



## Legislation Text

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File #: 031530, Version: 1

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031530

SUBSTITUTE 1

### THE CHAIR

Substitute resolution approving final design for Pier Wisconsin Improvement.

Under the terms of the August 11, 2003 Pier Wisconsin Ltd. Development and Lease Agreement ("Agreement") by and between Pier Wisconsin Ltd. ("Tenant"), the City of Milwaukee ("City") and the Board of Harbor Commissioners of the City of Milwaukee ("Board"), the final design concept for the Pier Wisconsin Improvement ("Improvement") must conform to the design criteria specified in Exhibit A to the Agreement and be approved by both the Board and the City's Common Council ("Council"). The Tenant has submitted a final design for the Improvement, a copy of which is attached to this file. This resolution finds that the design complies with the Exhibit A criteria and approves that design. Exhibit C to the Agreement also specifies a number of other conditions that must be satisfied prior to commencing construction of the Improvement. These include the possible review of the Improvement's cost estimate by a consultant chosen by the Board and the Tenant's submission of satisfactory evidence to the Board and Comptroller that sufficient funds to construct the Improvement are available in a timely fashion. The Board has found that because of the more conventional nature of the Improvement's final design, the cost estimate is not necessary. The Board has found that the final design of the Improvement complies with the Exhibit A criteria and has approved that design as required by Exhibit C. The Board also found, after consultation with the City Comptroller, that sufficient funds are available in a timely fashion to construct the Improvement. This resolution also approves the legal description for the Construction Easement.

Whereas, The City of Milwaukee ("City"), the Board of Harbor Commissioners of the City of Milwaukee ("Board") and Pier Wisconsin, Ltd. ("Tenant") entered into an August 11, 2003 Pier Wisconsin Ltd. Development and Lease Agreement ("Agreement"). Under the terms of the Agreement, the City and Board leased certain lands to the Tenant for the purpose of constructing an Improvement to function as a Great Lakes Museum and Educational Center; and

Whereas, Prior to commencing construction of that Improvement, the Tenant was required to satisfy a number of conditions as specified in Exhibit C to the Agreement. Those conditions included obtaining the Board and City Common Council's approval of the final design for the Improvement which was required to be within the parameters of the design criteria set forth in Exhibit A of the Agreement; and

Whereas, The Tenant has submitted a final design for the Improvement to both the Board and the City's Common Council, a copy of which is attached to this file; and

Whereas, The final design for the Improvement conforms to the Exhibit A design criteria; and

Whereas, The Board has approved the final design of the Improvement at its meeting of March 3, 2004; and

Whereas, The Board has found that because of the more conventional nature of the Improvement's design, there is no need to obtain the cost estimate referenced in Exhibit C(h) to the Agreement; and

Whereas, The Board has also found, after consultation with the City Comptroller, that sufficient funds are available in a timely fashion to construct the Improvement; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee hereby approves the final design for the Pier Wisconsin Improvement attached to this file; and, be it

Further Resolved, That the Common Council approves the legal description attached to this file for the Construction Easement referenced as Exhibit D to the Agreement and directs the proper City officers to execute the Easement; and, be it

Further Resolved, That the final legal description of the Property, currently referenced as Exhibit B to the Agreement, shall be defined in a Certified Survey Map approved by the Commissioner of Public Works on or before the final completion of the Improvement as provided in Section 4 of the Agreement.

City Attorney  
PBM:dms  
March 3, 2004  
1122-2003-540:77514