



**FRIEBERT, FINERTY & ST. JOHN, S.C.**

ATTORNEYS AT LAW

330 East Kilbourn Ave. • Suite 1250 • Milwaukee, Wisconsin 53202

Phone 414-271-0130 • Fax 414-272-8191 • www.ffijs.com

WILLIAM B. GUIB

S. TODD FARRIS

TED A. WARPINSKI

LAWRENCE J. GLUSMAN

BRIAN C. RANDALL

CHRISTOPHER M. MEULER

M. ANDREW SKWIERAWSKI

June 16, 2017

**VIA E-MAIL**

Chairman Mark A. Borkowski and Members of the  
Public Works Committee

City Hall – Room 205  
200 East Wells Street  
Milwaukee, WI 53202

ROBERT H. FRIEBERT  
(1938-2013)

EMERITUS  
JOHN D. FINERTY

OF COUNSEL  
THOMAS W. ST. JOHN

**RE: File No. 161477, Substitute Resolution to vacate the unimproved portion of West Barnard Avenue from a point east of South 20th Street east to its terminus, in the 13th Aldermanic District**

**SUBJ: Item #4 – June 20, 2017 Public Works Committee Meeting Agenda**

Dear Chairman Borkowski and Members of the  
Public Works Committee:

This firm represents WoodSpring Suites Milwaukee Airport LLC (“WoodSpring”), the developer of a new hotel on property located at 1701 West Layton Avenue in the 13<sup>th</sup> Aldermanic District. A hotel is a permitted use in the zoning district for the site and the project cost is approximately \$9.5 million.

Please be advised that the above-referenced file to vacate an unimproved portion of West Barnard Avenue has some relation to File No. 170030, a Certified Survey Map (“CSM”) considered by the Zoning, Neighborhoods & Development Committee that is now before the Common Council.

By way of background, the development site is along Interstate 94/41 and is currently owned by the Wisconsin Department of Transportation (“WisDOT”). After concluding that the real estate is no longer needed for highway purposes, WisDOT offered the excess right-of-way for sale beginning in 2013, and in January, 2016 WisDOT and WoodSpring executed a Real Estate Sale and Purchase Contract for the property (and upon the sale the site will immediately lose its property tax exemption resulting in the payment of taxes to benefit the entire City).

In working with Department of Public Works staff on the CSM, Bill Fuchs identified a small strip of West Barnard Avenue that is in the City’s records as being public right-of-way that was dedicated some time before 1962 but a street was never constructed. Accordingly, on March 1, 2017, the Common Council voted unanimously to direct staff to initiate this vacation process by adopting File No. 161476.

Thus the City’s vacation petition was prepared by staff and is now before the Committee in the above-referenced file (No. 161477). At the April 10, 2017 Plan Commission meeting, City staff recommended approval in order to reflect existing conditions (that no street exists) and the Plan

Chairman Mark A. Borkowski and Members of the  
Public Works Committee  
June 16, 2017  
Page 2

Commission voted unanimously to recommend adoption. A copy of the staff presentation slide illustrating this is attached and is also in the legislative file as document #4.

On behalf of our client, we respectfully request that the Committee recommend adoption and that the Common Council thereafter approve the City-initiated petition to vacate the unimproved portion of West Barnard Avenue in File No. 161477. We will appear at the June 20<sup>th</sup> Committee meeting to request as much and to answer any questions.

In the meantime, please do not hesitate to contact Todd Farris or me should you have questions or wish to discuss the file.

Very truly yours,

FRIEBERT, FINERTY & ST. JOHN, S.C.



Brian C. Randall  
bcr@ffsj.com

BCR/las  
Attachment

cc: Alderman Terry Witkowski (w/Attach.) – Via Email  
Mr. James R. Owczarski, City Clerk (w/Attach.) – Via Email  
Ms. Yashica Hayes, Staff Assistant (w/Attach.) – Via Email  
Mr. Gregg C. Hagopian, Assistant City Attorney (w/Attach.) – Via Email  
Mr. William Fuchs, Department of Public Works (w/Attach.) – Via Email  
Ms. Vanessa L. Koster, Department of City Development (w/Attach.) – Via Email  
Mr. Oscar Tovar, Staff Assistant to Mayor Tom Barrett (w/Attach.) – Via Email  
Mr. Cameron E. Smith, WisDOT Assistant General Counsel (w/Attach.) – Via Email  
Ms. Stephanie Knebel, WoodSpring Suites (w/Attach.) – Via Email  
S. Todd Farris, Esq. (w/Attach.) – Via Email

