



## Legislation Text

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160421

ORIGINAL

THE CHAIR

Resolution authorizing the City of Milwaukee, on behalf of the Milwaukee Board of School Directors, to accept a deed for property owned by Mary Smarelli and John Dorhety which is being used by Milwaukee Public Schools for the purposes of parking, in the 6<sup>th</sup> Aldermanic District.

This Resolution authorizes the City to accept a deed from Mary Smarelli and John Doherty of part of the property located at 424 W. Cherry Street, currently used by Golda Meir School and the Milwaukee Education Center as parking, in exchange for a parcel of land of similar value, used as parking, currently held by the Wisconsin Preservation Fund for the benefit of the Milwaukee Board of School Directors, and located at 1525 N. 4<sup>th</sup> Street.

Whereas, The Wisconsin Preservation Fund (the “Fund”) owns property at 1525 N. 4<sup>th</sup> Street (the “Fund Parcel”) for the benefit of the Milwaukee Board of School Directors; and

Whereas, The City of Milwaukee (the “City”) owns, for the benefit of the Milwaukee Board of School Directors, an adjacent property north of the Fund Parcel at 415 W. Galena Street (the “City Parcel”), which is used by Golda Meir School and the Milwaukee Education Center for parking; and

Whereas, The Fund Parcel and City Parcel are located on a hill and are situated at different grades which would require the City to maintain two separate parking lots on the Fund Parcel and the City Parcel with separate points of ingress and egress; and

Whereas, Mary Smarelli and John Dorhety (“MSJD”) own the adjacent property to the west at 424 W Cherry Street, the southern half of which is situated at a similar grade as the Fund Parcel, and the northern half of which (the “MSJD Parcel”) is situated at the same grade as the City Parcel; and

Whereas, MSJD would like to convey the MSJD Parcel to the City in exchange for the Fund Parcel so that each party’s lots are at the same grade, therefore allowing easier and safer access to the parties’ respective properties; and

Whereas, On September 21, 1992, MSJD and the Fund entered into a Mutual Right of Entry Agreement (the “Agreement”) which provided for the exchange of the Fund Parcel and the MSJD Parcel and granted each party the right to enter the other’s property for the purposes of improving and adapting the to-be-exchanged parcels as parking lots and the right to use said lots for parking upon completion of the improvements; and

Whereas, The properties have been so improved creating one contiguous parking lot spanning the City Parcel and the MSJD Parcel, which is now being used by Golda Meir School and the Milwaukee Education Center for parking, and also creating a contiguous parking lot spanning the Fund Parcel and the southern portion of 424 W Cherry Street, which is now being used by MSJD’s adjacent business; and

Whereas, The parties now wish to complete the property exchange; and

Whereas, The Milwaukee Board of School Directors, MSJD, and the Fund have executed the Agreement and thereby approve the exchange of property; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City of Milwaukee and the proper City officers are

authorized to accept the deed from MSJD for the benefit of the Milwaukee Board of School Directors in accordance with the Agreement and in materially the same form and substance as the deed made part of this file and to take such further acts as contemplated thereby and to effect the intent of this resolution.

City Attorney's Office  
Mary Schanning/Brandon Pellerin  
06/30/16  
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