



Legislation Details (With Text)

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**File created:** 5/12/2015      **In control:** COMMON COUNCIL  
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**Effective date:**

**Title:** Substitute resolution approving Amended and Restated Reciprocal Operating and Easement Agreement for Miller Park, accepting water and sewer easements, accepting Clybourn Street right-of-way, and authorizing preparation of an assessor’s plat for the Miller Park area.

**Sponsors:** THE CHAIR

**Indexes:** AGREEMENTS, EASEMENTS, SEWER EASEMENTS, WATER EASEMENTS

**Attachments:** 1. Quit Claim Deed, 2. Miller Park Water Easement Agreement.pdf, 3. Amended and Restatement of ROE Agreement\_v1.pdf, 4. Sanitary Sewer Easement Agreement (Miller Park)\_v1.pdf, 5. Summary of Terms for Common Council\_v1.pdf, 6. PowerPoint Presentation

Date	Ver.	Action By	Action	Result	Tally
5/12/2015	0	COMMON COUNCIL	ASSIGNED TO		
5/20/2015	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
6/2/2015	1	COMMON COUNCIL	ADOPTED	Pass	12:0
6/11/2015	1	MAYOR	SIGNED		

150147  
SUBSTITUTE 1

**ALD. MURPHY**

Substitute resolution approving Amended and Restated Reciprocal Operating and Easement Agreement for Miller Park, accepting water and sewer easements, accepting Clybourn Street right-of-way, and authorizing preparation of an assessor’s plat for the Miller Park area.

After construction was completed on the Miller Park baseball stadium there were a number of real estate issues that needed to be resolved including establishing easements for the City’s public water and sewer facilities located within the Miller Park parking lots, granting right-of-way to the City of Milwaukee for a portion of Clybourn Street and clarifying the lot lines within the Miller Park stadium complex.

In 2003, when the Redevelopment Authority acquired the land east of Miller Park that was developed into the Menomonee Valley Industrial Center (“MVIC”), there was already recorded on title a 1998 Reciprocal Operating and Easement Agreement (“1998 ROE Agreement”) between the Milwaukee Brewers Baseball Club (“Brewers”), the Southeast Wisconsin Professional Baseball Park District (“Baseball District”), the State of Wisconsin and the former owner of that land that established certain ring road maintenance responsibilities between those parties. As the current owners of this land, the Redevelopment Authority, the City of Milwaukee 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 75% of all maintenance and capital expenses related to the Miller Park ring roads east of 44<sup>th</sup> Street. When parcels in the MVIC were sold, the buyers were told that the City would take on the responsibility of paying the expenses under the 1998 ROE Agreement.

As a result of a package negotiated among the Brewers, the Baseball District, the State, the MVIC property owners, the Redevelopment Authority and the City, an Amended and Restated Reciprocal Operating and Easement Agreement (“Amended ROE Agreement”) was drafted, the Brewers and Baseball District will grant easements to the City for sewer and water facilities that run through the Miller Park stadium complex, the Brewers and District have executed a deed granting right-of-way to the City over a portion of Clybourn Street that was not previously dedicated, and the Brewers and Baseball District have asked the City to recognize the Miller Park ring roads as private streets. As part of this package, the City will prepare an assessor’s plat pursuant to Sec. 70.27, Wis. Stats., to clarify the lot lines within the Miller Park stadium complex, the cost of which will be paid by the Baseball District and the State’s Department of Transportation.

Whereas, The Redevelopment Authority, the City and all of the business owners in the MVIC are subject to the terms of the 1998 ROE Agreement which requires owners of this land to pay 75% of all maintenance and capital expenses related to the Miller Park ring roads east of 44<sup>th</sup> Street; and

Whereas, The Amended ROE Agreement terminates and replaces the 1998 ROE Agreement and relieves the Redevelopment Authority and the property owners in the MVIC of any responsibility for maintenance and capital expenditures and makes the City responsible for 100% of the maintenance costs and the Milwaukee Brewers responsible for 100% of capital expenses for the Miller Park ring roads east of 44<sup>th</sup> Street while maintaining an access easement over the Miller Park ring roads east of 44<sup>th</sup> Street to benefit the MVIC property owners, the Redevelopment Authority and the City; and

Whereas, The Amended ROE Agreement cleans up several real estate issues including terminating an obsolete easement, providing clean title to the MVIC property owners and waiving a deed restriction that prohibited the County from conveying lands to the State for Miller Park while retaining a reversionary interest that the City holds over those lands; and

Whereas, The City requires easements for its public water and sewer facilities located in the Miller Park stadium complex; and

Whereas, The City has constructed street improvements for a portion of Clybourn Street on land that was never dedicated for public right-of-way and the City desires to have that right-of-way dedicated for right-of-way purposes; and

Whereas, The Miller Park stadium complex consists of numerous parcels the boundaries of which cannot be made sufficiently certain and accurate and there are gross errors in lot measurement or locations within the Miller Park stadium complex necessitating the creation of an assessor’s plat pursuant to Sec. 70.27, Wis. Stats.; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it finds and determines as follows:

1. The Miller Park Stadium Complex is land owned by 2 or more entities containing numerous parcels the description of which cannot be made sufficiently certain and accurate.
2. The Miller Park Stadium Complex contains gross errors in lot measurement or locations such that difficulty is encountered in locating new structures, public utilities or streets.
3. The City’s Department of Publics Works, with the assistance of the City Attorney’s Office, is authorized to take the necessary steps to make an assessor’s plat pursuant to Sec. 70.27, Wis. Stats., for the Miller Park Stadium Complex.

4. The Wisconsin Department of Transportation and the Baseball District have agreed to pay the costs to prepare the assessor's plat, but if they fail to make such payment, the actual and necessary costs and expenses of making the assessor's plat shall be assessed against the property owners as a special assessment pursuant to Sec. 70.27 and Sec. 66.0703, Wis. Stats.; and, be it

Further Resolved, That the Amended and Restated Reciprocal Operating and Easement Agreement is approved and that the proper City officials are authorized and directed to enter into and sign the Amended and Restated Reciprocal Operating and Easement Agreement in substantially the same form and substance submitted with this file and cause the same to be recorded in the Milwaukee County Register of Deeds Office; and, be it

Further Resolved, That the Miller Park Sewer Easement Agreement and the Miller Park Water Main Agreement are approved and that the proper City officials, including the DPW Commissioner, are hereby authorized to accept and sign the easements in substantially the same form and substance submitted with this file and cause the same to be recorded in the Milwaukee County Register of Deeds Office; and, be it

Further Resolved, That the Quit Claim Deed for Public Street Dedication for a portion of West Clybourn Street is hereby accepted by the City of Milwaukee.

DPW/Redevelopment Authority  
Asst. City Attorney Mary L. Schanning  
May 15, 2015

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