

Interoffice Communication  
County of Milwaukee

Date: February 11, 2015  
To: Anthony Staskunas, Chairman  
Committee on Judiciary, Safety and General Services  
From: Paul Bargren, Corporation Counsel *PB*  
Subject: Update on *Milwaukee County v. Preserve Our Parks*

On December 23, 2014, Milwaukee County and the City of Milwaukee filed a petition with the Wisconsin Supreme Court asking the Court to take original jurisdiction in a declaratory action and declare valid legislation passed in 2014 establishing the extent of the lakebed of Lake Michigan based on a line that had been in use for more than 100 years. The effect of the legislation is to establish that the County Transit Center at Michigan Avenue and Lincoln Drive is not in the lakebed and therefore is not subject to the public trust doctrine. This would eliminate challenges to construction of the proposed Couture project based on the public trust doctrine. The County has offered an option on the property to the Couture project developer.

On February 10, 2014, the Supreme Court denied the County's petition, in the Order that is attached.