



Legislation Text

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110166
SUBSTITUTE 2

THE CHAIR

Substitute resolution declaring the Milwaukee Water Works property at 127 South 44th Street surplus to municipal needs and authorizing its conveyance to the State of Wisconsin, in exchange for the City's receipt of certain State-owned land at 4400 West National Avenue, and authorizing the subsequent sale of the property at 110 South 44th Street to P&H Mining Equipment, Inc. for use in connection with its business operations, in the 8th and 10th Aldermanic Districts.

This substitute resolution declares a property surplus to municipal needs, permits the City of Milwaukee to exchange property with the State of Wisconsin and enter into an Access Easement Agreement necessary to the transaction, and authorizes conveyance of the new City-owned parcel to P&H Mining, an adjacent property owner, for expansion of its employee parking lot according to the terms and conditions of the Property Exchange and Disposition Report.

Whereas, The Milwaukee Water Works owns a 3.64-acre parcel of land at 127 South 44th Street ("Water Works Property"), but has decommissioned the site after its facilities were irreparably damaged by flooding from the Menomonee River; and

Whereas, The Department of Public Works has notified the Department of City Development ("DCD") that the Milwaukee Water Works has no further need for the Water Works Property and has requested that the Water Works Property be declared surplus to municipal needs and sold by DCD with the net proceeds to be returned to the Milwaukee Water Works; and

Whereas, Prior to marketing the Water Works Property, P&H Mining Equipment, Inc. ("P&H") approached the City of Milwaukee ("City") regarding its need to provide for employee parking on a 2.716-acre piece of State-owned land at 4400 West National Avenue and adjacent to its headquarters, referred to as "Area 10;" and

Whereas, The Area 10 land is currently owned by the State of Wisconsin, leased to the Southeastern Wisconsin Professional Baseball Park District ("District") and subleased to the Milwaukee Brewers Baseball Club Limited Partnership ("Brewers"); and

Whereas, The State, the District and the Brewers have agreed to trade their respective ownership and leasehold rights in Area 10 and to grant permanent access rights over other Stadium Property north of Area 10 (the "Access Easement"), in exchange for conveyance of the Water Works Property to the State, for lease to the District and the Brewers; and

Whereas, The proposed property exchange will allow the City to then convey Area 10 to P&H to meet its parking needs and assist a major area employer in its plant modernization and job creation and retention efforts; and

Whereas, The City, the District and the Brewers also are actively working in good faith towards resolving several other outstanding issues pertaining to the Miller Park property, including the reworking of that certain "Reciprocal Operating and Easement Agreement" dated as of September 18, 1998 (the "1998 REO"), which provides for the access over and maintenance of the ring road system located at the Miller Park site; and

Whereas, The 1998 REO will be reworked and resolved in the near future along with the

other outstanding Miller Park related issues, with final terms reflecting the substance of this resolution; and

Whereas, The Area 10 land also is subject to restrictive covenants related to its prior ownership by the U.S. Veterans Administration and Milwaukee County prior to its conveyance to the State of Wisconsin for lease to the District and the Brewers; and

Whereas, Allowing the City to act as the intermediary in the land exchange allows the County's restrictive covenants and land leases that affect Area 10 to be transferred to the Water Works Property and ensure that all future use of the Water Works Property is consistent with the surrounding Stadium Property as summarized in a Property Exchange and Disposition Report, a copy of which is attached to this Common Council File; and

Whereas, The City Attorney's Office has drafted a Land Transfer Agreement to outline the terms and conditions for the property exchange, including contingencies for the release of restrictive covenants, the transfer of leases, and recording of an Access Easement Agreement, subject to approval of the transaction by the Common Council of the City of Milwaukee; and

Whereas, The State of Wisconsin, the District and the Brewers have agreed to the terms of the proposed Land Transfer Agreement and Access Easement Agreement; and

Whereas, The City Plan Commission has determined that the Water Works Property is surplus to municipal needs and has authorized exchange of property by the City; and

Whereas, Upon exchange of property with the State, the City will convey Area 10 to P&H for employee parking as summarized in the Property Exchange and Disposition Report; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Water Works Property at 127 South 44th Street is declared surplus to municipal needs; and, be it

Further Resolved, That the Land Transfer Agreement and Access Easement Agreement among the City, the State of Wisconsin, the District and the Brewers to exchange the Water Works Property for Area 10 and provide access to Area 10 are authorized; and, be it

Further Resolved, That the City Attorney's office is directed to proceed with negotiations with the District and the Brewers to rework the 1998 REO with the understanding that public access to the ring road system will be preserved and the City's maintenance obligations with respect to the ring roads will be limited to performance of routine maintenance items such as sweeping, snowplowing and crack filling; and, be it

Further Resolved, That after conveyance of Area 10 to the City, the City is authorized to convey Area 10 to P&H for a purchase price of Three Hundred Thousand Dollars (\$300,000.00) for expansion of its employee parking area as summarized in the Property Exchange and Disposition Report; and, be it

Further Resolved, That the Commissioner of DCD, or designee, is authorized to execute all documents relating to these transactions including, but not limited to the Land Transfer Agreement, offer to purchase, quit claim deeds, and other documents as necessary to carry out the intent of this resolution; and, be it

Further Resolved, That the net sale proceeds from the Area 10 transaction to P&H shall be deposited in the Water Works Account No. 6411-983014-1830.

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06/14/11