



## Legislation Text

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**File #:** 111127, **Version:** 0

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111127

ORIGINAL

090219, 101190

ALD. DONOVAN

Resolution relating to the use of the Airline Yards as a public park.

This resolution approves a Term Sheet and entry into a Master Agreement and related documents, including easements, for the Airline Yards parcel, owned by the Redevelopment Authority of the City of Milwaukee, to be used as a public park, including Hank Aaron State Trail. The resolution also approves the City becoming owner of 2 new pedestrian bridges, one over the Menomonee River connecting Airline Yards to 33<sup>rd</sup> Court, and one over a Soo Line Railway corridor connecting Mitchell Park to Airline Yards.

Whereas, The Redevelopment Authority of the City of Milwaukee ("RACM") and the City worked collaboratively with the Wisconsin Department of Natural Resources ("DNR"), the Wisconsin Department of Transportation ("DOT"), the Menomonee Valley Partners ("MVP"), the Soo Line Railroad Company ("Soo Line") and the Urban Ecology Center ("UEC") regarding creation of a pedestrian and bike path in the area of 37<sup>th</sup> Street and Pierce Street that links right-of-way (Pierce Street) to RACM-owned lands between the Menomonee River and Canal Street; and

Whereas, This path is part of the Hank Aaron State Trail and passes under Soo Line tracks and, with a new pedestrian bridge, over the Menomonee River; and

Whereas, Inter-agency collaboration included entry into a Valley Passage Easement, dated July 9, 2009, among the Soo Line, the City, RACM, DNR and DOT, which was approved by Common Council Resolution File Number 090219 and RACM Resolution File Number 10103, as well as entry into an Amendment to Valley Passage Easement among the RACM, City, DNR, DOT, Soo Line and UEC, which was approved by Common Council Resolution File Number 101190 and by RACM Resolution File Number 10309; and

Whereas, RACM and the City also are working collaboratively with the DNR, DOT and MVP to design and construct a 24-acre community park in the area of the former Milwaukee Road Shops known as the Airline Yards, which is situated across the river from the Menomonee Valley Industrial Center; and

Whereas, The Redevelopment Authority, Department of Public Works, Department of City Development and City Attorney's Office are negotiating a Master Agreement with the DNR and DOT, including related easement documents with Milwaukee County, Soo Line and Rexnord Industries, regarding their specific roles and responsibilities associated with the project, and regarding respective grants of easements necessary for constructing and maintaining the park; and

Whereas, The Master Agreement and easements will be consistent, in material respects, with the Term Sheet and Land Disposition Report which are attached to this file and which were, or are expected to be, approved by RACM on December 15, 2011; and

Whereas, The Term Sheet requires RACM to grant a temporary limited easement for project construction and a permanent limited easement for use of Airline Yards for the project and park and to contribute \$305,000 toward project costs, all contingent upon other parties, including Soo Line, Milwaukee County and Rexnord Industries, granting necessary easements; and

Whereas. The Term Sheet also requires that the the DOT have adequate funds to undertake and complete the project; and

Whereas, Under the Term Sheet and Master Agreement, the City will become owner of 2 bridges being constructed as part of the project - one over the Menomonee River connecting Airline Yards to 33<sup>rd</sup> Court, and one over a Soo Line railway corridor connecting Mitchell Park to Airline Yards - and, as owner, the City will have maintenance and repair duties associated with the bridges and their approaches, and will grant an easement to RACM and the DNR for the public to use the bridges as part of the Hank Aaron State Trail; and

Whereas, City entry into the Master Agreement and easements, all per the Term Sheet, in material respects, will facilitate and allow for conversion of the Airline Yards parcel to productive park use, available for use and enjoyment by the public; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that, so long as RACM, at its December 15, 2011, meeting, approves the Term Sheet and Land Disposition Report and RACM entry into the Master Agreement and required easements (consistent with the Term Sheet), the Common Council approves the Term Sheet and Land Disposition Report and further approves RACM conveyance of requisite easements called for by the Term Sheet, and as contemplated by the Land Disposition Report; and, be it

Further Resolved, That the Common Council authorizes DCD, DPW and the City Attorney's Office to complete negotiations of the Master Agreement and easements, as well as easements and other documents involving Rexnord Industries, the Milwaukee County and Soo Line needed for the project (all as contemplated by and materially consistent with the Term Sheet); and, be it

Further Resolved, That City entry into the Master Agreement and easements (all as contemplated by and materially consistent with the Term Sheet), and City acceptance of ownership of the 2 pedestrian bridges, are authorized; and, be it

Further Resolved, That closing on the transaction shall be conditioned on the DNR, DOT, Milwaukee County, Soo Line and Rexnord Industries cooperating and entering into necessary agreements so as to enable the park and project to be constructed and used as contemplated and intended; and, be it

Further Resolved, That, the Common Council approves the Land Disposition Report that RACM approved on November 17, 2011 by RACM Resolution Number 10320 and RACM conveyance of a portion of RACM land to Soo Line, which portion is called the "Triangle Land" in the Master Agreement being negotiated, with the conveyance of that "Triangle Land" to Soo Line being also conditioned on the DNR, DOT, Milwaukee County, Soo Line and Rexnord Industries cooperating and entering into necessary agreements so as to enable the park and project to be constructed and used as intended by the Master Agreement and Term Sheet.

TWM:lp  
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