

Park Freeway Land Disposition Plan and Agreement

Between

The Wisconsin Department of Transportation

And

Milwaukee County

And

City of Milwaukee

For

**Park East Freeway - STH 145
(North 8th To North Jefferson Street)**

Upon completion of the removal of the Park East Freeway and the reconfiguration of the Park East Corridor, eight remnant land parcels will be created. These parcels will not be required for future transportation purposes and are identified as parcels 1A through 8A on attachment 'A' attached and made part hereof by reference.

The eight remnant parcels are shown on attachment 'A'. These parcels were part of the right of way that was originally purchased under the two projects tabulated below. The Park East Freeway is a fusion of the two projects.

~~Project I.D.: UO27 -1(27) \ Project: 1730 -1 -21~~

North - South Freeway
~~North 7th to North 4th Street.~~

Thirty-two (32) parcels acquired

Right of Way	TOTAL	\$2,891,043.	
Federal Funds		1,507,693.	52.2%
Milwaukee County Funds		1,383,350.	47.8%

~~Project I.D.: UO27 -1(30) \ 1730 -1 -23~~

Park Freeway
North 4th to North Prospect Ave.

4th St. to Prospect Ave.

4th St. to Jefferson St.

Right of Way	TOTAL \$	\$8,305,835	\$5,232,676
	# of Acres	30.94 Ac.	19.41 Ac.
	# of Parcels	274	92
Federal Funds (38.4%)		3,189,512	2,009,348
Milwaukee County Funds (58.0%)		4,815,573	3,034,952
State of Wisconsin (3.6%)		300,750	188,376

Final cost statements for both projects are shown as attachments 'B1' and 'B2'.
The statements are from the Federal Highway Administration records.

This Plan and Agreement, entered into and between the Department of Transportation, State of Wisconsin, hereinafter, "State", Milwaukee County, hereinafter "County" and the City of Milwaukee, hereinafter "City" defines the rights and responsibilities of the State, the County, and the City in the disposition of the eight identified remnant land parcels.

The Parties hereto do mutually agree:

The development of the remnant parcels shall be in accordance with the City of Milwaukee Downtown Master Plan, City of Milwaukee zoning and the City of Milwaukee Land Use Plan as well as any future updates and / or modifications to said plans as may be legislated by the Common Council of the City of Milwaukee.

The State shall quit claim its interest in the remnant parcels to the County. In the event the County elects not to accept the remnant parcels, the County shall quit claim any interests they may have to the State. In this case, the State shall quit claim all interests in the remnant parcels to the City, and the City agrees to pay the County, at the time the remnant parcels are sold, the County's respective percent involvement in the original purchase of the land as noted in the above table.

Based upon the above scenarios, the Owner of said remnant parcels may sell or convey the remnant parcels east of the river to others, however no sales or conveyances of the remnant parcels west of the river shall occur until the project adjacent to a parcel is completed. The project adjacent to a parcel shall be deemed completed when the parcel is no longer required for staging of demolition or construction and the adjacent streets are reconfigured and open to the traveling public. The Owner of said remnant parcels west of the river may negotiate sales or conveyance of the remnant parcels before the project is completed. It is

the intent of the City of Milwaukee and Milwaukee County to market the remnant lands to multiple developers to facilitate interest and diversity to the urban fabric.

The Owner of said remnant parcels will secure appraisals of all remnant parcels to be sold or conveyed, these appraisals must be reviewed and approved by the State. Appraisals shall indicate the market value of the subject remnant parcels. Environmental contamination discovered on any remnant parcel may be considered in the determination of the estimated market value concluded in the appraisal of the remnant parcel. The appraised value shall be used to establish the asking price of the remnant parcels to be sold, but the parcels may be sold at a price other than the appraised value.

Proceeds from the sale of any remnant parcels will be divided between the Federal Highway Administration, hereafter "FHWA", the State and Milwaukee County based on their respective percent involvement in the original purchase of the land. For project UO27-1(27) \ 1730-1-21 the FHWA shall receive 52.2%, and the County shall receive 47.8%. The State, County, and FHWA recognize that records identifying specific participation in individual parcels of project UO27-1(30) \ 1730-1-23 may not be obtainable from existing records. The State and County agree that the State shall receive 3.6%, the County shall receive 58.0%, and the FHWA shall receive 38.4% of any sale proceeds from the sale of remnant parcels acquired under that project.

The FHWA shall receive at least the FHWA participation expenditure in the original acquisition cost of the remnant parcels as noted in the preceding table. The FHWA and State payback of remnant parcels shall occur when the remnant parcels are sold. The FHWA share of the land sale proceeds will be deposited into the Wisconsin Department of Transportation Fund as individual parcels are sold. The funds will be used to fund only Transportation projects, which would be eligible under Title 23, in Milwaukee County.

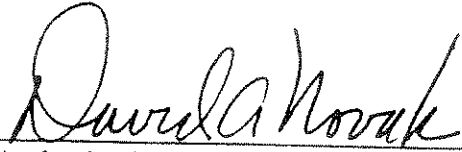
The State recognizes the potential waiver of FHWA payback on remnant parcels designated for public purposes. Land so designated shall be conveyed to the County, or their designee, by the State with deed restrictions restricting the lands to "public non-profit use." Lands set aside for public non-profit use and later sold will need FHWA approval and possible payback of FHWA participation dollars. Any required FHWA payback shall be the responsibility of the fee holder at the time the land use is altered from the public non-profit use.

Parties agree that "public non-profit use" could include public facilities that include temporary uses that generate revenue. If the revenue generated by the public facility or public non-profit use exceeds its maintenance and operational costs, the fee holder of the public facility or public non-profit parking lot shall be responsible for reimbursement of FHWA participation dollars.

The remaining property shown on attachment 'A' in yellow shall be retained as public transportation facility right of way in accordance with the "Jurisdictional Transfer

Agreement between the Wisconsin Department of Transportation, Milwaukee County, and City of Milwaukee" that is shown as attachment 'C'.

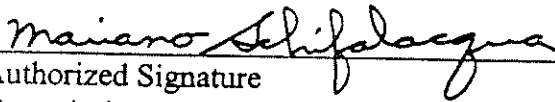
This Plan and Agreement is approved and enacted by:



Authorized Signature
Director of Public Works
Milwaukee County

2/4/02

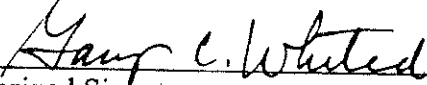
Date



Authorized Signature
Commissioner of Public Works
City of Milwaukee

1/31/02

Date



Authorized Signature
Division of Transportation
Infrastructure Development
Wisconsin Department of Transportation

2/5/02

Date

1-09-02