



City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
2003-0140	Communication	In Committee
Communication from City Attorney regarding the WI Supreme Ct's denial of Wehr Steel's petition for review in the City of West Allis v. Wehr Steel Corporation Case.		
Introduced: 3/4/2003		Controlling Body: Administration & Finance Committee

COMMITTEE RECOMMENDATION

Placed on file

MOVER: LAI+BJC

AYES 4

NOES 0

Boguski

SECONDER: RICKO

EXCUSED _____

COMMITTEE ACTION DATE 3-4-03

SIGNATURES OF COMMITTEE MEMBERS

Chair

Vice-Chair

COMMON COUNCIL ACTION

Placed on file

FINAL ACTION DATE 3-4-03

MOVER:

Czaplewski

SECONDER:

Vitale

	AYE	NO
1. Barczak	<u>ex</u>	_____
2. Czaplewski	<u>✓</u>	_____
3. Kopplin	<u>✓</u>	_____
4. Lajsic	<u>✓</u>	_____
5. Murphy	<u>✓</u>	_____
6. Narlock	<u>ex</u>	_____
7. Reinke	<u>✓</u>	_____
8. Sengstock	<u>✓</u>	_____
9. Trudell	<u>✓</u>	_____
10. Vitale	<u>✓</u>	_____
TOTAL	<u>8</u>	_____



CITY OF WEST ALLIS

WISCONSIN



OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

February 25, 2003

Common Council
City of West Allis

RE: *City of West Allis v. Wehr Steel Corporation*
Case No. 01-CV-3399

Dear Council Members:

The Wisconsin Supreme Court has denied Wehr Steel's petition for review in this case. I have attached a copy of the notification from the Clerk of the Supreme Court of Wisconsin dated February 19, 2003. This case concerned the City/Community Development Authority's ability to enter the Wehr Steel's property to conduct environmental tests prior to possible eminent domain acquisition. Wehr Steel contested the City/CDA's authority to conduct the tests. The City/CDA started action to obtain a court order. The circuit court granted the order and the Court of Appeals refused to prevent the testing during the appeal process. By the time the case was set for oral argument before the Court of Appeals, the testing was done and the results were back. I argued that the case was moot (no longer had any legal significance) and the Court of Appeals agreed. Wehr Steel then petitioned the Wisconsin Supreme Court to hear the case but the court denied the petition.

If there are any questions regarding the above, please do not hesitate to contact me. I will continue to keep you informed on further proceedings.

Yours very truly,

Scott E. Post
City Attorney

SEP:da
Attachment
Scott/Lit/Wehr-CC ltr-Petition Denied

cc: Community Development Authority Members



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Supreme Court of Wisconsin

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FEB 21 2003
WEST ALLIS
CITY ATTORNEY

February 19, 2003

To:

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Milwaukee, WI 53233

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You are hereby notified that the Court has entered the following order:

No. 02-0279

City of West Allis v. Wehr Steel Corporation L.C. #01CV3399

A petition for review pursuant to Wis. Stat. § 808.10 and a motion to supplement to petition for review having been filed on behalf of defendants-appellants-petitioners, Wehr Steel Corporation, et al., and a motion for leave to file nonparty brief having been filed on behalf of Associated General Contractors of Greater Milwaukee, Inc., et al., and considered by this court;

IT IS ORDERED that the motions are granted; the supplement and the nonparty brief are accepted for filing.

IT IS FURTHER ORDERED that the petition for review is denied, without costs.

Cornelia G. Clark
Clerk of Supreme Court