

PROOF OF PUBLICATION

STATE OF WISCONSIN } S.S. MILWAUKEE COUNTY }

David Sherman, being the first duly sworn on oath, says that she is the Publisher of THE DAILY REPORTER, which is a public newspaper of general circulation, printed and published daily in the English language in the City of Milwaukee, in said county, and fully complying with the laws of Wisconsin, relating to the publication of legal notices; that the notice of which the printed one attached is a true copy, which was clipped from the said newspaper, was inserted and published in said newspaper on

Oct. 10, 2016 Oct. 17, 2016

David Sherman, Publisher

Sworn to me this 17th day of October 2016

Russell A. Klingaman Notary Public, Milwaukee County, Wisconsin My Commission Is Permanent



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Notice is hereby given that an ordinance that was introduced at the June 14, 2016 meeting of the Milwaukee Common Council, the essence of which is as follows:

A substitute ordinance relating to the change in zoning, from Parks to Institutional, of lands located south of West Hampton Avenue and east of North Port Washington Road (6th Aldermanic District).

Whereas, The Estabrook Dam on the Milwaukee River has been in decline and has developed major structural issues due to years of neglect; and Whereas, The dam is a crumbling "public nuisance" that hasn't operated since a 2008 Wisconsin Department of Natural Resources order to shut it down; and

Whereas, Industrial pollutants, including polychlorinated biphenyls, have been accumulating near the dam for decades, mostly from industrial sources upstream in the Lincoln Creek watershed; and

Whereas, There is no viable reason to maintain the dam and keep it permanently open as the short-term repair costs and long-term maintenance costs of that scenario would far exceed removal costs; and

Whereas, The dam removal alternative means the complete removal of the dam, including the gated control structure and fixed crest spillway, and the creation of a free-flow condition; and

Whereas, Removing the dam and restoring free-flow conditions would allow for unimpeded passage of boats, fish and aquatic invertebrates, yield the greatest positive impacts on river ecology, flood management, water quality, sediment management, fish and aquatic life, terrestrial wildlife and recreation, would support natural wetland hydrology, and may result in a net gain of wetland acreage; and

Whereas, The ecological health created by a free-flowing river offers greater long-term value than maintaining the present water body behind the dam; and

Whereas, On May 12, 2016, the City of Milwaukee passed resolution number 141707 expressing the City of Milwaukee's support for the removal of the Estabrook Dam; and

Whereas, On April 21, 2016 the Wisconsin Department of Natural Resources (DNR) issued a final Environmental Impact Statement which serves as a basis to permit the owner of the dam, Milwaukee County, to repair rather than to remove the dam; and

Whereas, The DNR failed to consider certain issues and failed to appropriately apply the law in various ways that would have supported dam removal and not dam repair; and

Whereas, Cheryl Nenn and Milwaukee Riverkeeper filed a Petition for Review Pursuant to Wis. Stats. § 227.52 seeking judicial review of the DNR's decision to issue the final Environmental Impact Statement on grounds similar to those stated above; and

Whereas, The City of Milwaukee's legally protected interests, as well as those of its residents, will be harmed by the DNR's decision to allow Milwaukee County to repair, rather than remove, the dam; and

Whereas, Removal of the dam is the only option to permanently abate the public nuisance caused by years of neglect and protect the interests of the City of Milwaukee and its residents; and

Whereas, Changing the zoning of Estabrook Dam will facilitate the removal of the dam; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. There is added to the Milwaukee Code of Ordinances a new section to read as follows:

The zoning map is amended to change the zoning of all lands within the following described area from Parks (PK) to Institutional (TL):

That part of Lots 132 and 133 of Comstock and Williams Subdivision, a recorded subdivision, in the Northeast 1/4 of Section 5, Township 7 North, Range 22 East, described as follows: Commencing at the point of intersection of the present easterly line of North Port Washington Road and the south line of West Hampton Avenue; thence Easterly, along said south line and the south line of East Hampton Avenue to a point on the southwesterly line of the former railroad right-of-way; thence Southeasterly, along said south line and the said east line, to a point in the center line of the Milwaukee River; thence Northwesterly, along said center line to a point in the limit line between the City of Milwaukee and the City of Glendale; thence continuing Northwesterly along said centerline and said city limits line, to a point in the present easterly line of North Port Washington Road extended; thence Northerly, along said present easterly line and its extension, to the point of commencement.

Notice is hereby further given that the foregoing matter will be given a public hearing by the Committee on Zoning, Neighborhoods and Development in Room 301-B, City Hall, 200 East Wells Street, Milwaukee, Wisconsin, on Tuesday, October 25, 2016 at 9:00 A.M., pursuant to the provision of Sub-Section (7)(d) of Section 62.23 of the Revised Statutes of the State of Wisconsin.

PLEASE NOTE: a) Members of the Common Council, and members of its Standing Committees who are not members of this Committee, may attend this meeting to participate or to gather information. Therefore, notice is given that this meeting may constitute a meeting of the Common Council or any of its Standing Committees, and must be noticed as such, although they will not take any formal action at this meeting.

b) If you have difficulty with the English language, you may bring an interpreter with you, at your own expense, so that you can answer questions and participate in the hearing.

c) Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language, interpreters or other auxiliary aids. For additional information or to request this service, contact the Council Services Division ADA Coordinator at 286-2998, (FAX) 286-3456, (TDD) 286-2025 or by writing to the ADA Coordinator at Room 205, City Hall, 200 E. Wells Street, Milwaukee, WI 53202.

d) Limited parking for persons attending meetings in City Hall is available at reduced rates (5 hour limit) at the Milwaukee Center on the southwest corner of East Kilbourn and North Water Street. Parking tickets must be validated in Room 205, (City Clerk's Office) or the first floor Information Booth in City Hall.

e) This meeting will be web-cast live at [www.milwaukee.gov/channel25](http://www.milwaukee.gov/channel25). James R. Owczarski City Clerk



Map metadata including File No. 160339, Date of Adoption October 2016, and a legend for zoning types such as Commercial - Community Service, Residential - Single Family, and Industrial - Heavy.

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