



Legislation Details (With Text)

File #: 181205 **Version:** 1
Type: Resolution **Status:** Passed
File created: 11/27/2018 **In control:** COMMON COUNCIL
On agenda: **Final action:** 12/18/2018
Effective date:

Title: Substitute resolution authorizing the dedication of a portion of City-owned property at 401 East Greenfield Avenue, as public right-of-way for street purposes, and approving a Land Disposition Report and surplus declaration for the conveyance of 401 East Greenfield Avenue to Komatsu Mining Corp. for the Komatsu Mining Corp. and Harbor District riverwalk projects, in the 12th Aldermanic District.

Sponsors: ALD. PEREZ

Indexes: CITY PROPERTY, STREETS

Attachments: 1. Fiscal Impact Statement, 2. Land Disposition Report, 3. Due Diligence Checklist, 4. Exhibit A, 5. Exhibit A Map, 6. Hearing Notice List, 7. Komatsu Corporation Profiled by LRB, 8. City Plan Commission Letter, 9. Early Signing Letter

| Date | Ver. | Action By | Action | Result | Tally |
|------------|------|---|---------------------------------------|--------|-------|
| 11/27/2018 | 0 | COMMON COUNCIL | ASSIGNED TO | | |
| 11/28/2018 | 0 | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | REFERRED TO | | |
| 12/3/2018 | 0 | CITY PLAN COMMISSION | RECOMMENDED FOR ADOPTION AND ASSIGNED | Pass | 5:0 |
| 12/6/2018 | 1 | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | HEARING NOTICES SENT | | |
| 12/6/2018 | 1 | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | HEARING NOTICES SENT | | |
| 12/11/2018 | 1 | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | RECOMMENDED FOR ADOPTION | Pass | 4:1 |
| 12/18/2018 | 1 | COMMON COUNCIL | ADOPTED | Pass | 14:1 |
| 12/19/2018 | 1 | MAYOR | SIGNED | | |

181205
SUBSTITUTE 1

ALD. PEREZ

Substitute resolution authorizing the dedication of a portion of City-owned property at 401 East Greenfield Avenue, as public right-of-way for street purposes, and approving a Land Disposition Report and surplus declaration for the conveyance of 401 East Greenfield Avenue to Komatsu Mining Corp. for the Komatsu Mining Corp. and Harbor District riverwalk projects, in the 12th Aldermanic District.

This substitute resolution authorizes the City of Milwaukee to sell the majority of 401 East Greenfield Avenue to Komatsu Mining Corp. for its new headquarters and manufacturing facility in the Harbor District. In addition, a portion of 401 East Greenfield Avenue will be dedicated, as public right-of-way for East Greenfield Avenue, and a portion will be kept by the City of Milwaukee for a riverwalk project.

Whereas, The City of Milwaukee ("City") owns the property at 401 East Greenfield Avenue ("City Property") and wishes to sell the majority of the City Property to Komatsu Mining Corp. ("Komatsu") to enable the construction of a new headquarters and manufacturing

facility in the Harbor District, as summarized in a Land Disposition Report and a Due Diligence Checklist, copies of which are attached to this Common Council File; and

Whereas, A portion of the City Property must be dedicated as East Greenfield Avenue ("Dedication Property") before the City Property can be transferred to Komatsu; and

Whereas, The legal description of the Dedication Property is as follows and is illustrated in Exhibit A, a copy of which is attached to this Common Council File:

That part of Lot 1 of part of the Northwest 1/4 of Section 4, Township 6 North, Range 22 East, a recorded subdivision, described as follows: Commencing at the northwest corner of said Northwest 1/4 Section; thence North 88°29'41" East, along the north line of said Northwest 1/4 Section, 115.42 feet to the southwest corner of the Southwest 1/4 of Section 33, Township 7 North, Range 22 East; thence North 88°30'24" East, continuing along said north line, 289.46 feet to a point; thence South 00°39'11" East 16.00 feet to the point of intersection of the south line of East Greenfield Avenue and the easterly line of the Union Pacific Railroad Company right-of-way, said point being the point of beginning of the land to be described; thence Southeasterly, 10.90 feet along said easterly line and the arc of a curve, which has a radius of 2569.09 feet, with its center lying to the northeast having a central angle of 00°14'35" and whose chord bears South 24°56'50.5" East, 10.90 feet to a point, said point lying 26.00 feet south of, as measured normal to, the north line of said Northwest 1/4 Section; thence North 88°30'24" East, parallel to said north line, 1000.00 feet to a point; thence South 01°29'36" East 32.00 feet to a point lying 58.00 feet south of, as measured normal to, the north line of said Northwest 1/4 Section; thence North 88°30'24" East, parallel to said north line, 120.00 feet to a point; thence North 01°29'36" West 42.00 feet to a point on the south line of East Greenfield Avenue; thence South 88°30'24" West, along said south line, 1124.34 feet to the point of beginning; and

Whereas, Section 304-49-8 of the Milwaukee Code of Ordinances allows the City to convey land to designated persons or entities for adequate fair market consideration, which may recognize monetary as well as non-monetary consideration; and

Whereas, The Department of City Development ("DCD") has reviewed the proposed conveyance and has determined that the offered consideration represents fair compensation to the City; and

Whereas, On November 16, 2018 the Board of Harbor Commissioners approved the dedication of the Dedication Property and the conveyance of the City Property; and

Whereas, The City Plan Commission has approved the dedication of the Dedication Property, as public right-of-way, and the surplus to municipal needs declaration and conveyance of the City Property; and

Whereas, Section 304-91 of the Milwaukee Code of Ordinances establishes procedural guidelines related to the expenditure of funds to be reimbursed by greater than anticipated revenues; and

Whereas, The City Comptroller has certified that greater than anticipated revenue from land sales in an amount up to \$1,768,272, pursuant to Section 304-91:

Pursuant to Section 304-91 of the Milwaukee Code of Ordinances, I hereby certify that the money required for this is anticipated to be realized on or before December 31, 2019 and is to be expended for the purposes specified in this resolution.

City Comptroller

Date

; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of DCD, or designee, is authorized to execute a deed on behalf of the City to dedicate the Dedication Property as public right-of-way; and, be it

Further Resolved, That the City Property is declared surplus to municipal needs and its conveyance to Komatsu is approved; and, be it

Further Resolved, That the City Comptroller is directed to increase appropriations in an amount up to \$1,768,272 in the Port Milwaukee operating account (0480-4280-R999-006300) and to increase the estimated revenues for the Sale of Other Equipment and Property account (0480-4280-983008) in an amount up to \$1,768,272; and, be it

Further Resolved, That Port Milwaukee is authorized to expend these funds for capital projects at Port Milwaukee; and, be it

Further Resolved, That the City Comptroller is directed to establish the necessary accounts and accounting procedures to carry out the intent of this resolution; and, be it

Further Resolved, That the proper City officials are directed to execute any additional documents and instruments and to perform such acts, as necessary, to carry out the purposes of this resolution.

DCD:Dan.Casanova:dac

11/29/18