



Legislation Details (With Text)

**File #:** 160679      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 9/20/2016      **In control:** COMMON COUNCIL  
**On agenda:**      **Final action:** 1/18/2017  
**Effective date:**

**Title:** A substitute ordinance to grant a subterranean space lease to MD Fifth Ward Properties, Inc. to occupy and maintain an underground tunnel across West Barclay Street connecting the buildings known as 300 S. Barclay Street and 139 East Oregon Street, in the 12th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SUBTERREANEAN SPACE LEASES

**Attachments:** 1. Subterranean Space Lease Petition, 2. Department of City Development Letter, 3. Department of Public Works Letter, 4. City Plan Commission Letter.pdf, 5. Lease, 6. MD Fifth Ward Tunnel Easement Exhibit-Revised, 7. Notice Published 2-3-17

| Date      | Ver. | Action By              | Action                               | Result | Tally |
|-----------|------|------------------------|--------------------------------------|--------|-------|
| 9/20/2016 | 0    | COMMON COUNCIL         | ASSIGNED TO                          |        |       |
| 9/22/2016 | 0    | PUBLIC WORKS COMMITTEE | REFERRED TO                          |        |       |
| 12/5/2016 | 0    | CITY PLAN COMMISSION   | RECOMMENDED FOR PASSAGE AND ASSIGNED | Pass   | 5:0   |
| 1/5/2017  | 0    | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR PASSAGE              | Pass   | 5:0   |
| 1/18/2017 | 1    | COMMON COUNCIL         | PASSED                               | Pass   | 14:0  |
| 1/26/2017 | 1    | MAYOR                  | SIGNED                               |        |       |
| 2/3/2017  | 1    | CITY CLERK             | PUBLISHED                            |        |       |

160679  
Substitute 1

THE CHAIR

A substitute ordinance to grant a subterranean space lease to MD Fifth Ward Properties, Inc. to occupy and maintain an underground tunnel across West Barclay Street connecting the buildings known as 300 S. Barclay Street and 139 East Oregon Street, in the 12th Aldermanic District. In accordance with state law, this ordinance will grant a subterranean space lease to M.D. Fifth Ward Properties, Inc. for the purpose of using and maintaining an existing tunnel connecting the properties at 139 East Oregon Street and 300 South Barclay Street 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(3), 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 a subterranean space lease with M.D. Fifth Ward Properties, Inc. for a term of 99 years for the purpose of allowing Lessee to maintain and use an existing tunnel connecting the properties at 139 East Oregon Street and 300 South Barclay Street, as described in the lease, and the Common Council of the City of Milwaukee hereby finds that the

area described in the 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 subterranean space will aid in the development of the neighborhood.

Part 2. Attached and made part of Common Council File No. 160679 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:\_\_\_\_\_

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