



Legislation Details (With Text)

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**Title:** Resolution authorizing City easements to Milwaukee Metropolitan Sewerage District and an agency authorization for Department of Natural Resources permit purposes concerning Burnham Canal Wetland Project, in the 12th Aldermanic District.

**Sponsors:** ALD. BAUMAN, ALD. PEREZ

**Indexes:** EASEMENTS, MILWAUKEE METROPOLITAN SEWERAGE DISTRICT

**Attachments:** 1. 210054 Fiscal Impact Statement.pdf, 2. 210054 Agent Authorization.pdf, 3. 210054 Burnham Canal Wetland Project PPT.pdf, 4. 210054 Exhibit A Legal description.pdf, 5. 210054 Exhibit B Easement.pdf, 6. 210054 Wetland Base and Easement Agreement.pdf, 7. 210054 Temporary Construction Easement.pdf

Date	Ver.	Action By	Action	Result	Tally
5/4/2021	0	COMMON COUNCIL	ASSIGNED TO		
5/12/2021	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
5/25/2021	0	COMMON COUNCIL	ADOPTED	Pass	15:0
6/2/2021	0	MAYOR	SIGNED		

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ALD. BAUMAN AND PEREZ

Resolution authorizing City easements to Milwaukee Metropolitan Sewerage District and an agency authorization for Department of Natural Resources permit purposes concerning Burnham Canal Wetland Project, in the 12th Aldermanic District.

This resolution authorizes the City of Milwaukee to convey to the Milwaukee Metropolitan Sewerage District (“MMSD”) easement interests in and to a portion of the city-owned parcel at 840R West Virginia Street, and in and to portions of the bed of the Burnham Canal, and to grant to MMSD a temporary agency to allow MMSD to apply to the Wisconsin Department of Natural Resources for a Wis. Stat. Ch. 30 Permit, to facilitate MMSD’s Burnham Canal Wetland Project.

Whereas, The City of Milwaukee (“City”) may have interests in and to portions of the Burnham Canal itself under documents recorded in the Milwaukee County Register of Deeds Office, as referred to in a 2017 Easement Agreement that the City, along with other owners, granted to Miller Compressing Company concerning EPA required remediation work in the Canal, which easement was approved by the Common Council of the City of Milwaukee (“Common Council”) in Common Council File 170031, and recorded in the Register of Deeds Office on June 5, 2017 as Register of Deeds Document No. 10679255; and

Whereas, In addition to Miller Compressing Company’s EPA remediation work, MMSD wishes to undertake the MMSD’s Burnham Canal Wetland Project, which includes constructing a wetland base in the canal, and then creating a wetland there; and

Whereas, MMSD proposes to undertake its project at no cost to the City, and in conjunction therewith, has asked the City to sign an Agent Authorization form where the City would appoint MMSD as the City's agent for purposes of MMSD applying for a Wis. Stat. Ch. 30 Permit from the Department of Natural Resources ("DNR") for undertaking the project and a Wetland Base and Wetland Easement Agreement; and

Whereas, MMSD also invokes its eminent domain powers to acquire from the City a Temporary Limited Easement Agreement entitled "Grant of Limited Water Rights and Temporary Construction Easement;" and

Whereas, The proposed Agent Authorization document, the Wetland Base and Wetland Easement Agreement, and the Grant of Limited Water Rights and Temporary Construction Easement have all been submitted to this file; and

Whereas, The Department of City Development ("DCD") reviewed the proposed documents in consultation with the City Attorney's Office; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Agent Authorization form, the Wetland Base and Wetland Easement Agreement, and the Grant of Limited Water Rights and Temporary Construction Easement documents, as submitted to this file, are hereby approved, and the City and its representatives are authorized to sign those documents or ones with terms and conditions materially in conformance therewith, and to take such actions, as may be needed, to effectuate the terms of those documents and this resolution, including to accept from MMSD the \$300 appraised compensation value for the Grant of Limited Water Rights and Temporary Construction Easement which DCD shall cause to be deposited to the City's tax deficit fund.

DCD:David.Misky:dm  
05/04/21/A