



## Legislation Details (With Text)

**File #:** 160258 **Version:** 1  
**Type:** Ordinance **Status:** Passed  
**File created:** 6/14/2016 **In control:** COMMON COUNCIL  
**On agenda:** **Final action:** 12/13/2016  
**Effective date:**

**Title:** A substitute ordinance granting an air space lease to Joseph Property Development, LLC for two sections of the building façade overhanging the west property line on Prospect Avenue for the premises at 2214-2228 N. Prospect in the 3rd Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** PERMITS

**Attachments:** 1. Petition, 2. 160258 City Plan Commission Letter.pdf, 3. CADB01-#229232-v1-Airspace\_lease\_for\_building\_overhang\_at\_2214-2228\_n\_prospect\_ave.pdf, 4. Exhibit A - Joseph Prop Dev Airspace Lease (2).pdf, 5. 2214 - 2228 N Prospect Avenue Lease Memo, 6. Notice Published on 1-4-17

Date	Ver.	Action By	Action	Result	Tally
6/14/2016	0	COMMON COUNCIL	ASSIGNED TO		
6/15/2016	0	CITY CLERK	REFERRED TO		
11/7/2016	0	CITY PLAN COMMISSION	RECOMMENDED FOR PASSAGE AND ASSIGNED	Pass	6:0
11/30/2016	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
12/13/2016	1	COMMON COUNCIL	PASSED	Pass	14:0
12/20/2016	1	MAYOR	SIGNED		
1/4/2017	1	CITY CLERK	PUBLISHED		

160258  
SUBSTITUTE 1

### THE CHAIR

A substitute ordinance granting an air space lease to Joseph Property Development, LLC for two sections of the building façade overhanging the west property line on Prospect Avenue for the premises at 2214-2228 N. Prospect in the 3rd Aldermanic District.

In accordance with state law, this ordinance will grant an airspace lease to Joseph Property Development, LLC for the purpose of constructing and maintaining two building overhangs that extend over the sidewalk area bordering North Prospect Avenue at 2214-2228 N. Prospect Avenue in the City of Milwaukee, 3rd Aldermanic District.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1: FINDINGS. In accordance with the provisions of sec. 66.0915(4), Wis. Stats., (2013-2014), the Common Council of the City of Milwaukee hereby authorizes, directs and agrees that the City of Milwaukee, through the proper city officers, enter into an airspace lease with Joseph Property Development, LLC for a term of 99 years for the purpose of allowing Lessee to construct, maintain, and use two overhang structures that extend over the sidewalk area bordering North Prospect

Avenue at 2214-2228 N. Prospect Avenue, as described in the lease, and the Common Council of the City of Milwaukee hereby finds that the area described in the airspace lease is not needed for street, alley or other public purposes and that the public interest will be served inasmuch as the leasing of the airspace will aid in the development of the neighborhood.

Part 2. Attached and made part of Common Council File No. 160258 is a copy of such lease in substantially the same form as the lease that will be signed.

Part 3. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 4. The Department of City Development, through its real estate section, shall process, at the expense of the Lessee, the recording of this ordinance and the executed lease with the Milwaukee County Register of Deeds and shall forward the recording information complete with a final copy of the ordinance and lease to the City Engineer and the City Comptroller.

Part 5. This ordinance shall take effect and be in force from and after its passage and publication.

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau  
Date:\_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney  
Date:\_\_\_\_\_

City Attorney  
Thomas D. Miller  
11/18/2016  
1053:2016-1206:233945