



City of West Allis

Legislation Details (With Text)

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File created: 3/5/2019 **In control:** Safety and Development Committee (INACTIVE)

On agenda: 3/5/2019 **Final action:** 3/5/2019

Title: Resolution to release the City of West Allis’s reacquisition rights for three parcels that are comprised of McKinley Park (Tax Keys: 440-0213-002, 440-0213-003, 440-0004-001).

Sponsors: Safety and Development Committee (INACTIVE)

Indexes:

Code sections:

Attachments: 1. Memorandum of Agreement

Date	Ver.	Action By	Action	Result
3/5/2019	1	Common Council	Placed on File	Pass
3/5/2019	1	Safety and Development Committee (INACTIVE)		Pass
3/5/2019	1	Common Council		

Resolution to release the City of West Allis’s reacquisition rights for three parcels that are comprised of McKinley Park (Tax Keys: 440-0213-002, 440-0213-003, 440-0004-001).

WHEREAS, in 2014, the City of West Allis (“City”) sold three parcels (Tax Keys: 440-0213-002, 440-0213-003, 440-0004-001) (“the Property”) of land that comprised McKinley Park, to the School District of West Allis -West Milwaukee, et al; and,

WHEREAS, as a condition of the sale of the Property outlined in a Memorandum of Agreement (the “Agreement”) dated September 29, 2014 and approved on April 15, 2014 by Resolution No. R-2014-0094, hereby incorporated herein for reference, the City retained that right to repurchase the Property for One Dollar upon such time that the School District of West Allis-West Milwaukee, et al, decided to sell the Property; and,

WHEREAS, per the Agreement, the City received notification from the School District of West Allis-West Milwaukee, et al, on September 28, 2017 of their intent to sell the Property; and,

WHEREAS, per the Agreement, upon receipt of the notification from the School District of West Allis-West Milwaukee, et al, the City has 30 days to inform the School District of its intent to repurchase the Property; and,

WHEREAS, by the Common Council not exercising its rights under the Memorandum of Agreement for the reacquisition of land, consents to the sale of land by the School District of West Allis-West Milwaukee, et al, subject to the following conditions: 1) the Property is sold to Cobalt Partners LLC or its successors or assigns; 2) a neighborhood park must be reestablished subject to the approval of the City and aligned with all covenants and conditions that are attached to the Property; and 3) the buyer must enter into a Development Agreement with the City of West Allis and seek necessary City approvals for the reuse of the land.

WHEREAS, if the Common Council does not waive its rights under the Agreement, staff is directed to reacquire the Property as per the conditions of the Agreement.

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

1. The City hereby releases reacquisition rights for three parcels that comprise of McKinley Park (Tax Keys: 440-0213-002, 440-0213-003, and 440-0004-001).
2. The Release of reacquisition rights, by the City sale of land subject to the following: 1) the Property is sold to Cobalt Partners LLC or its successors or assigns; 2) a neighborhood park must be reestablished subject to the approval of the City and aligned with all covenants and conditions that are attached to the Property; and 3) the buyer must enter into a Development Agreement with the City of West Allis and seek necessary City approvals for the reuse of the land.
3. That the Director of Development or his designee, with the approval of the City Attorney, or his designee, is hereby authorized and directed to take any and all other actions deemed necessary or desirable to effectuate the intent of the project
4. That the City Attorney be and is hereby authorized to make such substantive and non-substantive changes, modifications, additions and deletions to and from the various provisions of the reacquisition, including any and all attachments, exhibits, addendums and amendments, as may be necessary and proper to correct inconsistencies, eliminate ambiguity and otherwise clarify and supplement said provisions to preserve and maintain the general intent thereof, and to prepare and deliver such other and further documents as may be reasonably necessary to complete the transactions contemplated therein.

cc: Department of Development
Public Works
Engineering

Dev-R-960-3-5-19