

SEP 26 2002

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File No. 02-468
(Journal, September 26, 2002)

(ITEM NO. 3) From Director, Department of Parks, requesting authorization to amend the lease with Milwaukee Public Schools to reduce the amount of land currently leased and allow that same portion to be leased by the Urban Ecology Center, by recommending adoption of the following:

A RESOLUTION

11 WHEREAS, in 1978, Milwaukee County and the Board of School Directors for
12 Milwaukee Public Schools (MPS) entered into a 99-year lease agreement for the use
13 of Riverside Park, and since that time MPS has allowed the Urban Ecology Center
14 (UEC) to provide environmental programming to students and concerned residents;
15 and,

16 WHEREAS, Milwaukee County entered into a lease agreement with the UEC to
17 provide environmental programming on that portion of Riverside Park west of the
18 bike trail; and

19 WHEREAS, utilizing funding provided by the UEC, MPS donated much needed
20 playground equipment to replace the existing equipment in Riverside Park as part of
21 a multi-phased project; and

22 WHEREAS, the Milwaukee County Board of Supervisors authorized the Parks
23 Department to consider revisions to the current MPS lease that would include a
24 portion of land that includes the play area to become the responsibility of the UEC;
25 and

26 WHEREAS, all improvements to the play area must meet current U.S.
27 Consumer Product Safety Commission, American Society of Testing and Materials
28 (ASTM) and American with Disabilities Act (ADA) requirements as adopted by the
29 County Board and the County Executive as part of the countywide playground
30 redevelopment plan in 1998; and

31 WHEREAS, all proposed improvements must be approved by the Parks
32 Director, the County Board of Supervisors and the County Executive prior to the
33 commencement of any construction; now, therefore,

34 BE IT RESOLVED, the Milwaukee County Board of Supervisors does hereby
35 authorize and direct the Parks Director to amend the current two-party, MPS lease
36 to include that portion of property contained within Riverside park (as described in
37 the report which is incorporated by reference herein in File No. 02-468) to be leased
38 to the UEC; and

39 BE IT FURTHER RESOLVED, that the Milwaukee County Board of Supervisors
40 does hereby direct the Director of the Parks Department to amend Section 10 of the
41 lease, regarding liability, to incorporate language provided by Corporation Counsel
42 as follows:

43 This indemnification specifically includes, but shall not be
44 interpreted as being limited to, claims and suits at law or
45 in equity arising in any way out of the installation by MPS
46 and/or UEC of any component of the proposed
47 ecoplayground that does not meet the guidelines and
48 standards of the CPSC, ASTM and the ADA regardless of
49 whether approved by the County and regardless of
50 whether Parks Department, the County Board of
51 Supervisors and/or the County Executive have approved
52 the plans and specifications of the proposed playground
53 addition prior to start of any construction;

54 and,


55 BE IT FURTHER RESOLVED, that the term of the lease shall be 25 years with
56 two 25-year renewal options; and

57 BE IT FURTHER RESOLVED, that the lease shall not be extended beyond the
58 date of the original lease without the express authorization of the County Board of
59 Supervisors and the County Executive, and that by executing this lease, the parties
60 acknowledge that they have terminated the earlier lease, insofar as it affects the
61 portion of property that is leased to MPS under this lease.

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FISCAL NOTE: Adoption of this resolution will not require an expenditure of funds.

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APPROVED AS TO FORM

CORPORATION COUNSEL