



Legislation Text

File #: 060908, Version: 1

060908
SUBSTITUTE 1

ALD. D'AMATO

Substitute resolution removing a deed restriction on a portion of the property at 2566 North Bush Lane, in the 3rd Aldermanic District.

This substitute resolution releases a deed restriction on a former City-owned property. Whereas, The City of Milwaukee ("City") acquired the property at 2566 North Bush Lane ("Property") in April 1979 for recreational purposes using funds from the federal Land and Water Conservation Act ("LAWCON"); and

Whereas, On June 3, 1980, the City recorded a Declaration of Restrictions with the Milwaukee County Register of Deeds as Document No. 5402507 that required the Property "be used exclusively for outdoor recreational purposes and shall not, in the future, be sold, leased, assigned or mortgaged without consent of the Common Council of the City of Milwaukee and the prior written approval of the Secretary of the Wisconsin Department of Natural Resources ("WDNR") and the Secretary of the Department of the Interior ("DOI") or their designee or successor" as required by the LAWCON funding; and

Whereas, After approval by the Common Council, WDNR and DOI, the City conveyed the Property to Milwaukee County because the County was a more appropriate governmental agency to maintain the Property for recreational purposes; and

Whereas, The Milwaukee County Board of Supervisors on June 23, 2006, by passage of Resolution File No. 01-540(a) authorized an exchange of approximately 60,763 square feet of the Property to facilitate development of a University of Wisconsin-Milwaukee dormitory (Parcel A on the Release of Deed Restriction Map, a copy of which is attached to this Common Council File) for approximately 70,000 square feet of adjacent land at 1194 East North Avenue (Parcel B on the Release of Deed Restriction Map) for extension of the Oak Leaf Bike Trail in the Riverwest neighborhood; and

Whereas, The land exchange will provide Milwaukee County with more land area for outdoor recreational use that will be subject to the same deed restriction and will allow extension of the Oak Leaf Bike Trail; and

Whereas, The release of the deed restriction and the exchange of property is contingent on Milwaukee County obtaining approval of the WDNR and the National Park Service ("NPS") on behalf of DOI as required by the LAWCON funding; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that a Release of Deed Restriction to remove the outdoor recreation use restriction on a portion of the property at 2566 North Bush Lane is authorized contingent on the approval of WDNR and NPS; and, be it

Further Resolved, That upon receipt of the approvals, the Commissioner of the Department of City Development, or designee, is directed to execute such release after review and approval by the City Attorney's Office.

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10/30/06