



Legislation Details (With Text)

File #: 180572 **Version:** 1

Type: Resolution **Status:** Passed

File created: 7/10/2018 **In control:** COMMON COUNCIL

On agenda: **Final action:** 10/16/2018

Effective date:

Title: Substitute resolution accepting quit claim deeds from the Housing Authority of the City of Milwaukee and from Victory Manor LLC to dedicate certain land for public right-of-way purposes in Blocks 1, 3, 4, 5 and 7 in the subdivision known as Westlawn West, and in Lot 1 of Certified Survey Map 8895, and in the vacated public service drive north of Lot 1, CSM 8895, and authorizing documents, and changes to previously approved documents, regarding that subdivision and the subdivision known as Westlawn East, in the 2nd Aldermanic District.

Sponsors: ALD. JOHNSON

Indexes: PEDESTRIAN AREAS

Attachments: 1. 180572 City Plan Commission Letter.pdf, 2. 0926_Access_Easement_TOG_0926.pdf, 3. 0926_Declaration of Restrictions Concerning Sprinkler_TOG 0926.pdf, 4. 0926_Interim_Easement_TOG 0926.pdf, 5. 0926_Memorandum of Ground Lease Option (Browning School)_TOG 0926.pdf, 6. 0926_Memorandum of Lease- Silver Spring Neighborhood Center Inc._TOG 0926.pdf, 7. 0926_Out of Program Agreement_TOG 0926.pdf, 8. 0926_Storm Water Mgmt Facility and Common Area Maintenance and Easement Agmt_TOG 0926.pdf, 9. 0926_Westlawn_Declaration of Restrictions and Covenants_TOG 0926.pdf, 10. CADB01-#251036-v1-HACM_QCD, 11. CADB01-#251042-v1-Victory_Manor_QCD_Dedicate

Date	Ver.	Action By	Action	Result	Tally
7/10/2018	0	COMMON COUNCIL	ASSIGNED TO		
7/11/2018	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
8/13/2018	0	CITY PLAN COMMISSION	RECOMMENDED FOR ADOPTION AND ASSIGNED	Pass	6:0
10/3/2018	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
10/16/2018	1	COMMON COUNCIL	ADOPTED	Pass	14:0
10/25/2018	1	MAYOR	SIGNED		

180572
Substitute 1
170464
171000
171022
170502
171624
180571
ALD. JOHNSON

Substitute resolution accepting quit claim deeds from the Housing Authority of the City of Milwaukee and from Victory Manor LLC to dedicate certain land for public right-of-way purposes in Blocks 1, 3, 4, 5 and 7 in the subdivision known as Westlawn West, and in Lot 1 of Certified Survey Map 8895, and in the vacated public

service drive north of Lot 1, CSM 8895, and authorizing documents, and changes to previously approved documents, regarding that subdivision and the subdivision known as Westlawn East, in the 2nd Aldermanic District.

This substitute resolution permits the City of Milwaukee to accept quit claim deeds to dedicate certain land in the subdivision known as Westlawn West, and certain lands in Lot 1 of CSM 8895, and certain lands north of Lot 1 of CSM 8895, as public right-of-way, and authorizes documents, and changes to previously approved documents, regarding that subdivision and the subdivision known as Westlawn East.

WHEREAS, the Common Council previously approved the following resolutions regarding the subdivision known as Westlawn West: 170464 (preliminary subdivision plat); 171000 (final subdivision plat); 171022 (authorizing City entry into various agreements regarding storm water management and regarding mews and common areas in the platted lands); 170502 (vacation of public right-of-way); and 171624 (affidavit of correction concerning the final subdivision plat); and

WHEREAS, the previously approved agreements authorized by Resolution File 171022 (the “Prior Agreements”) contemplated that mews areas within the platted lands (“Mews Areas”) (i.e. all of the Outlots in Blocks 1, 3, 4, 5 and 7 in the subdivision known as Westlawn West owned by HACM, and also the 14-foot wide strip of land in Lot 1 of Certified Survey Map 8895 owned by Victory Manor, and also the 14-foot wide strip of land in vacated public service drive north of Lot 1 of CSM 8895) would be owned by the Westlawn Gardens Property Owners’ Association, Inc. (the “Association”) and that those Mews Areas would not be dedicated public right-of-way (“ROW”); and

WHEREAS, the Housing Authority of the City of Milwaukee (“HACM”) and Victory Manor LLC (“Victory Manor”) now want to retain their respective fee ownership interests in the Mews Areas, as opposed to conveying those ownership interests to the Association, and HACM and Victory now want to dedicate the Mews Areas to the City as public ROW; and

WHEREAS, Prior Agreements were revised and new agreements were drafted, and those agreements have been submitted to this file, and they now reflect the Mews Areas becoming public ROW but continue to require that the Association maintain the Mews Areas; and

WHEREAS, the revised and new agreements submitted to this file also reflect the former Mews Areas continuing to be used as pedestrian and common areas to serve and benefit the public, and continuing to be used as areas necessary for storm water management purposes; and

WHEREAS, the revised and new agreements submitted to this file include: a HACM Quit Claim Deed to Dedicate; an Interim Easement; a Victory Manor Quit Claim Deed to Dedicate; an Access Easement; a Declaration of Restrictions and Covenants Regarding Westlawn Gardens; a Storm Water Management Facility and Common Area Maintenance and Easement Agreement; a Declaration of Restrictions Concerning Sprinkler Systems; an Out of Program Agreement; a Memorandum of Ground Lease (Browning School); and a Memorandum of Lease Silver Spring Neighborhood Center; and

WHEREAS, there is a companion Common Council file, No. 180571, calling for establishment of some of the former Mews Areas as a pedestrian mall after those particular Mews Areas become public ROW; now, therefore, be it

RESOLVED, by the Common Council of the City of Milwaukee, that the City is authorized to accept the Quit

Claim Deeds to Dedicate from HACM and Victory and to submit them for recording with the Milwaukee County Register of Deeds Office; and be it

FURTHER RESOLVED, that the agreements submitted to this file are hereby approved and the appropriate City employees, including the Commissioner of the Department of Public Works, are authorized to sign those documents calling for City signature, in the form and substance as submitted to the file, or in substantial conformance thereto, and to take appropriate action under them as contemplated therein.

Department of Public Works

Gregg Hagopian, Asst. City Attorney