

## Miller Park Agreement Summary

### History:

In 2003, when RACM acquired the land that now makes up the Menomonee Valley Industrial Center (“MVIC”), there was already recorded on title a 1998 Reciprocal Operating and Easement (“ROE”) Agreement between the Brewers, the Baseball District and the former owner of that land. The ROE Agreement established an access easement over part of the Miller Park ring roads in exchange for payment of certain costs by the owners of the MVIC lands. As the current owners of this land, RACM, the City and all of the business owners in the MVIC are now subject to the 1998 ROE Agreement which requires owners of this land to pay a portion of maintenance, security and capital expenses related to the roads on the east side of Miller Park. When RACM sold the parcels to businesses, the buyers were told that the City/RACM would take on the responsibility of paying the expenses under the 1998 ROE Agreement. The Common Council file seeks to amend the 1998 ROE Agreement and approve various other items regarding the lands at and around Miller Park and the MVIC and will finally provide clean title to the landowners in the MVIC.

### Items to be Approved:

- Amended ROE Agreement
- Authorization to Prepare Assessor’s Plat
- Water and Sewer Easements
- Vacation of 44<sup>th</sup> Street
- Accept Clybourn Street Right-of-Way
- Resolution Establishing Miller Park Ring Roads as Private Streets

### Existing Conditions

1998 ROE requires RACM / City to pay 75% of maintenance, security and capital expenses for the Miller Park Ring Roads east of 44<sup>th</sup> St. Work is done by contractors hired by the Brewers/District and billed to RACM / City.

### Pending Proposal

Amended ROE requires the City to perform 100% of the maintenance for the Miller Park Ring Roads east of 44<sup>th</sup> Street, but no capital or security expenses, as they are 100% the Brewers’ responsibility.

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Under the 1998 ROE Agreement, RACM / City still owe the Brewers for 75% of maintenance and security costs since 2007. There have been no capital expenses yet.

Amended ROE forgives all of the unpaid amounts owed by RACM / City under the 1998 ROE Agreement (approx. \$38,000 to \$40,000 per year since 2007).

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There is an unimproved road easement that was granted to the State by St. Paul & Pacific RR that runs through some of the buildings in the MVIC.

The Amended ROE Agreement terminates this easement and cleans up the title for the MVIC property owners.

**Existing Conditions**

There are existing discrepancies between lot lines that are recorded and what was actually built at Miller Park.

**Pending Proposal**

Authorizing the preparation of an assessor's plat cleans up these boundary discrepancies and establishes definite lot lines. Statutes allow us to charge the costs for the assessor's plat to the property owners (DOT and the District are splitting the costs).

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Bluff Park is currently owned by the State, but the County wants it back. The State agreed to convey the park back to the County once the I-94 design is finalized. It is expected that most, if not all, of Bluff Park will be conveyed back to the County. It is not currently a separate parcel.

The assessor's plat will establish Bluff Park as a separate parcel, making it easier for the State to convey it back to the County once the I-94 design is finalized.

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City has public water and sewer facilities in the Miller Park land, but no easements allowing them to be there or to be repaired/replaced. This causes problems when the facilities need repairs or replacement in the future.

New sewer and water easements allow the the City to keep and maintain its utility facilities in the Miller Park land, making it easier to maintain and replace those facilities as needed in the future.

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There is unimproved 44<sup>th</sup> Street right-of-way that bisects the Miller Park parking lot west of the river. The City has no plans to improve this right-of-way and in fact, when Miller Park was constructed, City representatives gave the Brewers a Right of Entry to use this land and promised 44<sup>th</sup> St. would be vacated after Miller Park was constructed.

The vacation of the unimproved 44<sup>th</sup> Street right-of-way between Selig Drive on the north, through the Miller Park parking lot and DOT right-of-way to the P&H property.

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A portion of the Clybourn Street right-of-way has not been dedicated as public right-of-way.

The Clybourn Street right-of-way deed rectifies this.

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The ring roads around Miller Park are not established as public or private streets. As such, no addresses are established on these streets making it difficult for police and fire to respond to and report on incidents in the parking lots.

The resolution establishing the Ring Roads as private streets fixes this problem. Its passage was requested by the City's Police and Fire Departments several years ago.