



Legislation Text

File #: 020800, Version: 1

020800

SUBSTITUTE 1

ALD. D'AMATO

Substitute resolution relating to an offer to purchase a railroad right-of-way in the 3rd and 6th Aldermanic Districts in the City of Milwaukee with State grant funds.

This resolution expresses the City of Milwaukee's interest in acquiring abandoned railroad right-of-way under the ownership of the Chicago Milwaukee Corporation (CMC) located generally north of the intersection of East Locust Street and North Humboldt Boulevard and south of the intersection of East Keefe Avenue and North Richards Street. This resolution indicates that the City of Milwaukee will accept an offer to purchase this property providing a number of conditions are met including but not limited to: Receipt of a Local Transportation Enhancement Grant (TE)/Surface Transportation Discretionary Program grant (STP-D) entitled "Beer Line Bike/Recreational Corridor" as applied for on

April 12, 2002, in the amount of \$ 716,000.00 (\$ 572,800.00 State/Federal funds and \$143,200.00 Local matching funds); Common Council acceptance of the grant and local match requirements; Satisfactory results of environmental testing as determined by the City of Milwaukee; Ability of CMC to show clear title to the lands in question; and Acquisition to meet all requirements of the State of Wisconsin Department of Transportation (WISDOT)/United States Federal Highway Administration (FHWA) land acquisition process. Whereas, The WISDOT solicited applications in early 2002 for TE/STP-D grant funds for State Fiscal Years 2004-2005; and

Whereas The City Engineer coordinated the submittal of a number of applications for said program including one entitled " Beer Line Bike/Recreational Corridor" project in the amount of \$716,000.00 (\$572,800.00 state/federal funds and \$143,200.00 local matching funds) which entails the acquisition of abandoned railroad lands under the ownership of the Chicago Milwaukee Corporation (CMC) located generally north of the intersection of East Locust Street and North Humboldt Boulevard. and south of the intersection of East Keefe Avenue and North Richards Street and the design and construction of landscaping and bike trail along this approximately 3000 foot long former rail corridor ; and

Whereas, The local Alderman, Michael D'Amato, as well as a number of community groups, schools, and abutting residents are supportive of the project; and

Whereas, Alderman D'Amato, on behalf of the City of Milwaukee, has received an "offer to purchase" from CMC HEARTLAND PARTNERS (successor to CMC) for the City of Milwaukee to acquire said abandoned railroad lands in the amount of \$ 327,591.00, being approximately equal to \$ 1.00 per square foot of land; and

Whereas, The CMC has asked that the City of Milwaukee execute the "offer to purchase" agreement which would, if executed, commit the City of Milwaukee to certain payments in this acquisition; and

Whereas, The execution of said agreement is premature in that the City of Milwaukee has yet to be awarded the grant funding from the WISDOT/FHWA as applied for under the TE/STP-D programs, the City of Milwaukee Common Council has yet to accept and establish local matching funds for said grant, and the execution of the

offer to purchase would be contrary to the stringent process required by State and Federal Land Acquisition regulations and may jeopardize the purchase using grant funds; and

Whereas, The City of Milwaukee is still desirous of indicating its intent to CMC to successfully complete an acquisition of the abandoned railroad right-of-way located as noted above; and

Whereas, The City Plan Commission has considered the Offer to Purchase from CMC and has recommended conditional approval based on the following conditions:

1. City acceptance is subject to receipt of the WisDOT grant and the conditions included therein
2. No deposit should be required
3. CMC must provide us with a map and legal description of the land to be sold
4. The Offer to Purchase must be approved by the City Attorney

; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City of Milwaukee does hereby approve an Offer to Purchase certain abandoned railroad right-of-way currently under the ownership of CMC and generally located north of the intersection of East Locust Street and North Humboldt Boulevard and south of the intersection of East Keefe Avenue and North Richards Street, being in excess of approximately 300,000 square feet providing the following conditions, including but not limited to the following, can be satisfied

The City of Milwaukee receives the TE/STP-D grant entitled " Beer Line Bike / Recreational Corridor "as applied for to the WISDOT on April 12, 2002, in the requested amount of \$ 716,000.00 (\$572,800.00 state/federal funds and \$143,200.00 local matching funds).

The City of Milwaukee Common Council authorizes acceptance of the TE/STP-D grant and establishes local matching funds as necessary to comply with grant requirements.

The results of environmental testing of the lands to be acquired are satisfactory as determined by the City of Milwaukee and any requirements imposed within the context of the WISDOT/FHWA land acquisition processes.

That clear title can be established for the lands to be acquired.

City acceptance is subject to receipt of the WisDOT grant and the conditions included therein.

No deposit should be required.

CMC must provide us with a map and legal description of the land to be sold.

The Offer to Purchase must be approved by the City Attorney.

That all requirements imposed within the context of the WISDOT/FHWA land acquisition process be met so as not to preclude use of grant funding to purchase and improve the property; and, be it

Further Resolved that the City Clerk provide a certified copy of this resolution to:

CMC HEARTLAND PARTNERS

c/o Sales Department
330 N. Jefferson Court
Suite 305
Chicago, IL 60661

as evidence of the City of Milwaukee's intent to acquire the property generally described above.

Department of Public Works
Infrastructure Services Division

JJM:sdp

September 30, 2002

TE Grant Beerline Bike/Recreational Corridor offer to purchase