

***LEGISLATIVE REFERENCE BUREAU FISCAL ANALYSIS***

**PUBLIC WORKS COMMITTEE**

**JANUARY 6, 2010**

**Item 6, File #091168**

File Number 091168 is a resolution approving a lease between the City of Milwaukee and Marquette University for the City-owned Norris Playground at 1832 West Kilbourn Avenue.

**Background**

1. Norris Playground (also known as “Norris Park”) is an underutilized City-owned recreational property located at 1832 West Kilbourn Avenue. The 1.95-acre site includes a 1,200-square-foot field house with restrooms and an 11, 250-square-foot paved area for basketball, with the remainder of the property being open green space.
2. Norris Playground was used as a recreational facility for the former Wells Street School (now the Milwaukee Rescue Mission) until 1982. It was subsequently used for MPS-programmed recreational activities until 2003. The Near West Side Area Comprehensive Plan, adopted by the Common Council in 2004 (CC File No. 031371), identified the Norris Playground as a catalytic project site which should be rehabilitated into usable community green space. The Plan also recommends that the City partner with a local institution to make the site improvements and operate the recreational facility.
3. Marquette University has offered to be the partner institution responsible for improving and operating a refurbished Norris Park. Marquette desires to invest approximately \$400,000 in various improvements to the Park in exchange for a 25-year lease for the property. Marquette wants to use the site for its intramural sports programs (soccer, lacrosse, softball and field hockey) while also making it available for community recreational use.
4. In 2006, the City received a USDA Forest Service Urban and Community Forestry “Green Schools” grant to improve the Norris Playground. This grant was used to fund the removal of a large portion of the impervious asphalt play areas at Norris and to replace them with green space consisting of natural turf and trees. However, these improvements did not include any new recreational equipment or facilities.

**Discussion**

1. This resolution approves a lease of the Norris Playground property to Marquette University. A copy of the lease agreement, drafted by the City Attorney’s Office, is attached to the file. The lease also authorizes the Commissioner of City Development or the Commissioner’s designee to execute the lease on behalf of the City.
2. The lease will be for a term of 25 years, with an annual one-dollar rental payment by Marquette to the City.

3. Under the terms of the lease, Marquette is required to complete, within 12 months of execution of the lease, a “project” consisting of grading and landscaping of the site, planting new trees, installing storm water management improvements, establishing natural grass turf throughout the site, improving the existing field house and restrooms, and installing new field lighting, fencing and security equipment. Marquette shall bear sole responsibility for the costs of this project and for all maintenance of the property and the improvements thereon. Required maintenance activities include litter, snow and graffiti removal and the mowing of grass on a regular basis.
4. The lease provides that Marquette shall have the right to use the leased property for “recreational activities” (as defined in the Wisconsin Statutes) and for “Marquette-Controlled Activities” (activities controlled and supervised by Marquette, consistent with Marquette’s redevelopment proposal in Exhibit B to the lease). The lease also contemplates Marquette adopting a permit system whereby members of the general public may apply to Marquette for a permit to use a designated area of the park for a temporary, specific period (not to exceed 12 hours) for a “recreational activity” that is not a Marquette-Controlled Activity.
5. The lease also specifies the insurance coverage Marquette is required to maintain throughout the term of the lease, as well as language to indemnify the City and hold it harmless from and against any and all loss or claims resulting from or attributable to intentional or negligent acts or omissions of Marquette.
6. The lease requires that Marquette, on or before each December 31 during the term of the lease, provide a written report to the Commissioner of City Development regarding Marquette’s use of, and activities on, the premises during the preceding 12-month period. The report shall include a list of all permits issued by Marquette for public use of Norris Park

### **Fiscal Impact**

Since the annual rental payment required by the lease document is only one dollar, adoption of this resolution will have a negligible fiscal impact on the City.

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