



## Legislation Details (With Text)

**File #:** 171860 **Version:** 0  
**Type:** Resolution-Immediate Adoption **Status:** Passed  
**File created:** 3/27/2018 **In control:** COMMON COUNCIL  
**On agenda:** **Final action:** 3/27/2018  
**Effective date:**

**Title:** Resolution terminating rights to repurchase and restrictions in the warranty deed from the City of Milwaukee to A.L. Schutzman Co., Inc., in the 9th Aldermanic District.

**Sponsors:** ALD. LEWIS

**Indexes:** DEED RESTRICTIONS

**Attachments:** 1. Termination of Rights and Restrictions.pdf, 2. Letter to Mayor

Date	Ver.	Action By	Action	Result	Tally
3/27/2018	0	COMMON COUNCIL	ADOPTED	Pass	15:0
4/4/2018	0	MAYOR	SIGNED		

### IMMEDIATE ADOPTION

171860  
ORIGINAL

ALD. LEWIS

Resolution terminating rights to repurchase and restrictions in the warranty deed from the City of Milwaukee to A.L. Schutzman Co., Inc., in the 9th Aldermanic District. This resolution removes deed restrictions approved by the City of Milwaukee on a former City-owned vacant lot that imposed certain requirements on the buyer to complete and that are no longer applicable.

Whereas, By that certain Warranty Deed dated September 8, 1989 and recorded with the Register of Deeds for Milwaukee County, Wisconsin on October 18, 1989 on Reel 2380, Image 1707, as Document Number 06321984 (the "Deed"), the City of Milwaukee, Wisconsin (the "City") conveyed to A.L. Schutzman Co., Inc. ("Schutzman") certain real property situated in the City of Milwaukee, County of Milwaukee, State of Wisconsin, being Parcel 1 of Certified Survey Map No. 4816 being a redivision of Parcel 4 of Certified Survey Map No. 4799 being a part of the Northeast 1/4 and the Southwest 1/4 of Section 9, Township 8 North, Range 21 East, and having an address of 9050 West Heather Avenue, Milwaukee, Wisconsin 53223 (the "Property"); and

Whereas, The Deed gave the City certain rights to repurchase the Property if a building was not constructed on the Property within twelve (12) months thereafter (the "Repurchase Rights"); and

Whereas, The Deed also imposes certain restrictions that encumber the Property (the "Restrictions"); and

Whereas, The Restrictions are automatically extended for successive periods of ten (10) years each, unless a resolution adopted by the Common Council of the City of Milwaukee (the "Common Council") has been recorded, agreeing to change, modify or amend the Restrictions in whole or in part; and

Whereas, Adam Group LLC is the fee simple owner of the Property; and

Whereas, Adam Group LLC desires to sell the Property to RMD Commercial, LLC or its subsidiaries (collectively, "RMD") and RMD desires to buy the Property from Adam Group LLC; and

Whereas, A building was constructed on the Property within the required time so as to terminate the Repurchase Rights; and

Whereas, The Restrictions are inconsistent with current zoning regulations and would adversely affect RMD's ability to use the Property; and

Whereas, RMD's purchase of the Property is subject to satisfaction of a condition related to the Restrictions (the "Closing Condition"); and

Whereas, Termination of the Restrictions would satisfy the Closing Condition and allow for RMD's purchase of the Property; and

Whereas, RMD has requested that the Common Council adopt a resolution that recognizes the prior termination of the Repurchase Rights and that terminates the Restrictions to allow RMD to purchase the Property; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that:

1. Any and all Repurchase Rights and Restrictions in that certain Warranty Deed from the City to Schutzman by instrument recorded with the Register of Deeds for Milwaukee County, Wisconsin on October 18, 1989 on Reel 2380, Image 1707, as Document Number 06321984, are hereby immediately terminated and of no further force and effect.

2. The City hereby remises and releases any and all rights it may have under the Deed.

3. The City is directed to execute and cause to be recorded in the Register of Deeds Office for Milwaukee County, Wisconsin the Termination of Rights and Restrictions, a copy of which is attached to this Common Council File.

DCD:David.Misky:dpm

03/27/18/A