

LRB – FISCAL REVIEW SECTION ANALYSIS

**JUNE 22, 2005 AGENDA
PUBLIC IMPROVEMENTS COMMITTEE**

**ITEM 11, FILE 041004
Emma J. Stamps**

File No. 041004 is a resolution approving an Agreement with Milwaukee County relating to the transfer to the City of Milwaukee of the property between 1200 and 1400 East Conway Street in the 14th Aldermanic District. (DCD)

Background

1. The State of Wisconsin DOT(State) purchased the City owned property at approximately 1300 East Conway Street in the 1970s at fair market value from the City for the construction of a freeway extension of the Hoan Bridge, the Lake Parkway.
2. The State disposed contaminated materials on the industrial zoned property remnant during construction.
3. The property is surplus to State needs, and is being offered to the County by the State under a 1986 “Policy Statement and Agreement” for \$1 through conveyance by Quit-Claim Deed that contains a restriction to retain the property located between 1200 and 1400 East Conway Street as open space and a condition that the County indemnify the State for the contamination on the land.

Discussion

1. Milwaukee County does not desire to own the contaminated land but does desire that it remain in open space, agreeing to accept the land with the conditions placed on it by the State under the further condition that the land be conveyed to the City of Milwaukee and that the City accept the State conditions and a further condition that the City indemnify Milwaukee County for the contamination on the land.
2. Upon conveyance from the State to the County, the City of Milwaukee would own the 2.6 acre property located between 1200 and 1400 East Conway Street, adjacent to the Lake Parkway and the U.S. Naval Reserve Center. The property is surplus land from the Lake Parkway and is not needed for transportation services.
3. The County adopted Resolution No. 047-378 on November 4, 2004 authorizing the property conveyance from the State, and further conveyance to the City of Milwaukee by Quit-Claim Deed in an “as-is’ condition and at no cost to the City subject to restrictions requiring the City to use the land as public, open greenspace and to indemnify the County **and** State from liability due to environmental contamination.
4. The agreement is conditional, subjecting land uses to governmental restrictions as noted above. In addition, no building may be constructed without prior written consent of the County.
5. Adoption of File 041004 (substitute 4) approves the Intergovernmental Agreement with Milwaukee County relating to the transfer to the City of Milwaukee of the property between 1200 and 1400 East Conway Street in the 14th Aldermanic District.

6. The file does not contain City Plan Commission recommendation as a number of Commission votes resulted in ties (DCD letter on file).
7. LRB When preparing this analysis, the DCD reported the following:
 - ◆ DCD recommends that the City accept the land but opposes any restrictions as to land use or to the indemnification of the State and the County for the contamination on the land.
 - ◆ DCD is preparing to conduct a long range land use study for the southeast side of the City.
 - ◆ DCD believes that the land use of the property should be decided through the study process which would include an extensive public input process.
 - ◆ DCD opposes the proposal to indemnify the State for the contamination it caused on the site.

Fiscal Impact

1. The Department of City Development estimates a \$4,000 expenditure impact if File 041004 is adopted.
2. Annual maintenance and associated costs will be the responsibility of the DPW -Operations-Forestry division.

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LRB – Fiscal Review Section
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