

MEMORANDUM

TO: City of Columbus Common Council
FROM: Paul A. Johnson
DATE: November 25, 2024
RE: 235 W. Harrison Street; Raze Order

Members of the Common Council:

Recently, the principal structure at 235 W. Harrison Street in the City of Columbus was significantly damaged due to a fire. In the opinion of the City Building Inspector, the fire at 235 W. Harrison Street has rendered the principal structure on that property dangerous, unsafe, unsanitary or otherwise unfit for human habitation and unreasonable to repair.

Based on this determination, the Building Inspector prepared a Notice of Raze Order pursuant to Section 66.0413 of the Wisconsin Statutes. The Raze Order provided that because the property has been declared dangerous, unsafe, unsanitary or otherwise unfit for human habitation due to the damage from the structure fire, the owner of the property has 30 days to raze the building. This Notice of Raze Order was served upon the owner of the property on October 15, 2024. Further, pursuant to statute, the Raze Order Notice was recorded with the Register of Deeds, was mailed to the first mortgage holder of the property and was published as a Class 1 Notice in the official newspaper for the City of Columbus.

More than 30 days from the date of service of the Raze Order has now passed, and the owner of the property has not taken the necessary steps to raze the property as required by the Raze Order Notice. Pursuant to Section 66.0413, the City has different options if it chooses to take further steps to enforce the Raze Order. First, pursuant to statute, if the owner fails or refuses to comply with the Raze Order within the time prescribed, the Building Inspector or any other City Officer may proceed to raze the building through any available public agency or by contract with a private person. The cost of razing the building may be charged in full against the real estate upon which the building is located as a special charge under Section 66.0627 of the Wisconsin Statutes, which means that the invoice for razing the building will be submitted to the property owner and if the property owner does not pay the invoice within a specific time, the invoice will be placed on the real estate tax bill and collected in that manner.

A second option for the City to consider is to prosecute an action in the Columbia County Circuit Court for an order of the court requiring the owner to comply with the Raze Order and if the owner fails to comply within the time prescribed by the court, the court will then permit the City to raze the structure. This option has the same end result as the City taking independent action on its own as referenced above. The difference here is that the City is obtaining a court order, which will provide the homeowner with the opportunity to object to the court order and have his day in court with the judge before the City is given permission to raze the property. The court order provides an extra layer of protection for the City. However, the cost of obtaining the court order is likely between \$2,000 and \$3,000 and the time for obtaining the court order will be several months.

The third option is to do nothing at this time. The property has not yet created a public nuisance in that squatters are not occupying the property and vermin are not making their home on the property so there is no general danger to the public at large. However, the property is unfit for human habitation and at some point, some action will need to be taken in order to clean up this property and preserve the property values of the neighborhood.

City staff is seeking guidance from the Council as to which option it prefers at this time.