



Legislation Details (With Text)

**File #:** 170547      **Version:** 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 7/11/2017      **In control:** COMMON COUNCIL  
**On agenda:**      **Final action:** 7/31/2017  
**Effective date:**

**Title:** Resolution approving an Agreement and Partial Release of Deed Restrictions between the City of Milwaukee and the Milwaukee Art Museum to release deed restrictions on the O'Donnell Park property and establish new restrictions to maintain the property as a park open to the public.

**Sponsors:** ALD. BAUMAN

**Indexes:** AGREEMENTS, DEED RESTRICTIONS, PARKS

**Attachments:** 1. O'Donnell Park-Agrmnt\_and\_Partial\_Release\_of\_Deed\_Restriction

Date	Ver.	Action By	Action	Result	Tally
7/11/2017	0	COMMON COUNCIL	ASSIGNED TO		
7/19/2017	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	3:0
7/31/2017	1	COMMON COUNCIL	ADOPTED	Pass	15:0
8/9/2017	1	MAYOR	SIGNED		

170547  
ORIGINAL

ALD. BAUMAN

Resolution approving an Agreement and Partial Release of Deed Restrictions between the City of Milwaukee and the Milwaukee Art Museum to release deed restrictions on the O'Donnell Park property and establish new restrictions to maintain the property as a park open to the public.

This resolution approves an Agreement and Partial Release of Deed Restrictions between the City of Milwaukee and Museum Center Parking, Inc. ("MAM"), a subsidiary of Milwaukee Art Museum Inc., to release deed restrictions on the O'Donnell Park property and establish new restrictions to maintain the property as a park open to the public.

Whereas, in 1939 and 1991 the City conveyed certain real property, located north of the southern boundary of East Wisconsin Avenue extended and south of East Mason Street at 929 East Wisconsin Avenue and a portion of 910 East Michigan Street, consisting of the former Juneau Park (the "Property") to the County of Milwaukee, subject to various deed restrictions requiring that land be solely and exclusively used for public park, amusement and recreational grounds or parkway and that the County could not convey the Property to a private entity (the "Deed Restrictions"); and

Whereas, the Property comprises a portion of the land and improvements owned by Milwaukee County known as O'Donnell Park; and

Whereas, MAM and Milwaukee County have entered into an agreement pursuant to which MAM has been granted the right to purchase all of the improvements located on the Property, including the park parking structure (the "Improvements") but not the land, which will be retained by Milwaukee County; and

Whereas, in conjunction with the purchase of the Improvements from Milwaukee County, MAM has requested that the City execute and deliver a partial release of the Deed Restrictions in order to allow the purchase and private ownership by MAM of the portion of the Improvements located on the Property; and

Whereas, City has determined that certain Deed Restrictions are no longer necessary and are outdated with respect to the uses proposed by MAM for the portion of the Improvements located on the Property; and

Whereas, The City agrees to release certain portions of the Deed Restrictions on the condition that MAM enter into an agreement with the City that the Improvements on the Property will continue to be used and maintained as public park; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City agrees to partially release the Deed Restrictions with respect to the Property subject to the conditions and terms of the Agreement and Partial Release of Deed Restrictions document attached to this Common Council file; and be it

Further Resolved, That the Agreement and Partial Release of Deed Restrictions between the City of Milwaukee and the Museum Center Parking, Inc. is approved; and, be it

Further Resolved, That the proper City officials are directed to execute the Agreement and Partial Release of Deed Restrictions and any additional documents to carry out the provisions of this resolution.

DCD:Lori.Lutzka:ll

07/13/17