

STATE OF WISCONSIN CIRCUIT COURT MANITOWOC COUNTY

WILKINS 901, LLC,
2340 Geneva Street
Oshkosh, Wisconsin 54901,

Plaintiff,

vs.

CITY OF MANITOWOC,
900 Quay Street
Manitowoc, Wisconsin 54220,

Defendant.

FILED

SEP 18 2019

CLERK OF CIRCUIT COURT
MANITOWOC COUNTY, WI

Case No.: 19 CV 419
Case Code: 30704

APPLICATION TO THE CIRCUIT COURT

NOW COMES Wilkins 901, LLC, by its attorneys, Nash, Spindler, Grimstad & McCracken, LLP, and pursuant to Wis. Stat. § 66.0413(1)(h), applies for an order restraining the building inspector or other designated officer from acting upon a raze order. The raze order is attached as Exhibit A.

WHEREFORE, Wilkins 901, LLC requests relief as follows:

- A. For an order restraining the building inspector or other designated officer from acting upon a raze order;
- B. For an order directing the City of Manitowoc to appear at a hearing on whether the raze order issued was reasonable;
- C. For such further relief as permitted by law.

RECEIVED

SEP 19 2019

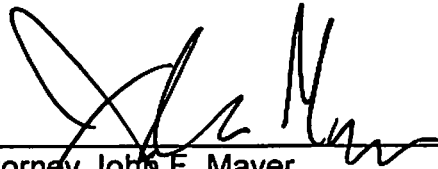
CITY CLERKS OFFICE

Served On: City of Manitowoc
900 Quay St.
Manitowoc, WI
Date: 9/18/19
Time: 3:45 pm
Served By: Sam L. Hanson
by: Dorinda Hanson

Dated this 18th day of September, 2019

NASH, SPINDLER, GRIMSTAD & McCracken, LLP

By: _____



Attorney John F. Mayer
State Bar No.: 1017384
Attorney Travis L. Yang
State Bar No.: 1112869
Attorneys for Wilkins 901, LLC

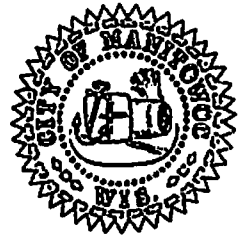
Mailing Address

1425 Memorial Drive
Manitowoc, WI 54220
(920) 684-3321 Telephone
(920) 684-0544 Facsimile
jmayer@nashlaw.com
tyang@nashlaw.com

CITY OF MANITOWOC

WISCONSIN, USA

www.manitowoc.org



August 6, 2019

Wilkins 901, LLC
2340 Geneva St.
Oshkosh, WI 54901

RE: Raze Order for 901 Chicago Street, Manitowoc, Wisconsin

Dear Wilkins 901, LLC,

You are the owner of record for the above-referenced property, which consists of a single, mixed-use building. The building has degraded to a state of disrepair rendering it dangerous, unsafe, unsanitary or otherwise unfit for human habitation.

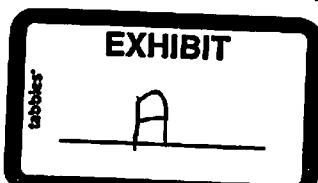
Extensive repairs would be needed to bring the property to a safe, sanitary, and code-compliant condition. Repairs necessary for the exterior of the building would include, but are not limited to, the following:

- Repair/ replace brick exterior
- Refinish all fascia and soffit in lead-safe manner
- Replace all inoperable windows
- Remove and replace front bay window, concrete header and any damaged brick around bay window
- Remove and replace all exterior doors including basement hatchway door
- Wrap or refinish in lead-safe manner, all window and door casings, paint all shutters
- Tuck point and repair chimney
- Install new gutters and downspouts
- Repair lower porch

The City estimates the above-listed repairs would cost approximately \$175,000, based on the opinion given by a contractor. The building's assessed value is \$81,700. As such, the repairs are presumptively unreasonable pursuant to Wis. Stats. § 66.0413(1)(c).

City Attorney Kathleen M. McDaniel • Assistant City Attorney Elizabeth Majerus
Paralegal Jane M. Rhode

CITY HALL • 900 Quay Street • Manitowoc, WI 54220-4543
Phone (920) 686-6990 • Fax (920) 686-6999





1208597

ORDER TO RAZE AND REMOVE

TO: Wilkins 901, LLC
2340 Geneva St.
Oshkosh, WI 54901

Parcel No. 000-154-020

Name and Return Address:
City Clerk
900 Quay Street
Manitowoc, WI 54220

STATE OF WI - MTWC CO
KRISTI TUESBURG REG/DEEDS
RECEIVED FOR RECORD
03/03/2019 1:17:27 PM

YOU ARE HEREBY NOTIFIED that the building on the following described property in the City of Manitowoc, Wisconsin, to-wit:

N 1/2 of Lots 1 & 2 & E 11.8' of N 1/2 of Lot 3 Blk. 154 & Pt of Lot 1 Desc. In V.2267 P.313

which premises are owned by you and located at 901 Chicago Street, Manitowoc, Wisconsin, has become dilapidated and out of repair and is consequently, dangerous, unsafe, unsanitary or otherwise unfit for human habitation and unreasonable to repair because the Division of Life Safety and Neighborhood Services of the City of Manitowoc determined that the cost of the repairs would exceed 50% of the assessed value of the building.

THEREFORE, YOU ARE HEREBY ORDERED, pursuant to the authority set forth in Wis. Stat. § 66.0413(1)(b), to raze and remove the building within 60 days from the date of service of this order upon you. Raze means you must demolish and remove the building and restore the site to a dust-free and erosion-free condition, remaining in compliance with the City of Manitowoc ordinances and any mandates from the Wisconsin Department of Natural Resources.

NOTICE IS GIVEN that upon your failure or refusal to comply within the time prescribed in this order, the City of Manitowoc may cause such building to be razed and removed and the site restored to a dust-free and erosion-free condition. The costs of such razing, removal and restoration of the site to a dust-free and erosion-free condition may be charged in full or in part against the real estate upon which such building is located and if that cost is so charged, it is a lien upon such real estate, and may be assessed and collected as a special tax.

NOTICE IS FURTHER GIVEN that you may challenge this Notice and Order pursuant to Wis. Stat. § 66.0413(1)(h), which is an exclusive remedy.

Dated at Manitowoc, Wisconsin, this 6TH day of August, 2019.

CITY OF MANITOWOC, WISCONSIN

Gregg Kadow, Deputy Fire Chief

STATE OF WISCONSIN)
) ss.
COUNTY OF MANITOWOC)

Personally came before me this 6th day of August, 2019, the above signed Gregg Kadow, Deputy Fire Chief of the City of Manitowoc, Wisconsin and acknowledged that he executed the foregoing instrument as such Officer of said City, by its authority.

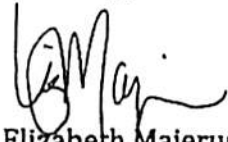
Elizabeth Majerus, Notary Public
Manitowoc County, Wisconsin
My commission is permanent

cc: Manitowoc County Clerk re: 901 Chicago Street, Manitowoc, WI 54220 (via mail)

Therefore, enclosed is a Raze and Removal Order directing you to raze and remove the building and restore the site to a dust-free and erosion-free condition within 60 days. Failure to do so will result in the City of Manitowoc causing such building to be razed and removed and the site restored to a dust-free and erosion-free condition. The costs of such demolition and site restoration may be charged in full or in part against the real estate upon which such building is located and if that cost is so charged, it is a lien upon such real estate, and may be assessed and collected as a special tax.

Please contact Deputy Fire Chief Gregg Kadow at (920) 686-6543 to discuss the necessary permits to raze these buildings.

Sincerely,



Elizabeth Majerus
Assistant City Attorney

Enclosure (Raze Order)

Cc: Justin M. Nickels, Mayor
Jeremiah Novak, District 3 Alderperson
Nick Reimer, Police Chief
Todd Blaser, Fire Chief
Gregg Kadow, Deputy Fire Chief
Richard Schwarz, Building Inspector
Manitowoc County Treasurer's Office