



Legislation Details (With Text)

**File #:** 110608 **Version:** 0  
**Type:** Resolution-Immediate Adoption **Status:** Passed  
**File created:** 9/1/2011 **In control:** COMMON COUNCIL  
**On agenda:** **Final action:** 9/1/2011  
**Effective date:**

**Title:** Resolution removing deed restrictions from former tax-deed vacant lots that have been assembled into the St. Marcus Evangelical Lutheran Church and school at 2215 North Palmer Street and 101 East North Avenue, in the 6th Aldermanic District.

**Sponsors:** ALD. COGGS

**Indexes:** DEED RESTRICTIONS

**Attachments:** 1. Letter to Mayor

Date	Ver.	Action By	Action	Result	Tally
9/1/2011	0	COMMON COUNCIL			
9/6/2011	0	MAYOR	SIGNED		

110608  
ORIGINAL

ALD. COGGS

Resolution removing deed restrictions from former tax-deed vacant lots that have been assembled into the St. Marcus Evangelical Lutheran Church and school at 2215 North Palmer Street and 101 East North Avenue, in the 6th Aldermanic District.

This resolution will remove deed restrictions imposed by the City of Milwaukee that require use of the property as open space and prohibits division of and construction of any principal buildings on the property.

Whereas, St. Marcus Evangelical Lutheran Church at 2215 North Palmer Street and 101 East North Avenue recently discovered that the properties that it assembled for its church and school were encumbered by deed restrictions related to four vacant lot sales by the City of Milwaukee ("City") between 1979 and 1995; and

Whereas, The affected properties conveyed by City were:

2216-A North 1st Street to Robert and Ethel Lee by deed dated December 20, 1979 and recorded on February 28, 1989 as Document No. 5384928

127-29 East North Avenue to Judith Perkins by deed dated August 17, 1987 and recorded on October 28, 1987 as Document No. 6118285

2231 and 2237 North Palmer Street to St. Marcus Evangelical Lutheran Church by deed date June 26, 1991 and recorded as Document No. 6497965

115 East North Avenue to Metropolitan Home for Funerals by deed dated February 3, 1995 and recorded as Document No. 7056299; and

Whereas, These vacant lots were sold to adjoining owners for use as green space with restrictions requiring that the City lots be used as open space, that no principal buildings could be erected thereon and that the City lot be joined with the buyer's

adjoining property to create a single parcel to be used as a unit (collectively, "Deed Restrictions"); and

Whereas, The deeds for each transaction state that the deed shall be forfeited and that the City lot shall revert to the City in the event there is a breach of one or more of the Deed Restrictions (collectively, the "Forfeiture Rights"); and

Whereas, The Deed Restrictions and Forfeiture Rights cannot be released except upon approval of the Common Council of the City of Milwaukee; and

Whereas, Release of the Deed Restrictions will ensure that St. Marcus Evangelical Lutheran Church and school can continue its mission in the Brewers Hill and Harambee neighborhoods; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Deed Restrictions and Forfeiture Rights contained in deeds for the properties identified above are hereby released, waived and disclaimed to facilitate clearing title for properties owned by St. Marcus Evangelical Lutheran Church at 2215 North Palmer Street and 101 East North Avenue; and, be it

Further Resolved, That the Commissioner of the Department of City Development, or designee, is authorized to execute the necessary legal document to release, waive and disclaim such restrictions and rights.

DCD/Real Estate

EMM:bmm

09/01/11/A