



Legislation Details (With Text)

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On agenda: **Final action:** 7/25/2000

Effective date:

Title: Substitute resolution amending Resolution File Number 971920 to substitute agreement with respect to continued City consideration of Milwaukee County requests for releases of park deed restrictions and limited amendments to park deed restrictions for a blanket release of all such deed restrictions.

Sponsors: THE CHAIR

Indexes: DEED RESTRICTIONS, LITIGATION, PARKS, SUITS PAYMENT

Attachments:

Date	Ver.	Action By	Action	Result	Tally
12/17/1999	0	COMMON COUNCIL	REFERRED TO	Pass	16:0
12/28/1999	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/4/2000	0	JUDICIARY & LEGISLATION COMMITTEE	REFERRED TO		
1/4/2000	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
1/10/2000	0	JUDICIARY & LEGISLATION COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
7/21/2000	1	CITY CLERK	DRAFT SUBMITTED		
7/21/2000	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
7/25/2000	1	COMMON COUNCIL	ADOPTED	Pass	17:0
7/25/2000	1	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
7/28/2000	1	MAYOR	SIGNED		

SUBSTITUTE 1
971920

Substitute resolution amending Resolution File Number 971920 to substitute agreement with respect to continued City consideration of Milwaukee County requests for releases of park deed restrictions and limited amendments to park deed restrictions for a blanket release of all such deed restrictions.

This substitute resolution amends the Intergovernmental Cooperation and Development Agreement authorized by Resolution File Number 971920, adopted May 11, 1999, by replacing an agreement to lift deed restrictions held by the City on 31 Milwaukee County parks with an agreement to approve limited amendments to park deed restrictions and to pay an additional \$30,000 to the private plaintiffs in consideration of delays. Future releases of park deed restrictions on the 31 Milwaukee County parks will require City approval.

Whereas, By Resolution File Number 971920, adopted May 11, 1999, the City of Milwaukee agreed to a settlement of the consolidated actions entitled Indian County for the Elderly, Inc., et al. v. City of Milwaukee, Case Number 94-C-1156 and United States of America v. City of Milwaukee, Case Number 94-C-104; and

Whereas, By Resolution File Number 971920, the City of Milwaukee further authorized execution of an Intergovernmental Cooperation and Development Agreement by and among the City of Milwaukee, the City of Greenfield, Milwaukee County, the Indian Council for the Elderly,

Inc., the Sisters of St. Francis of Assisi and the School Sisters of St. Francis; and

Whereas, The Intergovernmental Cooperation and Development Agreement called for the City of Milwaukee to initiate the approval of the release of certain deed restrictions on various parks which the City of Milwaukee had previously transferred to Milwaukee County; and

Whereas, The City of Milwaukee continues to desire to fulfill its obligations under the Intergovernmental Cooperation and Development Agreement while it protects the interests of its citizens to the fullest enjoyment of the parklands located within this community; and

Whereas, Preserve Our Parks, Inc., filed an action entitled Preserve Our Parks, et al. v. City of Milwaukee, et al., Circuit Court Case Number 99-CV-009655 challenging the release of deed restrictions on various parks which the City of Milwaukee had previously transferred to Milwaukee County; and

Whereas, Preserve Our Parks, Inc., Milwaukee County and the City desire to provide for the approval of limited amendments to such deed restrictions in lieu of a release thereof which will allow conveyance to other governmental units for park purposes and further allow minor naming changes but otherwise continue to require City approval on an individual basis for a release of such restrictions; and

Whereas, A letter from the attorneys for Preserve Our Parks, Inc., et al., is attached to this Common Council file and summarizes the proposed limited amendments to such deed restrictions acceptable to that entity; and

Whereas, A June 1, 2000 memorandum from Susan L. Baldwin, Director of Parks Recreation and Culture summarizing the County's agreements with respect to such amendments and the amendments to the Intergovernmental Cooperation and Development Agreement is attached to this Common Council File and will serve as the basis for Exhibit K to such Agreement; and

Whereas, The consideration of these amendments have resulted in significant delays to the Indian Council of the Elderly Project contemplated by the Intergovernmental Cooperation and Development Agreement requiring the payment of additional compensation to the private plaintiffs in the amount of \$30,000.00; and

Whereas, The amendments to such deed restrictions will not eliminate the requirement for City of Milwaukee approval of future releases of deed restrictions; now, therefore be it

Resolved, By the Common Council of the City of Milwaukee that Resolution File Number 971920 is amended to provide that the proper City officers are authorized and directed, on behalf of the City, to execute the Intergovernmental Cooperation and Development Agreement in substantially a form attached to this Common Council File; and, be it,

Further Resolved, By the Common Council of the City of Milwaukee, that the proper City officers be and hereby are authorized and directed to issue a City check in the amount of \$340,000.00 payable to the private plaintiffs, or in the alternative, to Lawyers Title Insurance Company for deposit in escrow and disbursement in full and final settlement of Case Number 94-C-1156 and Case Number 94-C-104, upon receipt of releases of claims and other necessary documentation, all as set forth in the Intergovernmental Cooperation and Development Agreement, the settlement amount to be charged to Damages and Claims Fund Account Number 0001-1490-001-5118-006300 and the other development costs contemplated by the Intergovernmental Cooperation Agreement in approximately the amount of \$279,000.00 to be charged to the Damages and Claims Fund Account Number 0001-1490-001-5118-006300 as set forth in the fiscal note; and, be it,

Further Resolved, That all City departments are hereby directed to assist in the expeditious implementation of the Intergovernmental Cooperation and Development Agreement consistent with its terms including the implementation of those actions required by Milwaukee County pursuant to Exhibit "K" thereto and the preparation and introduction of any supplemental Common Council resolution files which may be necessary to finalize such actions .

City Attorney
TOG:bal
7/21/00
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