authority. The commissioner of city development may from time to time appoint and designate competent persons within the department of city development to act for and in his stead in specified matters, as special deputy commissioner of city development without additional compensation. Such appointments shall be in writing and copies thereof filed with the city clerk and city comptroller setting forth the specific acts each such deputy is authorized to perform in the name of the commissioner. Such authority may be revoked or amended in the same manner. Within the scope of their specified authority, such deputies may perform any and all acts required by law of the commissioner. The commissioner shall be responsible for all acts of such deputies and may require that additional bonds be furnished to assure their faithful performance thereof.

7. ANNUAL BUDGET AND OPERATIONS. An annual budget shall be established for the department of city development. The commissioner is authorized to execute all vouchers, requisitions, transfers or other documents required in the performance of his duties and in carrying out the function of his

department. The commissioner is also authorized to designate in writing and to delegate to appropriate staff the execution of all the above mentioned operations.

8. CITY SERVICE RULES. The personnel of the department of city development shall be selected, appointed and shall serve under the provisions of city service rules and procedures.

9. BENEFITS RETAINED. All employes of the city plan commission, housing authority and redevelopment authority who were transferred to the department of city development shall in all respects retain their civil service status, their pension rights and all other privileges and prerogatives which they possessed as employes at the time of transfer.

10. ANNUAL REPORT REQUIRED. The commissioner of the department of city development shall keep a record of all his acts and doings, which at all times shall be open to the inspection of the common council, any member thereof, or of any committee appointed by said council. He shall make a detailed annual report of the acts and doings of the department of city development to the common council, and oftener when required by the common council.

11. EXPENDITURE AUTHORITY; CAPITAL ACCOUNTS. Neither the department of city development nor any employe of the department may expend \$100,000 or more from any department of city development-administered capital improvement account, other than an account for tax incremental district financing, for a single project or a single property without common council approval. As provided in s. 304-31.5-4, in the case of an expenditure of this magnitude from the housing infrastructure preservation fund, the approval of the special joint committee on the redevelopment of abandoned and foreclosed homes established by common council file number 080644 shall also be required.

308-5. Disposal of Abandoned Personalty on City-Owned Real Estate. 1. CONTROL AND DISPOSITION OF UNCLAIMED OR ABANDONED PERSONALTY. For personalty abandoned or unclaimed for 30 days after taking possession of same by the city, on city-owned real estate managed by the department of city development under s. 308-1, the city may, in

accordance with s. 66.0139 (2), Wis. Stats., dispose of the same by any means determined to be in the best interest of the city, as determined by the department of city development, including disposal by sale open to the public, by auction (in person or by internet), by private sale, by trade, by gift, by donation, by destruction, or as waste or refuse. The city may also retain any such abandoned or unclaimed personalty for its own use. If the personalty is not disposed of in a sale open to the public, the city, by its department of city development, shall maintain the inventory and record required by s. 66.0139 (2), Wis. Stats. Pursuant to s. 66.0139 (2), Wis. Stats., if the disposal is in the form of a sale, all receipts from the sale, after deducting the necessary expenses of keeping the personalty and conducting the sale, shall be paid into the treasury of the city.

2. ABANDONED TENANT PERSONALTY. a. For any personalty of a city tenant abandoned under s. 704.05, Wis. Stats. on city-owned real estate managed by the department of city development under s. 308-1, sub. 1 does not apply, and disposal of the personalty by the city shall be by any means determined to be in the best interest of the city, as determined by the department of city development. If the personalty is prescription medication or prescription medical equipment, the department of city development shall meet the holding and return requirements in s. 704.05 (5)(am), Wis. Stats. If the personalty is a manufactured home, a mobile home, or a titled vehicle, the department of city development shall give the notice required by s. 704.05 (5)(b)2, Wis. Stats.

b. Disposal may be by sale open to the public, by auction (in person or by internet), by private sale, by trade, by gift, by donation, by destruction, or as waste or refuse. The city may also retain any such abandoned or unclaimed personalty for its own use.

c. If the disposal is in the form of a sale, all receipts from the sale, after deducting the necessary expenses of keeping the personalty and conducting the sale, shall be paid into the treasury of the city, unless the common council, by resolution, directs the same to be sent to the Wisconsin department of administration, pursuant to s. 704.05 (5) Wis. Stats., for deposit in the appropriation under s. 20.505 (7)(h), Wis. Stats.

3. OTHER RIGHTS. The rights and remedies in this section are not exclusive and do not prevent the city from resorting to other available rights at law, including other rights in ch. 704, ch. 795 and s. 799.45, Wis. Stats.

4. EXCEPTIONS. The provisions of this section are not applicable to dispositions under s. 66.0139 (3), (4) or (5), Wis. Stats. or under s. 105-65, 105-122, s. 105-123, s. 110-36 or s. 310-29 of the code.

308-21. City Development, Annexation.

1. Section 62.07 (1) (a) and (b), (3), (4) and (6), Wis. Stats., 1949, and acts amendatory thereof and supplementary thereto, relating to annexation to territory and matters relevant thereto, are adopted by the common council and made applicable to the city of Milwaukee. Nothing contained herein shall in any way act to invalidate, by repeal of enabling legislation or otherwise, any annexation commenced previous to the effective date hereof under any other provisions of law, or to repeal or terminate the effect of such law prior to the completion of such annexation; provided that, except as hereinbefore stated, all ordinances or parts of ordinances contravening the provisions of this section are repealed.

2. All matters pertaining to annexation, detachments, or consolidations, including but not limited to giving assistance to property owners and electors seeking annexation or consolidation, shall be the duty and responsibility of the department of city development.

308-22. Environmental Audit Required Prior to Disposition or Acquisition of Property.

1. DEFINITIONS. In this section:

a. "Commissioner" means the commissioner of the department of city development.

b. "Environmental audit" means conducting and evaluating a series of studies regarding a property to determine if there are any potential or actual environmental hazards or hazardous substances present on the premises, or in any structure located on the premises. Environmental audits shall be identified as follows:

b-1. A phase I audit shall be the initial determination of a property's environmental status which shall include, but not be limited to:

b-1-a. A background check of the property's land use history.

b-1-b. An inspection of the site.

b-1-c. An inspection of the interior of each building on the property, provided legal access is obtainable. Such inspection may be performed, but shall not be required, if, historically, each building was used only as a tavern, restaurant, office, grocery store, department store, health clinic, church, theater, day care center,

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microbrewery, barber shop, beauty salon, sporting goods store, video store, hotel, multi-family dwelling with more than 4 units, or membership organization meeting room, hall or recreation or eating facility.

b-1-d. A surface soil gas survey.

b-1-e. A search for the location and contents of any underground storage tanks.

b-2. A phase II audit shall include sampling and analysis of site materials to determine the nature and extent of the contamination.

b-3. A phase III audit shall include the actions necessary to eliminate the contamination.

2. ENVIRONMENTAL AUDIT.

a. Required. Prior to the city's sale or acquisition of any property, including properties in the in rem process, except those with one to 4 residential units, a Phase I environmental audit shall be conducted by the department of city development, in conjunction with the departments of neighborhood services and health.

b. Other Audits. The commissioner may authorize an environmental audit of any property to be purchased or sold or otherwise acquired by the city, including 1-4 family residential structures, if it appears that hazardous materials or substances are present on the premises, within any structure or building on the premises, or in the immediate vicinity of the property, prior to its being offered for sale or acquisition.

c. Exceptions. The city may purchase, sell or otherwise acquire property without conducting an environmental audit as required in this subsection provided approval of the common council, in the form of a 3/4 vote of all its members, has been obtained.

d. Coordinator. The health department's environmental scientist shall coordinate all environmental audits, in conjunction with the departments of neighborhood services and city development, and shall review the results, determine the environmental status of the property and present a written report to the commissioner.

e. Additional Environmental Audits. If the results of the phase I environmental audit indicate a need for further analysis of any potential environmental hazard associated with a property, the department of city development shall commence a phase II audit, and, if necessary, a phase III audit on behalf of the city, before the property is advertised for sale, or before an offer to purchase is accepted. The results of the audits shall be presented in a written report to the commissioner.

f. Reports to be Made Available. Any report concerning an environmental audit of city owned property shall be made available to prospective buyers and the general public, upon request.

g. Liability. Anyone who intends to acquire property from the city shall, prior to the closing of the property transfer, be required to sign a waiver holding the city harmless from any undetected or unknown environmental hazard that may be present in or on the property.

h. Acceptance of Real Estate As Gift. The city shall not accept any real estate property from any party as a gift without a satisfactory environmental audit of the property being performed by a professional contractor of the city's choice, at the donor's expense, prior to the city taking title to the property.

i. Security for City Owned Properties With Hazardous Materials. All city owned properties that have been determined to contain hazardous materials or wastes shall be secured to ensure that unauthorized entry is eliminated.

j. Land Acquisition for the Milwaukee School Board. The department of facilities and maintenance of the Milwaukee public schools shall administer the necessary environmental audits for property acquisition by the city for the Milwaukee school board.

308-28. Procedure for Vacating a Street or Alley. 1. ABUTTING PROPERTY OWNERS OR COMMON COUNCIL TO INITIATE. Pursuant to s. 62.73, Wis. Stats., vacation of any street or alley under the control of the city may be initiated either by a petition to the common council signed by the owners of all property which abuts the street or alley proposed for vacation or by a resolution adopted by the common council. Vacation may be initiated by common council resolution only if the city, one of its affiliated agencies or another governmental unit is the owner of property abutting the street or alley proposed for vacation, or if the vacation is a necessary component of a publicly-supported project of the city, one of its affiliated agencies or another governmental unit.

2. FILING OR FORWARDING OF PRELIMINARY VACATION APPLICATION OR VACATION INITIATION RESOLUTION. A preliminary application for vacation of a street or alley may be submitted by any owner of property which abuts the street or alley proposed for vacation. Such application shall be filed with the department of city development and shall be accompanied by the appropriate fee specified in s. 81-116-1. Alternatively, whenever the common council adopts a resolution initiating vacation proceedings, the city clerk shall forward a copy of the resolution to the department of city development.

3. DEPARTMENT OF CITY DEVELOPMENT TASKS. Upon receipt of a preliminary application for vacation of a street or alley, or a resolution initiating a vacation, the department of city development shall:

a. Prepare and submit to the city clerk, for introduction by the common council, a resolution vacating the street or alley proposed for vacation. If the vacation was initiated by common council resolution and the council desires to waive the charges identified in s. 81-116-1-c, the vacation resolution shall identify a specific alternative funding source, including a budgetary account number, to cover the costs associated with the vacation.

b. Forward a copy of the application or resolution to the department of public works for completion of the tasks specified in sub. 4.

4. DEPARTMENT OF PUBLIC WORKS TASKS. Upon receipt of a preliminary vacation application, or resolution initiating a vacation, from the department of city development, the department of public works shall complete the following tasks:

a. Prepare a map and legal description of the area to be vacated, said map and description to be used in processing the vacation proposal. Such map shall also show the boundaries of all properties which abut the area to be vacated and the tax key numbers of such properties.

b. If the vacation procedure was initiated by an application from a property owner, attach to the map and legal description one or more separate sheets of paper that list all tax key numbers shown on the map, along with the names of the owners of record of the corresponding properties as specified in the

records of the commissioner of assessments. Next to each name there shall be a space for the property owner=s signature and a space for notarization of such signature. This combination of map, legal description and ownership information shall constitute a vacation petition.

c. Provide notice of the proposed vacation to each private utility serving the area in question.

d. Transmit copies of the map and legal description, along with a request for written comments on the proposed vacation, to each division of the department of public works and to the fire department. The department of public works shall prepare a single, coordinated report containing comments and other information provided by its divisions and the fire department. The coordinated report shall include a statement of the costs that will be incurred by the city as a result of the vacation, including, but not limited to, costs of easement preparation, pavement and light removal, closing of intersections, utility relocation or abandonment and equity in catch basins and street trees. In addition, the coordinated report shall include a benefit assessment for the proposed vacation prepared by the department of public works in accordance with s. 66.0703, Wis. Stats.

e. Transmit the completed map, legal description, list of tax key numbers and property owner names (if required) and coordinated report to the department of city development. The department of public works shall make its best effort to provide all of these items to the department of city development within 30 days of receipt of the preliminary vacation application, and, in the case of a vacation initiated by an application from an abutting property owner, may transmit the vacation petition to the department of city development before transmitting the coordinated report so as to expedite the process of collecting signatures on the petition.

5. COMPLETION OF APPLICATION. If a vacation petition was prepared pursuant to sub. 4-b, the department of city development shall, upon receipt of such petition from the department of public works, provide a copy of the vacation petition to the person who submitted the application so that said person may collect the notarized signatures of all

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owners of abutting property. Once all signatures have been collected, they shall be submitted along with the map and legal description to the department of city development and shall constitute a completed application for vacation of a street or alley.

6. PROCESSING OF VACATION PROPOSAL. Upon receipt of the map, legal description and coordinated report from the department of public works (in the case of a vacation initiated by common council resolution) or the completed vacation application described in sub. 5 (in the case of a petitioner-initiated vacation), the department of city development shall proceed to perform each of the following:

a. File a notice of the pendency of the application or proposal for vacation in the office of the Milwaukee county register of deeds.

b. If the vacation proposal was initiated by common council resolution, prepare a written report on the proposed vacation and submit such report to the city plan commission and the common council. This report shall include a summary of the comments, easement requests and vacation-related costs, if any, identified in the coordinated report of the department of public works, as well as the department of city development's evaluation of whether the vacation would be detrimental or beneficial to the public and to the city in terms of such factors as property access, traffic circulation, future land development and future use of the street or alley to be vacated.

c. If the vacation was initiated by a petition signed by the owner or owners of abutting property, mail written notice to the petitioner of any benefit assessment and vacation-related costs for the proposed vacation, as identified by the department of public works pursuant to sub. 4-d. Such notice shall indicate that the department of city development will schedule a proposed vacation for city plan commission action only after it has received full payment from the petitioner of any benefit assessment and vacation-related costs. The department of city development shall forward the required payment to the department of public works. Following receipt of the required payment, the department of city development shall schedule the proposed vacation for plan commission action and

prepare the report required by par. b. In the event that the common council does not adopt the resolution vacating the street or alley, the city clerk shall inform the department of public works of such fact and the department shall return such deposited monies to the petitioner.

7. NOTICE OF HEARING. Owners of record of all property which abuts upon the street or alley proposed for vacation shall be notified by the city clerk of the common council committee hearing in the manner specified in s. 62.73, Wis. Stats. If only a portion of a street or alley is proposed for vacation, the city clerk shall notify owners of record of all property in the block in which that portion of the street or alley is located. The city clerk shall use the most current property ownership information available from the commissioner of assessments.

8. RECORDING OF RESOLUTION. Whenever the common council has adopted a vacation resolution, the department of city development shall record a certified copy of the resolution, together with the map and legal description of the area vacated, with the Milwaukee county register of deeds and mail a copy of the resolution to the petitioner.

308-33. Claims in Condemnation.

1. JURISDICTION. The department of city development shall have jurisdiction over all claims presented to the city for damages because of the taking or using of private property by the city for public purposes. The department of city development shall establish such forms as are necessary to administer the provisions of this section, and shall be authorized to distribute such forms to such departments, boards, commissions or persons. The department of city development shall consider all claims arising from condemnation proceedings instituted under subch. II, ch. 32, Wis. Stats., or under any other law under which the city is authorized to condemn, or arising by reason of negotiations under threat of condemnation under any such law. The department of city development may establish rules not inconsistent with this section to govern procedure.

2. COMPENSABLE ITEMS, ETC. For the purposes of this subsection, the definitions set forth shall apply, and compensable items for damage shall include those set forth herein under sub. 2:

a. Definitions. a-1. In this section a "person" means:

a-1-a. Any individual, partnership, corporation or association which owns a business concern; or

a-1-b. Any owner, part owner, tenant or sharecropper operating a farm; or

a-1-c. An individual who is the head of a family; or

a-1-d. An individual not a member of a family.

a-2. "Family" means 2 or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, adoption or legal guardianship.

a-3. "Displaced person" means any person who moves from real property on or after July 1, 1970 as a result of the acquisition or reasonable expectation of acquisition of such real property, in whole or in part, which is subsequently acquired, in whole or in part, for public purposes, as the result of the acquisition for public purposes of other real property on which such person conducts a business or farm operation.

a-4. "Business" means any corporation, partnership, individual, other private entity, including a nonprofit organization, engaged in some type of business, professional, or institutional activity, necessitating fixtures, equipment, stock in trade or other tangible property for carrying on the business, profession or institution.

a-5. "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

a-6. "Comparable dwelling" means one which, when compared with the dwelling being taken, is substantially equal concerning all major characteristics and functionally equivalent with respect to: the number of rooms, area of living space, type of construction, age, state of repair, type of

neighborhood and accessibility to public services and places of employment. "Comparable dwelling" shall meet all of the standard building requirements and other code requirements of the city and be decent, safe and sanitary.

b. Moving Expenses; Actual. The displaced person shall be compensated for his actual and reasonable expenses in moving himself, his family, his business, or his farm operation, including personal property. Such relocation payments are limited only to new locations within 50 miles of the original site and within the state.

c. Moving Expenses; Optional Fixed Payments. c-1. Dwellings. Any displaced person who moves from a dwelling and who elects to accept the payments authorized by this subdivision in lieu of the payments authorized in par. b may receive a moving expense allowance determined according to a schedule established by the department of city development not to exceed \$200 and dislocation allowance of \$100, such schedule to be approved by the common council.

c-2. Business and farm operations. Any displaced person who moves or discontinues his business or farm operation and who elects to accept payment authorized under this subdivision in lieu of the payment authorized under par. b may receive a fixed payment in an amount equal to the average net earnings of the business or farm operation, or \$5,000, whichever is the lesser. In the case of a business, no payment shall be made under this subsection unless the city is satisfied that the business:

c-2-a. Is not able to be relocated without a substantial loss of its existing patronage; and

c-2-b. Single commercial enterprise. It is not part of a commercial enterprise having at least one other establishment, not being acquired by the city which is engaged in the same or a similar business.

c-2-c. For the purpose of this subdivision, the term "average annual net earnings" means 1/2 of any net earnings of the business of farm operation, before payment of federal, state and local income taxes, during the 2 taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project. "Average annual net

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earnings" includes any compensation paid by the business or farm operation to the owner, his spouse or his dependents during such 2-year period. To be eligible for the payment authorized by this subdivision, the business or farm operation shall make its state and federal income tax returns available and its financial statements and accounting records available for audit to determine the payment authorized by this subsection.

d. Replacement Housing. In addition to amounts otherwise authorized the city shall make a payment to the owner of real property acquired for a project which is improved by a single, 2-family, or 3-family dwelling actually owned and occupied by the owner for not less than one year prior to the initiation of the attempt to purchase such property. Such payment, not to exceed \$5,000, shall be the amount which, when added to the acquisition payment, equals the average price required for a comparable dwelling as determined by the department of city development. In the determination of such amount there shall be considered a comparable dwelling, adequate to accommodate the displaced owner, reasonably accessible to public services and places of employment, and available on the private market. Such payment shall be made only to a displaced owner who purchases and occupies a decent, safe and sanitary dwelling within one year subsequent to the date on which he moves from the dwelling acquired for the project. In addition to amounts otherwise authorized in this section, the city shall make a payment to any individual or family displaced from any dwelling not eligible to receive a payment under par. b, which dwelling was actually and lawfully occupied by such individual or family for not less than 90 days prior to the initiation of the attempt to purchase such property. Such payment, not to exceed \$1,500, shall be the amount which is necessary to enable such person to lease or rent for a period not to exceed 2 years, or to make the down payment on the purchase of a comparable dwelling and adequate to accommodate such individual or family in areas not generally less desirable in regard to public utilities, public and commercial facilities and places of employment.

e. Expenses Incidental to Transfer of Property. In addition to amounts otherwise authorized herein, the city shall reimburse the owner of real property acquired for a project for all reasonable and necessary expenses incurred for:

e-1. Recording fees, transfer taxes and similar expenses incidental to conveying such property.

e-2. Penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if the mortgage is recorded or has been filed for recording as provided by law on the date the plan or improvement of such project is adopted by the city under subch. II, ch. 32, Wis. Stats.

e-3. The pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting of title in the city or the effective date of possession of such real property by the city, whichever is earlier.

e-4. The cost of realigning personal property on the same site in partial takings or where realignment is required by reason of elimination or restriction of existing used right of access.

e-5. Net rental losses resulting from vacancies during the year preceding the taking of the property, provided that such loss is limited to the amount that exceeds the average annual rental losses caused by vacancies during the first 4 years of the 5-year period immediately preceding the taking; and such rental loss was caused by the proposed public land acquisition.

e-6. Expenses incurred for plans and specifications specifically designed for the property taken and which are no value elsewhere because of the taking.

f. Refinancing Costs. All expenses incurred by the owner to finance the purchase of another property substantially similar to the property taken provided that:

f-1. At the time of the taking the land condemned was subject to a bona fide mortgage or was held under a vendee's interest in a bona fide land contract; and

f-2. Such mortgage or land contract has been executed in good faith prior to the date of the adoption of the plan of improvement adopted by the city under subch. II, ch. 32, Wis. Stats. Such expenses shall include:

f-2-a. Reasonable fees, commissions, discounts, surveying costs and title evidence costs necessary to refinance the balance of the debt at the time of taking it actually incurred.

f-2-b. Increased interest costs above that provided in the former financing. The computation of the increased interest costs shall be based upon and limited to:

f-2-b-i. A principal amount of indebtedness not to exceed the unpaid debt at the date of taking.

f-2-b-ii. A term not to exceed the remaining term of the original mortgage or land contract at the date of taking.

f-2-b-iii. An interest rate not to exceed the prevailing rate charged by mortgage lending institutions doing business in the vicinity.

f-2-b-iv. The present worth of the future payments of increased interest computed at the same rate of interest as in subd. 2-b-iii.

g. Damages Not Included. Nothing herein shall be construed as creating in any condemnation proceedings brought under the provisions of subch. II, ch. 32, Wis. Stats., any element of damages.

h. Records. The department of city development shall maintain records for each project requiring a relocation payment plan. The records shall contain such information as is necessary to carry out the provisions herein; and such records shall be preserved for a period of not less than 3 years after the conclusion of the project to which the records pertain.

i. Costs. i-1. The costs of relocation payments and services shall be computed and paid by the city and included as part of the total project cost.

i-2. If there is a project cost sharing agreement between the city and another unit or level of government, the costs of relocation payments and services shall be shared in the same proportion as other project costs, unless otherwise provided. This direct proportion formula may be changed to take advantage of federal relocation subsidies.

3. FILING OF CLAIM FORMS. All claims must be filed on forms prepared by the department of city development, and the department of city development shall not consider any claim filed more than 2 years after the date of taking of the property for public use. For the purpose of applying this section, the "date of taking" means the date at which

legal possession was transferred to the city by the terms of a negotiated sale, or the date fixed by the board of assessment as the date that title passed to the city under the provisions of subch. II, ch. 32, Wis. Stats., or the date under which such property is transferred to the city by operation of law under any other law used by the city in such condemnation. If such claim has been proved to the satisfaction of the department of city development to be a bona fide claim, and that it accurately reflects the costs incurred by those persons entitled to make such claim and that the same is compensable under this section, the department of city development shall authorize a check to be drawn directly out of the project funds for the project involved without the intervention of a common council resolution for payment. The department of city development shall keep a written report of the receipt of each claim and the disposition thereof, and such records shall be deemed to be public records.

4. DEPARTMENTAL COOPERATION. The department of city development is authorized to call upon any employe, officer, board or commission of the city for aid and assistance in carrying out of its duties and functions and to make such investigations as are necessary in the furtherance of its duties and responsibilities.

5. APPEALS. Any person making a claim as provided by this section who shall feel aggrieved by reason of the fact that such claim is disallowed, or by reason of the amount thereof allowed or disallowed, may request the department of city development to refer such claim to the common council, and upon receipt thereof the common council shall refer such claim to one of its standing committees for hearing and recommendation. The city clerk shall cause a notice to be sent prior to such hearing to such claimants, stating the time and place of such hearing. Thereupon, after receiving the recommendation of its committee, the common council may by resolution take such further action as is deemed necessary by it. The decision of the common council shall be final, and if the common council shall authorize payment, the department of city development shall authorize a check to be drawn payable to the claimant directly out of project funds

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without the intervention of a common council resolution. If the common council shall deny the claim, the department of city development shall not thereafter consider the same claim.

6. AUTHORITY. This section shall be effective to vest authority in the department of city development to receive, adjudicate and pay condemnation claims to all persons displaced on or after July 1, 1970, wherever title to the property involved vested in the city.

7. RELOCATION PLAN TO BE FILED. Whenever proceedings are instituted under subch. II, ch. 32, Wis. Stats., the provisions herein shall be applicable.

a. The city shall not proceed with any property acquisition activities or any project which may involve acquisition of property and displacement of persons, business concerns, or farm operations until the department of city development has filed in writing a relocation plan and relocation assistance service plan and has both such plans approved by the common council.

b. The relocation assistance service plan shall contain evidence that reasonable and appropriate steps have been taken to:

b-1. Determine the cost of any relocation payments and services or the methods that are going to be used to determine such costs.

b-2. Assist owners of displaced business concerns and farm operations in obtaining and becoming established in suitable business locations or replacement farms.

b-3. Assist displaced owners or renters in the location of comparable dwellings.

b-4. Supply information concerning programs of federal, state and local governments which offer assistance to displaced persons and business concerns.

b-5. Assist in minimizing hardships to displaced persons in adjusting to relocation.

b-6. Secure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may effect the implementation of the relocation program.

b-7. Determine the approximate number of persons, farms, or businesses that will be displaced and the availability of decent, safe and sanitary replacement housing.

b-8. Assure that, within a reasonable time prior to displacement, there will be available, to the extent that may reasonably be accomplished, housing meeting the standards as provided in sub. 2-a-6. The housing, so far as practicable, shall be in areas not generally less desirable in regard to public utilities, public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced and equal in number to the number of such displaced families or individuals and reasonably accessible to their places of employment.

**LEGISLATIVE HISTORY
CHAPTER 308**

Abbreviations:

am = amended
cr = created

ra = renumbered and amended
rc = repealed and recreated

rn = renumbered
rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
Ch. 308	cr	881930	3/7/89	3/25/89
308-1-2-g	rn to 308-1-2-h	920988	11/12/92	12/20/92
308-1-2-g	cr	920988	11/12/92	12/20/92
308-1-2-g	rp	991247	11/29/99	1/1/2000
308-1-2-g	cr	060775	11/10/2006	1/1/2007
308-1-2-h	rn to 308-1-2-k	980963	12/18/98	1/1/99
308-1-2-h	cr	980963	12/18/98	1/1/99
308-1-2-h	rp	120914	11/8/2012	1/1/2013
308-1-2-i	cr	980963	12/18/98	1/1/99
308-1-2-i	rp	120914	11/8/2012	1/1/2013
308-1-2-j	rn to 308-1-2-h	120914	11/8/2012	1/1/2013
308-1-2-j	cr	980963	12/18/98	1/1/99
308-1-2-k	rn to 308-1-2-i	120914	11/8/2012	1/1/2013
308-1-2-L	cr	020593	11/8/2002	1/1/2003
308-1-2-L	rn to 308-1-2-j	120914	11/8/2012	1/1/2013
308-1-2-m	cr	101499	5/3/2011	5/20/2011
308-1-2-m	rn to 308-1-2-k	120914	11/8/2012	1/1/2013
308-1-3-c	am	921842	6/15/93	7/2/93
308-1-3-c	rc	980963	12/18/98	1/1/99
308-1-3-c-1	am	120914	11/8/2012	1/1/2013
308-1-3-c-3	rn to 308-1-3-c-4	981447	2/9/99	2/26/99
308-1-3-c-3	cr	981447	2/9/99	2/26/99
308-1-3-c-4	rp	120914	11/8/2012	1/1/2013
308-1-6-a	am	891611	12/19/89	1/13/90
308-1-11	cr	130995	12/17/2013	1/9/2014
308-5	cr	120871	11/8/2012	11/29/2012
308-22	cr	912282	6/16/92	7/3/92
308-22-1-b-1-c	am	961921	4/22/97	5/9/97
308-22-2-a	am	980963	12/18/98	1/1/99
308-22-2-d	am	980963	12/18/98	1/1/99
308-23	rp	060444	2/6/2007	2/23/2007
308-23-4	cr	001267	1/16/2001	2/2/2001
308-28	cr	980680	9/23/98	10/10/98
308-28-1	am	001458	2/27/2001	3/16/2001
308-28-4-d	am	001458	2/27/2001	3/16/2001
308-28-7	am	001458	2/27/2001	3/16/2001
308-51	rp	980963	12/18/98	1/1/99
308-51-2-b	rc	960239	6/4/96	6/21/96
308-51-2-d-8	cr	921842	6/15/93	7/2/93
308-52	cr	921842	6/15/93	7/2/93
308-52	rp	980963	12/18/98	1/1/99
308-52-5	rn to 308-52-6	940843	10/18/94	11/4/94
308-52-5	cr	940843	10/18/94	11/4/94
308-52-6	rn to 308-52-7	940843	10/18/94	11/4/94
308-71	rc	901979	5/14/91	6/1/91
308-71	rn to 200-61	041316	2/1/2005	2/18/2005
308-71-1-a	am	961950	7/11/97	7/30/97
308-71-1-a	am	980963	12/18/98	1/1/99
308-71-2-e	am	010105	5/30/2001	6/16/2001
308-71-3-a	am	960229	6/4/96	6/21/96

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308-71-3-a	rc	971381	1/20/98	2/6/98
308-71-3-a-1	am	980963	12/18/98	1/1/99
308-71-4-f	am	980963	12/18/98	1/1/99
308-71-5-0	am	980963	12.18/98	1/1/99
308-71-5-b-0	rn to 308-71-5-b-1	960621	7/30/96	8/16/96
308-71-5-b-1	rn to 308-71-5-b-2	960621	7/30/96	8/16/96
308-71-10-b	am	980963	12/18/98	1/1/99
308-71-12-b	am	980963	12/18/98	1/1/99
308-71-14	am	961950	7/11/97	7/30/97
308-71-15-a	am	980963	12/18/98	1/1/99
308-81	rp	090276	7/28/2009	1/1/2010
308-81-1.5	cr	901979	5/14/91	6/1/91
308-81-3	rc	010758	10/12/2001	10/31/2001
308-81-3	rc	051188	1/18/2006	2/4/2006
308-81-7-g	rn to 308-81-7-h	941691	3/8/95	3/25/95
308-81-7-g	cr	941691	3/8/95	3/25/95
308-81-7-g	am	050088	6/14/2005	7/1/2005
308-81-8-0	am	001704	5/8/2001	5/25/2001
308-81-8-a	am	970344	7/11/97	7/30/97
308-81-8-a	am	980694	10/30/98	11/18/98
308-81-8-a	rc	001704	5/8/2001	5/25/2001
308-81-8-b-0	am	980694	10/30/98	11/18/98
308-81-8-c	am	030891	11/25/2003	12/16/2003
308-81-8-d	am	980963	12/18/98	1/1/99
308-81-8-e	am	000441	7/25/2000	8/11/2000
308-81-8-f	cr	000441	7/25/2000	8/11/2000
308-81-8.5	cr	030891	11/25/2003	12/16/2003
308-81-9-0	am	980963	12/18/98	1/1/99
308-81-9-a	am	980694	10/30/98	11/18/98
308-81-9-c	am	970344	7/11/97	7/30/97
308-81-9-d	am	980963	12/18/98	1/1/99
308-81-9-f	am	970344	7/11/97	7/30/97
308-81-9g	am	081377	2/10/2009	2/27/2009
308-81-9-i	rc	980694	10/30/98	11/18/98
308-81-9-i	am	980963	12/18/98	1/1/99
308-81-10.5	am	970344	7/11/97	7/30/97
308-81-10.5-a	am	980963	12/18/98	1/1/99
308-81-10.5-c	am	980963	12/18/98	1/1/99
308-81-10.5-d	am	980963	12/18/98	1/1/99
308-81-10.5-f	am	980963	12/18/98	1/1/99
308-81-10.5-g	am	000197	7/25/2000	8/11/2000
308-81-11	am	980694	10/30/98	11/18/98
308-81-11	am	980963	12/18/98	1/1/99
308-81-12	rn to 308-81-13	941691	3/8/95	3/25/95
308-81-12	cr	941691	3/8/95	3/25/95
308-81-12-0	am	980963	12/18/98	1/1/99
308-81-12-0	am	050088	6/14/2005	7/1/2005
308-81-12-a	am	980963	12/18/98	1/1/99
308-81-12-a	am	050088	6/14/2005	7/1/2005
308-81-12-f-0	am	970344	7/11/97	7/30/97
308-81-12-g	am	970344	7/11/97	7/30/97
308-81-12-g	am	980963	12/18/98	1/1/99
308-81-13	rn to 308-81-14	941691	3/8/95	3/25/95
308-81-14	rc	941691	3/8/95	3/25/95
308-81-14	rp	081377	2/10/2009	2/27/09

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