

Appendix E

Potential Land Use Restrictions



City of Milwaukee
Zoning Code

Department
of City
Development

PK

b. Limited Use Standards.

b-1. Day Care Center.

b-1-a. The use is located in a building containing an elementary or secondary school, college, library or cultural institution as a principal use.

b-1-b. The use shall not operate between the hours of 10 p.m. and 6 a.m.

b-1-c. For any day care center other than an adult day care center, the facility shall not be located within 500 feet of an adult retail establishment or an adult entertainment establishment.

b-1-d. For any day care center other than an adult day care center, if the day care center is located in a building containing an elementary or secondary school, college, library or cultural institution as a principal use, the facility shall not be located within 300 feet of a premises for which the common council has granted any of the alcohol beverage licenses identified in s. 90-4-1, 2 and 5 and such license is currently valid. This standard shall not apply to a day care center in operation on February 3, 2007.

b-2. Cultural Institution, Community Center, Religious Assembly, Assembly Hall, Theater, Passenger Terminal, Plant Nursery or Greenhouse. The facility shall be owned and operated by a governmental agency or entity.

b-3. General Retail Establishment or Fast-Food/Carry-Out Restaurant.

b-3-a. The gross floor area of the establishment shall not exceed 1,000 square feet.

b-3-b. The establishment shall be located in a structure owned by a governmental entity.

b-3-c. The establishment shall be ancillary to park and recreational uses.

b-3-d. The use shall not operate between the hours of 12 a.m. and 5 a.m. if it is located within 150 feet of a residential district. This provision shall not apply to convenience stores and fast-food/carry-out restaurants open between the hours of 12 a.m. and 5 a.m. and regulated by s. 84-7.

b-4. Sit-down Restaurant.

b-4-a. The gross floor area of the establishment shall not exceed 1,000 square feet.

b-4-b. The establishment shall be located in a structure owned by a governmental entity.

b-4-c. The establishment shall be ancillary to park and recreational uses.

- b-5. Marina. Indoor sales or storage shall not be permitted.
- b-6. Transmission Tower.
 - b-6-a. The tower shall comply with the applicable provisions of s. 295-413.
 - b-6-b. The tower shall not exceed 60 feet in height.
- b-7. Substation/Distribution Equipment, Outdoor.
 - b-7-a. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.
 - b-7-b. No structures associated with the use shall be located within 25 feet of a property line.
- b-8. Seasonal Market.
 - b-8-a. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A specific certificate of occupancy shall not be required for a seasonal market meeting the requirements of this paragraph.
 - b-8-b. If flowers, plants, Wisconsin-grown farm products or Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.
 - b-8-c. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.
 - b-8-d. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.
 - b-8-e. Sales shall not occur between the hours of 9 p.m. and 7 a.m.
 - b-8-f. The site shall be restored to its previous condition following termination of the market operation.
- b-9. Temporary Concrete/Batch Plant.
 - b-9-a. The plant shall be located on the property it serves or adjacent to the roadway if it is serving a roadway project. Construction projects at other locations shall not be served by the facility.
 - b-9-b. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works. No other occupancy permit shall be required by the department.
 - b-9-c. No dust from the operation shall blow onto adjacent properties or public right-of-way. The operator shall also provide for the daily removal of material tracked onto the public roadway by

equipment coming to or going from the facility.

b-9-d. The plant shall not operate between the hours of 9 p.m. and 7 a.m.

b-9-e. The plant may operate for a period not to exceed 9 months. When the construction project the plant is serving is complete, the site shall be cleaned and returned to its original condition or improved condition, as appropriate.

b-9-f. The plant shall be screened with a 9-foot opaque fence, including but not limited to a chain-link fence with inserted slats.

b-10. Live Entertainment Special Event.

b-10-a. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

b-10-b. The person, firm or organization coordinating the event shall obtain a festival permit, if required to do so by s. 261-103.

b-10-c. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.



City of Milwaukee
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Development

2. LIMITED USE STANDARDS.

- Downtown
C9F, C9G*
- a. Single-family Dwelling, Two-family Dwelling, Multi-family Dwelling, Attached Single-family Dwelling or Live-work Unit. No dwelling unit or accessory parking, storage facilities or mechanical equipment shall be located in the street level area.
 - b. Family Day Care Home.
 - b-1. The operator of the family day care home shall reside in the dwelling unit in which the day care home is located, except in a 2-family dwelling, in which case the operator may reside in one dwelling unit and operate the family day care home in the other unit.
 - b-2. There shall be no other family day care home in the same building as of April 6, 2001.
 - b-3. The family day care shall not operate between the hours of 10 p.m. and 6 a.m.
 - b-4. Any family day care home that does not meet one or more of these standards shall be classified as a day care center.
 - c. Adult Family Home or Small Group Shelter Care Facility.
 - c-1. Adult Family Home. All residents of the adult family home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, small foster home, group home or group foster home, or another adult family home.
 - c-2. Small Group Shelter Care Facility.
 - c-2-a. All residents of the small group shelter care facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, adult family home, small foster home, group home or group foster home, large group shelter care facility or another small group shelter care facility.
 - c-2-b. The department has received notification from the state of Wisconsin of application for licensure of the facility as a small group shelter care facility.
 - d. Small Foster Home. All residents of the small foster home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, group home or group foster home, or another small foster home.

- e. Group Home, Group Foster Home or Community Living Arrangement.
 - e-1. All residents of the facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a small foster home or another group home, group foster home or community living arrangement.
 - e-2. Not more than 15 persons shall reside on the premises.
 - e-3. The use has not been determined by the common council to be a nuisance under s. 62.23(7)(i), Wis. Stats.
 - e-4. The department has received notification from the state of Wisconsin of application for licensure of the facility as a group home, group foster home or community living arrangement.
 - e-5. Prior to initial licensure of the group home, group foster home or community living arrangement by the state of Wisconsin, the applicant for licensure has made a good faith effort to establish a community advisory committee consisting of representatives from the proposed group home, group foster home or community living arrangement, the neighborhood in which the proposed facility will be located and a local unit of government, in accordance with s. 48.68 (4) or s. 50.03(4)(g), Wis. Stats., as applicable, with the local government representative being the local common council member or the council member's designee.
- f. Cultural Institution, Bank or Other Financial Institution, General Retail Establishment, Personal Service, Catering Service, Dry Cleaning Establishment, Sit-down Restaurant, Fast-food/Carry-out Restaurant or Health Club. The use shall be located in a building containing at least one other principal use which is listed as a permitted use in this zoning district.
- g. Religious Assembly, Health Clinic, Business Service, Building Maintenance Service, Bed and Breakfast, Assembly Hall or Broadcasting or Recording Studio. The use shall not be located in the street level area.
- h. General Office, Government Office or Medical Office.
 - h-1. In the C9A district, the use shall be located in a building containing at least one other principal use which is listed as a permitted use in this zoning district.
 - h-2. In the C9E district, the use shall not be located in the street level area.
- i. Artist Studio.
 - i-1. In the C9A district, the use shall be located in a building containing at least one other principal use which is listed as a permitted use in this zoning district.
 - i-2. In the C9E and C9F districts, the use shall not be located in the street level area.
- j. Light Motor Vehicle Rental Facility or Accessory-use Parking Lot. Not more than 10 vehicles shall be parked outside.
- k. Limited Wholesale Facility. Not more than 3 vehicles shall be stored outside.

- L. Parking Lot, Principal Use or Accessory Use.
 - L-1. The parking lot is located within a redevelopment project area which is 10 acres or more and under common ownership or control.
 - L-2. If located in the C9D district, the parking lot is located in subdistrict B.
- m. Parking Structure, Principal Use. At least 50% of the street frontage shall be devoted to permitted uses or uses approved by the board.
- n. Parking Structure, Accessory Use.
 - n-1. The parking spaces shall be integrated into a larger structure that houses one or more principal uses of the premises that are permitted uses or have been approved by the board.
 - n-2. If the structure is in the C9C, C9E, C9F or C9G district, at least 50% of the street frontage shall be devoted to permitted uses or uses approved by the board.
- o. Light Manufacturing.
 - o-1. The gross floor area devoted to the use shall not exceed 3,600 square feet.
 - o-2. The use shall not operate between the hours of 9 p.m. and 7 a.m.
 - o-3. The use shall not generate noise or odors in violation of ch. 80.
 - o-4. All manufacturing activities shall occur within an enclosed building.
 - o-5. At the street level, the street frontage of the building shall be used for retail sales.
- p. Transmission Tower.
 - p-1. The tower shall comply with the applicable provisions of s. 295-413.
 - p-2. If the tower is located in a C9A, C9B, C9C, C9D, C9F or C9G district, the tower shall not exceed 150 feet in height or the tower shall be accessory to an elementary or secondary school and be set back from all property lines a distance at least equal to the height of the tower. Any other tower may be allowed as a special use.
 - p-3. If the tower is located in a C9E or C9H district, the tower shall not exceed 150 feet in height. Any other tower may be allowed as a special use.
- q. Substation/Distribution Equipment, Outdoor. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.
- r. Seasonal Market.
 - r-1. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market.
 - r-2. If flowers, plants, Wisconsin-grown farm products or Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited

to not more than 14 days in one calendar year.

r-3. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

r-4. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.

r-5. Sales shall not occur between the hours of 9 p.m. and 7 a.m.

r-6. The site shall be restored to its previous condition following termination of the market operation.

s. Temporary Real Estate Sales Office.

s-1. The sales office and any associated model homes or units shall be open only until the homes or units specifically being marketed are sold out.

s-2. Signage shall comply with the requirements of s. 295-407 and the sign regulations of subch. 5.

s-3. Customer-accessible restrooms shall be provided.

s-4. An occupancy permit shall not be required for a temporary real estate sales office meeting the requirements of this paragraph.

t. Temporary Concrete/Batch Plant.

t-1. The plant shall be located on the property it serves or adjacent to the roadway if it is serving a roadway project. Construction projects at other locations shall not be served by the facility.

t-2. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works.

t-3. No dust from the operation shall blow onto adjacent properties or public right-of-way. The operator shall also provide for the daily removal of material tracked onto the public roadway by equipment coming to or going from the facility.

t-4. The plant shall not operate between the hours of 9 p.m. and 7 a.m.

t-5. The plant may operate for a period not to exceed 9 months. When the construction project the plant is serving is complete, the site shall be cleaned and returned to its original condition or improved condition, as appropriate.

t-6. The plant shall be screened with a 9-foot opaque fence, including but not limited to a chain-link fence with inserted slats.

u. Live Entertainment Special Event.

u-1. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

u-2. The person, firm or organization coordinating the event shall obtain a festival permit, if required to do so by s. 261-103.

u-3. If the event will include carnival rides, the property owner or carnival

operator shall obtain a carnival site permit in accordance with s. 87-14.

u-4. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.



City of Milwaukee
Zoning Code

Department
of City
Development

b. Limited Use Standards.

b-1. Day Care Center.

b-1-a. The use is located in a building containing a library or cultural institution as a principal use.

b-1-b. The use shall not operate between the hours of 10 p.m. and 6 a.m.

b-1-c. For any day care center other than an adult day care center, the facility shall not be located within 500 feet of an adult retail establishment or an adult entertainment establishment.

b-1-d. For any day care center other than an adult day care center, if the day care center is located in a building containing a library or cultural institution as a principal use, the facility shall not be located within 300 feet of a premises for which the common council has granted any of the alcohol beverage licenses identified in s. 90-4-1, 2 and 5 and such license is currently valid. This standard shall not apply to a day care center in operation on February 3, 2007.

b-2. Community Center or Assembly Hall. The facility shall be owned and operated by a governmental agency or entity.

b-3. General Retail Establishment, Sit-down Restaurant or Fast-food/Carry-out Restaurant.

b-3-a. The area devoted to the use shall not exceed 1,000 square feet.

b-3-b. The use shall be located in a structure owned by a governmental agency or entity.

b-3-c. The use shall be ancillary to park and recreational uses.

b-4. Marina. Indoor sales or storage of boats shall not be permitted.

b-5. Transmission Tower.

b-5-a. The tower shall comply with the applicable provisions of s. 295-413.

b-5-b. The tower shall not exceed the height limit of the underlying zoning district.

b-6. Substation/distribution Equipment, Outdoor. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.

b-7. Seasonal Market.

b-7-a. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A specific certificate

Lakemfront
Overlay

of occupancy shall not be required for a seasonal market meeting the requirements of this paragraph.

b-7-b. If flowers, plants, Wisconsin-grown farm products or Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

b-7-c. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

b-7-d. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.

b-7-e. Sales shall not occur between the hours of 9 p.m. and 7 a.m.

b-7-f. The site shall be restored to its previous condition following termination of the market operation.

b-8. Live Entertainment Special Event.

b-8-a. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

b-8-b. The person, firm or organization coordinating the event shall obtain a festival permit, if required to do so by s. 261-103.

b-8-c. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

YOURS, MINE AND OURS: THE PUBLIC TRUST IN WISCONSIN'S WATERS

What is the Public Trust Doctrine?

Wisconsin's Public Trust Doctrine is a body of constitutional, common (court-interpreted) and statutory law establishing public rights in navigable bodies of water, and the State's obligation to protect them.

Where does it come from?

The Public Trust Doctrine originated with English common law. Its primary basis is the following language from the Northwest Ordinance of 1787, which was incorporated verbatim into Article IX, Section 1 of the Wisconsin Constitution in 1848:

"...the river Mississippi and the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways and forever free, as well to the inhabitants of the state as to the citizens of the United States, without any tax, impost or duty therefor."

What does it mean?

The Wisconsin Supreme Court has declared that the State holds navigable lakes and streams in trust for all citizens. As trustee, the State is responsible for protecting commercial navigation and specified "public rights in navigable waters", including boating, fishing, hunting, swimming, and enjoyment of natural scenic beauty. Private intrusions into navigable waters are limited to what is necessary for the exercise of "riparian" rights (water use rights associated with ownership of land adjacent to the water). In addition, the public's rights are given priority over riparian rights.

What does the Trust Doctrine say about construction in lakes and streams?

State Supreme Court decisions have affirmed that development within navigable waters must either 1) carry out a public trust purpose, i.e. maintaining and enhancing commercial navigation or the public's rights to use those waters; 2) provide reasonably necessary support facilities for a public trust purpose; or 3) be necessary for the exercise of recognized riparian rights, such as placing a pier, while not interfering with rights of the public or of other riparians. Development under the first two categories must also be under public control and open to the public, and cannot materially obstruct other public trust uses.

Who is involved in implementing the Public Trust Doctrine?

The primary trustee is the State Legislature. It makes broad policy and chooses when to delegate some of its responsibilities to state agencies. Most day-to-day trust duties have been given to the Department of Natural Resources. The Attorney General enforces trust doctrine requirements and provides legal guidance to state and local governments. The Office of the Public Intervenor is also charged with the protection of public rights in navigable waters and can initiate legal action on behalf of the public. The State Supreme Court has final authority to interpret the constitutional provision which establishes the doctrine. Local governments administer zoning which protects navigable waters. Individual citizens have also been instrumental in defining public rights through the courts.

PUBLIC TRUST IN WISCONSIN

"...the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways and forever free."

- The Northwest Ordinance of 1787
Article IV

Public Trust Doctrine- Provision of the Northwest Ordinance and Wisconsin State Constitution that declares all navigable waterways to be protected for all citizens of Wisconsin.

Public Rights are the uses of a body of water which are guaranteed to all citizens as a result of the State Constitution.

Public Interest- something of value to the public at large, as opposed to value of the individual. It is frequently tied to the waterway itself and can then be interpreted as usefulness or value of the waterway as a natural resource to society.

Examples of Public Interest are:

1. Navigation
2. Fisheries
3. Water Quality
4. Wildlife
5. Flood Flows
6. Recreation
7. Wetlands
8. Aesthetics
9. Endangered Resources
10. Other
 - a. Historical
 - b. Natural Areas
 - c. Sensitive Areas

EXHIBIT B-1
To Lease Agreement

Guidelines for Food Service in Lakebed Areas

Introduction

These guidelines are intended to be used by the Wisconsin Department of Natural Resources staff in the evaluation of proposed food service development in filled areas of navigable lakes and streams in the State of Wisconsin. The guidelines are based on the body of law known as the Public Trust Doctrine, which has its source in the Wisconsin Constitution (Article IX, Section 1) and has been articulated by the Wisconsin Supreme Court in a series of decisions from the mid-Nineteenth Century to the present.

Guidelines

A food service facility must be ancillary to and have the primary purpose of supporting allowable public trust uses.

- (1) "Primary purpose" means a basic purpose that dominates use of the facility. Any other use must be clearly secondary and may not conflict with or detract from the primary use.
- (2) "Supporting" means providing a service to users of the lakebed area that is consistent, in terms of its size, method of operation and "target" clientele, with the type of public trust uses being made. A facility does not "support" public trust uses merely by generating revenue to offset costs of allowable public trust uses. A facility that is a "separate attraction" that draws individuals not already making "allowable public trust uses" of the area is not a support facility. In other words, if people using the facility are in the area to participate in an "allowable public trust purpose" and use the facility as an adjunct to other activities, the facility is consistent with the trust doctrine if other applicable requirements are met. If people are in the area to use the facility and participation in "allowable public trust purposes" is an adjunct to using the facility, then the facility is not consistent with the trust doctrine. The amount of, and any charges for, parking may be considered in evaluating the appropriateness of a food service facility. The more obviously the facility is "ancillary to and supportive of allowable public trust uses," the less the concern with the amount of parking provided.
- (3) "Ancillary to" means a facility must be clearly subordinate to allowable public trust uses. It may not occupy a significant area that otherwise could be devoted to allowable public trust uses. A food service facility that dominates or is a substantial intrusion into the use of a lakebed area is not an ancillary facility.

- (4) "Allowable public trust uses" include the recognized public rights in navigable waters, which consist of navigation and its "incidents," and commercial navigation. The Supreme Court has also recognized "land-based recreation" as an acceptable substitute for water-based activities under certain circumstances. (State v. PSC)
- (5) If allowable public trust uses occur on a year round basis, the facility may be open year found.

There must be a clear demonstration that the type and size of facility is necessary for the proper comfort of the public, based upon "allowable public trust uses" in the lakebed area.

The facility must be under public control. This means that:

- (1) It must be in public ownership.
- (2) A public entity must have control over operation and management of the facility, including type of service offered, hours of operation, etc. This may be accomplished through a contractual or leasing arrangement.
- (3) If the facility is leased by a public entity to a private entity, the lease may only extend for a period of less than 30 years, must provide a clear right to the lessor to terminate the lease at any time for good cause and must recognize the applicability of state law and the oversight responsibilities and enforcement rights of the state and agencies thereof.
- (4) Records of the facility, relating to its operation and to the selection of an operator, must be reasonably available for review by the public and by the state.

The facility must be open to the public. This means that:

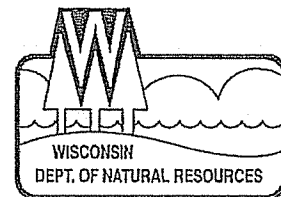
- (1) A substantial majority (90 percent) must be open to the public without charge during normal operating hours, except for subparagraph (2).
- (2) A portion (25 percent maximum) of the facility may be rented to members of the public on a first-come, first-served basis for special occasions. Such rental cannot cover more than 25 percent of the normal operating hours.
- (3) The facility must be designed and operated in such a manner that all members of the public making a "normal," lawful use of the area in which it is located have free and open access to and use of the facility.

Lakebed Grant Mapping

Maps of Lakebed Grants in the City of Milwaukee

Evaluation of Pilot Mapping Project

Water Regulation and Zoning Program
Wisconsin Department of Natural Resources
with the cooperation of
City of Milwaukee
Department of City Development



September, 1993

What Are Lakebed Grants?

A lakebed grant is the conveyance of a part of the bed of a natural lake by the state legislature to a municipality. The state holds title to the bed of all natural lakes, except where lakebed grants (or similar conveyances) have been made.

Lakebed grants give a limited property title to the municipality for specified public purposes, for example park or navigation needs. Municipalities may fill lakebed areas. Any facilities constructed on lakebed must be widely available to the public and support the primary purpose for which the legislature made the grant. The Wisconsin Constitution, and a body of common or court-made law, called the public trust doctrine define the uses for which the legislature can grant - and municipalities can use - the beds of waterways and filled areas.

Historically, individual Wisconsin citizens went to court when they felt that private users infringed on their rights to navigate, hunt, fish and recreate on public waters. Today, communities that hold lakebed grants are responsible to the legislature for the proper use of lakebed grant areas. In addition, the Department of Natural Resources along with the Attorney General and Public Intervenor are charged with ensuring that public waterways and public trust lands are preserved for public use.

Why Map Lakebed Grants?

The legislature makes a grant of lakebed by passing a bill that describes the area of water and specifies the purpose of the grant. The legislative language describing the area might use a metes and bounds property description, might refer to streets or other landmarks (which may or may not be permanent) or might use degrees of latitude and longitude. Some grants include all three. In addition, lakebed has historically been granted in many small pieces so that some grants overlap and some small pieces may be left out in between.

Computer technology was used to plot all location information to produce a map of lakebed grant areas - making the local and state government job of ensuring the proper use of public trust areas much easier.

Description of Lakebed Maps and Data

The City of Milwaukee was selected for pilot mapping of lakebed grants because of the number of grants in a small area and the availability of digital base maps.

Paper maps of all lakebed grants in the City of Milwaukee are available for viewing at the list of locations attached (scale of 1" = 1000') as well as a set of detailed maps of reaches of shoreline (scale 1" = 400'). A digital version of the map data is also available in Autocad 10 (or later versions).

A set of tables showing the date and purposes of each lakebed grant as well as the location, size and nature of facilities on lakebed grant areas is included with this report.

Mapping Techniques and Data Sources

The following map sources were used to compile the lakebed grant maps:

- City of Milwaukee digital map in Autocad 10 - This map included streets, rivers, lake shore, section lines and labels.
- Corps of Engineers harbor map dated 1912 - This map was used to plot the lake shore used to describe older lakebed grants.

- ⊗ Hard copy of the City of Milwaukee tax parcels - Several older lakebed grants referred to a railroad company breakwall that was located on this map.
- ⊗ Maps included with Wisconsin Supreme Court decisions

Two different base maps were considered for this project: a digital line graph developed from the USGS topographic maps (1" = 100,000' series) and the City of Milwaukee's own digital map developed from 1" = 400' base maps. The city map was chosen as the base map for its level of detail and ease of use by the city.

Autocad 10 software was used to develop the lakebed grant maps because it is readily available to us and to others and because it can be easily converted to other formats.

Hard copy maps were digitized by locating common points on the city digital base map and the map to be digitized. Next, we used the city's point description of these common points to force a fit between the maps. Then, the needed elements from hard copy maps was digitized.

Lakebed grant descriptions were entered into Autocad by their metes and bounds descriptions (compass bearing and line length) wherever possible. We also relied on measurements from streets (using the city's base map) or from old shoreline locations. (Some granted areas are described in feet from shore, which we presumed to be the shoreline existing at the time of the grant).

Buildings were located in the field to determine size and use. Their locations were then digitized on the base map.

Cost and Time of the Mapping Project

All maps used are generally available to use free of charge. The City of Milwaukee provided maps and digital information free of charge.

Assembling maps, testing digitizing methods, field work, debugging and plotting work took about 300 hours of staff time. While methods for handling the historic data used in lakebed grant mapping have been advanced, subsequent projects are likely to require similar levels of effort because of the varying availability of digital base maps.

Plotting of large scale color originals of the maps costs \$50.00 per map set.

Recommendation for Future Lakebed Mapping

In the absence of lakebed grant maps, state and local government officials worked cooperatively to identify compliance of proposed projects with the public trust doctrine. Lakebed grant maps will make initial identification of affected projects easier. Maps are clearly an easier tool to use than property descriptions.

However, future lakebed grant mapping should not be done by existing Department of Natural Resources staff. Staff priority should continue to be placed on responding to municipal needs on specific lakebed projects.

Grants or other sources of funding should be sought to support future lakebed grant mapping. Maps should be prepared in the following order of priority: Milwaukee County (outside city limits), Kenosha County, Racine County, Sheboygan County, then Lake Michigan District coastal counties, and finally Northwest District coastal counties (order determined by number of lakebed grants and availability of base maps when funding becomes available).

STATUTORY REFERENCES, GRANTEE & PURPOSE

Chapter 197, 1893	City of Milwaukee	Park & boulevard
Chapter 206, 1893	City of Milwaukee	Park & boulevard
Chapter 608, 1893	City of Milwaukee	Park & boulevard
Chapter 191, 1897	City of Milwaukee	Park & boulevard
Chapter 200, 1897	City of Milwaukee	Park & boulevard
Chapter 358, 1909	City of Milwaukee	Dock, wharf & railway
Chapter 359, 1909	City of Milwaukee	Park & boulevard
Chapter 360, 1909	City of Milwaukee	Park & boulevard
Chapter 198, 1911	City of Milwaukee	Park & boulevard
Chapter 183, 1913	City of Milwaukee	Park & boulevard
Chapter 254, 1913	City of Milwaukee	Park & boulevard
Chapter 389, 1915	City of Milwaukee	Park & boulevard
Chapter 307, 1921	City of Milwaukee	Park & boulevard
Chapter 309, 1921	City of Milwaukee	Park & boulevard
Chapter 560, 1921	City of Milwaukee	Park & boulevard
Chapter 284, 1923	City of Milwaukee	Park & boulevard
Chapter 285, 1923	City of Milwaukee	Dock, wharf & railway
Chapter 415, 1925	City of Milwaukee	Park & boulevard
Chapter 150, 1929	City of Milwaukee	No purpose specified
Chapter 151, 1929	City of Milwaukee	Navigation & fisheries
Chapter 516, 1929	City of Milwaukee	Amends 150 & 151
Chapter 381, 1931	City of Milwaukee	Navigation facilities
Chapter 265, 1931	City of Milwaukee	Park & boulevard
Chapter 178, 1933	County of Milwaukee	Park & parkway
Chapter 261, 1933	City of Milwaukee	Park & boulevard

Chapter 194, 1935

County of Milwaukee

Park & parkway

Chapter 297, 1937

County of Milwaukee

Park & boulevard

* This grant conveys to Milwaukee County all previous grants to the City of Milwaukee for park and parkway purposes *

Chapter 175, 1963

County of Milwaukee

Park, parkway, marina

Chapter 76, 1973

City of Milwaukee

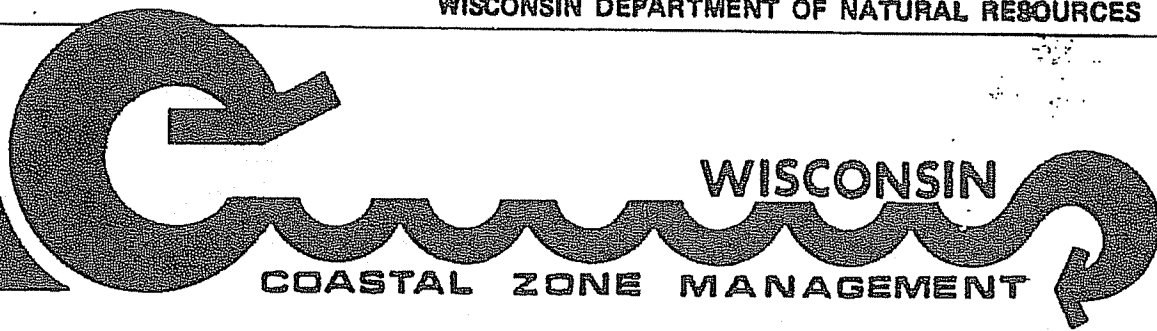
Navigation & fisheries

D. J. LELL

LAKE BED GRANTS

GREAT LAKES/1976

WISCONSIN DEPARTMENT OF NATURAL RESOURCES



CHAPTER 197.

AN ACT to grant to the city of Milwaukee a certain portion of submerged land, lying along and adjacent to the shore of Lake Michigan, on the eastern frontage of the city of Milwaukee, for public park and boulevard purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The right, title and interest of the state of Wisconsin in and to a strip of submerged land, three hundred feet in width, along and adjacent to the shore of Lake Michigan, consti-

Certain submerged land in Lake Michigan ceded to city of Milwaukee.

tuting the bed of said lake, being on the eastern frontage of the city of Milwaukee, having for its westerly boundary the easterly face of the break-water constructed by the Chicago and Northwestern Railway company, for its south boundary the south line of Mason street, in the seventh ward in the city of Milwaukee, extended, and for its north boundary the extension of the east and west quarter section line, running through section twenty-one, in town seven north, range twenty-two east, in the Eighteenth ward of said city of Milwaukee.

CHAPTER 608.

AN ACT to amend chapter 197 of the laws of 1893, "An act to grant to the city of Milwaukee a certain portion of submerged land lying along and adjacent to the shore of Lake Michigan on the eastern boundary of the city of Milwaukee, for public park and boulevard purposes," as amended by chapter 200 of the laws of 1897.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Milwaukee lake front park improvements. SECTION 1.
Chapter 197 of the laws of 1893, as amended by chapter 200 of the laws of 1897, is amended by adding thereto a section to be known as section 4 and to read: Section 4. The board of park commissioners shall annually expend and use in the filling in and improving of said strip of land hereby granted, so as to make the same into a public park or boulevard, a sum not less than the amount specified in chapter 249 of the laws of 1907, arising from a tax of one-tenth of a mill upon the taxable property of said city set apart to be used for filling in and improving submerged lands placed under the management and control of park commissioners.

The Chicago and Northwestern Railway company, its successors and assigns, shall, as fast as the aforesaid strip of land shall be made into a public park or boulevard remove or cover the breakwater erected or maintained by it along said park or boulevard, sod and keep sodded the land and embankment lying between its easterly right-of-way, as described in the several conveyances thereof, and said easterly face of said railroad breakwater along said strip, and shall otherwise embellish and improve the same in accordance with plans therefor to be prepared and submitted by said board of park commissioners.

Approved July 12, 1907.

(In effect from and after date of publication)

CHAPTER 359.

AN ACT to amend section 1, of chapter 197 of the laws of 1893, as amended by chapter 200 of the laws of 1897, relating to granting to the city of Milwaukee a certain portion of submerged land lying along and adjacent to the shore of Lake Michigan, on the eastern boundary of the city of Milwaukee, for public park and boulevard purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of chapter 197, of the laws of 1893, as amended by chapter 200 of the laws of 1897, is amended to read: Section 1. The right, title and interest of the state of Wisconsin in and to a strip of submerged land, six hundred feet in width, along and adjacent to the shore of lake Michigan, constituting the bed of said lake, being on the eastern frontage of the city of Milwaukee, having for its westerly boundary the easterly face of the breakwater, constructed by the Chicago and Northwestern Railway company; for its south boundary, the " " " extended, *harbor entrance of said city of Milwaukee*, and for its north boundary the extension of the east and west quarter section line running through section twenty-one, in town seven, north, range twenty-two east, in the eighteenth ward of said city of Milwaukee, are hereby granted and ceded to the said city of Milwaukee, to be held and used by said city forever as a part of its system of public parks and boulevards, and to be managed, controlled and improved by the board of park commissioners as provided in chapter 488, of the laws of 1889, and chapter 179 of the laws of 1891, of Wisconsin; provided, that said land hereby ceded and granted shall not be leased or sold by said city of Milwaukee, nor used by it for any other purpose than a public park and boulevard; and provided further, that said city shall construct over any railroad track or tracks, intersected by any bridge or driveway, to said park on above described strip of land, good and sufficient viaducts or bridges at least twenty-two feet high in the clear above said track or tracks, and suffer or permit no grade crossings thereover; and provided further, that said strip of land hereby granted shall in part be filled in and improved so as to be made a public park and boulevard on or before the first day of May, 1902.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 10, 1909.

CHAPTER 198.

AN ACT to amend section 4. of chapter 197, of the laws of 1893, as amended by chapter 200, of the laws of 1897, chapter 608, of the laws of 1907, and chapter 359, of the laws of 1909, relating to granting to the city of Milwaukee a certain portion of submerged land, lying along and adjacent to the shore of Lake Michigan, on the eastern boundary of the city of Milwaukee, for public park and boulevard purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4. of chapter 197, of the laws of 1893, as amended by chapter 200, of the laws of 1897, chapter 608, of the laws of 1907, and chapter 359, of the laws of 1909, is amended to read: Section 4. The board of park commissioners shall annually expend and use in the filling in and improving of said strip of land hereby granted, extending from the east and west quarter-section line extended, running through section twenty-one (21), town seven (7) north, range twenty-two (22) east, in the Eighteenth ward of said city of Milwaukee, to the south line of Mason street extended in the Seventh ward of said city, so as to make the same into a public park or boulevard, a sum not less than one-half of the amount authorized by law to be levied * * * upon the taxable property of said city, set apart to be used for filling in and improving submerged lands placed under the management and control of park commissioners; and the balance of said tax of one-tenth of a mill said board shall annually expend and use in filling in and improving any other strip or strips of submerged or partly submerged land granted or which may hereafter be granted to such city, so as to make the same into a public park or boulevard.

The Chicago and Northwestern Railway Company, its successors and assigns, shall, as fast as the aforesaid strip of land shall be made into a public park or boulevard, remove or cover the breakwater erected or maintained by it along said park or boulevard, sod and keep sodded the land and embankment lying between its easterly right-of-way, as described in the several conveyances thereof, and said easterly face of said railway breakwater along said strip, and shall otherwise embellish and improve the same in accordance with plans therefor to be prepared and submitted by said board of park commissioners.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 25, 1911.

CHAPTER 183.

AN ACT to amend section 1 of chapter 359 of the laws of 1909, being an act to amend section 1 of chapter 197 of the laws of 1893, as amended by chapter 200, of the laws of 1897, relating to granting to the city of Milwaukee a certain portion of submerged land for public park and boulevard purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1 of chapter 359 of the laws of 1909 is amended to read: (Chapter 359, laws of 1909) Section 1. Section 1 of chapter 197, of the laws of 1893, as amended by chapter 200 of the laws of 1897, is amended to read: **Section 1.** The right, title and interest of the state of Wisconsin in and to a strip of submerged land fifteen hundred feet in width, along and adjacent to the shore of Lake Michigan, constituting the bed of said lake, being on the eastern frontage of the city of Milwaukee, having for its westerly boundary the easterly face of the breakwater, constructed by the Chicago and Northwestern Railway Company; for its south boundary, the extended harbor entrance of said city of Milwaukee; and for its north boundary the extension of the east and west quarter section line running through section twenty-one, in town seven, north, range twenty-two east, in the . . . first ward of said city of Milwaukee. are hereby granted and ceded to the said city of Milwaukee, to be held and used by said city forever as a part of its system of public parks and boulevards, and to be managed, controlled and improved by the board of park commissioners as provided in chapter 488, of the laws of 1889, and chapter 179 of the laws of 1891, of Wisconsin; provided, that said land hereby ceded and granted shall not be leased or sold by said city of Milwaukee, nor used by it for any other purpose than a public park or boulevard; and provided further, that said city shall construct over any railroad track or tracks; intersected by any bridge, driveway, to said park on above described strip of land, and sufficient viaducts or bridges at least twenty-two feet high, in the clear above said track or tracks, and suffer or permit grade crossings thereover. . . .

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 7, 1913.

CHAPTER 254.

AN ACT to amend section 1 of chapter 198 of the laws of 1911 relating to a certain portion of submerged land, granted to the city of Milwaukee, for public park and boulevard purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1 of chapter 198 of the laws of 1911 is amended to read: (Chapter 198, laws of 1911) Section 1. Section 4 of chapter 197 of the laws of 1893, as amended by chapter 200 of the laws of 1897, chapter 608 of the laws of 1907, and chapter 359 of the laws of 1909, is amended to read: Section 4. The board of park commissioners shall annually expend and use in the filling in and improving and maintaining of said strip of land hereby granted, extending from the east and west quarter-section line extended, running through section twenty-one (21), town seven (7) north, range twenty-two (22) east in the * * * first ward of said city of Milwaukee, to the south line of Mason street extended in the * * * third ward of said city, so as to make the same into a public park or boulevard, a sum not less than * * * one-third of the amount authorized by law to be levied upon the taxable property of said city, set apart to be used for filling in and improving and maintaining submerged lands placed under the management and control of park commissioners; and the balance of said tax of * * * two-tenths of a mill said board shall annually expend and use in filling in and improving and maintaining any other strip or strips of submerged or partly submerged land granted or which may hereafter be granted to such city, so as to make the same into a public park or boulevard.

The Chicago and Northwestern Railway Company, its successors and assigns, shall, as fast as the aforesaid strip of land shall be made into a public park or boulevard, remove or cover the breakwater erected or maintained by it along said park or boulevard, sod and keep sodded the land and embankment lying between its easterly right-of-way as described in the several conveyances thereof, and said easterly face of said railway breakwater along said strip, and shall otherwise embellish and improve the same in accordance with plans therefor to be prepared and submitted by said board of park commissioners.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 14, 1913.

CHAPTER 389.

AN ACT to amend section 1 of chapter 197, laws of 1893, as amended by chapter 200, laws of 1897, section 1 of chapter 359, laws of 1909 and section 1 of chapter 183, laws of 1913, relating to granting to the city of Milwaukee a certain portion of submerged land for public park and boulevard purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1 of chapter 197, laws of 1893, as amended by chapter 200, laws of 1897, section 1 of chapter 359, laws of 1909 and section 1 of chapter 183, laws of 1913, is amended to read: (Chapter 197, laws of 1893, as amended by chapter 200, laws of 1897, chapter 359, laws of 1909 and chapter 183, laws of 1913) Section 1. The right, title and interest of the state of Wisconsin in and to a strip of submerged land fifteen hundred feet in width, along and adjacent to the shore of Lake Michigan, constituting the bed of said lake, being on the eastern frontage of the city of Milwaukee, having for its westerly boundary the easterly face of the breakwater, constructed by the Chicago and Northwestern Railway Company; for its south boundary, * * * the south line of Wisconsin street in said city extended easterly into Lake Michigan; and for its north boundary the extension of the east and west quarter section line running through section twenty-one, in town seven north, range twenty-two east, in the first ward of said city of Milwaukee, are hereby granted and ceded to the said city of Milwaukee, to be held and used by said city forever as a part of its system of public parks and boulevards, and to be managed, controlled and improved by the board of park commissioners as provided in chapter 488, of the laws of 1889, and chapter 179 of the laws of 1891, of Wisconsin; provided, that said land hereby ceded and granted shall not be leased or sold by said city of Milwaukee, nor used by it for any other purpose than a public park and boulevard; and provided further, that said city shall construct over any railroad track or tracks, intersected by any bridge or driveway, to said park on above described strip of land, good and sufficient viaducts or bridges at least twenty-two feet high in the clear above said track or tracks, and suffer or permit no grade crossings thereover; and also the right, title and interest of the state of Wisconsin in and to a strip of submerged land six hundred feet in width, along and adjacent to the shore of Lake Michigan, constituting the bed of said lake, being on the eastern frontage of the city of Milwaukee, having for its westerly boundary the easterly face of the breakwater, constructed by the Chicago and Northwestern Railway Company, and the shore line of said lake; for its north boundary, the south line of Wisconsin street of said city extended easterly into Lake Michigan; for its south boundary, the extended harbor entrance of said city of Milwaukee in the third ward of said city of Milwaukee, are hereby granted and ceded to said city of Milwaukee, to be held and used by said city forever for public purposes; provided, that said second strip of land, hereby ceded and granted, shall not be sold by said city of Milwaukee, nor used by it for any other than a public purpose or purposes.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 8, 1915.

No. 323, S.]

[Published June 4, 1921.]

CHAPTER 309.

AN ACT to amend section 1 of chapter 254 of the laws of 1913, relating to a certain portion of submerged land, granted to the city of Milwaukee, for public park and boulevard purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1 of chapter 254 of the laws of 1913 is amended to read: (Chapter 254, laws of 1913) Section 1. Section 4 of chapter 197 of the laws of 1893, as amended by chapter 200 of the laws of 1897, chapter 608 of the laws of 1907, and chapter 359 of the laws of 1909, and chapter 198 of the laws of 1911, is amended to read: Section 4. The board of park commissioners shall annually expend and use in the filling in and improving and maintaining of said strip of land hereby granted, extending from the * * * north line of section fifteen (15), town seven (7) north, range twenty-two (22) east, in the * * * eighteenth ward of said city of Milwaukee, to the south line of * * * Wisconsin street extended in the third ward of said city, so as to make the same into a public park or boulevard, a sum not less than one-third of the amount authorized by law to be levied upon the taxable property of said city, set apart to be used for filling in and improving and maintaining submerged lands placed under the management and control of park commissioners; and the balance of said tax * * * said board shall annually expend and use in filling in and improving and maintaining any other strip or strips of submerged or partly submerged land granted or which may hereafter be granted to such city, so as to make the same into a public park or boulevard.

The Chicago and Northwestern Railway Company, its successors and assigns, shall, as fast as the aforesaid strip of land shall be made into a public park or boulevard, remove or cover the breakwater erected or maintained by it along said park or boulevard, sod and keep sodded the land and embankment lying between its easterly right-of-way as described in the several conveyances thereof, and said easterly face of said railway breakwater along said strip, and shall otherwise embellish and improve the same in accordance with plans therefor to be prepared and submitted by said board of park commissioners.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 2, 1921.

CHAPTER 284.

AN ACT to amend section 1 of chapter 197 of the laws of 1893, as amended by chapter 200, laws of 1897, section 1 of chapter 359, laws of 1909, section 1 of chapter 183, laws of 1913, and section 1 of chapter 389, laws of 1915, relating to granting to the city of Milwaukee a certain portion of submerged land for public park and boulevard purposes, and to authorize the conveyance of a portion thereof to the United States.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1 of chapter 197, laws of 1893, as amended by chapter 200, laws of 1897, section 1 of chapter 359, laws of 1909, section 1 of chapter 183, laws of 1913 and section 1 of chapter 389, laws of 1915, is amended to read: (Section 1) The right, title and interest of the state of Wisconsin in and to a strip of submerged land fifteen hundred feet in width, along and adjacent to the shore of Lake Michigan, constituting the bed of said lake, being on the eastern frontage of the city of Milwaukee, having for its westerly boundary the easterly face of the breakwater, constructed by the Chicago and Northwestern railway company; for its south boundary, the south line of Wisconsin street in said city extended easterly into Lake Michigan; and for its north boundary the extension of the east and west quarter section line running through section twenty-one, in town seven north, range twenty-two east, in the first ward of said city of Milwaukee, are hereby granted and ceded to the said city of Milwaukee, to be held and used by said city forever as a part of its system of public parks and boulevards,

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and to be managed, controlled and improved by the board of park commissioners as provided in chapter 488, of the laws of 1889, and chapter 179 of the laws of 1891, of Wisconsin; provided, that said land hereby ceded and granted shall not be leased or sold by said city of Milwaukee, nor used by it for any other purpose than a public park and boulevard; and provided further, that said city shall construct over any railroad track or tracks, intersected by any bridge or driveway, to said park on above described strip of land, good and sufficient viaducts or bridges at least twenty-two feet high in the clear above said track or tracks, and suffer or permit no grade crossings thereover; and also the right, title and interest of the state of Wisconsin in and to a strip of submerged land six hundred feet in width, along and adjacent to the shore of Lake Michigan, constituting the bed of said lake, being on the eastern frontage of the city of Milwaukee, having for its westerly boundary the easterly face of the breakwater, constructed by the Chicago and Northwestern railway company, and the shore line of said lake; for its north boundary, the south line of Wisconsin street of said city extended easterly into Lake Michigan; for its south boundary, the extended harbor entrance of said city of Milwaukee in the third ward of said city of Milwaukee, are hereby granted and ceded to said city of Milwaukee, to be held and used by said city forever for public purposes; provided, that said second strip of land, hereby ceded and granted, shall not be sold by said city of Milwaukee to any private party, nor used by it for any other than a public purpose or purposes, but such city may convey any portion of said second strip of land to the United States government for governmental use.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 19, 1923.

CHAPTER 206.

AN ACT to grant to the city of Milwaukee a certain portion of submerged land lying and adjacent to the shore of Lake Michigan, on the eastern frontage of the city of Milwaukee, north-easterly from the easterly line of section twenty-one, to the northerly line of section fifteen, in the Eighteenth ward of the city of Milwaukee, for public park and boulevard purposes.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the right, title and interest of the state of Wisconsin in and to the following land along and adjacent to the shore of Lake

Grants certain submerged land in Lake Michigan to city of Milwaukee.

Michigan, and partly submerged, constituting the bed of lake Michigan, being on the southern and eastern frontage, in the Eighteenth ward of the city of Milwaukee, described as follows, to-wit: A strip of land three hundred feet in width, having for its westerly boundary the extended center line of lot fifteen, in block nine, of Glidden and Lockwood's addition, in the Eighteenth ward of the city of Milwaukee, and lying southerly, south-easterly and easterly of a line commencing at a point in the said center line of said lot fifteen, four hundred feet south of the north line of said lot, running thence north-easterly parallel to the southerly line of La Fayette place, until the same intersects the low water mark; thence along the present low water mark of the shore of Lake Michigan to the north line of section fifteen, extended to the shore of Lake Michigan in the Eighteenth ward of the city of Milwaukee,

CHAPTER 191.

AN ACT to amend section 1, of chapter 206, of the laws of 1893, entitled, "An act to grant to the city of Milwaukee a certain portion of submerged land lying along and adjacent to the shore of Lake Michigan, on the eastern frontage of the city of Milwaukee, northeasterly from the eastern line of section 21, to the northeasterly line of section 15, in the 18th ward of the city of Milwaukee, for public park and boulevard purposes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Land granted to the city of Milwaukee for park and boulevard purposes by the state.

SECTION 1. Section 1, of chapter 206, of the laws of the state of Wisconsin for 1893, is hereby amended by striking out the word "three" where it occurs between the words "land" and "hundred" in said section 1, and inserting in lieu thereof, the word "six;" and further, by striking out the words "within five years from the date of the passage and publication of this act," where they occur after the word "boulevard" at the end of said section 1, and by inserting in lieu thereof, the words "on or before the first day of May, 1902," so that said section when so amended shall read as follows: Section 1. All the right, title and interest of the state of Wisconsin in and to the following land along and adjacent to the shore of Lake Michigan, and partly submerged, constituting the bed of Lake Michigan, being on the southern and eastern frontage, in the Eighteenth ward of the city of Milwaukee, described as follows, to-wit: A strip of land six hundred feet in width, having for its westerly boundary the extended center line of lot fifteen, in block nine, of Gliddon and Lockwood's ad-

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dition, in the Eighteenth ward of the city of Milwaukee, and lying southerly, southeasterly and easterly of a line commencing at a point in the said center line of said lot fifteen, four hundred feet south of the north line of said lot, running thence northeasterly parallel to the southerly line of La Fayette place, until the same intersects the low water mark; thence along the present low water mark of the shore of Lake Michigan to the north line of section fifteen, extended to the shore of Lake Michigan in the Eighteenth ward of the city of Milwaukee, are hereby granted in fee to the said city of Milwaukee, to be held and used by said city as a part of its system of public parks and boulevards; provided, that said land hereby granted shall not be leased or sold by said city of Milwaukee, nor used for any other purposes than as a public park and boulevard; and provided further, that at least part of said land hereby granted shall be filled in and improved, so as to be made a public park or boulevard on or before the first day of May, 1902.

SECTION 2. Nothing in this act contained shall be construed to divest or otherwise effect the riparian rights and privileges of the several owners of the lots abutting on Lake Michigan, but all such riparian rights and privileges, shall remain vested in such abutting or upland owners, subject only to the use of the land hereby granted to said city of Milwaukee for the purpose of its system of public parks and boulevards, and if any part of said land shall be diverted from use by said city for the sole purpose of a public park or boulevard, as hereinbefore provided in section one, and the right of said city therein so cease and determine, the title to said land shall be thereupon vested in and apportioned among such abutting or upland owners or their assigns, to the same extent as if such land were a natural accretion outward from the shore of said lake.

Riparian rights and privileges of owners of abutting lots not to be disturbed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 9, 1897.

CHAPTER 200.

AN ACT to amend section 1, of chapter 197, of the laws of 1893, entitled, "An act to grant to the city of Milwaukee a certain portion of submerged land lying along and adjacent to the shore of Lake Michigan, on the eastern boundary of the city of Milwaukee, for public park and boulevard purposes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1, of chapter 197, of the laws of Wisconsin for 1893, is hereby amended by striking out the word "three" where it appears between the words "land" and "hundred" in the second line of said section one, and inserting in lieu thereof, the word "six;" and also by striking out the words "within five years from the date and publication of this act" where they occur after the word "boulevard" at the end of said section one, and inserting in lieu thereof, the words "on or before the first day of May, 1902," so that said section when so amended shall read as follows: Section 1. The right, title and interest of the state of Wisconsin in and to a strip of submerged land, six hundred feet in width, along and adjacent to the shore of lake Michigan, constituting the bed of said lake, being on the eastern frontage of the city of Milwaukee, having for its westerly boundary the easterly face of the breakwater, constructed by the Chicago and Northwestern Railway company; for its south boundary, the south line of Mason street in the seventh ward in said city of Milwaukee extended, and for its north boundary the extension of the east and west quarter section line running through section twenty-one, in town seven, north, range twenty-two east, in the eighteenth ward of said city of Milwaukee, are hereby granted and

Regarding land granted to the city of Milwaukee for park and boulevard purposes.

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thereof, the words "on or before the first day of May, 1902," so that said section when so amended shall read as follows: Section 1. The right, title and interest of the state of Wisconsin in and to a strip of submerged land, six hundred feet in width, along and adjacent to the shore of lake Michigan, constituting the bed of said lake, being on the eastern frontage of the city of Milwaukee, having for its westerly boundary the easterly face of the breakwater, constructed by the Chicago and Northwestern Railway company; for its south boundary, the south line of Mason street in the seventh ward in said city of Milwaukee extended, and for its north boundary the extension of the east and west quarter section line running through section twenty-one, in town seven, north, range twenty-two east, in the eighteenth ward of said city of Milwaukee, are hereby granted and ceded to the said city of Milwaukee, to be held and used by said city forever as a part of its system of public parks and boulevards, and to be managed, controlled and improved by the board of park commissioners as provided in chapter 488, of the laws of 1889, and chapter 179, of the laws of 1891, of Wisconsin; provided, that said land hereby ceded and granted shall not be leased or sold by said city of Milwaukee, nor used by it for any other purpose than a public park and boulevard; and provided further, that said city shall construct over any railroad track or tracks, intersected by any bridge or driveway, to said park on above described strip of land, good and sufficient viaducts or bridges at least twenty-two feet high in the clear above said track or tracks, and suffer or permit no grade crossings thereover; and provided further, that said strip of land hereby granted shall in part be filled in and improved so as to be made a public park or boulevard on or before the first day of May, 1902.

SECTION 2. Section two, of said chapter 197, of the laws of 1893, is hereby amended by inserting after the word "boulevards" where it

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occurs in said section, the following: "And if any part of said land shall be diverted from use by said city for the sole purpose of a public park or boulevard, as hereinbefore provided in section 1, and the right of said city therein so cease and determine, the title to said land shall be thereupon vested in and be apportioned among such abutting or upland owners or their assigns, to the same extent as if said land were a natural accretion outward from the shore of said lake." so that said section when so amended shall read as follows: Section 2. Nothing in this act contained shall be construed to divest or otherwise affect the riparian rights and privileges of the several owners of the lots abutting on Lake Michigan, but all such riparian rights and privileges shall remain vested in such abutting or upland owners, subject only to the use of the land hereby granted to said city of Milwaukee for the purpose of its system of public parks and boulevards, and if any part of said land shall be diverted from use by said city for the sole purpose of a public park or boulevard, as hereinbefore provided in section 1, and the right of said city therein so cease and determine, the title to said land shall be thereupon vested in and appportioned among such abutting or upland owners or their assigns, to the same extent as if such land were a natural accretion outward from the shore of said lake, and any land which may be between the right of way of the Chicago and Northwestern Railway Company as described in the several conveyances thereof to said company, and said easterly face of said railroad breakwater, shall not be used by said railway company for any purpose whatsoever, except that of a slope or embankment to protect the roadbed or tracks on said right of way.

The riparian rights and privileges of owners of abutting lots not to be disturbed.

SECTION 3. This act shall be in force from and after the date of its passage and publication.

Approved April 10, 1897.

CHAPTER 358.

AN ACT to cede to the city of Milwaukee certain submerged lands described therein lying along and adjacent to the city of Milwaukee and extending fifteen hundred feet into Lake Michigan on the eastern boundary of the city of Milwaukee between the present harbor entrance and Russell Avenue extended, for dock and wharf purposes and railway terminals.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the right, title and interest of the state of Wisconsin in and to the following land along and adjacent to the shore of Lake Michigan and partly submerged, constituting the bed of Lake Michigan, on the eastern boundary of the city of Milwaukee and extending into Lake Michigan for fifteen hundred feet and lying between the present harbor entrance of said city and Russell Avenue extended in said city, are hereby granted and ceded to said city of Milwaukee to be held and used by said city for public slips, basins, docks, wharves, structures, roads, highways, railroads and railways, railway terminals and lake and rail facilities and spurs for shipping.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 10, 1909.

CHAPTER 285.

AN ACT to amend chapter 358 of the laws of 1909, relating to the cession to the city of Milwaukee of certain submerged lands described therein, for dock and wharf purposes at railroad terminals, and to authorize the filling in and reclaiming of certain portions of said lands and the conveyance by said city of Milwaukee thereof to the owners of the shore land adjacent thereto.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 358 of the laws of 1909 is amended to read: (Chapter 358, Laws of 1909) Section 1. 1. All the right, title and interest of the state of Wisconsin in and to the following land along and adjacent to the shore of Lake Michigan and partly submerged, constituting the bed of Lake Michigan, on the eastern boundary of the city of Milwaukee and extending into Lake Michigan for fifteen hundred feet and lying between the present harbor entrance of said city and Russell Avenue extended in said city, are hereby granted and ceded to said city of Milwaukee to be held and used by said city for public slips, basins, docks, wharves, structures, roads, highways, railroads and railways, railway terminals and lake and rail facilities and spurs for shipping.

2. That portion of said lands above described lying between Wilcox street extended and Russell avenue extended, being unnecessary for purposes of navigation or other public uses or to preserve to the people the enjoyment of the waters upon or adjacent thereto, and the use hereinafter authorized neither injuriously affecting nor resulting in any impairment of the interest of the public in said waters but being in the interest of the public and in aid and improvement of the public use of the waters and lands for purposes of navigation and other public uses, and for the protection of the public docks, wharves, and harbor facilities which may be constructed adjacent thereto, the said city of Milwaukee is hereby authorized and empowered to fill in and reclaim, or agree to fill in and reclaim or cause to be filled in and reclaimed, any or all of said lands, and to convey to the owner or owners of the shore land adjacent thereto any or all of said lands in fee simple, either before or after filling in and reclaiming the same, in exchange for and in settlement of damages, in whole or in part, for the taking of lands of said owner or owners on the main land between said harbor entrance and Wilcox street extended which said city may deem necessary and more advantageous for use by it for the purposes set forth in subsection 1 hereof, and such owner or owners are authorized and empowered to fill in and reclaim any unfilled portions of said land and, in aid of commerce and navigation, to construct dock and wharf facilities on any of said land and to use any or all of said land for any proper purpose.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 19, 1923.

CHAPTER 381.

AN ACT to amend subsection 1 of section 1 of chapter 358, laws of 1909, as amended by chapter 285, laws of 1923, relating to the cession to the city of Milwaukee of certain lands, partly submerged, lying along and adjacent to the city of Milwaukee and extending into Lake Michigan on the eastern boundary of the city of Milwaukee between the present harbor entrance and Russell avenue, extended.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subsection 1 of section 1 of chapter 358, laws of 1909, as amended by chapter 285, laws of 1923, is amended to read: (Laws of 1923, Chapter 285) Section 1. 1. All the right, title and interest of the state of Wisconsin in and to the * * * lands * * * on the * * * easterly side of the city of Milwaukee, in Milwaukee county, Wisconsin, and extending into Lake Michigan * * * and bounded on the west by the original shore line of Lake Michigan as the same existed at the time the state of Wisconsin acquired title to the submerged lands of Lake Michigan, on the north by the south pier of the harbor entrance, * * * on the south by the north line of Russell Avenue extended * * * easterly, and on the east by a line beginning at a point in the north line of Russell Avenue extended and distant two thousand fifty-two and fifty-five hundredths feet easterly from the east line of Beulah Avenue, thence running northerly to a point in the easterly face of the south pier of the harbor entrance and distant fifteen and four tenths feet easterly of United States monument number three hundred eight, whether any part or parcel thereof may be, at the time of the passage and publication of this act, dry or submerged under the waters of Lake Michigan, are hereby * * * ceded, granted and confirmed to the city of Milwaukee * * * , a municipal corporation, for the purpose of improving, filling and utilizing the same for harbor purposes and in aid of navigation, in any manner the said city may deem expedient, and particularly, but without by such specific enumeration limiting the aforesaid purposes, for the purpose of establishing and maintaining thereon breakwaters, bulkheads, piers, wharves, docks, slips, basins, * * * warehouses, transfer sheds, structures, roads, highways, railroads * * * , railway terminals * * * , lake and rail facilities and spurs for shipping, airports and other harbor facilities, including the right to lease, either for exclusive or common use, such particular parcel or parcels of said lands as said city may deem expedient to any party or parties for any purpose or use requiring, involving or connected with the construction, maintenance, operation or use of any of the aforesaid harbor or navigation facilities.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 27, 1931.

No. 511, A.]

[Published June 12, 1909.]

CHAPTER 360.

AN ACT to grant to the city of Milwaukee a certain portion of submerged land one thousand feet in width lying along and adjacent to the shore of Lake Michigan on the eastern frontage of the city in Milwaukee from Russell Avenue south to the present city limits, and as the limits of said city may be extended, for public park and boulevard purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the right, title and interest of the state of Wisconsin, in and to a certain portion of submerged land one thousand feet in width lying along and adjacent to the shore of Lake Michigan on the eastern frontage of the city of Milwaukee from Russell Avenue south to the present city limits and as the limits of said city may be extended, is hereby granted and ceded to the city of Milwaukee by the state of Wisconsin to be held and used by said city for public park, boulevard or highway purposes.

SECTION 2. The land so ceded to said city of Milwaukee as in the aforesaid section provided shall be held and used in such manner as the laws of the state of Wisconsin having reference to like purposes and uses heretofore enacted may provide.

SECTION 3. This law shall take effect and be in force from and after its passage and publication.

Approved June 10, 1909.

CHAPTER 560.

AN ACT to amend chapter 360 of the laws of 1909, granting to the city of Milwaukee a certain portion of submerged land one thousand feet in width lying along and adjacent to the shore of Lake Michigan on the eastern frontage of the city in Milwaukee from Russell Avenue south to section 14, for public park and boulevard purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 360 of the laws of 1909 is amended to read: Chapter 360. Section 1. All the right, title and interest of the state of Wisconsin, in and to a certain portion of submerged land one thousand feet in width lying along and adjacent to the shore of Lake Michigan on the eastern frontage of the city of Milwaukee from Russell Avenue * * * in the city of Milwaukee, south to a point where the center of section 14, town 7 north, range 22 east, in the county of Milwaukee, intersects the shore is hereby granted and ceded to the city of Milwaukee by the state of Wisconsin to be held and used by said city for public park, boulevard or highway purposes.

SECTION 2. The land so ceded to said city of Milwaukee as in the aforesaid section provided shall be held and used in such manner as the laws of the state of Wisconsin having reference to like purposes and uses heretofore enacted may provide.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 13, 1921.

No. 558, A.]

[Published July 2, 1925.]

CHAPTER 415.

AN ACT to amend section 1 of chapter 360 of the laws of 1909 as amended by chapter 560 of the laws of 1921, granting to the city of Milwaukee certain submerged lands along and adjacent to the shore of Lake Michigan and providing for the granting and ceding of such lands to Milwaukee county from the present limits of the city of Milwaukee south to section fourteen, town seven north, range twenty-two east, for public park, boulevard or highway purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1 of chapter 360 of the laws of 1909 as amended by chapter 560 of the laws of 1921 is amended to read: (Chapter 360, Laws of 1909) Section 1. All the right, title and interest of the state of Wisconsin, in and to a certain portion of submerged land one thousand feet in width lying along and adjacent to the shore of Lake Michigan on the eastern frontage of the city of Milwaukee from Russell Avenue in the city of Milwaukee, south to a point where the center of section 14, town 7 north, range 22 east, in the county of Milwaukee, intersects the shore line, is hereby granted and ceded to the city of Milwaukee by the state of Wisconsin to be held and used by said city for public park, boulevard or highway purposes, provided, that the city of Milwaukee may grant and cede all of its right, title and interest in and to any portion of said land to the county of Milwaukee for the same purposes.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 26, 1925.

No. 325, S.]

[Published June 17, 1931.

CHAPTER 265.

AN ACT to amend section 1 of chapter 415 of the laws of 1925, granting to the city of Milwaukee certain submerged lands along and adjacent to the shore of Lake Michigan for public park, boulevard or highway purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of chapter 415 of the laws of 1925 is amended to read: (Laws of 1925, Chapter 415) (Section 1) All the right, title and interest of the state of Wisconsin, in and to a certain portion of submerged land * * * serenteen hundred feet in width lying along and adjacent to the shore of Lake Michigan * * * in Milwaukee county, Wisconsin, and bounded on the north by the north line of Russell avenue in the city of Milwaukee extended easterly, and on the south by the center line of section 14, town 6 north, range 22 east, in said Milwaukee county extended easterly, is hereby granted and ceded to the city of Milwaukee by the state of Wisconsin to be held and used by said city for public park, boulevard or highway purposes, provided, that the city of Milwaukee may grant and cede all of its right, title and interest in and to any portion of said land to the county of Milwaukee for the same purposes.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 16, 1931.

CHAPTER 307.

AN ACT to grant to the city of Milwaukee a certain portion of submerged land lying along and adjacent to the shore of Lake Michigan, on the eastern frontage of the city of Milwaukee, northeasterly from the eastern line of section 21, to the northeasterly line of section 15, in the 18th ward of the city of Milwaukee, for public park and boulevard purposes.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right, title and interest of the state of Wisconsin in and to the following land along and adjacent to the shore of Lake Michigan, and partly submerged, constituting the bed of Lake Michigan, being on the southern and eastern frontage, in the eighteenth ward of the city of Milwaukee, described as follows, to wit: A strip of land fifteen hundred feet in width, having for its westerly boundary the extended center line of lot fifteen, in block nine, of Glidden and Lockwood's addition, in the eighteenth ward of the city of Milwaukee, and lying southerly, southeasterly and easterly of a line commencing at a point in the said center line of said lot fifteen, four hundred feet south of the north line of said lot, running thence northeasterly parallel to the southerly line of La Fayette place, until the same intersects the low water mark; thence along the present low water mark of the shore of Lake Michigan to the north line of section fifteen, extended to the shore of Lake Michigan in the eighteenth ward of the city of Milwaukee, are hereby granted in fee to the said city of Milwaukee to be held and used by said city as a part of its system of public parks and boulevards; provided, that said land hereby granted shall not be leased or sold by said city of Milwaukee, nor used for any other purposes than as a public park and boulevard

SECTION 2. Upon the passage and publication of this act, the commissioners of public lands of the state of Wisconsin are hereby authorized, empowered and directed to and shall execute and deliver to the said city of Milwaukee, patents for the tracts of land hereinbefore specifically described in accordance with the provisions of this act.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 2, 1921.

CHAPTER 261.

AN ACT to amend section 1 of chapter 307, laws of 1921, relating to granting to the city of Milwaukee a certain portion of partly submerged lands for public park and boulevard purposes and authorizing use of a portion thereof for water purification plant.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of chapter 307, laws of 1921, is amended to read: (Chapter 307, laws of 1921) Section 1. All the right, title and interest of the state of Wisconsin in and to the following land along and adjacent to the shore of Lake Michigan, and partly submerged, constituting the bed of Lake Michigan, being on the southern and eastern frontage, in the first and the eighteenth wards of the city of Milwaukee, described as follows, to wit: A strip of land fifteen hundred feet in width, having for its westerly boundary the extended center line of lot fifteen, in block nine, of Glidden and Lockwood's addition, in the * * * first ward of the city of Milwaukee, and lying southerly, southeasterly and easterly of a line commencing at a point in the said center line of said lot fifteen, four hundred feet south of the north line of said lot, running thence northeasterly parallel to the southerly line of LaFayette place, until the same intersects the low water mark; thence along the present low water mark of the shore of Lake Michigan to the north line of section fifteen, extended to the shore of Lake Michigan in the first and eighteenth wards of the city of Milwaukee, are hereby granted in fee to the said city of Milwaukee to be held and used by said city as a part of its system of public parks and boulevards; provided, that said land hereby granted shall not be leased or sold by said city of Milwaukee nor used for any other purposes than as a public park and boulevard. Provided further, that the city of Milwaukee is hereby authorized to build, operate and maintain a water purification plant on that portion only of the aforesaid grant of land lying adjacent to Lake Park, and that if, when and after said city shall build, operate and maintain a water purification plant over and on the portion of said land hereinbefore provided for, such building, operation and maintenance shall not be deemed or construed a violation of the aforesaid public park and boulevard provision of this section.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 15, 1933.

CHAPTER 150.

AN ACT to grant and cede to the United States of America, certain lands adjacent to the shore of Lake Michigan, in the county and city of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right, title and interest of the state of Wisconsin in the lands hereinafter described is hereby granted and ceded to the United States of America; provided that this grant and cession shall not become operative until the consent of the city of Milwaukee, a municipal corporation, shall have been duly given by a resolution of its common council, and a copy of such resolution, duly certified by the city clerk of said city, shall have been filed with the secretary of state in his office at the city of Madison, state of Wisconsin.

SECTION 2. The lands to which this act refers are described as follows: Beginning at a point distant south eighty-nine degrees, thirty-two minutes, seventeen seconds east two thousand eight hundred sixty-eight and fifty-six hundredths feet; north zero degrees, twenty-seven minutes, forty-three seconds east four hundred sixty-five and two hundredths feet, from the northwest corner of the south one-half fractional section thirty-three township seven north, range twenty-two east; being a point on the north pier of the harbor entrance in the extension of a line passing through United States government monuments numbers 305 and 307 on said north pier and distant four hundred sixty-five and two hundredths feet easterly from United States government monument number 307; running thence north zero degrees, forty-five minutes, one second west one thousand one hundred sixty-five and twenty-four hundredths feet to a point; thence south eighty-seven degrees, sixteen minutes, thirty-nine seconds west seven hundred fourteen and thirteen hundredths feet along a line parallel to the north pier of the harbor entrance, as determined by a line passing through United States government monuments numbers 305 and 307, to a point on the rubble-mound breakwater; thence south zero degrees, forty-five minutes, one second east one thousand one hundred sixty-five and twenty-four hundredths feet to a point on the north pier of the harbor entrance, being a point in the line passing through the United

CHAPTER 150.

AN ACT to grant and cede to the United States of America, certain lands adjacent to the shore of Lake Michigan, in the county and city of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right, title and interest of the state of Wisconsin in the lands hereinafter described is hereby granted and ceded to the United States of America; provided that this grant and cession shall not become operative until the consent of the city of Milwaukee, a municipal corporation, shall have been duly given by a resolution of its common council, and a copy of such resolution, duly certified by the city clerk of said city, shall have been filed with the secretary of state in his office at the city of Madison, state of Wisconsin.

SECTION 2. The lands to which this act refers are described as follows: Beginning at a point distant south eighty-nine degrees, thirty-two minutes, seventeen seconds east two thousand eight hundred sixty-eight and fifty-six hundredths feet; north zero degrees, twenty-seven minutes, forty-three seconds east four hundred sixty-five and two hundredths feet, from the northwest corner of the south one-half fractional section thirty-three township seven north, range twenty-two east; being a point on the north pier of the harbor entrance in the extension of a line passing through United States government monuments numbers 305 and 307 on said north pier and distant four hundred sixty-five and two hundredths feet easterly from United States government monument number 307; running thence north zero degrees, forty-five minutes, one second west one thousand one hundred sixty-five and twenty-four hundredths feet to a point; thence south eighty-seven degrees, sixteen minutes, thirty-nine seconds west seven hundred fourteen and thirteen hundredths feet along a line parallel to the north pier of the harbor entrance, as determined by a line passing through United States government monuments numbers 305 and 307, to a point on the rubble-mound breakwater; thence south zero degrees, forty-five minutes, one second east one thousand one hundred sixty-five and twenty-four hundredths feet to a point on the north pier of the harbor entrance, being a point in the line passing through the United

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States government monuments numbers 305 and 307 and distant two hundred forty-nine and eleven hundredths feet westerly from United States government monument number 307; thence north eighty-seven degrees; sixteen minutes, thirty-nine seconds east seven hundred fourteen and thirteen hundredths feet along the line passing through United States government monuments numbers 305 and 307 to the point of beginning, excepting that portion of the north pier of the harbor entrance lying within the area herein described, being a parcel of land, mainly submerged, in the north one-half fractional section thirty-three, township seven north, range twenty-two east in the third ward of the city of Milwaukee, and containing nineteen acres.

SECTION 3. This act shall take effect upon passage and publication.
Approved June 5, 1929.

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States government monuments numbers 305 and 307 and distant two hundred forty-nine and eleven hundredths feet westerly from United States government monument number 307; thence north eighty-seven degrees; sixteen minutes, thirty-nine seconds east seven hundred fourteen and thirteen hundredths feet along the line passing through United States government monuments numbers 305 and 307 to the point of beginning, excepting that portion of the north pier of the harbor entrance lying within the area herein described, being a parcel of land, mainly submerged, in the north one-half fractional section thirty-three, township seven north, range twenty-two east in the third ward of the city of Milwaukee, and containing nineteen acres.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 5, 1929.

CHAPTER 151.

AN ACT to grant, cede, and confirm to the city of Milwaukee a strip of land on the east side of said city, and partly submerged by the waters of Lake Michigan, in aid of navigation. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the right, title and interest of the state of Wisconsin in the lands hereinafter described, whether any part or parcel thereof may be, at the time of the passage and publication of this act, dry or submerged under the waters of Lake Michigan are hereby ceded, granted and confirmed to the city of Milwaukee, a municipal corporation, for the purpose of improving, filling, and utilizing the same in aid of navigation and the fisheries, in any manner the said city may deem expedient, and particularly for the purpose of establishing and maintaining thereon breakwaters, bulkheads, piers, wharves, warehouses, transfer sheds, railway tracks, airports, and other harbor facilities, together with such other uses not inconsistent with the improvement of navigation and fisheries in Lake Michigan, and the navigable waters tributary thereto, as said city may deem expedient.

SECTION 2. The lands to which this act is intended to refer, and does refer, are described as follows: Beginning at a point in the south line of east Wisconsin Avenue extended easterly, distant four hundred seventy-two and ninety-eight hundredths feet from the easterly line of Marshall street; running thence south sixteen degrees, twenty-seven minutes, fifty-two seconds west two thousand two hundred forty-seven and four hundredths feet to a point in the northerly line of Chicago street extended easterly, distant six hundred sixty-one and fifty hundredths feet from the easterly line of Jackson street; thence south seven degrees, forty-five minutes, twenty-two seconds west one thousand five hundred sixteen and sixty-seven hundredths feet to a point in the center line of Polk street extended easterly distant three hundred thirty-one and thirty hundredths feet from the easterly line of Jackson street; thence south nine degrees, forty minutes, twenty-nine seconds east one thousand two hundred thirteen and thirty-seven hundredths feet to a point on the North Harbor Pier in the line of the United States government monuments numbers 305 and 307 extended westerly distant sixty-nine and thirty-two hundredths feet westerly from United States government monument number 305; thence north eighty-seven degrees, sixteen minutes, thirty-nine seconds east six hundred and seventeen hundredths feet along said line of United States government monuments numbers 305 and 307 to a point; thence north zero degrees, forty-five minutes, one second east one thousand one hundred sixty-five and twenty-four hundredths feet to a point; thence north sixty-seven degrees, sixteen minutes, thirty-nine seconds seven hundred fourteen and thirteen hun-

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dredths feet to a point in the United States government pierhead line, as approved by the United States government October 20, 1919; thence north eight degrees, forty-one minutes, thirty-seven seconds east three thousand seven hundred sixty and five hundredths feet to a point in the southerly line of east Wisconsin Avenue extended easterly, distant one thousand seven hundred four and fifty-seven hundredths feet from the easterly line of Marshall street; thence south eighty-five degrees, forty-six minutes, fifty-three seconds west one thousand two hundred thirty-one and fifty-nine hundredths feet along the southerly line of Wisconsin Avenue to the point of commencement, being land mainly submerged, in fractional sections twenty-eight and thirty-three, township seven north, range twenty-two east, in the third ward of the city of Milwaukee, and containing one hundred thirty-seven acres more or less.

SECTION 3. The said grantee, the city of Milwaukee, shall not convey any portion or the whole of the lands so granted, ceded and confirmed, and described in section 2 of this act, to any other party, either by warranty deed, quit claim or in any other manner, except that it may convey to the government of the United States such portion thereof as may be desirable for the promotion of navigation; and it may also convey said lands to any harbor district or other public corporation that may hereafter be organized, under any law of this state, for the purpose of maintaining and operating a public port; and it may further lease for limited terms not exceeding thirty years, such particular parcels or portions thereof as the board of harbor commissioners may deem expedient, to parties desiring to employ such leased portions and parcels in the maintaining, operating or using of any harbor facilities thereon.

SECTION 4. Whenever the said city of Milwaukee shall convey or attempt to convey the whole or any portion of the lands hereby granted, ceded or confirmed, to any other party except as herein provided, or shall use said lands or any part thereof for purposes permanently inconsistent with their use for the promotion of navigation and the fisheries, such land, or any part thereof so conveyed or attempted to be conveyed, or used inconsistently as hereinabove stated, shall revert to the state of Wisconsin.

SECTION 5. This act shall take effect upon passage and publication.

Approved June 5, 1929.

No. 507, S.]

Published September 19, 1929

CHAPTER 516.

AN ACT to amend subsection (2) of section 29.27, paragraph (e) of subsection (12) of section 42.55, section 49.33, paragraph (d) of section 49.34, the first sentence of paragraph (b) of subsection (4) of section 62.09, section 81.34, subsection (1) of section 82.01, created by section 3 of chapter 81, Laws 1929, subsection (4) of section 157.08, created by chapter 196, Laws 1929, subsection (2) of section 202.06, section 312.01, section 313.15, section 313.26, section 318.02, section 318.03, section 276.36, section 2 of chapter 150, Laws 1929, section 2 of chapter 151, Laws of 1929, section 1 of chapter 395, Laws of 1929; to repeal subsection (13) of section 16.13, subsection (8) of section 83.04, created by chapter 386, Laws 1929, subsection (6) of section 84.06, created by chapter 386, Laws 1929, the introductory paragraph of section 318.01, section 343.182; and to renumber subsection (4) of section 16.13 to be subsection (3), subsection (2) of section 29.18, Stats. 1929, to be subsection (1a) of 29.18, subsection (9) of section 66.05, created by chapter 192, Laws 1929 to be section 66.28, and section 2 of chapter 328, Laws 1929 to be subsection (2) of section 85.215 of the statutes, all for the purpose of correcting errors, reconciling conflicts, supplying omissions.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

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Section 318.03 of the statutes is amended by striking out "the seventh subsection of section 318.01" and inserting "subsection (2) of section 318.01."

The introductory paragraph of section 318.01 is repealed.

SECTION 14. Section 343.182 of the statutes is repealed.

SECTION 15. Section 2 of chapter 150 and section 2 of chapter 151, laws of 1929, are amended to read: (Chapter 150, Laws of 1929) Section 2. The lands to which this act refers are described as follows: Beginning at a point distant south eighty-nine degrees, thirty-two minutes, seventeen seconds east two thousand eight hundred sixty-eight and fifty-six hundredths feet; north zero degrees, twenty-seven minutes, forty-three seconds east six hundred fifty-one and nine hundredths feet; north eighty-seven degrees, sixteen minutes, thirty-nine seconds east four hundred sixty-five and two hundredths feet, from the northwest corner of the south one-half fractional section thirty-three township seven north, range twenty-two east; being a point on the north pier of the harbor entrance in the extension of a line passing through United States government monuments numbers 305 and 307 on said north pier and distant four hundred sixty-five and two hundredths feet easterly from United States government monument number 307; running thence north zero degrees, forty-five minutes, one second west one thousand one hundred sixty-five and twenty-four hundredths feet to a point; thence south eighty-seven degrees, sixteen minutes, thirty-nine seconds west seven hundred fourteen and thirteen hundredths feet along a line parallel to the north pier of the harbor entrance, as determined by a line passing through United States government monuments numbers 305 and 307, to a point on the rubble-mound breakwater; thence south zero degrees, forty-five minutes, one second east one thousand one hundred sixty-five and twenty-four hundredths feet to a point on the north pier of the harbor entrance, being a point in the line passing through the United States government monuments numbers 305 and 307 and distant two hundred forty-nine and eleven hundredths feet westerly from United States government monument number 307; thence north eighty-seven degrees; sixteen minutes, thirty-nine seconds east seven hundred fourteen and thirteen hundredths feet along the line passing through United States government monuments numbers 305 and 307 to the point of beginning, excepting that portion of the north pier of the harbor entrance lying within the

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area herein described, being a parcel of land, mainly submerged, in the north one-half fractional section thirty-three, township seven north, range twenty-two east in the third ward of the city of Milwaukee, and containing nineteen acres.

(Chapter 151, Laws of 1929) Section 2. The lands to which this act is intended to refer, and does refer, are described as follows: Beginning at a point in the south line of East Wisconsin Avenue extended easterly, distant four hundred seventy-two and ninety-eight hundredths feet from the easterly line of Marshall street; running thence south sixteen degrees, twenty-seven minutes, fifty-two seconds west two thousand two hundred forty-seven and four hundredths feet to a point in the northerly line of Chicago street extended easterly, distant six hundred sixty-one and fifty hundredths feet from the easterly line of Jackson street, thence south seven degrees, forty-five minutes, twenty-two seconds west one thousand five hundred sixteen and sixty-seven hundredths feet to a point in the center line of Polk street extended easterly distant three hundred thirty-one and thirty hundredths feet from the easterly line of Jackson street; thence south nine degrees, forty minutes, twenty-nine seconds east one thousand two hundred thirteen and thirty-seven hundredths feet to a point on the North Harbor Pier in the line of the United States government monuments numbers 305 and 307 extended westerly distant sixty-nine and thirty-two hundredths feet westerly from United States government monument number 305; thence north eighty-seven degrees, sixteen minutes, thirty-nine seconds east six hundred and seventeen hundredths feet along said line of United States government monuments numbers 305 and 307 to a point; thence north zero degrees, forty-five minutes, one second . . . west one thousand one hundred sixty-five and twenty-four hundredths feet to a point; thence north . . . eighty-seven degrees, sixteen minutes, thirty-nine seconds east seven hundred fourteen and thirteen hundredths feet to a point in the United States government pierhead line, as approved by the United States government October 20, 1919; thence north eight degrees, forty-one minutes, thirty-seven seconds east three thousand seven hundred sixty and five hundredths feet to a point in the southerly line of east Wisconsin Avenue extended easterly, distant one thousand seven hundred four and fifty-seven hundredths feet from the easterly line of Marshall street; then south eighty-five degrees, forty-six minutes, fifty-

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onds west one thousand two hundred thirty-one and fifty-nin- hundredths feet along the southerly line of Wisconsin Avenue : the point of commencement, being land mainly submerged, in fractional sections twenty-eight and thirty-three, township seven north, range twenty-two east, in the third ward of the city of Milwaukee, and containing one hundred thirty-seven acres more or less.

SECTION 16. Section 2 of chapter 328, Laws of 1929, is numbered subsection (2) of section 85.215 and is amended by striking out "act" where it occurs twice therein and inserting "section."

SECTION 17. In the first line of section 1 of chapter 395, Laws of 1929, strike out the word "board" and insert the word "court."

SECTION 18. This act shall take effect upon passage and publication.

Approved September 17, 1929.

STATE OF WISCONSIN

1973 Senate Bill 661

Date published*: July 25, 1973

CHAPTER 76 , LAWS OF 1973

AN ACT relating to the authority of the board of harbor commissioners of Milwaukee and granting certain lands, partly submerged in Lake Michigan, to the city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the right, title and interest of the state of Wisconsin in the lands hereinafter described, whether any part or parcel thereof may be, at the time of the passage and publication of this act, dry or submerged under the waters of Lake Michigan are hereby ceded, granted and confirmed to the city of Milwaukee, a municipal corporation, for the purpose of improving, filling, and utilizing the same in aid of navigation and the fisheries and in addition for such further and other use which the board of harbor commissioners of the city of Milwaukee may deem appropriate and expedient and which the common council approves by resolution. Such land shall also be used for the purpose of establishing and maintaining thereon breakwaters, bulkheads, piers, wharves, warehouses, transfer sheds, railway tracks, airports, and other harbor facilities, together with such other uses not inconsistent with the improvement of navigation and fisheries in Lake Michigan, and the navigable waters tributary thereto, as the city may deem expedient.

SECTION 2. (1) The lands to be granted to the city of Milwaukee and to which this act applies are described as follows:

A parcel of submerged land in Lake Michigan, adjacent to the North Harbor Tract in the city of Milwaukee, extending from the southerly line of East Wisconsin Avenue extended, to the harbor entrance; and located 714 to 1,714 feet easterly of the present rubble mound shore line; said parcel being more particularly described as follows:

Beginning at a point in the south line of East Wisconsin Avenue extended, distant 1704.70 feet easterly from the easterly line of North Marshall street; running thence south 8°, 41', 37" west 3760.04 feet to a point; running thence south 0°, 45', 01" east 1165.24 feet to a point in the line of U.S. Monuments 305 and 307 extended, being a point on the north pier of the inner harbor entrance distant 465.02 feet easterly from U.S. Monument

.....
*Section 990.06, *Wisconsin Statutes*: Laws and acts; time of going into force. "Every law or act which does not expressly prescribe the time it takes effect shall take effect on the day after its publication."

307; running thence north 87°, 16', 39" east 1000.00 feet to a point; running thence north 0°, 45', 01" west 1044.66 feet to a point; running thence north 8°, 41', 37" east 3910.30 feet to a point on the south line of East Wisconsin Avenue extended; running thence south 85°, 46', 53" west 1025.94 feet to the point of beginning, being a parcel of submerged land in fractional sections twenty-eight and thirty-three, Township 7 North, Range 22 East in the Fourth Ward of the City of Milwaukee and containing 113.395 acres, more or less.

(2) This act also applies to lands previously granted to Milwaukee under chapter 151, laws of 1929, and lands hereby granted and added thereto, in accordance with the following description:

Beginning at a point in the south line of east Wisconsin Avenue extended easterly, distant 473.12 feet from the easterly line of Marshall street; running thence south 16°, 27', 52" west 2,247.04 feet to a point in the northerly line of Chicago street extended easterly, distant 661.50 feet from the easterly line of Jackson street; thence south 7°, 45', 22" west 1,516.67 feet to a point in the center line of Polk street extended easterly distant 331.30 feet from the easterly line of Jackson street; thence south 9°, 40', 29" east 1,213.37 feet to a point on the North Harbor Pier in the line of the United States government monuments numbers 305 and 307 extended westerly distant 69.32 feet westerly from United States government monument number 305; thence north 87°, 16', 39" east 600.17 feet along said line of United States government monuments numbers 305 and 307 to a point; thence north 0°, 45', 1" west 1,165.24 feet to a point; thence north 87°, 16', 39" east 714.13 feet to a point in the United States government pierhead line, as approved by the United States government October 20, 1919; thence north 8°, 41', 37" east 3,760.04 feet to a point in the southerly line of east Wisconsin Avenue extended easterly, distant 1,704.70 feet from the easterly line of Marshall street; thence south 85°, 46', 53" west 1,231.58 feet along the southerly line of Wisconsin Avenue to the point of commencement, being land mainly submerged, in fractional sections 28 and 33, township 7 north, range 22 east, in the third ward of the city of Milwaukee, and containing 137 acres more or less.

SECTION 3. The city of Milwaukee, shall not convey any portion or the whole of the lands so granted, ceded and confirmed, and described in SECTION 2 of this act, to any other party, either by warranty deed, quit claim, or in any other manner, except that it may convey to the government of the United States such portion thereof as may be desirable for the promotion of navigation; and it may also convey lands to any harbor district or other public corporation that may hereafter be organized, under any law of this

1973 Senate Bill 661

state, for the purpose of maintaining and operating a public port; and it may further lease for an initial term not exceeding 30 years, such particular parcels or portions thereof as the board of harbor commissioners considers advisable, to parties desiring to employ such leased portions and parcels in a manner determined by the board of harbor commissioners to be for the best interests of port and harbor development.

SECTION 4. Whenever the city of Milwaukee conveys or attempts to convey the whole or any portion of the lands hereby granted, ceded or confirmed, to any other party except as herein provided, or uses the lands or any part thereof except as herein provided, such land, or any part thereof so conveyed or attempted to be conveyed or so used shall revert to the state.

1973 Senate Bill 661

state, for the purpose of maintaining and operating a public port; and it may further lease for an initial term not exceeding 30 years, such particular parcels or portions thereof as the board of harbor commissioners considers advisable, to parties desiring to employ such leased portions and parcels in a manner determined by the board of harbor commissioners to be for the best interests of port and harbor development.

SECTION 4. Whenever the city of Milwaukee conveys or attempts to convey the whole or any portion of the lands hereby granted, ceded or confirmed, to any other party except as herein provided, or uses the lands or any part thereof except as herein provided, such land, or any part thereof so conveyed or attempted to be conveyed or so used shall revert to the state.

No. 262, S.]

[Published June 30, 1937.

CHAPTER 297.

AN ACT to provide for the cession, granting or leasing, by the city of Milwaukee to the county of Milwaukee, for public park or parkway purposes, all or any part of submerged lands extending into Lake Michigan, the title to which has heretofore been ceded by the state of Wisconsin to said city of Milwaukee for said purposes only.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The city of Milwaukee is hereby authorized and empowered to cede, grant, or lease to the county of Milwaukee for purposes of public parks or parkways, all or any part of such submerged lands extending into Lake Michigan at any time heretofore ceded to said city by the State of Wisconsin for said purposes, with the exception of such submerged lands as may have been previously ceded to the city of Milwaukee by said state for harbor and terminal purposes, waterworks, water purification purposes, and purposes other than parks and parkways.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 28, 1937.

CHAPTER 178.

AN ACT to cede to the county of Milwaukee certain submerged lands described therein lying along and adjacent to the villages of Shorewood, Whitefish Bay, Fox Point, the towns of Milwaukee, Lake, Oak Creek and the cities of Cudahy and South Milwaukee in said county and extending one thousand feet into Lake Michigan on the eastern boundary of said villages, towns and cities for public park, parkway and highway purposes. *The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All the right, title and interest of the state of Wisconsin in and to a strip of submerged land extending into Lake Michigan for a distance of one thousand feet along and adjacent to the shore of Lake Michigan from the north limits of the city of Milwaukee, as the same existed March 1, 1933, being the south line of the northeast quarter of section ten, town seven north, range twenty-two east, north to a line drawn parallel to and twelve hundred feet south of the north line of section twenty-one, town eight north, range twenty-two east, also from a line drawn parallel to and eight hundred feet south of the north line of the southwest quarter of section ten, town eight north, range twenty-two east, thence north to the north boundary of the county of Milwaukee; also commencing on the east and west center line of section fourteen, town six north, range twenty-two east, thence south to the south boundary of Milwaukee county, and extending into Lake Michigan for a distance of one thousand feet, are hereby granted and ceded to the county of Milwaukee, to be held and used by said county forever as a part of its system of county parks, parkways and highways, and to be managed, controlled and improved by the Milwaukee county park commission as provided in sections 27.02 to 27.065 of the statutes; provided that said land hereby ceded and granted shall not be leased or sold by said county of Milwaukee, nor used by it for any other purpose than a public park, parkway or highway. For the purpose of creating said parks, parkways and highways, the Milwaukee county park commission may do all things necessary to fill in and reclaim said submerged lands.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 1, 1933.

CHAPTER 194.

AN ACT to amend section (1) of chapter 178 of the laws of 1933 relating to the cession of certain submerged lands in Lake Michigan to the county of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section (1) of chapter 178, laws of 1933, is amended to read: (Ch. 178, laws of 1933) Section 1. All the right, title and interest of the state of Wisconsin in and to a strip of submerged land extending into Lake Michigan for a distance of * * * twenty-four hundred feet along and adjacent to the shore of Lake Michigan from the north limits of the city of Milwaukee, as the same existed March 1, 1933, being the south line of the northeast quarter of section ten, town seven north, range twenty-two east, north to a line drawn parallel to and twelve hundred feet south of the north line of section twenty-one, town eight north, range twenty-two east, also from a line drawn parallel to and eight hundred feet south of the north line of the southwest quarter of section ten, town eight north, range twenty-two east, thence north to the north boundary of the county of Milwaukee; also commencing on the east and west center line of section fourteen, town six north, range twenty-two east, thence south to the south boundary of Milwaukee county, and extending into Lake Michigan for a distance of * * * twenty-four hundred feet, are hereby granted and ceded to the county of Milwaukee, to be held and used by said county forever as a part of its system of county parks, parkways and highways, and to be managed, controlled and improved by the Milwaukee county park commission as provided in sections 27.02 to 27.065 of the statutes; provided that said land hereby ceded and granted shall not be leased or sold by said county of Milwaukee, or used by it for any other purpose than a public park, parkway or highway. For the purpose of creating said parks, parkways and highways, the Milwaukee county park commission may do all things necessary to fill in and reclaim said submerged lands.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 25, 1935.

No. 101, S.

Published
July 23, 1963.

CHAPTER 175

AN ACT to grant to Milwaukee county Lake Michigan submerged lands therein described, for park, recreational and marina and other related purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

There is hereby granted and ceded to Milwaukee county, to be used for park, recreational and marina and other related purposes, all the right, title and interest of this state in the submerged land lying in Lake Michigan, being a part of the north end of the outer basin, and being a part of sections 21, 22, 27 and 28 in T. 7 N., R. 22 E. of the 4th principal meridian, bounded and described as follows:

Commencing at the southwest corner of the NW $\frac{1}{4}$ of Sec. 22 (with the west line of said $\frac{1}{4}$ Section bearing north); thence north $89^{\circ}-30'-05''$ east 1407.82 feet to a point in the U.S. breakwater; thence south $25^{\circ}-53'-15''$ east along the U.S. breakwater, 2067.61 feet to a point; thence continuing along the U.S. breakwater south $17^{\circ}-17'-45''$ east, 30.63 feet to a point; thence continuing along the U.S. breakwater south $00^{\circ}-05'-45''$ east, 73.90 feet to a point; thence continuing along the U.S. breakwater south $10^{\circ}-11'-45''$ west, 439.78 feet to a point which is 500 feet northerly of the north end of the fairweather entrance; thence west 1100.00 feet to a point; thence south $35^{\circ}-00'-00''$ west 1700 feet more or less to a point in the north line of East Wells Street extended east; thence westerly along the easterly extension of the north line of East Wells street to the easterly face of the breakwater constructed by the Chicago and Northwestern Railway; thence northeasterly along the easterly face of said breakwater to the east line of the SE $\frac{1}{4}$ of Sec. 21; thence northerly along said east line to the point of commencement; excepting therefrom those lands lying westerly of the easterly line of the submerged land grant as described in chapter 389, laws of 1915.

Approved July 16, 1963.

CHAPTER 150.

AN ACT to grant and cede to the United States of America, certain lands adjacent to the shore of Lake Michigan, in the county and city of Milwaukee.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the right, title and interest of the state of Wisconsin in the lands hereinafter described is hereby granted and ceded to the United States of America; provided that this grant and cession shall not become operative until the consent of the city of Milwaukee, a municipal corporation, shall have been duly given by a resolution of its common council, and a copy of such resolution, duly certified by the city clerk of said city, shall have been filed with the secretary of state in his office at the city of Madison, state of Wisconsin.

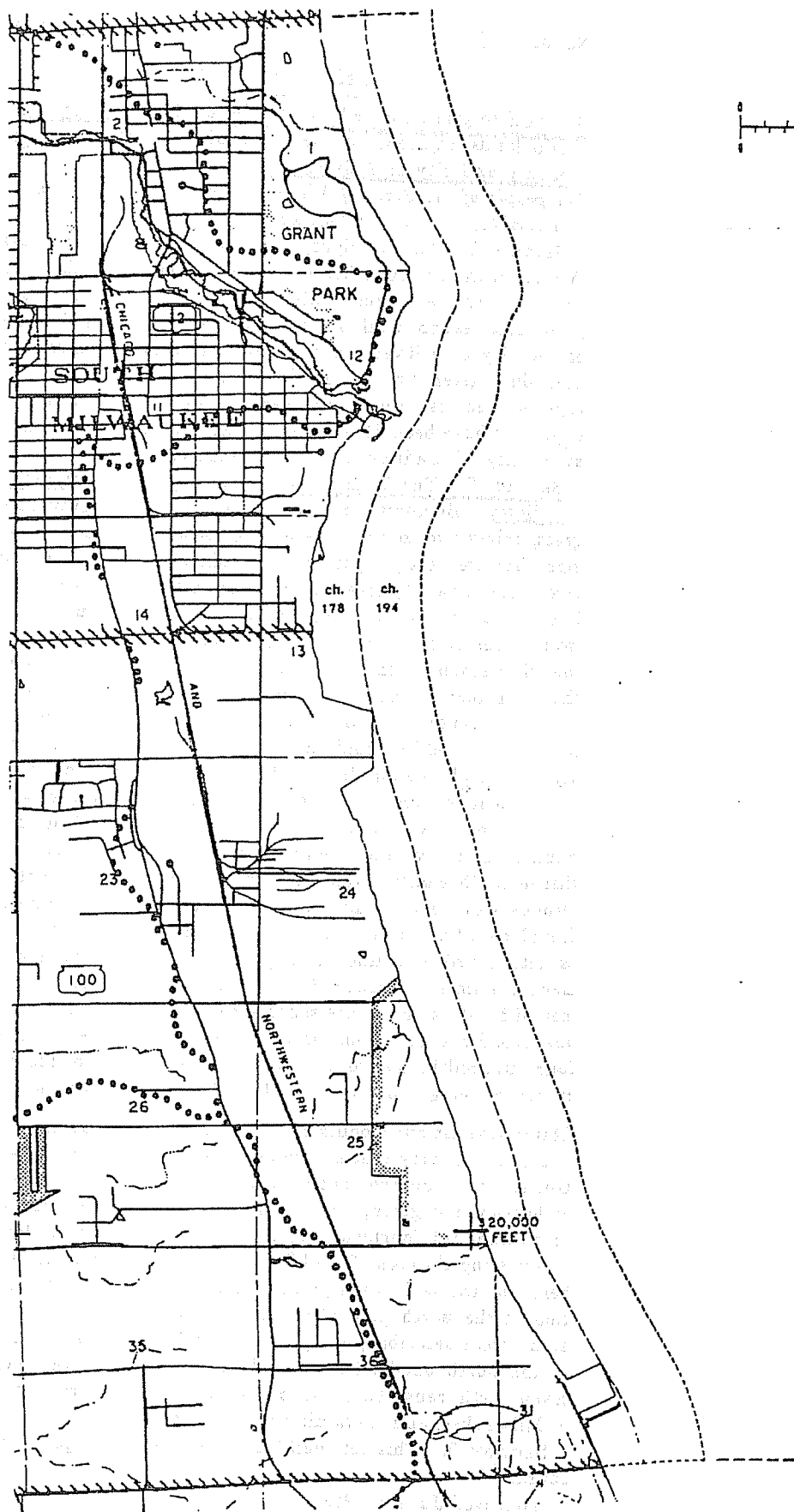
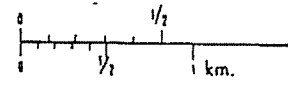
SECTION 2. The lands to which this act refers are described as follows: Beginning at a point distant south eighty-nine degrees, thirty-two minutes, seventeen seconds east two thousand eight hundred sixty-eight and fifty-six hundredths feet; north zero degrees, twenty-seven minutes, forty-three seconds east four hundred sixty-five and two hundredths feet, from the northwest corner of the south one-half fractional section thirty-three township seven north, range twenty-two east; being a point on the north pier of the harbor entrance in the extension of a line passing through United States government monuments numbers 305 and 307 on said north pier and distant four hundred sixty-five and two hundredths feet easterly from United States government monument number 307; running thence north zero degrees, forty-five minutes, one second west one thousand one hundred sixty-five and twenty-four hundredths feet to a point; thence south eighty-seven degrees, sixteen minutes, thirty-nine seconds west seven hundred fourteen and thirteen hundredths feet along a line parallel to the north pier of the harbor entrance, as determined by a line passing through United States government monuments numbers 305 and 307, to a point on the rubble-mound breakwater; thence south zero degrees, forty-five minutes, one second east one thousand one hundred sixty-five and twenty-four hundredths feet to a point on the north pier of the harbor entrance, being a point in the line passing through the United

States government monuments numbers 305 and 307 and distant two hundred forty-nine and eleven hundredths feet westerly from United States government monument number 307; thence north eighty-seven degrees; sixteen minutes, thirty-nine seconds east seven hundred fourteen and thirteen hundredths feet along the line passing through United States government monuments numbers 305 and 307 to the point of beginning, excepting that portion of the north pier of the harbor entrance lying within the area herein described, being a parcel of land, mainly submerged in the north one-half fractional section thirty-three, township seven north, range twenty-two east in the third ward of the city of Milwaukee, and containing nineteen acres.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 5, 1929.

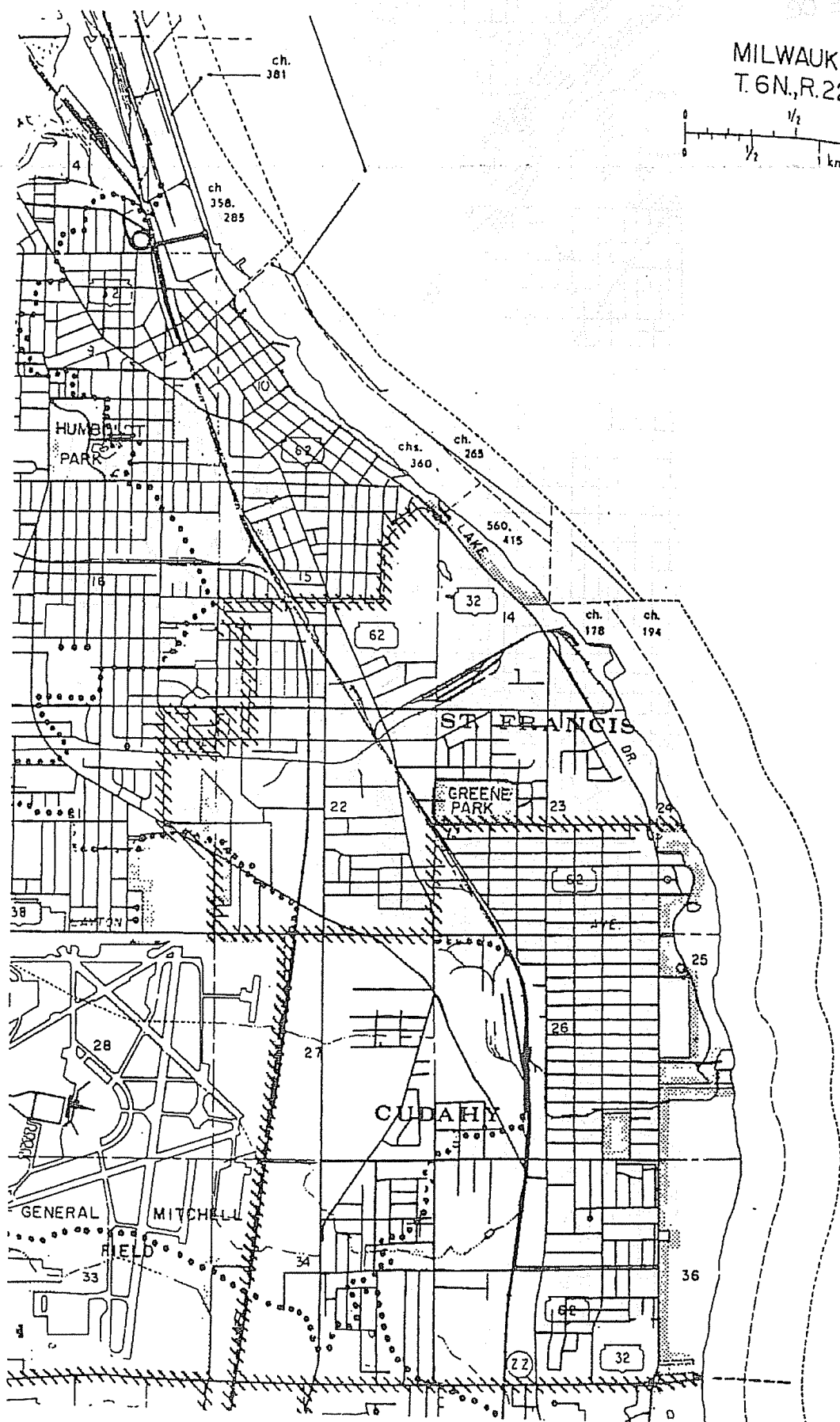
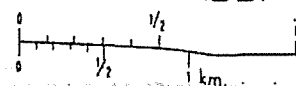
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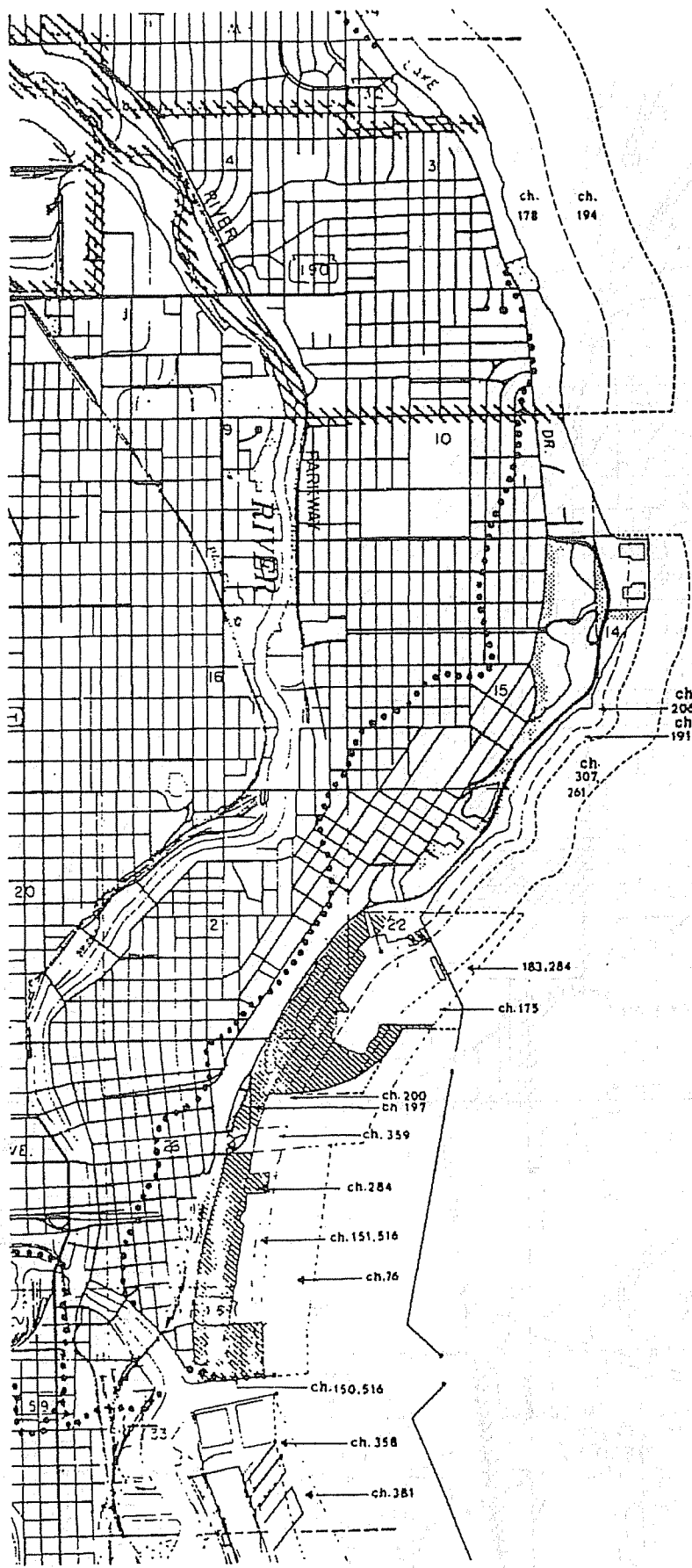
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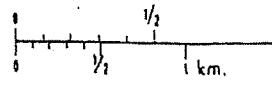
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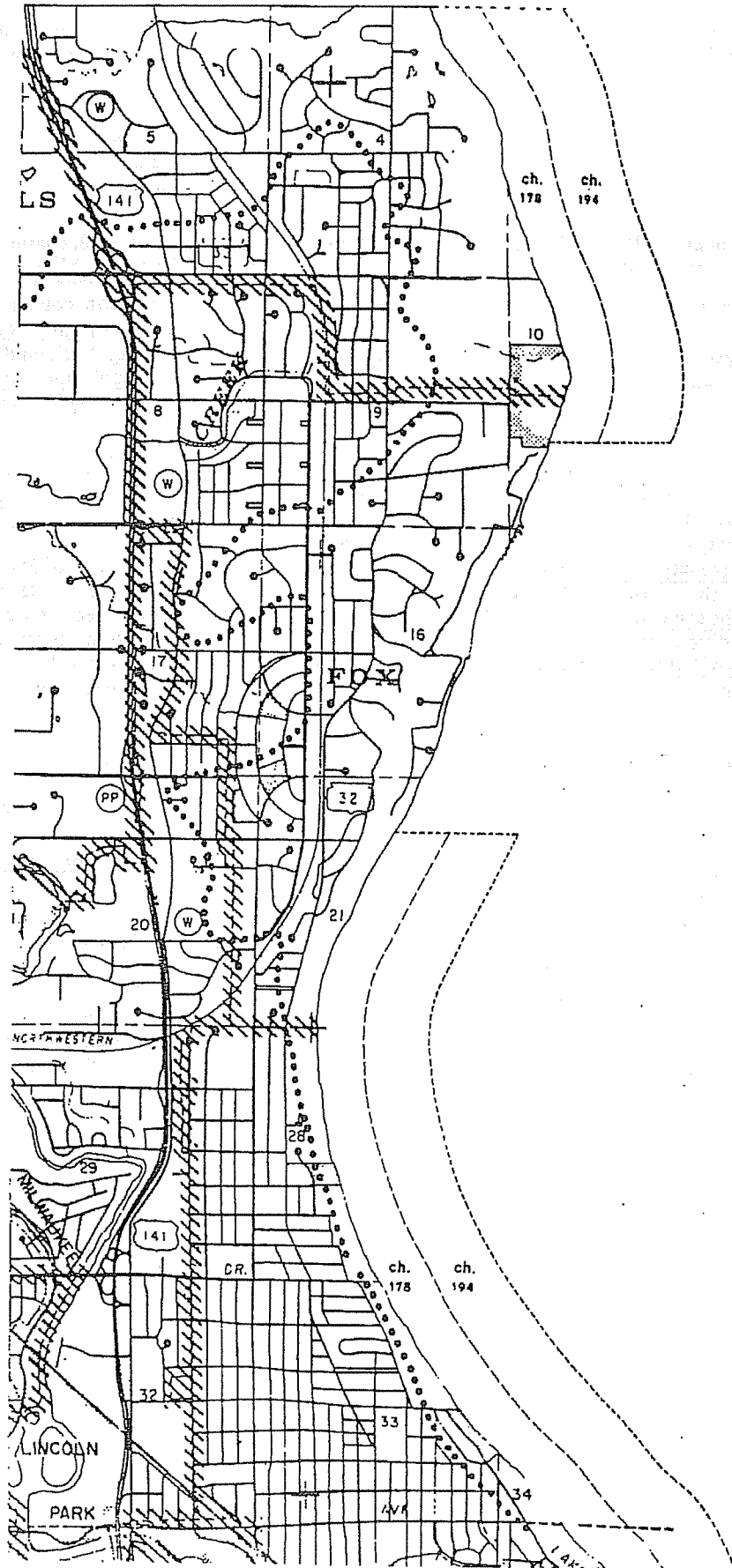


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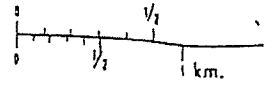


MILWAUKEE
T.7N.,R.22E.





MILWAUKEE
T. 8N., R. 2E



1985 Wisconsin Act 327

AN ACT to affect laws of 1973, chapter 76, sections 1 and 3; and laws of 1973, chapter 76, section 6, relating to uses of certain lands, partly submerged in Lake Michigan, by the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Laws of 1973, chapter 76, sections 1 and 3 are amended to read:

(Laws of 1973, chapter 76) Section 1. All the right, title and interest of the state of Wisconsin in the lands hereinafter described, whether any part or parcel thereof may be, at the time of the passage and publication of this act, dry or submerged under the waters of Lake Michigan are hereby ceded, granted and confirmed to the city of Milwaukee, a municipal corporation, for the purpose of improving, filling, and utilizing the same in aid of navigation and the fisheries and in addition for such further and other use which the board of harbor commissioners of the city of Milwaukee may deem appropriate and expedient and

which the common council approves by resolution including, but not limited to, recreational or cultural uses and activities. Such land shall also be used for the purpose of establishing and maintaining thereon breakwaters, bulkheads, piers, wharves, warehouses, transfer sheds, railway tracks, airports, and other harbor facilities, together with such other uses not inconsistent with the improvement of navigation and fisheries in Lake Michigan, and the navigable waters tributary thereto, as the city may deem expedient.

Section 3. The city of Milwaukee, shall not convey any portion or the whole of the lands so granted, ceded and confirmed, and described in SECTION 2 of this act, to any other party, either by warranty deed, quit claim, or in any other manner, except that it may convey to the government of the United States such

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85 WisACT 327

portion thereof as may be desirable for the promotion of navigation; and it may also convey lands to any harbor district or other public corporation that may hereafter be organized, under any law of this state, for the purpose of maintaining and operating a public port; and it may further lease for an initial term not exceeding 30 years, such particular parcels or portions thereof as the board of harbor commissioners considers advisable, to parties desiring to employ such leased portions and parcels in a manner determined by the board of harbor commissioners to be for the best interests of port and harbor development or deter-

mined by the board of harbor commissioners to be compatible with the authorized uses under SECTION 1 of this act.

SECTION 2. Laws of 1973, chapter 76, section 6 is created to read:

(Laws of 1973, chapter 76) Section 6. The city of Milwaukee and any grantee or lessee under SECTION 3 of this act shall provide a reasonably direct route to the shore of Lake Michigan to allow handicapped and elderly people to fish, engage in recreational activities and exercise all other public rights to use and enjoy the lands described in SECTION 2 of this act.

91 WISACT 282

including all charges which may be incurred pursuant to subs. (29) and (34) and all other costs and charges incidental to the operation of the transportation system; 2) interest on and principal of all bonds payable from said revenues and to meet all other charges upon such revenues as provided by any trust agreement executed by the authority in connection with the issuance of bonds or certificates; 3) all costs and charges incurred pursuant to subs. (32) and (33) and any other costs and charges for acquisition, installation, construction or replacement or reconstruction of equipment, structures or rights-of-way not financed through the issuance of bonds or certificates under sub. (15) or s. 66.935; and 4) any compensation required to be paid to any municipality for the use of streets, viaducts, bridges, subways and other public ways. Deficiencies in any annual tax equivalent shall not be cumulative.

SECTION 4. 66.94 (15) (a) of the statutes is amended to read:

66.94 (15) (a) *Purpose*. The authority shall have the continuing power to borrow money for the purpose of acquiring any transportation system or part thereof (including any cash funds of such system reserved to replace worn out or obsolete equipment and facilities), for acquiring necessary cash working funds or establishing reserve funds, for acquiring, constructing,

1991 Senate Bill 485

Date of enactment: April 29, 1992

Date of publication: May 13, 1992

1991 Wisconsin Act 283

AN ACT to affect laws of 1921, chapter 307, section 1, relating to the leasing of a portion of a water purification plant owned by the city of Milwaukee for use as a cellular site for telecommunication services.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Laws of 1921, chapter 307, section 1, as last affected by chapter 261, laws of 1933, is amended to read:

[Laws of 1921, chapter 307] Section 1. All the right, title and interest of the state of Wisconsin in and to the following land along and adjacent to the shore of Lake Michigan, and partly submerged, constituting the bed of Lake Michigan, being on the southern and eastern frontage, in the first and the eighteenth wards of the city of Milwaukee, described as follows, to wit: A strip of land fifteen hundred feet in width, having for its westerly boundary the extended center line of lot fifteen, in block nine, of Glidden and Lockwood's addition, in the first ward of the city of Milwaukee, and lying southerly, southeasterly and easterly of a line commencing at a point in the said center line of

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the purpose of establishing the obligation of the authority to repay any money borrowed the authority may, pursuant to ordinance adopted by the board, ~~from time to time~~ issue and dispose of interest-bearing revenue bonds or certificates and may also ~~from time to time~~ issue and dispose of such bonds or certificates to refund any bonds or certificates previously issued in accordance with the terms expressed therein and may also, by resolution adopted by the board, jointly issue bonds under s. 66.935 (2) and waive for such bonds any of the restrictions contained in pars. (b) to (i).

SECTION 5. 66.94 (30) (b) 3 of the statutes is amended to read:

66.94 (30) (b) 3. Payment of all costs and charges incurred pursuant to subs. (32) and (33) and any other costs and charges for acquisition, installation, construction or replacement or reconstruction of equipment, structures or rights of way not financed through the issuance of bonds or certificates under sub. (15) or s. 66.935; and

said lot fifteen, four hundred feet south of the north line of said lot, running thence northeasterly parallel to the southerly line of LaFayette place, until the same intersects the low water mark; thence along the present low water mark of the shore of Lake Michigan to the north line of section fifteen, extended to the shore of Lake Michigan in the first and eighteenth wards of the city of Milwaukee, are hereby granted in fee to the said city of Milwaukee to be held and used by said city as a part of its system of public parks and boulevards; provided, that said land hereby granted shall not be leased or sold by said city of Milwaukee nor used for any other purposes than as a public park and boulevard. Provided further, that the city of Milwaukee is hereby authorized to build, operate and maintain a water purification plant on that portion only of the aforesaid grant of land lying adjacent to Lake Park and to lease, for a term of not more than 30

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91 WisAct 283

years, a portion of the plant to a public utility for use as a cellular site for telecommunication services, and that if, when and after said the city shall build, operate and maintain builds, operates and maintains a water purification plant over and on the portion of said land hereinbefore provided for, ~~such building, the leasing~~

of a portion of the plant, as authorized under this SECTION, and its operation and maintenance shall not be deemed or construed a violation of the aforementioned public park and boulevard provision of this section.

1991 Assembly Bill 647

Date of enactment: April 29, 1992
Date of publication: May 13, 1992

1991 Wisconsin Act 284

AN ACT to amend 23.25 (2); and to create 23.25 (2m) of the statutes, relating to renaming the Galena river to be the Fever river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 23.25 (2) of the statutes is amended to read:

23.25 (2) ~~Whenever~~ Except as provided under sub. (2m), whenever the department has given a name to any lake, stream, place or other geographic feature within the state, or determined the correct spelling of any such name, it shall be used ~~in~~ on all maps; and in all reports and other publications thereafter issued by the state or any of its political subdivisions, and it shall be deemed the official name of such the geographic feature.

SECTION 2. 23.25 (2m) of the statutes is created to read:

23.25 (2m) Notwithstanding subs. (1) and (2), the portion of the Galena river located within the state is renamed the Fever river. That name shall be used on all maps and in all reports and other publications issued by the state or any of its political subdivisions on and after the effective date of this subsection [revisor inserts date], and it shall be the official name of this river.

1991 Senate Bill 102

Date of enactment: April 29, 1992
Date of publication: May 13, 1992

1991 Wisconsin Act 285 (Vetoed in Part)

AN ACT to repeal 35.85 (7) and (11m) and 35.86 (4); to renumber 35.84 (figure) lines 55 and 56; to amend 13.93 (1m), 14.019 (5), 16.61 (2) (b) and (c), 35.84 (title), 35.84 (figure) line 50 (title), 35.84 (figure) column B line 53, 35.84 (figure) column B line 54, 35.85 (12), 35.86 (2) and 44.06 (2), (4) and (5); to repeal and recreate 43.05 (5) and 44.06 (1); and to create 35.81 to 35.835, 35.84 (figure) column E line 55, 35.85 (4) and 36.11 (24) of the statutes, relating to state document collection and distribution, granting rule-making authority and making appropriations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 13.93 (1m) of the statutes is amended to read:

13.93 (1m) 1970 ANNOTATIONS. The revisor of statutes shall prepare and deliver to the department of administration, as soon as practicable after the end of

the regular legislative session of 1969, a printer's copy for a volume to be designated "Wisconsin Annotations" and to contain the Wisconsin constitution, notes of the legislative history of the sections of the statutes and annotations of court decisions interpreting the Wisconsin constitution and statutes, and such other matter as the revisor deems important. The

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"The navigable waters leading into the Mississippi River and the St. Lawrence River and the carrying places in between the same, shall be common highways and forever free..."

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Article IV, Northwest Ordinance (1787)

Lake Bed Grants

Water Law

A. History

More than 200 years ago, after the 13 colonies became independent, this area we live in was part of the Northwest Territories of Virginia. The sovereign state of Virginia enacted the Northwest Ordinance which gave the basis for government in these areas. In those days, river and lakes were primary sources of travel both for personal use as well as commerce. Our forefathers recognized that the protection of the waterways would help the country economically by allowing the waterways to be public and not privatizing access as was done in many European nations of the day. So right in the Northwest Ordinance itself.

In 1848 Wisconsin had been granted statehood and in preparing its own Constitution, directly adopted this language straight into the constitution. As far as I know, Wisconsin is unique among the other former territories.

B. Case Law

The constitution set up our basic government structure and since then the current water law has been primarily formed by

case law. We have a very illustrious grass roots background that started early in our statehood and continues to this day. Case law is law that has been developed by court cases and has become the foundation of a current law. This is different than law that has been developed by the legislature.

While some of the case law has been enacted into law by the legislature, we still rely heavily on case law decision rather than statutes when making regulatory decision regarding alterations to or structure placed upon the state's waterways.

Public Trust

The Constitution says that the waters (as earlier defined in the Northwest Ordinance) shall be held in public trust by the state for the public. This custodianship can not be surrendered or alienated. It can be delegated for a public purpose or use which the public benefits provided the state retains ultimate control. This custodianship is what gives the state the authority to make rules and regs governing these waterways. The power of the state is perpetual.

While I mentioned that the custodianship could not be surrendered, it can be delegated. There are two specific instances where the state has delegated the custodianship, but in both cases, the state still retains ultimate control.

The first is the case of bulkhead lines or leases. This is where a municipality controls a portion of the shoreline..the municipality legally adopts this revised shoreline... this is typically to aid in navigation. An example of the bulkhead line would be in the City of Milwaukee near the harbor, on the Milwaukee River. Before this is approved, the state(through the Department) reviews and makes the decision to approve this bulkhead line.

The second is the case of Lake Bed Grants. Lake Bed Grants are submerged lands that legislatively exempt from the Ch. 30 , state statutes. Chapter 30 is the statute that regulates alterations to navigable waters...it also includes some of the

boating regulations as well. The term submerged lands comes into play when describing the lake bed grant areas and means those areas that are formerly lakebed.

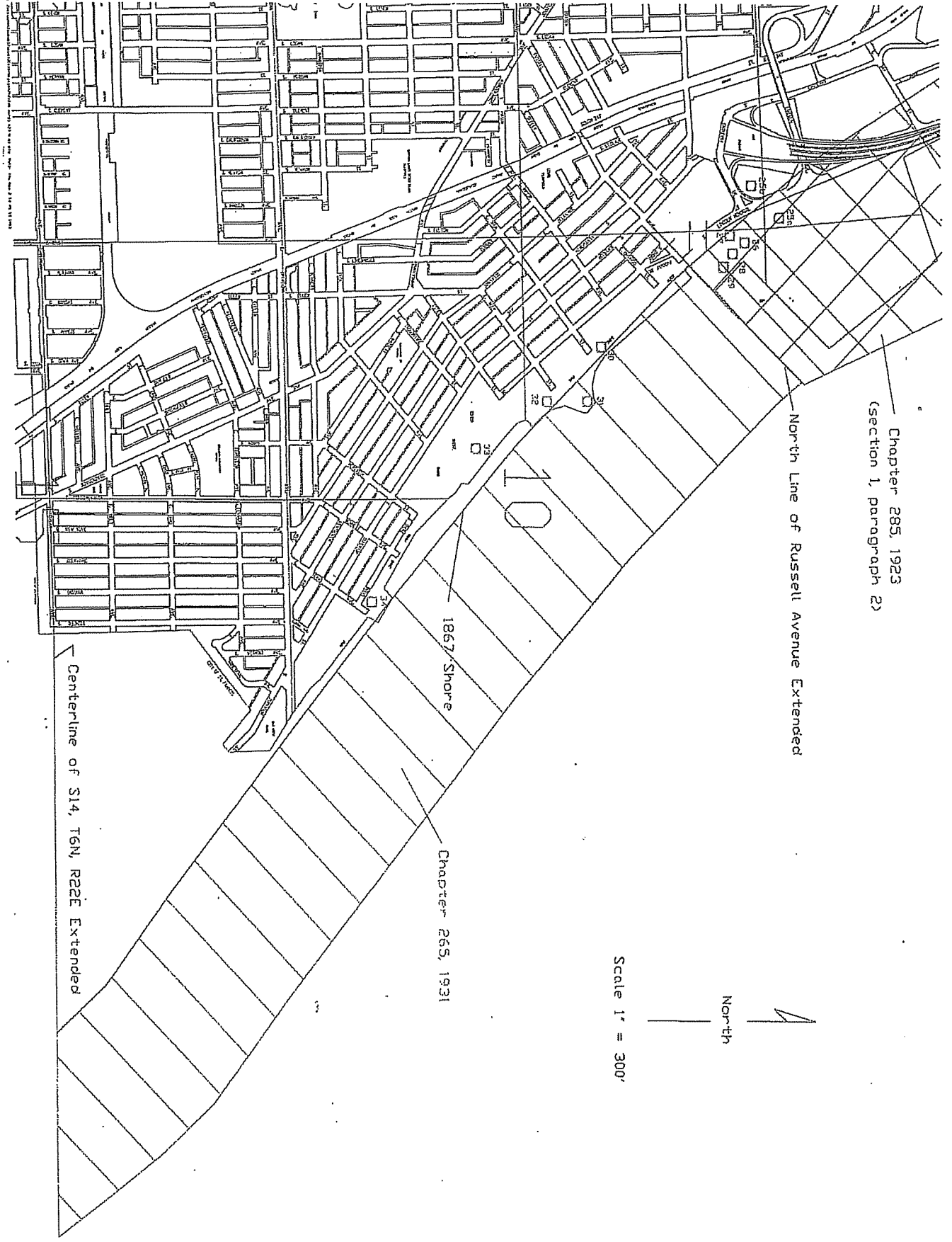
The legislature, through Lake Bed Grant Acts, can grant to a municipality parts of the submerged lands for the public purpose or use. The legislature can only grant it to a municipality such as a City or a county, not a private citizen. This means that the State has delegated to the community the ability use this area for a specific purpose. Each Act is slightly different, but they must all grant it to a municipality only; there must be an expressed public purpose and there must be a specific location. The municipality is responsible for complying with the grant and the department oversee this compliance and if necessary, takes corrective action is necessary. Remember these areas are still lakebed and all the public is entitled to the same access as any other "non-legislatively-exempt" waterway,

This is an example of an Act.

The key work is public...these lands can not be privatized. As you can see some are more vague...and the department over years developed specific guidelines for acceptable uses.

For uses and structures on lakebed grant areas:

1. A public body must control the use of the land or building;
2. The land or building must be devoted to public purposes and must be open to the public;
3. The reduction in the area of the lake resulting from the construction of the fill or building must be very small;
4. No public use of the lake can be either destroyed or greatly impaired by the construction of the facility;
- 5.



Chapter 265, 1923
(section 1, paragraph 2)

North Line of Russell Avenue Extended

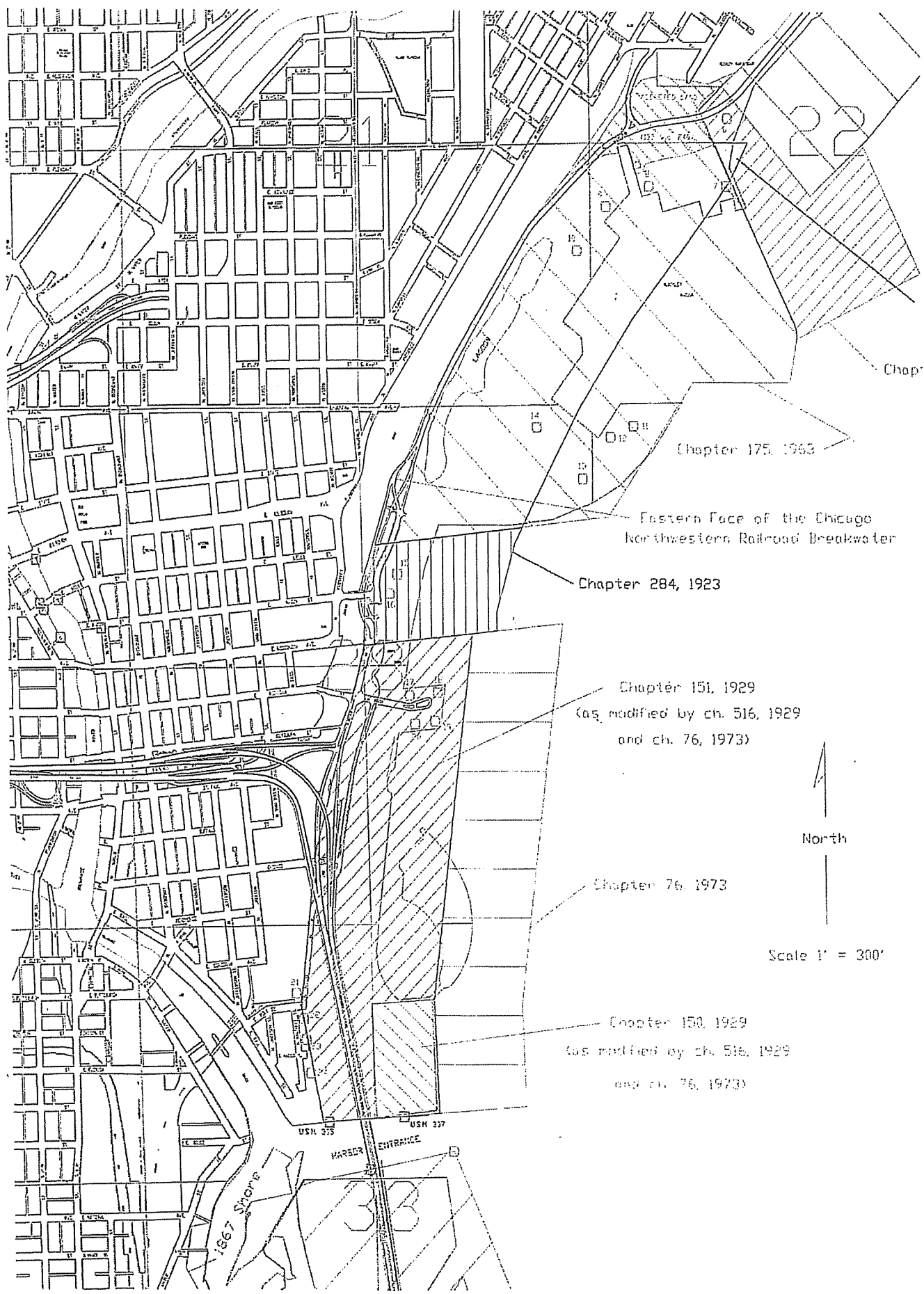
1867 Shore

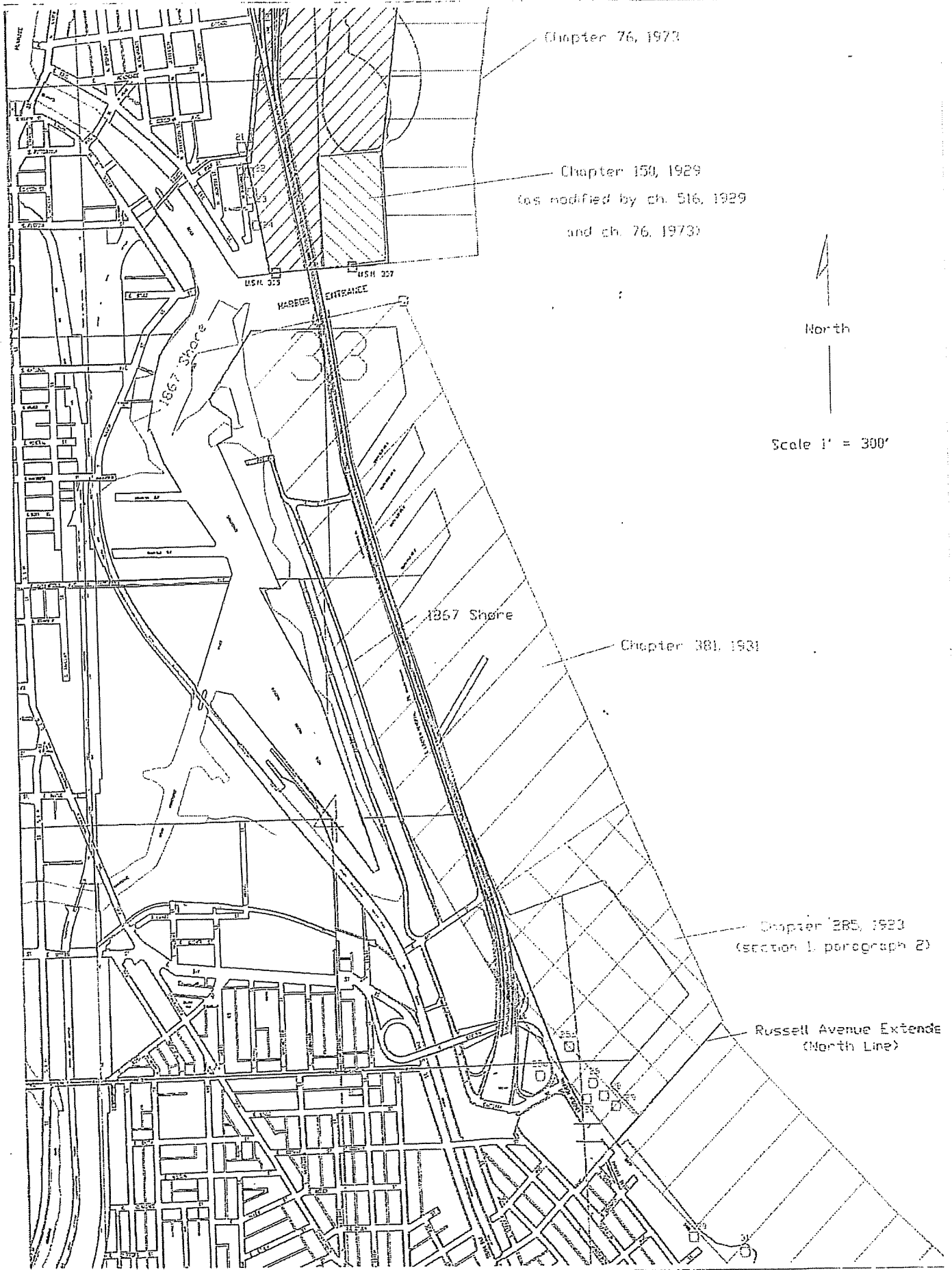
Chapter 265, 1931

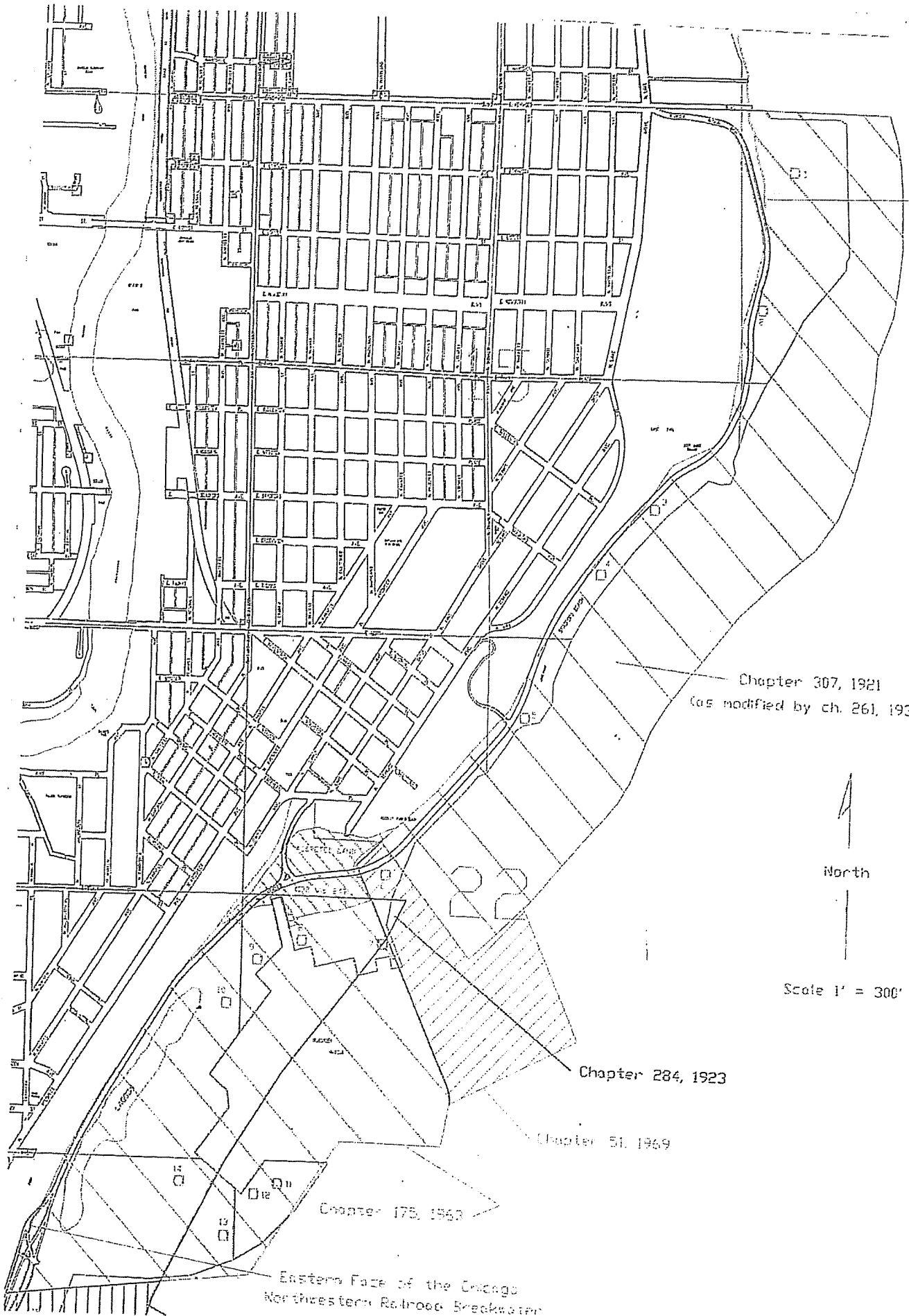
Centerline of S14, T6N, R22E Extended

North

Scale 1" = 300'







1912 Shoreline Corps of Engineers map

U.S. GOVERNMENT PRINTING OFFICE: 1969 O 348-000

FW: DNR Lakebed Grant information

Seeger, Sally A - DNR

to:

charlotte.perko@milwcnty.com

08/04/2011 01:23 PM

Cc:

"sue.black@milwcnty.com", "Gayan, Sharon L - DNR", "Thompson, Michael C - DNR", "Ritchie, Jim M - DNR", "Sabre, Rachel A - DNR", "Hammen, John R - DNR"

Show Details

History: This message has been forwarded.

CHARLOTTE....here is updated information from the Department regarding Lakebed Grants in the study area of the Lakefront Long-range Planning Committee:

- The Transit Center is not on lakebed and therefore is not subject to the Public Trust.
- A small portion of O'Donnell Park, located only in the parking structure on the south east side, is located in the lakebed area. We will use the Milwaukee County Plat of Survey to help us determine exactly what portion is in lakebed. If the County decides to remove the parking structure at some time in the future, we would then need a more detailed plat survey.
- The upland areas attached to the parking structure are not in lakebed.

The other issue we discussed was the possibility of any LAWCON or other conversion issues related to the grants associated with O'Donnell Park. As noted in Tom Blotz's September 21, 2010 e-mail to Milwaukee County, the terrace on top of O'Donnell Park and the pedestrian bridge were developed with a \$2,350,000 Waterfront Park Aids program grant administered through the Wisconsin Waterways Commission. Our grants program staff in Madison are reviewing that now to determine if there are any grant conditions or conversion issues that would impact future land use changes at O'Donnell Park. I expect to have that information available in the near future.

Thanks.

John R. Hammen

Acting Southeast Regional Director

(Southeast Region Air and Waste Leader)

Telephone: 414.263.8515

2300 N. Dr. Martin Luther King, Jr. Drive

Milwaukee, WI 53212

Fax Machine: 414.263.8606

e-Mail: john.hammen@wisconsin.gov

DNR GRANT FUNDING

Here is information on the O'Donnell Park grant funding. The project is grant number WPAP-1, and was called Lake Terrace Park Development when the \$2,350,000 grant was awarded in 1988 through the Waterfront Park Aids program. The red area on the plan sheet identifies the approximate boundary of the grant funded project.

The following additional grants were awarded in the lakefront area from McKinley Marina to the lakefront festival grounds:

WPAP-2	Government Pier Access Improvements
S-ADLP-8	Government Pier Walkway Development
WPAP-3	Milwaukee Summerfest Lakewalk
FM-H58	Milwaukee Lakefront Railing Rod Holders
RBF-ENUM6	Milwaukee Art Museum Breakwater Construction
V-1-17E	Milwaukee Yacht Club Sanitary Pumpout
RBF-431	McKinley Harbor Access Development
RBF-952	Milwaukee Sailing Center ADA Ramp, Dock and Transfer \ Lift Stations
S-ADLP-314	Chicago and Northwestern Railroad Corridor Bike Trail Renovation
S-ADLP-31	Lakeside Bike Trail Development
55-00044	Lake Michigan Bike Trail

Jim Ritchie
Southeast Region Government Outreach Team Supervisor
Wisconsin Department of Natural Resources
2300 N. Dr. Martin Luther King Jr. Drive
Milwaukee, WI 53212
(* phone: (414) 263-8610
(* fax: (414) 263-8483
(* e-mail: Jim.Ritchie@Wisconsin.gov)

Park, Gene - DNR

From: Blotz, Tom E - DNR
Sent: Tuesday, September 21, 2010 3:38 PM
To: Sue.Black@milwcnty.com
Cc: jkeegan@milwcnty.com; Teves, Mary R - DNR; McCutcheon, Gloria L - DNR
Subject: O'Donnell Park

Hi Sue:

I am sending a reminder that the terrace on top of O'Donnell Park ramp and the pedestrian bridge were developed with a grant of \$2,350,000 from the Waterfront Park Aids program administered through the Wisconsin Waterways Commission. As you may expect certain strings come attached with these grant funds. Chapter NR 50 does not apply to this particular grant but there is another grant condition that the county agreed to reimburse the Department for any and all funds the Department deems appropriate if the sponsor fails to comply with the conditions of the grant. Please keep us informed of decisions being made regarding the fate of this facility. I am sure we will need to discuss this further if the facility is planned to be sold or demolished. Thanks

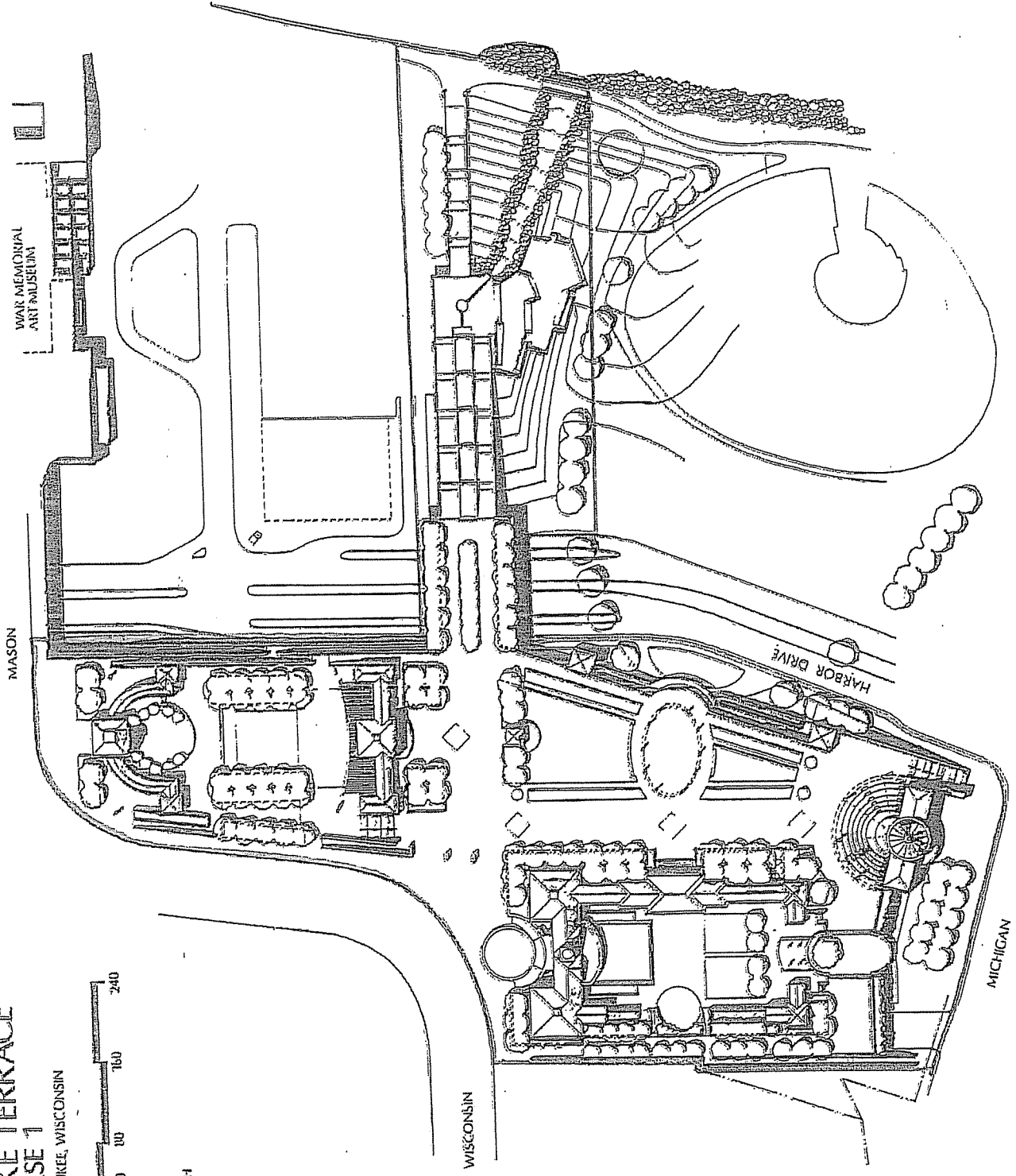
Thomas E Blotz

South East Region Government Outreach Team Supervisor
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Visit the DNR Bureau of Community Financial Assistance web site: <http://www.dnr.state.wi.us/org/caer/cfa/cfindex.html>

LAKE TERRACE PHASE 1

MILWAUKEE, WISCONSIN



MILWAUKEE KIMMUN-COOPER ARCHITECTS

WPAP-1 Lake Terrace Park
Development (New O'Donnell Park)

10. The following special project terms and conditions were added to this agreement before it was signed by the parties hereto:

None.

The person signing for the Sponsor represents both personally and as an agent of his or her principal that he or she is authorized to execute this agreement and bind his or her principal, either by a duly adopted resolution or otherwise.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
FOR THE SECRETARY

By D. Schul
(Signature)

County Executive
(Title)

6-17-88
(Date)

By Paulette J. Harder
Paulette J. Harder, Director
Office of Intergovernmental Programs

June 16, 1988

