Redevelopment Authority of the City of Milwaukee

Resolution No.: **10457**
Adopted on: December 19, 2013
Project Area: Menomonee Valley Industrial Center
Aldermanic District: 8th

Resolution approving an Amended and Restated Reciprocal Operating and Easement Agreement granting an access easement over a portion of the Miller Park ring roads benefiting the Menomonee Valley Industrial Center and providing for maintenance of those ring roads encumbered by the easement.

Whereas, when the Redevelopment Authority acquired the land that was developed into the Menomonee Valley Industrial Center ("MVIC"), there was already recorded on title a 1998 Reciprocal Operating and Easement ("ROE") Agreement between the Milwaukee Brewers, the Baseball District, the State of Wisconsin and the former owner of that land; and

Whereas, as the current owners of this land, the Redevelopment Authority, the City of Milwaukee and all of the business owners in the MVIC are now subject to the 1998 ROE Agreement which requires owners of this land to pay 75% of all maintenance and capital expenses related to the Miller Park ring roads east of 44th Street; and

Whereas, when the Redevelopment Authority sold the parcels in the MVIC, the buyers were told that the City and/or the Redevelopment Authority would take on the responsibility of paying the maintenance and capital expenses under the 1998 ROE Agreement; and

Whereas, as a result of a package deal negotiated among the Milwaukee Brewers, the Baseball District, the State and the City, an Amended and Restated Reciprocal Operating and Easement Agreement was drafted that relieves the Redevelopment Authority and the property owners in the MVIC from any responsibility for maintenance and capital expenditures and makes the City of Milwaukee responsible for 100% of the maintenance costs and the Milwaukee Brewers responsible for 100% of capital expenses for the Miller Park ring roads east of 44th Street that provide access to the MVIC; and

Whereas, the Amended and Restated Reciprocal Operating and Easement Agreement relieves the Redevelopment Authority, the City of Milwaukee and all property owners in the MVIC of all outstanding amounts currently owed under the 1998 ROE Agreement; and

Whereas, the Amended and Restated Reciprocal Operating and Easement Agreement maintains an access easement over the Miller Park ring roads east of 44th Street to benefit the properties in the MVIC and terminates an obsolete roadway easement that encumbers some of the properties in the MVIC; and

Whereas, the Amended and Restated Reciprocal Operating and Easement Agreement provides the property owners in the MVIC and the Redevelopment Authority with clean title for the lands in the MVIC; now, therefore, be it

Resolved, By the Redevelopment Authority of the City of Milwaukee that the Amended and Restated Reciprocal Operating and Easement Agreement is hereby approved and the proper officers of the Authority are hereby authorized and directed to execute and deliver an Amended and Restated Reciprocal Operating and Easement Agreement in substantially the form on file with the Authority, with such minor non-substantive revisions as may be approved by the Assistant Executive Director and the Office of the City Attorney.

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