



Legislation Text

File #: 141271, Version: 2

141271
SUBSTITUTE 2

THE CHAIR

Substitute resolution to vacate a portion of the pedestrian and bicycle way, west side, between East Greenfield Avenue and East Washington Street, and authorizing conveyance to Wangard Partners, Inc., in the 12th Aldermanic District.

This substitute resolution vacates the above right-of-way in accordance with vacation proceedings under power granted to the City of Milwaukee by Section 62.73, Wisconsin Statutes, and Section 308-28, Milwaukee Code of Ordinances, and directs disposition of the land upon reversion to the City of Milwaukee pursuant to Sections 304-49-5 and 304-49-8, Milwaukee Code of Ordinances, according to the terms and conditions of the Land Disposition Report and Due Diligence Checklist. This vacation was requested by the Redevelopment Authority of the City of Milwaukee to consolidate land for future development.

Whereas, It is proposed that a portion of the pedestrian and bicycle way, west side, between East Greenfield Avenue and East Washington Street be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been authorized and directed to prepare a coordinated report estimating all costs and benefit assessments that will be incurred with said vacation; and

Whereas, That as provided by Sections 62.73(1) and 66.1005(2), Wisconsin Statutes, a lis pendens must be filed with the Milwaukee County Register of Deeds; and

Whereas, Said vacation has been reviewed in accordance with Section 308-28, Milwaukee Code of Ordinances; and

Whereas, Upon Common Council approval of this File and recording of its Certified Resolution at the Milwaukee County Register of Deeds Office, the vacated area will revert to City-owned real estate because the City acquired the property in 2003 using funds from the Congestion Mitigation and Air Quality Improvement ("CMAQ") Program that was distributed by the Wisconsin Department of Transportation ("WisDOT") for a bicycle and pedestrian trail known as the Kinnickinnic Bicycle and Pedestrian Trail; and

Whereas, Subsequent to the City's acquisition, the property was dedicated as public right-of-way for bicycle and pedestrian use; and

Whereas, The area to be vacated is not needed for trail purposes if alternate access to East Greenfield Avenue is provided and the WisDOT and federal government are compensated according to CMAQ Program rules; and

Whereas, The City has been working with adjoining property owner, Wangard Partners, Inc. ("Wangard"), on a major redevelopment adjoining the Kinnickinnic River Bicycle and Pedestrian Trail in the South 1st Street and West Greenfield Avenue Tax Incremental District and the developer has proposed to include trail access in a different part of the development; and

Whereas, Wangard has submitted an unsolicited offer on behalf of its new limited

liability company to acquire the City-owned land upon vacation and to incorporate the area into its redevelopment as summarized in a Land Disposition Report and Due Diligence Checklist, a copy of which is attached to this Common Council File; and

Whereas, CMAQ Program rules require that if property acquired with CMAQ funds are sold, the property must be sold for fair market value and the proceeds provided to the federal government through WisDOT; and

Whereas, Section 304-49-8, Milwaukee Code of Ordinances, allows the City to accept unsolicited offers to purchase property when the City receives fair compensation, whether monetary or non-monetary, and Section 304-49-5, Milwaukee Code of Ordinances, outlines the procedures for sale of Development Property, including preparation of a Due Diligence Checklist that is attached to the Land Disposition Report; and

Whereas, Wangard's offering price is based on an independent appraisal that has been approved by WisDOT on behalf of the federal government; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said right-of-way as indicated by Exhibit A and bound and described by:

That part of the public pedestrian and bicycle way, also known as the Kinnickinnic River Trail, lying between the north line of East Greenfield Avenue and the south line of West Washington Street in the Southeast 1/4 of Section 32, Township 7 North, Range 22 East, described as follows: Commencing at the northeast corner of Certified Survey Map No. 7114; thence South 88°21'09" West, along the north line of said Certified Survey Map, 91.60 feet to a point on a curve; thence Northeasterly, 149.94 feet along the arc of said curve which has a radius of 308.00 feet with its center lying to the northwest having a central angle of 27°53'31" and whose chord bears North 24°28'52" East, 148.46 feet to a point; thence North 88°30'50" East 28.87 feet to a point in the northerly extension of the east line of said Certified Survey Map; thence South 00°30'31" East, along said northerly extension, 133.23 feet to the point of commencement is vacated; and, be it

Further Resolved, That a notice of pendency of said vacation has been recorded at the Milwaukee County Register of Deeds Office and the Commissioner of the Department of City Development ("DCD") may request a release of the lis pendens without Common Council action if said vacation is not approved; and, be it

Further Resolved, That the Commissioner of Public Works and/or the City Engineer are authorized to implement the actions listed in the coordinated report relating to said vacation and when a money deposit is required, it must be deposited prior to implementing said actions; and, be it

Further Resolved, That as provided by Sections 62.73(1) and 66.1005(2), Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if said right-of-way had not been vacated; and, be it

Further Resolved, That the proper City officials, including the Commissioner of Public Works, are authorized to sign any easement or other documents necessary to assert the City's rights under Section 66.1005(2), Wisconsin Statutes, and cause the same to be recorded at the Milwaukee County Register of Deeds Office; and, be it

Further Resolved, That the offer submitted by Wangard Partners, Inc. on behalf of its new limited liability company to acquire the vacated bicycle and pedestrian trail is accepted; and, be it

Further Resolved, That upon recording of the Certified Resolution to vacate the property, the Commissioner of DCD, or designee, shall negotiate a purchase and sale agreement with the developer for the project, as outlined in the Land Disposition Report and Due Diligence Checklist, and is authorized to execute documents necessary to convey the property; and, be it

Further Resolved, That 80 percent of the sale proceeds shall be provided to the federal government through WisDOT, with the remaining 20 percent, less a 30 percent fee to the Redevelopment Authority of the City of Milwaukee, going to the City.

DCD:Ed.Richardson:ear

01/26/15

Technical correction made 7/9/15 - LME.