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If company fails to comply with order, judge says he will appoint receiver or have structure razed

Ozaukee County Circuit Judge Tom Wolfgram on Aug. 9 gave Port Harbor Investments 45 days to repair the former M&I Bank building in downtown Port Washington.

If repairs are not made by Sept. 23, Wolfgram said, he would appoint a receiver to manage the building or order the building razed, City Attorney Eric Eberhardt said.

The hearing came after the investment firm failed to repair the dilapidated building at 122 N. Franklin St. by July 16, as it had agreed to do in a stipulation signed by the company and city officials.

City Administrator Mark Grams said that while the firm's lack of progress on the repairs is frustrating, Wolfgram's order is promising.

"The good thing is if the work doesn't get done, there is a definite end in sight when the judge will appoint a receiver," he said.

A receiver is an impartial person or entity who would be accountable to the court, not the building owner, Eberhardt explained. The receiver would be responsible for determining how feasible building repairs are and to either have them made or seek a raze order. With the court's permission, he could also sell the structure.

The receiver could be paid by the building owner or, if the building is sold, from the proceeds of the sale, Eberhardt said.

Port Harbor Investments burst onto the scene in late 2007 when it purchased the former bank and announced sweeping plans for a multi-million-dollar development that was to encompass not only that building but several other prominent downtown buildings.

The firm planned to raze the former bank and construct a new structure that featured some of the architectural elements of the existing building.

However, the firm has been unable to complete any of its other planned real-estate purchases and early renovation attempts left the bank building in shambles.

After numerous complaints from downtown businesses and residents, officials called for the building to be repaired, saying the structure had become an eyesore and safety hazard.

On Nov. 6, 2008, the city building inspector mailed the development firm a notice of zoning code and municipal code violations, ordering it to make repairs within 30 days.

Despite the fact the deadline was extended and the firm obtained a building permit for the work,

the repairs were never made, the suit states.

The building was in such bad shape that the city was forced to make some exterior repairs after pieces of mortar, brick and other debris began falling from the structure in June of 2009, the lawsuit noted. The firm had been ordered to make these emergency repairs but failed to do so.

In October of 2009, the city filed its lawsuit.