

44.



City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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R-2008-0031

Resolution

In Committee

Resolution to rescind Resolution No. R-2007-0094 and authorizing the proper City Officials to execute a Deed Restriction on a part of City-owned property located at 11301 West Lincoln Avenue.

Introduced: 2/5/2008

Controlling Body: Public Works Committee

Sponsor(s): Richard F. Narlock

COMMITTEE RECOMMENDATION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>2-5-08</u>	<input checked="" type="checkbox"/>		Barczak				
			Czaplewski				
			Dobrowski	<input checked="" type="checkbox"/>			
			Kopplin	<input checked="" type="checkbox"/>			
			Lajsic				
			Narlock	<input checked="" type="checkbox"/>			
			Reinke				
		<input checked="" type="checkbox"/>	Sengstock	<input checked="" type="checkbox"/>			
			Vitale	<input checked="" type="checkbox"/>			
			Weigel				
			TOTAL	<u>5</u>	<u>1</u>		

SIGNATURE OF COMMITTEE MEMBER

Richard F. Narlock

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>FEB 05 2008</u>		<input checked="" type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
			Dobrowski	<input checked="" type="checkbox"/>			
			Kopplin	<input checked="" type="checkbox"/>			
			Lajsic	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>		Narlock	<input checked="" type="checkbox"/>			
			Reinke	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
			Vitale	<input checked="" type="checkbox"/>			
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>10</u>	<u>1</u>		

Dev
Del - Atty

**STANDING COMMITTEES OF THE
CITY OF WEST ALLIS COMMON COUNCIL
2004**

ADMINISTRATION & FINANCE

Chair: Michael J. Czaplewski
Vice-Chair: Martin J. Weigel
Gary T. Barczak
Thomas G. Lajsic
Rosalie L. Reinke

PUBLIC WORKS

Chair: Richard F. Narlock
Vice-Chair: Linda A. Dobrowski
Kurt E. Kopplin
Vincent Vitale
James W. Sengstock

SAFETY & DEVELOPMENT

Chair: Thomas G. Lajsic
Vice-Chair: Vincent Vitale
Gary T. Barczak
Martin J. Weigel
Rosalie L. Reinke

LICENSE & HEALTH

Chair: Kurt E. Kopplin
Vice-Chair: James W. Sengstock
Linda A. Dobrowski
Richard F. Narlock
Michael J. Czaplewski

ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Gary T. Barczak
Linda A. Dobrowski
Vincent Vitale
Martin J. Weigel



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2008-0031

Final Action:

Sponsor(s): Richard F. Narlock

FEB 05 2008

Resolution to rescind Resolution No. R-2007-0094 and authorizing the proper City Officials to execute a Deed Restriction on a part of City-owned property located at 11301 West Lincoln Avenue.

WHEREAS, on April 3, 2007, Resolution No. R-2007-0094 was adopted by the Common Council of the City of West Allis authorizing the proper City Officials to execute a Deed Restriction on a part of City-owned property located at 11301 West Lincoln Avenue; and,

WHEREAS, the City of West Allis received two (2) Brownfield's Green Space & Public Facilities Grants ("Grants") from the Wisconsin Department of Natural Resources for environmental work on a part of City-owned property located at 11301 West Lincoln Avenue ("Site") for construction of a soccer complex; and,

WHEREAS, the Deed Restriction relates to the creation of an athletic complex with soccer fields, and/or other recreational and educational facilities, storm water retention and other public infrastructure facilities, parking for the Police Department and placing a twenty (20) year limit on the site from any other future development as a requirement of the awarding of the above Grants.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis:

1) That Resolution No. R-2007-0094 adopted by the Common Council of the City of West Allis be rescinded pursuant to Section 12.80(1)(d) of the Revised Municipal Code, and the aforesaid Resolution be and is hereby placed on file.

2) That the Mayor and the City Administrative Officer, Clerk/Treasurer be and are hereby authorized and directed to execute and deliver the Deed Restriction, which is attached hereto and incorporated herein by reference.

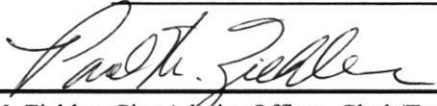
3) That the attached Deed Restriction be recorded in the Register of Deeds Office of Milwaukee County.

cc: Department of Development

Dev-R-494-2-5-08\bjb

ADOPTED


FEB 05 2008



Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED

February 5, 2008



Jeannette Bell, Mayor

Document Number

DEED RESTRICTION

Declaration of Restrictions

In Re: See Legal Description attached as Exhibit A

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE

WHEREAS, The City of West Allis is the owner of the above-described property.

WHEREAS, the City of West Allis has received two (2) Brownfield Green Space and Public Facility Grants from the Department of Natural Resources ("DNR") pursuant to s. 292.79, Wis. Stats., and ch. NR 173, Wis. Adm. Code.

WHEREAS, the City of West Allis submitted two (2) applications for these grants to DNR, received in January 2003 and July 2006. Those applications described the intended use of the property for a purpose that DNR determined was eligible for funding under s. 292.79(2), Wis. Stats., and s. NR 173.05, Wis. Adm. Code.

WHEREAS, the City of West Allis and DNR entered into grant agreements for grant number GRN-005 on June 9, 2004, and grant number GRN-018 on December 20, 2006, which described the requirements and responsibilities of the grantee and DNR with respect to this eligible project.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will limit the use of the property to those purposes and land uses identified in the application for at least twenty (20) years from the date the grant agreements were signed by DNR, in order to satisfy the requirement in s. NR 173.17(1)(b), Wis. Adm. Code.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Land Use Restriction. The property described above may only be used for the following purposes:

Soccer fields, and/or other recreational and educational facilities, storm water retention and other public infrastructure facilities, and

Recording Area

Name and Return Address:

City Attorney's Office
City of West Allis
7525 West Greenfield Avenue
West Allis, WI 53214

Part of 484-9995-003

Parcel Identification Number

parking for the Police Department all in the area of the former municipal landfill described in Exhibit A and conforming to the plans of the multi use athletic and recreation complex defined in the grant applications noted above.

Amendment. The Restrictions imposed upon the Property are attached to and shall run with the land for at least twenty (20) years from the last grant agreement signed on December 20, 2006, provided however, that they may be extinguished or amended upon the recording of an instrument signed by both DNR, or its successor or assign, and the Property Owner, or his/her successor or assign.

IN WITNESS WHEREOF, the undersigned have executed this Deed Restriction.

CITY OF WEST ALLIS

By: Jeannette Bell
Jeannette Bell, Mayor

Attest: Paul M. Ziehler
Paul M. Ziehler, City Administrative Officer,
Clerk/Treasurer

STATE OF WISCONSIN)
) SS
MILWAUKEE COUNTY)

Personally came before me this 8th day of February, 2008, Jeannette Bell and Paul M. Ziehler, the Mayor and City Administrative Officer, Clerk/Treasurer, respectively, of the City of West Allis, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same on behalf of said City.

Ann Marie Neft (SEAL)
(
Notary Public, State of Wisconsin
My Commission Expires: 12-25-11

This document was drafted by Scott E. Post
West Allis City Attorney

EXHIBIT A

Deed Restriction for part of 484-9995-003

A tract of land located in the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 7, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Commencing at the Northwest corner of said $\frac{1}{4}$ section; thence East, 527.76 feet, along the North line of said $\frac{1}{4}$ section; thence South $0^{\circ} 13' 06''$ East, 519.90 feet, along the West line of the East $\frac{3}{5}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 7 to the Point of Beginning; thence East; 791.84 feet, to the East line of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 7; thence South $0^{\circ} 14' 29''$ East, 734.18 feet, along said East line; thence North $89^{\circ} 55' 00''$ West, 226.42 feet, parallel with South line of said Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said section 7, to the point of curve to the left whose radius is 300.00 feet and whose chord bears South $70^{\circ} 06' 48''$ West, 204.92 feet; thence Southwesterly, 209.13 feet, along arc of said curve, to the South line of said Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said section 7; thence North $89^{\circ} 55' 00''$ West, 372.76, along said line, to the West line of the East $\frac{3}{5}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 7; thence North $0^{\circ} 13' 06''$ West, 803.00 feet, along said line to the Point of Beginning.

Said land contains 14.04 Acres, more or less.

Subject to the existing WEPCO easement.