Redevelopment Authority of the City of Milwaukee

Resolution No.:	**10401**
Adopted on:	February 21, 2013
Project Area:	Blight Elimination/Riverworks Industrial Center
Aldermanic District:	6th

Resolution approving the blight designation and acquisition of the City-owned brownfield at 4132 North Holton Street and authorizing a Remediation, Long-Term Care and Access Agreement with Fisher Controls International LLC and Pharmacia LLC for the property.

Whereas, The City of Milwaukee acquired the former Milwaukee Die Casting industrial property, an environmentally impacted property at 4132 North Holton Street, through tax foreclosure in December 2012 after a tentative agreement was reached regarding remediation, long-term care and access Fisher Controls International LLC and Pharmacia LLC as potential responsible parties; and

Whereas, Because the Redevelopment Authority can more easily apply for various environmental grants than the City of Milwaukee, is eligible for municipal liability exemptions through Section 292.11, Wisconsin Statutes, and has federal liability protection through Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), staff recommends that the Authority acquire the property at 4132 North Holton Street from the City to facilitate remediation and future redevelopment; and

Whereas, Section 66.1333(5)(c) of the Wisconsin Statutes enables a redevelopment authority of a first class city to acquire blighted property without designating a boundary or adopting a redevelopment plan; and

Whereas, In order to exercise the powers granted under 66.1333(5)(c), the Authority is required to hold a public hearing for information purposes to determine if property is blighted pursuant to Section 66.1333 (2m)(bm) and to provide proper notice of this hearing to the property owner; and

Whereas, The City waived its right to the statutory notice and a public hearing was conducted on February 21, 2013, by the Authority pursuant to the provisions of Section 66.1333(5)(c)2 of Wisconsin Statutes; and

Whereas, The property at 4132 North Holton Street can be considered blighted because the environmental condition, vacant status and deteriorating physical condition impairs or substantially arrests the sound growth of the City of Milwaukee as outlined in Section 66.1333(2m)(bm), Wisconsin Statutes; and

Whereas, Prior to acquisition, Section 66.1333(5)(c), Wisconsin Statutes, requires that the Common Council of the City of Milwaukee approve the blight designation and acquisition of the property; and

Whereas, The Environmental Protection Agency ("EPA") is currently in negotiations to implement an Administrative Order on Consent (AOC) regarding the property at 4132 North Holton Street with Fisher Controls International LLC and Pharmacia LLC as Potential Responsible Parties ("PRP's") regarding certain response actions that EPA has requested the PRPs take at the site under CERCLA; and

Whereas, Redevelopment Authority staff has reviewed and commented on the proposed response actions to be included in the AOC and is in agreement with the level of response to be conducted by the PRPs; and

Whereas, The PRPs will require legal access to the property after acquisition by the Authority to carry out response actions outlined in the AOC with the EPA; and

Whereas, The City Attorney and Authority staff have negotiated Remediation, Long-Term Care and Access Agreement with Fisher Controls International LLC and Pharmacia LLC in order for the PRP's to conduct the required activities; and

Whereas, The Redevelopment Authority will specify, as a condition of the agreement that neither of the PRPs may bring suit to the Redevelopment Authority or the City of Milwaukee for cost recovery action under CERCLA; and

Whereas, The Redevelopment Authority is prepared to accept long term care provisions to be outlined in the AOC, which are anticipated to include maintaining an engineered barrier and site security; now, therefore, be it

Resolved, By the Redevelopment Authority of the City of Milwaukee, that the property at 4132 North Holton Street is found to be blighted within the meaning of Section 66.1333(2m), Wisconsin Statutes, for the following reason:

> by virtue of the present environmental condition, vacant status and deteriorating physical condition impairs or arrests the sound growth and development of the community and City of Milwaukee; and, be it

Further Resolved, That the Authority requests that the Common Council take certain official action to approve the blight designation and acquisition as required under Wisconsin Statutes; and, be it

Further Resolved, Upon Council approval of this blight designation and acquisition, the Authority is authorized to accept title to the property from the City of Milwaukee; and, be it

Further Resolved, That the Authority requests that the Common Council approve the blight designation and acquisition as required under Wisconsin Statutes; and, be it

Further Resolved, The proper officials of the Authority are authorized to enter in a Remediation, Long-Term Care and Access agreement with the PRP for the Milwaukee Die Cast Facility at 4132 North Holton Street.

CERTIFICATION

I certify that the forgoing is a true and exact copy of a resolution adopted by the Redevelopment Authority of the City of Milwaukee, WI on the date set forth above.

(seal)

David P. Misky
Assistant Executive Director-Secretary