



Legislation Text

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ORIGINAL

040639, 040852, 090791, 130268, 141264, 141265

ALD. BAUMAN

Resolution approving the Third Amendment to the Marine Terminal Building Development and Riverwalk Agreement and approving Amendment No. 4 to the Project Plan for Tax Incremental District No. 56 (Erie/Jefferson Street) and authorizing expenditures, in the 4th Aldermanic District.

The Common Council created Tax Incremental District No. 56 in 2004 by adoption of File No. 040639 to, among other things, increase public access to the Milwaukee River by construction of riverwalk and plazas, to provide assistance in funding for riverwalk improvements and to remove or improve obsolete railroad facilities. TID No. 56 was amended in 2009 by adoption of File No. 090791 to establish TID No. 56 as a "Donor" district to allow surplus revenue from TID No. 56 to be transferred to certain "Recipient" districts. TID No. 56 was amended again in 2013 by adoption of File No. 130268 to approve donation of funds from TID No. 56 to TID Nos. 58, 65 and 66 as well as to provide \$128,000 for the acquisition of the former railroad right-of-way located at 501 East Erie Street and engineering studies thereof. TID No. 56 was amended again in 2014 to increase funding for riverwalk improvements, provide funding for public improvements, provide funding for public infrastructure related to the Milwaukee Streetcar and to provide a cash grant for business relocation. This resolution approves the Third Amendment to the Development and Riverwalk Agreement for the Marine Terminal Building Riverwalk Project.

Amendment No. 4 to the Project Plan for TID No. 56 will provide \$295,000 in funding for dockwall improvements located riverward of the property located at 401 East Erie Street. Whereas, Chapter 105 of the Laws of 1975 of the State of Wisconsin, with amendments from other chapters of said Laws, created Section 66.1105, Wisconsin Statutes, titled "Tax Increment Law;" and

Whereas, Boundaries and a Project Plan for Tax Incremental District ("TID" or "District") No. 56 were approved by the Redevelopment Authority of the City of Milwaukee ("Authority") and the Common Council of the City of Milwaukee ("Common Council") in 2004; and

Whereas, Amendment No. 1 to the Project Plan for the TID was approved by the Authority and the Common Council in 2009; and

Whereas, Amendment No. 2 to the Project Plan for the TID was approved by the Authority and the Common Council in 2013; and

Whereas, Amendment No. 3 to the Project Plan for the TID was approved by the Authority and the Common Council in 2014; and

Whereas, On October 15, 2015, pursuant to Section 66.1105(4)(h)1, Wisconsin Statutes, and following the required notice and public hearing, the Authority recommended adoption of Amendment No. 4 to the Project Plan for TID No. 56 ("Amendment" or "Amendment No. 4"), a copy of which is attached to this Common Council File; and

Whereas, The City of Milwaukee ("City") via adoption of Common Council File No. 040852 on

November 3, 2004, entered into the Marine Terminal Building Development and Riverwalk Agreement dated March 7, 2007 ("Agreement"), with Mandel Riverfront Holdings I LLC ("Developer") and Mandel Riverfront Holdings III LLC ("Expansion Developer"); and

Whereas, Said Agreement established the standards, rules and procedures for construction of the Riverwalk; and

Whereas, The Agreement contained a do not exceed amount of the City's contribution of \$2,187,747, which amount included the City recapturing \$106,688 from the Developer and Expansion Developer via assessment, therefore, the gross City outlay was \$2,447,207 and this amount should have been reflected in the Agreement; and

Whereas, The City, the Developer and the Expansion Developer entered into the First Amendment to the Agreement dated August 28, 2008; and

Whereas, The Second Amendment to the Agreement was approved by the Common Council on December 16, 2014; and

Whereas, The City, the Developer and the Expansion Developer now desire to enter into a Third Amendment to the Agreement to provide funding for the construction of dockwall improvements riverward of the property located at 401 East Erie Street; and

Whereas, The Third Amendment is needed to provide the City's share of the dockwall cost pursuant to the City's riverwalk and dockwall funding policy; and

Whereas, The City is willing to provide the Developer with \$295,000 for the City's share of the cost of the dockwall in funds from TID No. 56 to finance the cost of constructing the dockwall; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it finds and determines as follows:

1. The Amendment retains the existing boundaries of the District and does not alter the number of properties within the District. Therefore, the findings made in File No. 040639, pursuant to Section 66.1105(4)(gm)1 and 4, Wisconsin Statutes, are unchanged.
2. The Amendment revises the project costs to be supported by the District and revises the Economic Feasibility Report that is part of the Project Plan and makes related changes regarding the timing of project costs and methods of financing.
3. Project costs provided in the Amendment relate directly to promoting development consistent with the City's Master Plan and with the purposes for which the District was created under Section 66.1105(4)(gm)4.a., Wisconsin Statutes.
4. The percentage of the aggregate value of the equalized taxable property of the District, plus the incremental value of all other existing Tax Incremental Districts, does not exceed the statutory maximum 12 percent of the aggregate value of total equalized value of taxable property within the City; and, be it

Further Resolved, That the Amendment is approved by the Common Council and that the Project Plan for said District, as amended, is feasible, in conformity with the Master Plan for the City and will promote the orderly development of the City, pursuant to Sections 66.1105(4)(g) and (4)(h)(1), Wisconsin Statutes; and, be it

Further Resolved, That the appropriate City officials, including the City Attorney, Commissioner of City Development, Commissioner of Public Works and the City Comptroller, are directed to enter into such agreements, as necessary, to accomplish the purposes of the Amendment; and, be it

Further Resolved, That:

1. The City Clerk is directed to notify the Wisconsin Department of Revenue, in such form as may be prescribed by said Department, of the approval of this Amendment pursuant to the provisions of Section 66.1105(5), Wisconsin Statutes.

2. The City Comptroller, in conjunction with the Commissioner of City Development, is directed to perform such acts and to create such accounts and subaccounts and make appropriate transfers, upon written request by City Development, for all revenue or expenditure activity under this resolution; and, be it

Further Resolved, That the proper City officials are directed to execute any additional documents and instruments necessary to carry out and to implement the Project Plan; and, be it

Further Resolved, That the proper City officials are authorized to execute the Third Amendment to the Marine Terminal Building Development and Riverwalk Agreement, a copy of which is attached to this Common Council File; and, be it

Further Resolved, That Exhibit "D" as originally approved by Common Council File No. 040852 is amended to reflect the correct "do not exceed" amount of \$2,447,207; and, be it

Further Resolved, That the City Attorney, in cooperation with the Commissioner of City Development, is authorized to make such further minor modifications to said Third Amendment that are consistent with the intent and purpose of this resolution and which are mutually acceptable to the City Attorney, the Commissioner of City Development, the Developer and the Expansion Developer.

DCD:Alyssa.Remington:aer
10/13/15/A

CLERICAL CORRECTION MADE -- 12/16/2015 -- James R. Owczarski