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Title: Resolution authorizing a replacement lease for the Fondy Market and adjacent park and authorizing associated easements and joinder of parcels, in the 15th Aldermanic District.

Sponsors: ALD. STAMPER

Indexes: EASEMENTS, LEASES, PARKS

Attachments: 1. 181131 Fiscal Impact Statement.pdf, 2. 181131 Fondy Market & Park Lease as of 9-1-18.pdf, 3. 181131 Fondy Market & Park-Premises Map.pdf

Date	Ver.	Action By	Action	Result	Tally
11/5/2018	0	COMMON COUNCIL	ASSIGNED TO		
11/15/2018	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
11/27/2018	0	COMMON COUNCIL	ADOPTED	Pass	15:0
12/6/2018	0	MAYOR	SIGNED		

181131
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000420, 000583, 001613, 010225, 151305, 161016, 161748, 170427
ALD. STAMPER

Resolution authorizing a replacement lease for the Fondy Market and adjacent park and authorizing associated easements and joinder of parcels, in the 15th Aldermanic District. This resolution authorizes a replacement lease for the Fondy Farmers Market and the adjacent Fondy Park and associated easements and joinder of parcels to facilitate use and storm water management concerning the parcels.

Whereas, The City of Milwaukee ("City") and Fondy Food Center, Inc. ("Fondy") are parties to an April 1, 2016 lease for 2200 West Fond du Lac Avenue (the "Market Parcel") that allows Fondy to operate a farmers market on the Market Parcel and the term of that existing lease runs from April 1, 2016 to March 31, 2019 (the "2016 Lease"); and

Whereas, After entering into the 2016 Lease, the City constructed on portions of 2210-2224 West Fond du Lac Avenue (the "2210 Parcel") and on portions of the Market Parcel a park with improvements that include a stage, tables, lighting, walkways and storm water management facilities; and

Whereas, The City obtained grant funds from the Milwaukee Metropolitan Sewerage District ("MMSD") to improve the park and to add storm water management facilities; and

Whereas, As a condition to receiving the grant funds, MMSD requires that the City grant to MMSD a Limited Term Conservation Easement; and

Whereas, The storm water management facilities serve the 2210 Parcel and the Market Parcel and they allow for treatment and reception of water runoff from adjacent public right-of-way and certain piping and brick walkways traverse the lot line of the combined parcels and extend into right-of-way; and

Whereas, An easement was prepared from the City to itself, a copy of which is attached to this Common Council File, concerning that piping and walkways and concerning water from right-of-way flowing onto the combined parcels; and

Whereas, The 2210 Parcel and Market Parcel are both City-owned parcels that abut each other; and

Whereas, The City's Department of City Development ("DCD"), with assistance from the Department of Public Works ("DPW"), the City Attorney's Office and the Department of Administration Environmental Collaboration Office, prepared a lease (the "2018 Lease"), a copy of which is attached to this Common Council File, and DCD negotiated the 2018 Lease with Fondy; and

Whereas, The 2018 Lease is intended to supersede and replace the 2016 Lease; and

Whereas, As contemplated by the 2018 Lease, the City will join the 2210 Parcel with the Market Parcel by joinder deed restriction recorded against title, and Fondy will lease the combined whole for a term of 10 years ending August 31, 2028, with Fondy continuing to operate the farmers market on the market portion of the combined whole, and with Fondy and a committee to be formed under the lease to be responsible for certain programming at the park portion of the combined whole; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the following documents submitted to this file are hereby approved and the appropriate City personnel, including the DPW Commissioner, are authorized to execute those documents, in substantially the same form as have been submitted to this file; the 2018 Lease, the MMSD Limited Term Conservation Easement, the Fondy Easement and the Joinder Deed Restriction; and, be it

Further Resolved, That City personnel, including DPW, DCD and Department of Neighborhood Services staff, are directed to perform the duties contemplated under the 2018 Lease, including representation on the Park Committee created under the 2018 Lease, and the duties contemplated under the other documents approved hereby and to take such further actions, as may be necessary, to carry out the intent and purpose of this resolution and those documents.

DCD:Benjamin.Timm:bt
11/05/18/A