



ENGINEERING DEPARTMENT

Michael G. Lewis
City Engineer

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April 29, 2008

Board of Public Works
City of West Allis
West Allis, WI 53214

RE: Request From Mr. & Mrs. Sims on Special Assessment for Grant Street Reconstruction

Dear Board Members:

Attached is a letter from the Sims asking that they be allowed to pay their special assessment bill by the end of this year without any interest charges. Also attached is my letter that they refer to.

The Sims claim they did not know about the street project and pending special assessment. Since the time I wrote them the letter, I had a chance to investigate the issue some more. According to our records and procedure, even though the Sims would not have received the public hearing notice because the County had not yet notified the Assessor's Office, they would have received the Final Resolution. The Final Resolution would have notified them of the project and that there was a special assessment.

Timelines:

Public Hearing Notice Mailed (C&H Properties):	November 1, 2006
Assessor's Office Notified:	November 3, 2006
Assessor's Record Updated:	November 16, 2006
Public Hearing:	November 21, 2006
Final Resolution Mailed (Sims)	December 6, 2006

Without some research, the City Attorney doesn't offhand think there is any leeway in this situation. The Finance Office doesn't support the time frame suggested by the Sims and feels like I do that this would set a bad precedence. The request should be denied.

Respectfully,

Michael G. Lewis
City Engineer

MGL/mgl

Mr. Timothy & Mrs. Keri Sims
2153 S. 58th Street
West Allis, WI 53219
414-546-2125

RECEIVED
APR 24 2008
CITY OF WEST ALLIS
ENGINEERING DEPT.

April 23, 2008

Mr. Michael G. Lewis
City Engineer
City Hall
7525 West Greenfield Avenue
West Allis, WI 53214

RE: Special Assessment for Reconstruction of Grant Street

Dear Mr. Lewis:

Thank you for responding to our request for information. The information that you provided clearly proves the validity of the special assessment.

At the time the resolution was sent out, we had owned our property for five months, but it was sent to the owner on record, C&H Properties. Due to the city's inaccurate records, we were unaware of the upcoming charges until we received the bill in mid-March. This gave us only 30 days to pay the bill without being charged interest. Therefore we are requesting that the city allow us to pay the bill at the end of 2008 without paying interest.

We will attend the Board of Public Works meeting on May 6, 2008 at 7 p.m. to address the board with this issue. Please notify us if there is something more we need to do to be put on the agenda. Thank you for your time.

Sincerely,



Keri A. Sims



ENGINEERING DEPARTMENT

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City Engineer

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April 8, 2008

Mr. Timothy & Mrs. Keri Sims
2153 58th Street
West Allis, WI 53219

RE: Special Assessment for Reconstruction of Grant Street

Dear Mr. & Mrs. Sims:

Alderman Michael Czaplewski forwarded to me your questions about your special assessment for the reconstruction of Grant Street. I understand that you believe you did not receive any notice of the pending special assessment.

We have reviewed our records and apparently there was a change of ownership between the time that the special assessment was placed on the property and the time you purchased it. Notice was sent to C & H Properties (please refer to the enclosed documents) on November 1, 2006. The public hearing was held on November 21, 2006 and the project was approved shortly thereafter. A copy of the Final Resolution was mailed on December 6, 2006.

Under Wisconsin State Statute for special assessments, we are required to send all notices to the owner of record, which according to our records was C & H Properties at that time. Special assessments are attached to the property, regardless of any change of ownership. Therefore, the special assessment is still valid.

If you have any questions about the information contained in this letter, please contact me.

Sincerely,

Michael G. Lewis
City Engineer

Enclosures

Cc: Alderman Michael Czaplewski, First District
Alderman Vincent Vitale, First District
Board of Public Works

Final Resolution No. R-2008-0046

Example

Final Resolution authorizing public improvement by major asphalt resurfacing of the pavement with miscellaneous walk repair, miscellaneous driveway repair and utility adjustments in W. Theodore Trecker Way from S. 108 St. to S. 116 St. and portions of intersecting streets and levying special assessments against benefited properties.

WHEREAS, Public necessity requires the improvement of a certain street as hereinafter described; and,

WHEREAS, The Common Council has received final plans and specifications for such proposed improvements; and,

WHEREAS, A hearing has been conducted pursuant to Sec. 66.0703(7) of the Wisconsin Statutes; and,

WHEREAS, The Common Council finds that each property against which the assessments are proposed is benefited by the improvement.

NOW, THEREFORE, BE IT RESOLVED By the Common Council of the City of West Allis as follows:

1. That the final plans and specifications heretofore submitted for the improvement of W. Theodore Trecker Way from S. 108 St. to S. 116 St. and portions of intersecting streets (Plan File No. SP-1127), by major asphalt resurfacing of the pavement with miscellaneous walk repair, miscellaneous driveway repair and utility adjustments be and the same are hereby approved and adopted.
2. That the Board of Public Works be and is hereby authorized and directed to cause said street to be improved in accordance with the plans and specifications, and it is directed to advertise in the official paper for sealed proposals for all work necessary to be done with the installation of the above described improvements.
3. That such improvements be assessed in accordance with the report of the City Engineer as finally approved, and the due date for payment of such assessments, without interest, is the 30th day following the billing date; and
4. That each property owner be given the opportunity of paying the assessment against his property by one of the following methods:
 - a. Payment of entire assessment, or any portion thereof, without interest at any time prior to due date as noted on the billing.
 - b. Payment of the entire assessment with the next tax roll including a 6.0% interest charge from due date to December 31 of the year billed. All assessments of \$100.00 or less will automatically fall under category a or b.

c. Payment in five annual installments on the property tax bill including a 6.0% interest charge on each succeeding unpaid principal amount. All assessments between \$100.01 and \$250.00 which are not paid by due date or elected to be paid under plans a or b above will automatically be extended in this manner.

d. Payment in ten annual installments on the property tax roll, including a 6.0% interest charge on each succeeding unpaid principal amount. All assessments over \$250.00 which are not paid by due date or elected to be paid under plans a, b or c will automatically be extended in this manner.

5. That if, after election to pay to the City Clerk/Treasurer by November 1st of the year billed said property owner shall fail to make the payment to the City Clerk/Treasurer, the City Clerk/Treasurer's office shall place the said assessment, with interest at the rate of 6.0% per annum as applicable from due date, on the next succeeding tax roll for collection; and,

6. That if the property owner fails to notify the City Clerk/Treasurer's office, in writing prior to the due date, of his option, the assessment shall be written in ten annual installments, except that any total assessment or assessment balance of less than \$100.00 against any one property shall be written in one payment, and those between \$100.01 and \$250.00 shall be written in five annual installments; and,

7. That a certified list of such assessments and assessment installments be given to the City Clerk/Treasurer's office, and the City Clerk/Treasurer's office shall inscribe the same on the tax roll as they become due; and,

8. That property owners may submit duly executed waivers prior to or following the passage of the Final Resolution, approving assessments against their properties and waiving all statutory requirements and proceedings in public work of this nature and agreeing to pay all assessments levied against their properties by reason of the installation of the improvements stated therein, in the same manner and in the same effect as if said statutory requirements relating to said work had been complied with, and such waivers are hereby confirmed and adopted by the Common Council; and,

9. That the City Clerk/Treasurer is hereby directed to publish this resolution as a Class I Notice in the assessment district.

10. That the City Clerk/Treasurer is further directed to mail a copy of this resolution and upon completion of the improvement, a statement of the final assessment against his property, to every property owner whose name appears on the assessment roll whose post office address is known or can, with reasonable diligence, be ascertained.

BE IT FURTHER RESOLVED as follows:

1. That establishing or re-establishing grades is not required on this project.

2. That the Common Council does hereby exercise the authority contained in sec. 66.0911 of the Wisconsin Statutes, to require the installation of laterals to every property abutting said street where it is felt said services are necessary and that any required assessments be applied as therein provided; and

3. That said work be performed with funding from Bond Funds, Water Utility Funds, Sanitary Sewer Funds, Storm Water Management Funds, and Special Assessments.

ADOPTED 3-31-08

/s/Paul M. Ziehler

APPROVED 4-2-08

/s/Jeannette Bell

Publish April 10, 2008

Example