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3 (ITEM) From the Director of County Economic Development, Department of
4 Administrative Services, requesting authorization to execute an Option to Purchase at a
5 purchase price of \$500,000 and enter into a Development Agreement with Barrett
6 Visionary Development for the Downtown Transit Center site, located at 909 East
7 Michigan Street, Milwaukee, Wisconsin, by recommending adoption of the following:
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9 **A RESOLUTION**

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11 WHEREAS, the Downtown Transit Center (DTC) was declared surplus in May
12 2012 (File No. 12-185) and a Request for Information (RFI) was issued; and
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14 WHEREAS, Barrett Visionary Development (BVD) responded to that RFI; and
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16 WHEREAS, in July 2012 (File No. 12-633), the Milwaukee County Board of
17 Supervisors authorized the Director of Economic Development to negotiate with BVD on
18 the terms and conditions of purchasing the DTC property and developing the property
19 as *The Couture*; and
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21 WHEREAS, since that time, Economic Development staff has met regularly with
22 BVD to move negotiations forward and has provided continuous updates to the Board of
23 Milwaukee County Supervisors as to the status and outcomes of those meetings, in
24 accordance with File No. 12-633; and
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26 WHEREAS, in September 2014, BVD presented updated renderings featuring
27 plan improvements related to public access, public space, and transit connections; and
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29 WHEREAS, BVD has agreed that the amount of space dedicated for public use
30 shall be approximately 178,000 square feet, which is more than double the current
31 amount of 70,000 square feet; and
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33 WHEREAS, such public space includes retail and restaurant spaces, public
34 parking, a rooftop park, a transportation concourse with access to Milwaukee County
35 Transit System buses, the proposed City of Milwaukee Streetcar, BublR Bikes, and safe,
36 accessible pedestrian pathways to the Lakefront and other County-owned cultural
37 amenities, such as the Milwaukee Art Museum and the Milwaukee County War
38 Memorial Center; and
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40 WHEREAS, BVD has agreed that it shall meet the workforce goals of the Park
41 East Redevelopment Compact (PERC), including payment of prevailing wages for
42 construction employees, Disadvantaged Business Enterprise (DBE) participation goals
43 in accordance with the current policies of the Office of Community Business
44 Development Partners of Milwaukee County, residential hiring and

45 apprenticeship/workforce training goals; and

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47 WHEREAS, *The Couture* is expected to generate 2,074 direct and indirect
48 construction jobs and 150 permanent jobs; and

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50 WHEREAS, the increase in tax revenue over a 30 year period as a result of *The*
51 *Couture* is anticipated to be \$68,000,000, which in addition to funding the \$17,500,000
52 of public improvements will be resources used to support the County, City, Public
53 Schools ,and Technical Schools; and

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55 WHEREAS, *The Couture* meets the objectives of the Long-Range Lakefront
56 Planning Committee’s Report, adopted by the Milwaukee County Board as File No. 11-
57 184, by ensuring the DTC Site includes “high-value, multi-story use housing amenities
58 more appropriate to its lakefront location,” while also activating the street, engaging
59 pedestrians, and drawing people to the lakefront by providing easy and safe access;
60 and

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62 WHEREAS, an analysis by S.B. Friedman illustrated that *The Couture* would not
63 be possible without public assistance for the project in the form of discounting the land
64 sale price to \$500,000 from the County and tax increment financing (TIF) assistance
65 from the City of Milwaukee; and

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67 WHEREAS, the County retained von Briesen and Roper, S.C. to assist in the
68 drafting of the attached Option to Purchase and a subsequent Development Agreement
69 related to the sale and development of the DTC to BVD; and

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71 WHEREAS, the County foresees the need for additional work by von Briesen and
72 Roper, S.C. to continue formulating and carrying out a legal strategy related to future
73 litigation; now, therefore,

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75 BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby
76 authorizes the County Executive to execute and record the attached Option to Purchase
77 with Barrett Visionary Development (BVD) for 909 East Michigan Street, Milwaukee;
78 and

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80 BE IT FURTHER RESOLVED, the Purchase Price shall be \$500,000; and

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82 BE IT FURTHER RESOLVED, the County Executive and the County Clerk
83 and/or other appropriate County officials be hereby authorized to execute, after
84 Corporation Counsel approval, any and all instruments, rights of entry, documents that
85 are called out in the Option to Purchase and required to implement the intent of this
86 resolution, including without limitation a Development Agreement and Quit Claim Deed
87 for the property; and

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89 BE IT FURTHER RESOLVED, that upon exercise of the Option to Purchase, the
90 County Executive and the County Clerk are authorized to execute and record all
91 documents and perform all actions required to enter into a Development Agreement
92 with BVD for 909 East Michigan Street, which shall include but not be limited to the
93 terms set forth in Section 10 of the attached Option to Purchase; and
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95 BE IT FURTHER RESOLVED, the County is authorized to engage von Briesen
96 and Roper, S.C., for the purposes of developing and implementing a legal strategy
97 related to the County's title and rights to 909 East Michigan Street, at the discretion and
98 control of Corporation Counsel; and
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100 BE IT FURTHER RESOLVED, the Milwaukee County Board of Supervisors
101 hereby approves the request from Corporation Counsel to transfer funds in the amount
102 of \$100,000 from the Contingency Fund to Org. Unit 1961, the Litigation Reserve; and
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104 BE IT FURTHER RESOLVED, additional funds of \$100,000 are authorized to be
105 expended from the 2014 Budget, Org. Unit 1961, the Litigation Reserve, and that this
106 contract shall be exempt from the request for proposal provisions of §56.30 of the
107 Milwaukee County Code of General Ordinances; and
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109 BE IT FURTHER RESOLVED, pursuant to §1.11(c)(3), Milwaukee County Code
110 of General Ordinances, the Milwaukee County Board of Supervisors authorizes the filing
111 of litigation pursuant to the strategy endorsed by Corporation Counsel, should such
112 action be authorized by Corporation Counsel, to obtain a judgment determining the
113 extent of the County's title and rights to the subject property.
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