



## Legislation Text

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ORIGINAL

55-3724-a

ALD. MURPHY

Resolution approving Acknowledgment and Consent Agreement among the City of Milwaukee, Milwaukee County and Wisconsin Lutheran High School concerning part of 8001 W. Blue Mound Road, Milwaukee and a partial release by the City of restrictions and covenants from a 1960 deed affecting that property, in the 10th Aldermanic District, and approving ancillary sewer and water easement related matters in the 3<sup>rd</sup> and 10<sup>th</sup> Aldermanic Districts.

This resolution approves City entry into an agreement among the City, Milwaukee County and Wisconsin Lutheran High School concerning part of 8001 W. Blue Mound Road, Milwaukee so that the County can convey a portion of that County-owned property to the high school free from restrictive covenants from a 1960 deed from the City to the County requiring the parcel to be used by the County for park or parkway purposes, so that the County can convey a temporary easement to the high school, and so the County can receive from the high school property adjoining Grant Park thus allowing the County to add more land to Grant Park and to gain access to an ice skating pavilion there; and it also approves City entry into ancillary sewer and water easement related documents between or among the parties at or near 8001 W. Blue Mound Road and at the North Point Pumping Station.

Whereas, The City of Milwaukee ("City"), per Common Council Resolution File No. 55-3724-a, conveyed to Milwaukee County ("County"), by deed dated February 18, 1960, recorded in the Milwaukee County Register of Deeds ("ROD") Office as ROD Document No. 3793554 (the "1960 Deed"), certain real estate in the City and County of Milwaukee, Wisconsin herein called the "Honey Creek Parkland" (8001 W. Blue Mound Road, Milwaukee, TIN 407-9991-110); and

Whereas, In the 1960 Deed, when the City conveyed the Honey Creek Parkland to the County, the City imposed a number of restrictive covenants on the Honey Creek Parkland, summarized as follows:

- Use limited to public park or parkway purposes that County will operate, and County will maintain those uses forever
- County will not alien or convey any of the Honey Creek Parkland except to the City
- Honey Creek Parkland remains subject to municipal and utility easement rights together with the City's associated right of entry
- Honey Creek Parkland is subject to reversion to the City if the County breaches the restrictive

covenants and/or ceases to use or operate the property for park or parkway purposes; and

Whereas, The Honey Creek Parkland includes the 2.523 acre portion of the Honey Creek Parkland that is called "Parcel X" in the "Acknowledgment/Consent" document that is part of this file and that is depicted on an exhibit to that document; and

Whereas, The Honey Creek Parkland also includes that certain portion of the Honey Creek Parkland that is called the "TLE Area" in the Acknowledgment/Consent document and that is also depicted on an exhibit to that document; and

Whereas, The County, per County Board Resolution File No. 19-777, entered into a Land Swap Agreement with Wisconsin Lutheran High School Conference ("WLHS"), dated as of December 1, 2019 (the "LSA"); and, in accordance with the LSA, the County wants to convey Parcel X to WLHS for WLHS to incorporate into WLHS's high school campus at 330 N. Glenview Avenue, Milwaukee (TIN 407-9994-110). WLHS athletic field facilities had encroached upon Parcel X for a number of years, and WLHS acquiring Parcel X will eliminate the encroachment and allow WLHS to expand its campus and athletic facilities; and

Whereas, In exchange for Parcel X, the LSA requires WLHS to cause to be conveyed to the County a 4.23 acre portion of 1699 10<sup>th</sup> Avenue, South Milwaukee, WI (TIN 771-9987-000) ("Parcel Y") for the County to incorporate into Grant Park (existing County parkland at 100 Hawthorne Avenue, South Milwaukee). Parcel Y is adjacent to the County ice skating pavilion in Grant Park. County improvements had encroached on Parcel Y for a number of years. The County acquiring Parcel Y will eliminate the encroachment and allow the County (and public) access to the ice skating pavilion, and allow the County to activate the pavilion, and to add more natural space and expanded trail options to Grant Park for the benefit of the public; and

Whereas, Accordingly, as a result of the LSA and the land swap required thereunder, the County will end up with more parkland, thereby increasing public benefit and enhancing public access and use. The County acquires the 4.23 acre Parcel Y and conveys the 2.523 acre Parcel X for a net gain of 1.707 acres of additional County-owned land used for public park purposes; and

Whereas, The LSA requires the County to grant to WLHS a temporary construction easement ("TLE"), not to exceed 6 years from the date of conveyance of Parcel X from County to WLHS, to allow WLHS access to the TLE Area in order to construct improvements on Parcel X. County, City and WLHS understand that any such TLE (i) must be confined to the TLE Area, (ii) must be on terms and conditions that meet County's, WLHS's, and City's reasonable approval, and (iii) (together with the TLE Area) remains subject to the terms and conditions of the 1960 Deed including the restrictions and covenants therein; and

Whereas, The City's Department of Public Works, Department of City Development, and City Attorney's Office considered the County's request to the City to enter into the Acknowledgment/Consent document, and the net gain of parkland to the County and for the benefit of the public that will result if the City enters into that document and that the LSA will produce; and

Whereas, City departmental review determined that City release of restrictive covenants in and to the Parcel X portion of the Honey Creek Parkland will not adversely affect City easement interests in Parcel X due to provisions in the Acknowledgment/Consent document that will allow the City to clarify

and update its easement needs in and to Parcel X and Honey Creek Parkland; and

Whereas, The proposed Acknowledgment/Consent document also allows the City opportunity to convey a portion of a water pipe in the City's North Point Pumping Station lands to the County (the sole-user of that pipe that serves the concession stand in the parking lot of Bradford Beach), thus transferring maintenance duty to the County and also necessitating an easement from the City to the County in those North Point Pumping Station lands; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it approves the Acknowledgment/Consent document that is part of this file and authorizes proper City officials to execute that document, or one in substantial conformance thereto, and to take such further action as may be required to carry out the intent of that document and this resolution, including the signing of easement and easement related documents as contemplated and called for in the Acknowledgment/Consent document.

DCD:Dave Misky  
2/10/2020