

Item 66

1 Supervisors Mark Borkowski and Patricia Jursik, Chairpersons  
2 By the Committees on Judiciary, Safety and General Services and Economic and  
3 Community Development, reporting on:

4  
5 File No. 13-152  
6

7 From the Director of Operations, Department of Administrative Services, requesting  
8 authorization to retain the law firm of Reinhart Boerner Van Deuren S.C. for legal services  
9 related to the Downtown Transit Center and to amend the existing legal services contract  
10 by adding an additional \$100,000 to an amount not to exceed \$140,000, by  
11 recommending adoption of the following:

12  
13 **A RESOLUTION**  
14

15 WHEREAS, the Downtown Transit Center was built in 1992 and serves as a  
16 marshaling facility for Milwaukee County Transit buses that terminate on the east end of  
17 downtown Milwaukee; and  
18

55           WHEREAS, the State of Wisconsin Department of Natural Resources (DNR) has  
56 concluded that none of the property is subject to the Public Trust Doctrine, but some  
57 individuals and groups have indicated that they do not agree with the DNR conclusion;  
58 and

59  
60           WHEREAS, due to the specialized knowledge and expertise of attorneys with the  
61 law firm of Reinhart Boerner Van Deuren S.C., the Office of Corporation Counsel  
62 previously entered into a contract for legal services with Reinhart Boerner Van Deuren S.C.  
63 for an amount not to exceed \$40,000, to provide advice concerning the Public Trust  
64 Doctrine and its applicability to the subject property, with discounted hourly rates not to  
65 exceed \$335 per hour for shareholders, but such sums have been expended; and

66  
67           WHEREAS, in order to act as expeditiously as possible to fulfill the policies of prior  
68 adopted resolutions and to develop the subject property consistent with the Public Trust  
69 Doctrine, it is necessary to obtain legal certainty concerning Milwaukee County's legal  
70 right to develop the property as intended; and

71

81 BE IT RESOLVED, that the Office of Corporation Counsel is authorized and directed  
82 to amend the legal services contract with Reinhart Boerner Van Deuren S.C., for an  
83 additional amount of \$100,000, and a total contract amount not to exceed \$140,000, with  
84 hourly rates not to exceed \$335 per hour, to represent Milwaukee County in litigation to  
85 declare rights in the property; and

86  
87 BE IT FURTHER RESOLVED, that Reinhart Boerner Van Deuren S.C. is authorized to  
88 negotiate for the issuance of a title insurance policy to the potential buyer and its lender  
89 and such endorsements to that policy as would be appropriate on the sale of the subject  
90 property for development and to take any actions as may be appropriate and necessary to  
91 assure the issuance of a title insurance policy; and

92  
93 BE IT FURTHER RESOLVED, that the additional funds are authorized to be  
94 expended from the 2013 Budget, Org Unit 1961, the Litigation Reserve, and that this  
95 contract shall be exempt from the provisions of §56.30 of the Milwaukee County General  
96 Ordinances (MCGO); and

97  
98 BE IT FURTHER RESOLVED, that pursuant to §1.11(c)(3), MCGO, the Milwaukee  
99 County Board of Supervisors authorizes the filing of an action under Chapter 841, Stats., for  
100 a declaration of rights in property to obtain a judgment determining the extent of the  
101 County's title and rights to the subject property.

102

103

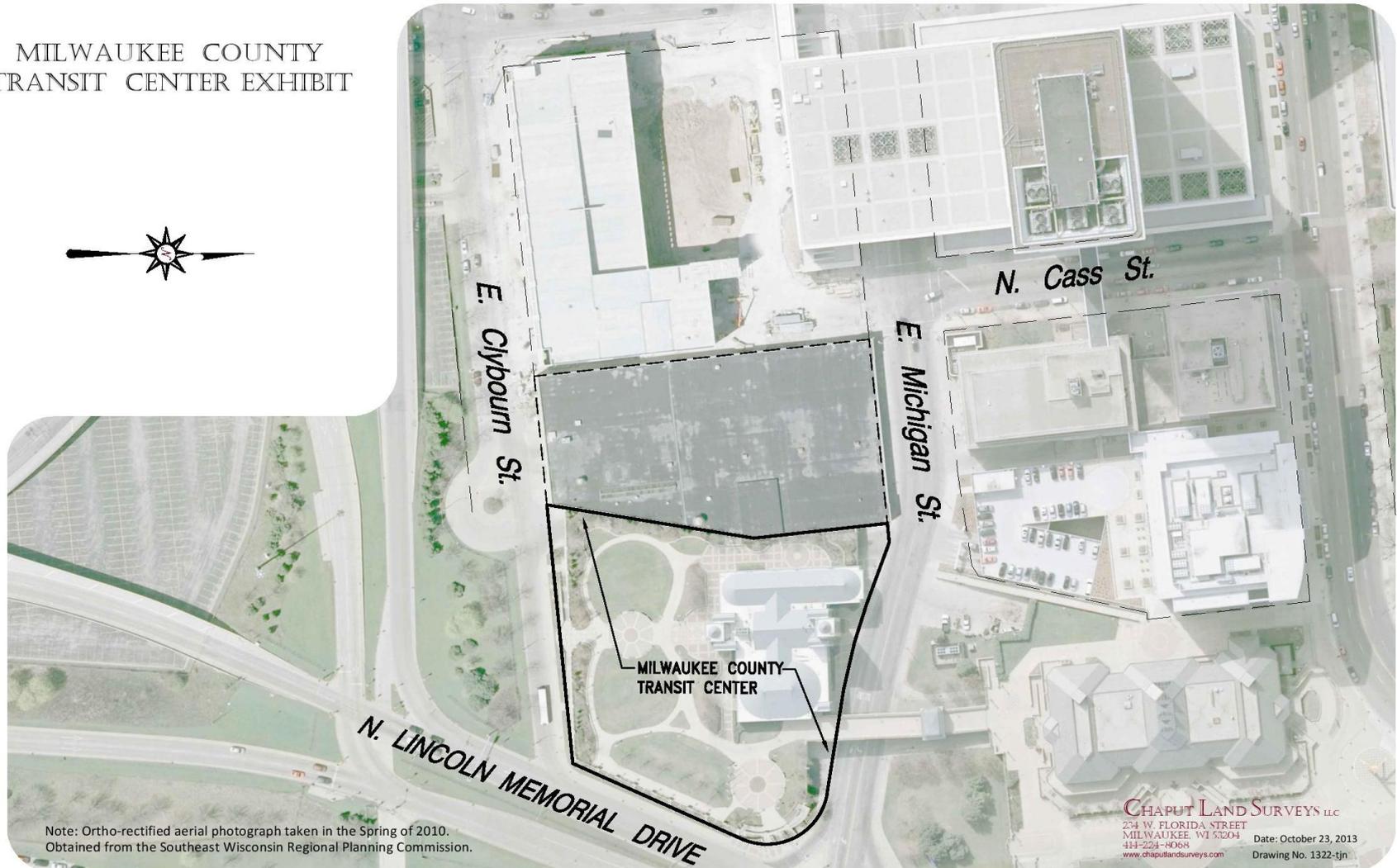
104 jmj

105 02/05/13

106 H:\Shared\COMCLERK\Committees\2013\Jan\Joint JSGS & ECD\Resolution\13-152 JSGS.docx

# Milwaukee County Transit Center

MILWAUKEE COUNTY  
TRANSIT CENTER EXHIBIT

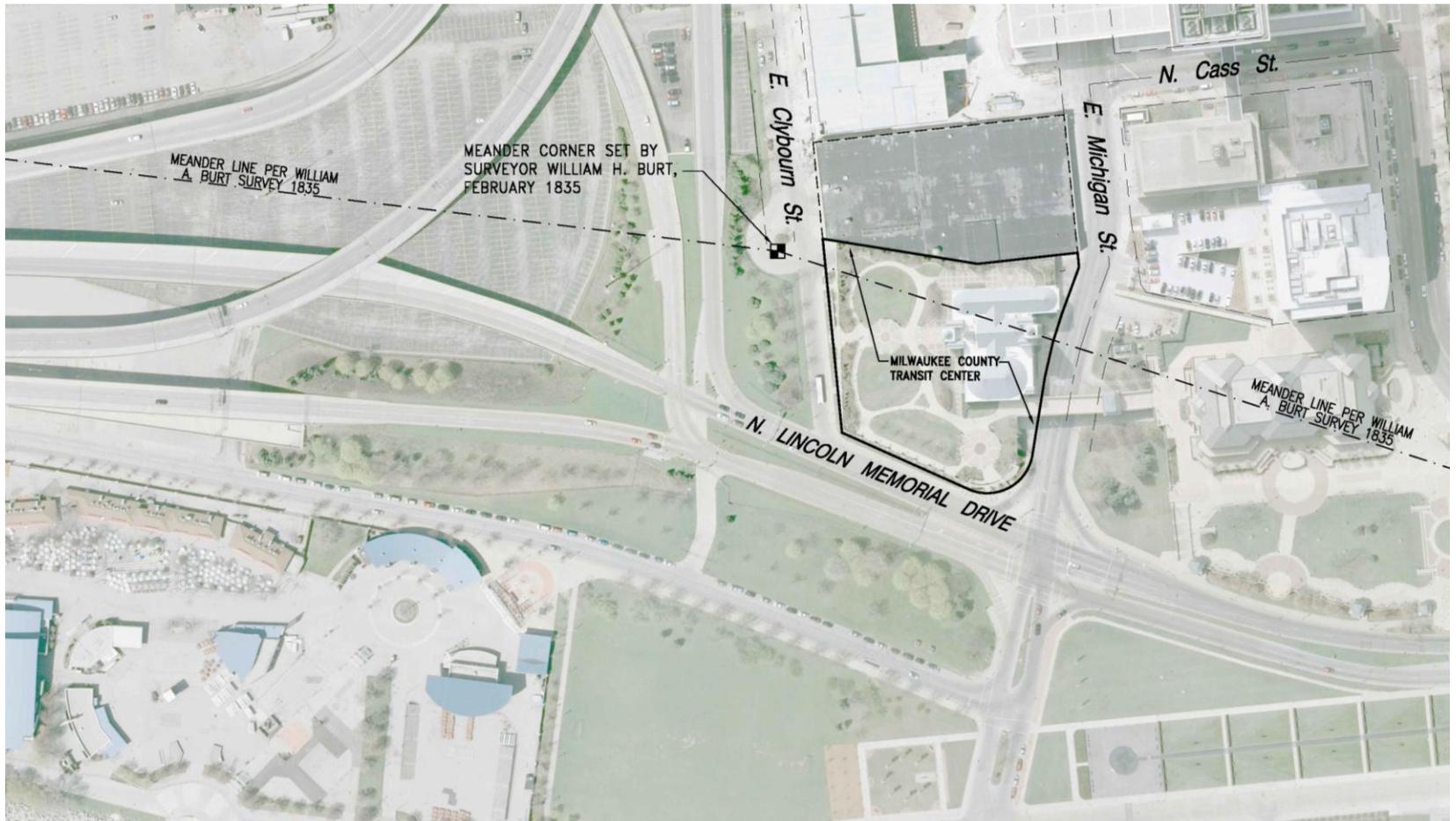


Note: Ortho-rectified aerial photograph taken in the Spring of 2010.  
Obtained from the Southeast Wisconsin Regional Planning Commission.

CHAPUT LAND SURVEYS LLC  
234 W. FLORIDA STREET  
MILWAUKEE, WI 53204  
414-224-8068  
www.chaputlandsurveys.com  
Date: October 23, 2013  
Drawing No. 1322-tjn

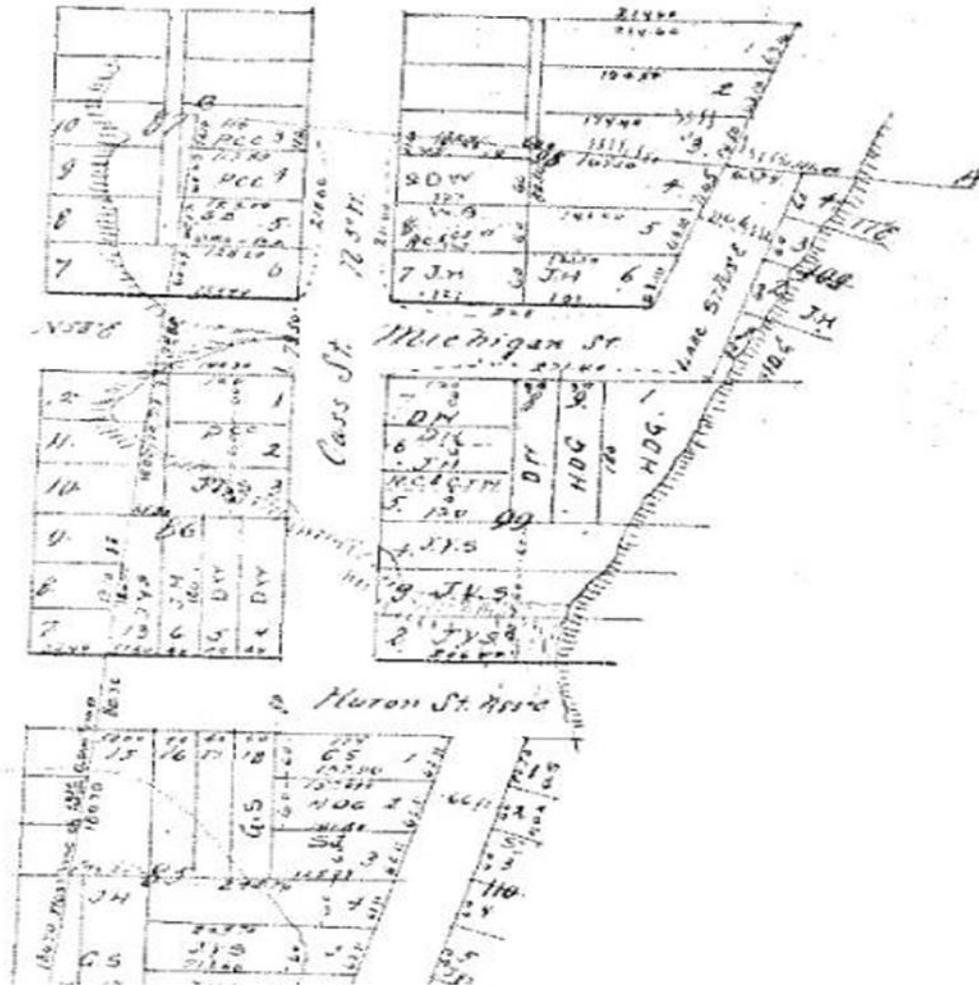
# Meander line from Federal Government Survey

By: Surveyor William A. Burt 1835



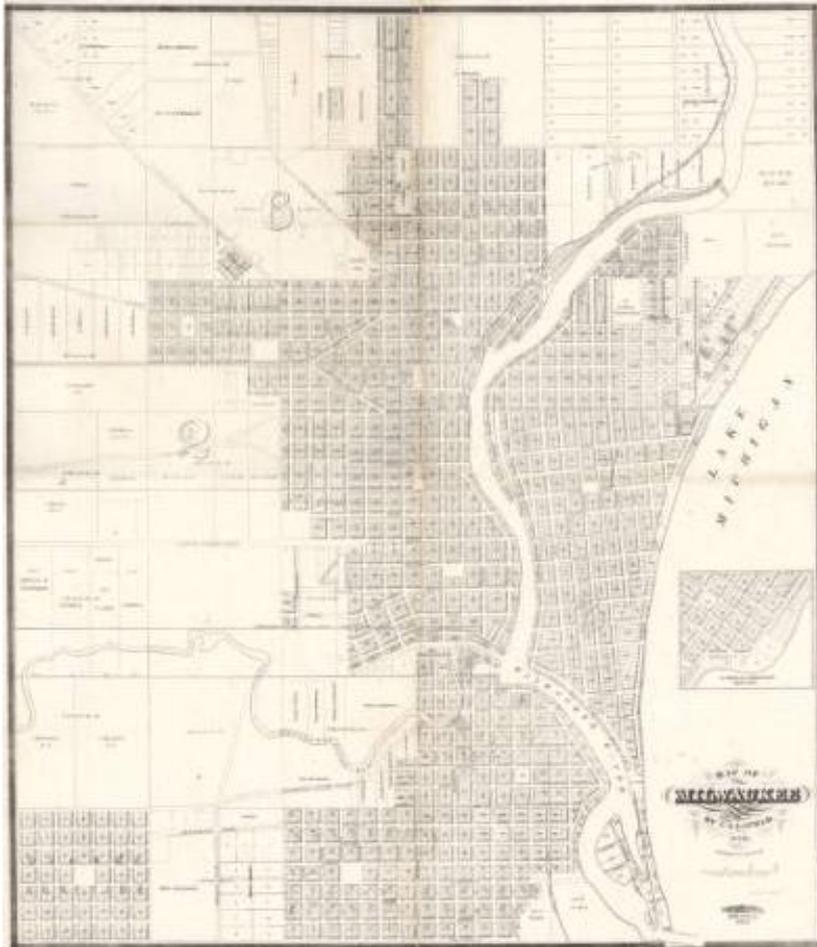
# 1842 Subdivision Plat

Recorded in Volume 24, Page 5 on November 14, 1842



# 1856 Plat Map

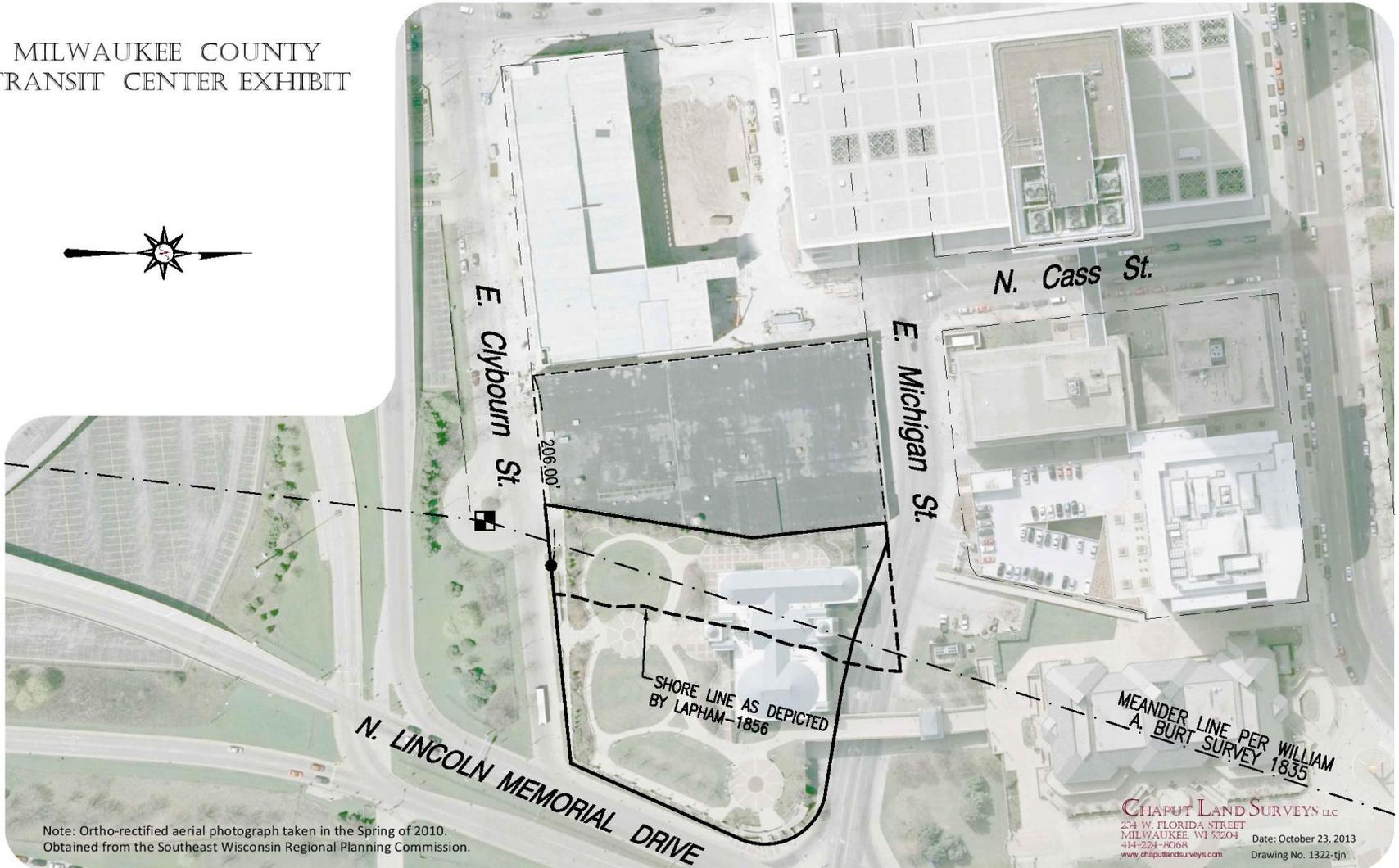
By: Increase Lapham



# 1856 Plat Map

By: Increase Lapham

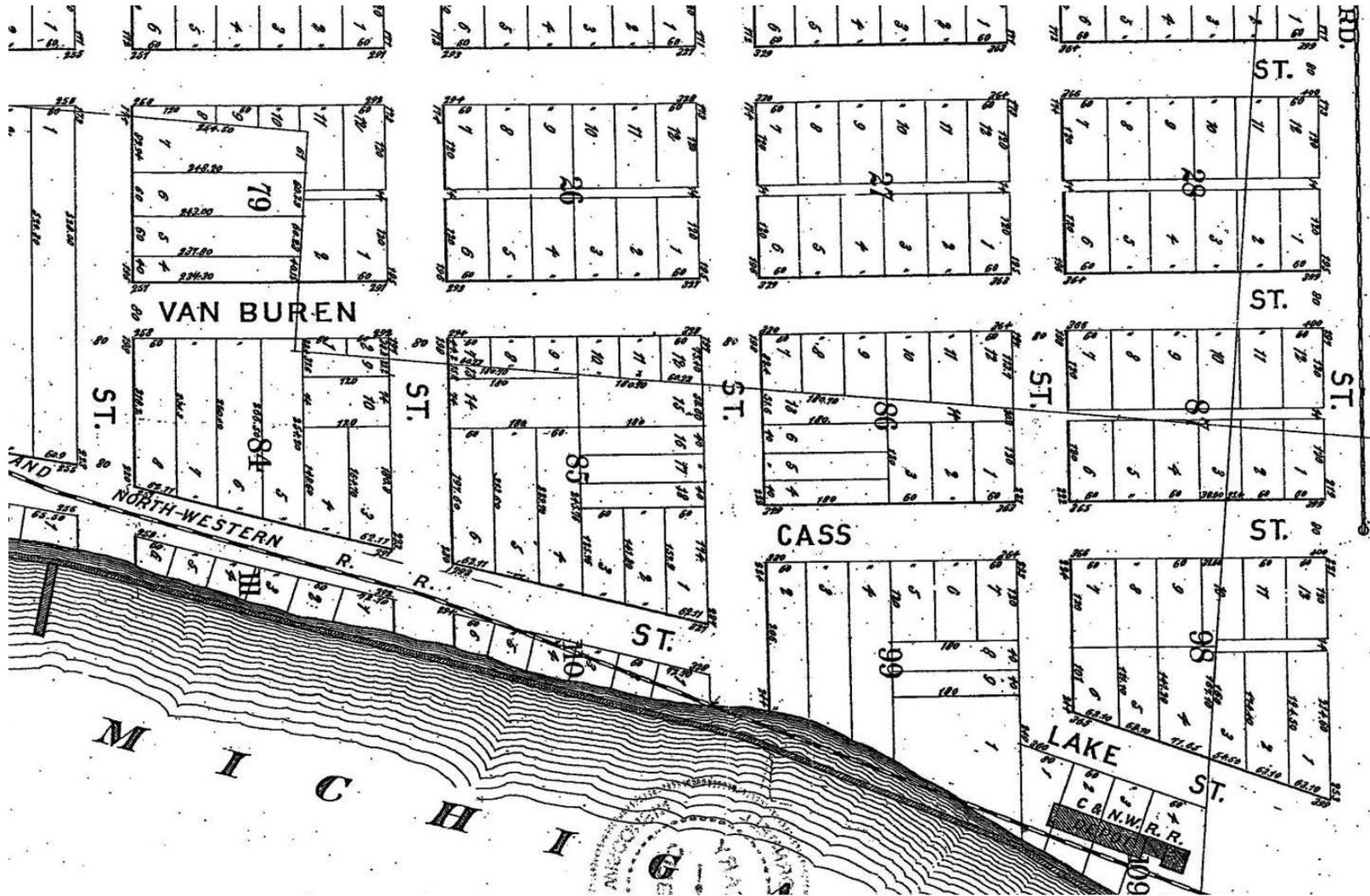
MILWAUKEE COUNTY  
TRANSIT CENTER EXHIBIT



Note: Ortho-rectified aerial photograph taken in the Spring of 2010.  
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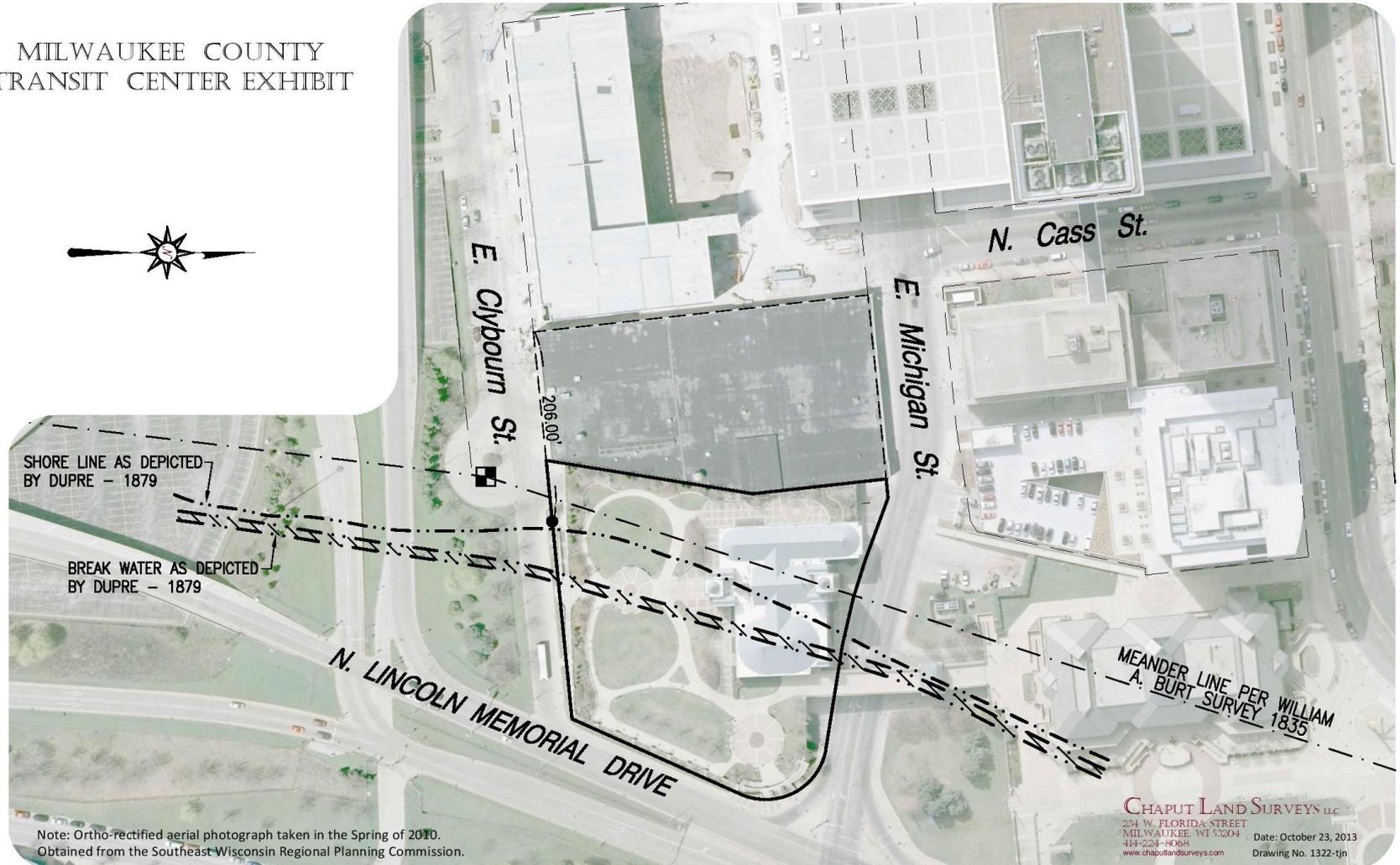
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# 1879 Dupre Plat Map



# 1879 Dupre Plat Map

MILWAUKEE COUNTY  
TRANSIT CENTER EXHIBIT



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# 1884 Map

Wisconsin Public Land Commissioners Office



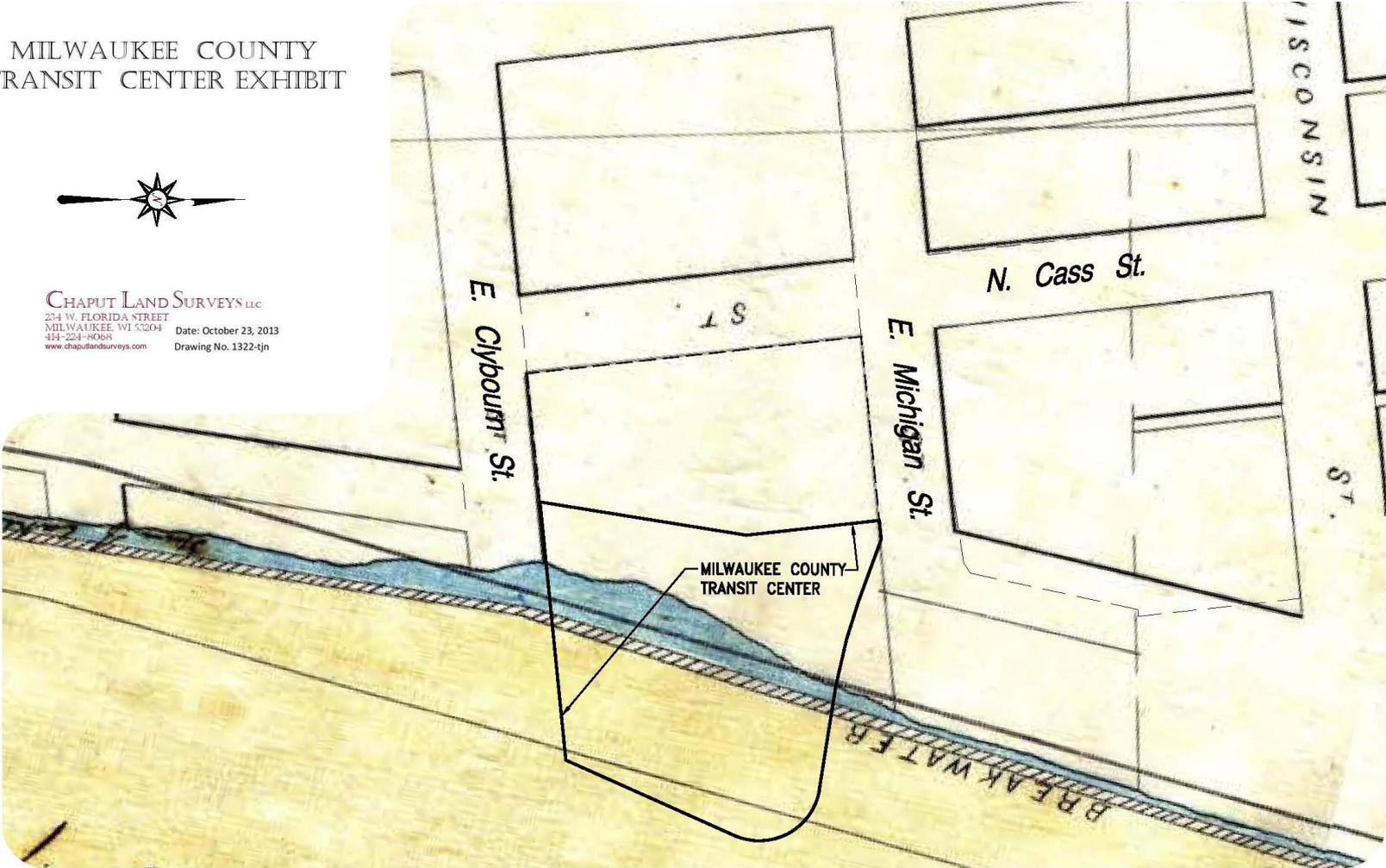
# 1884 Map

Wisconsin Public Land Commissioners Office

MILWAUKEE COUNTY  
TRANSIT CENTER EXHIBIT

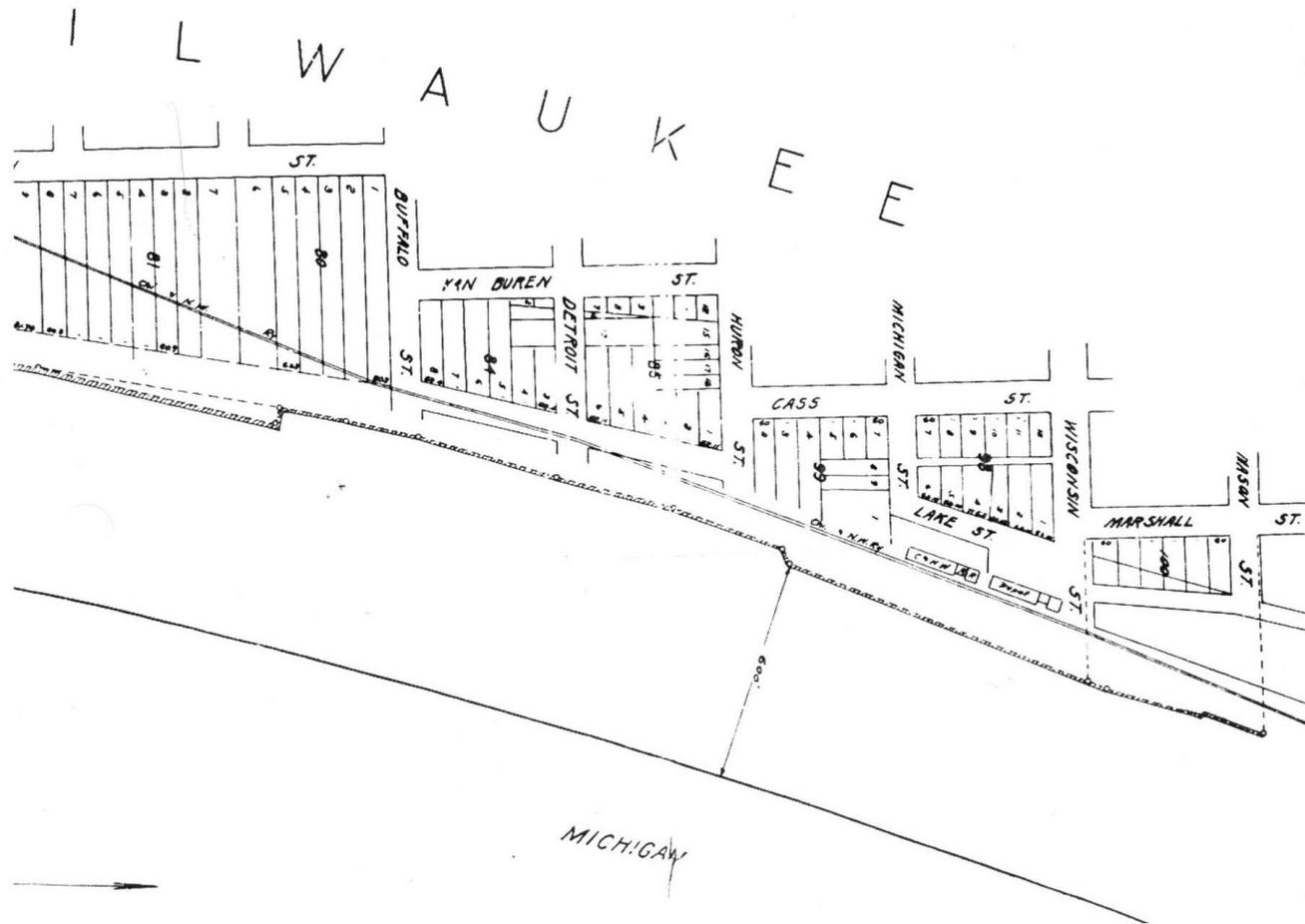


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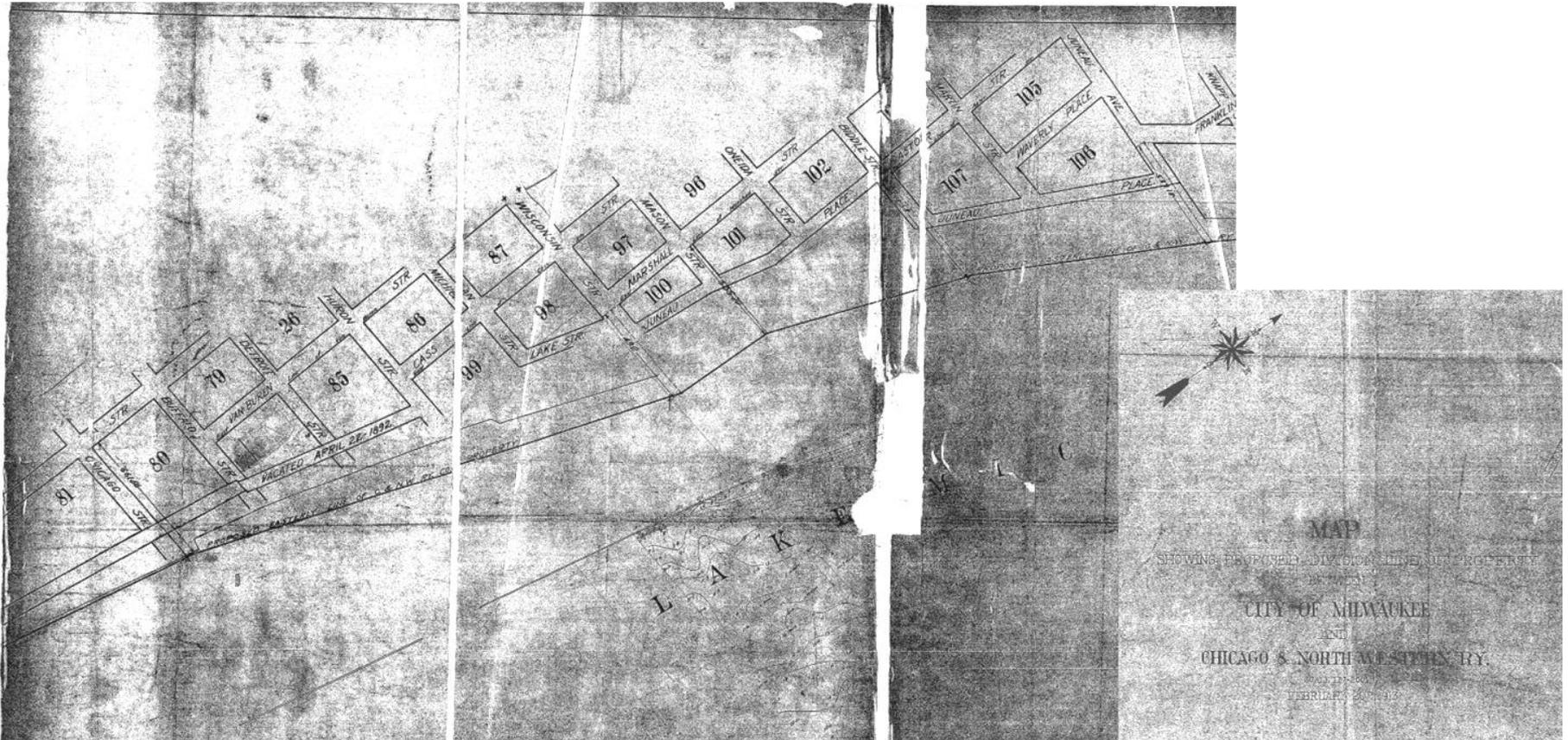


# 1910 Map of Shore

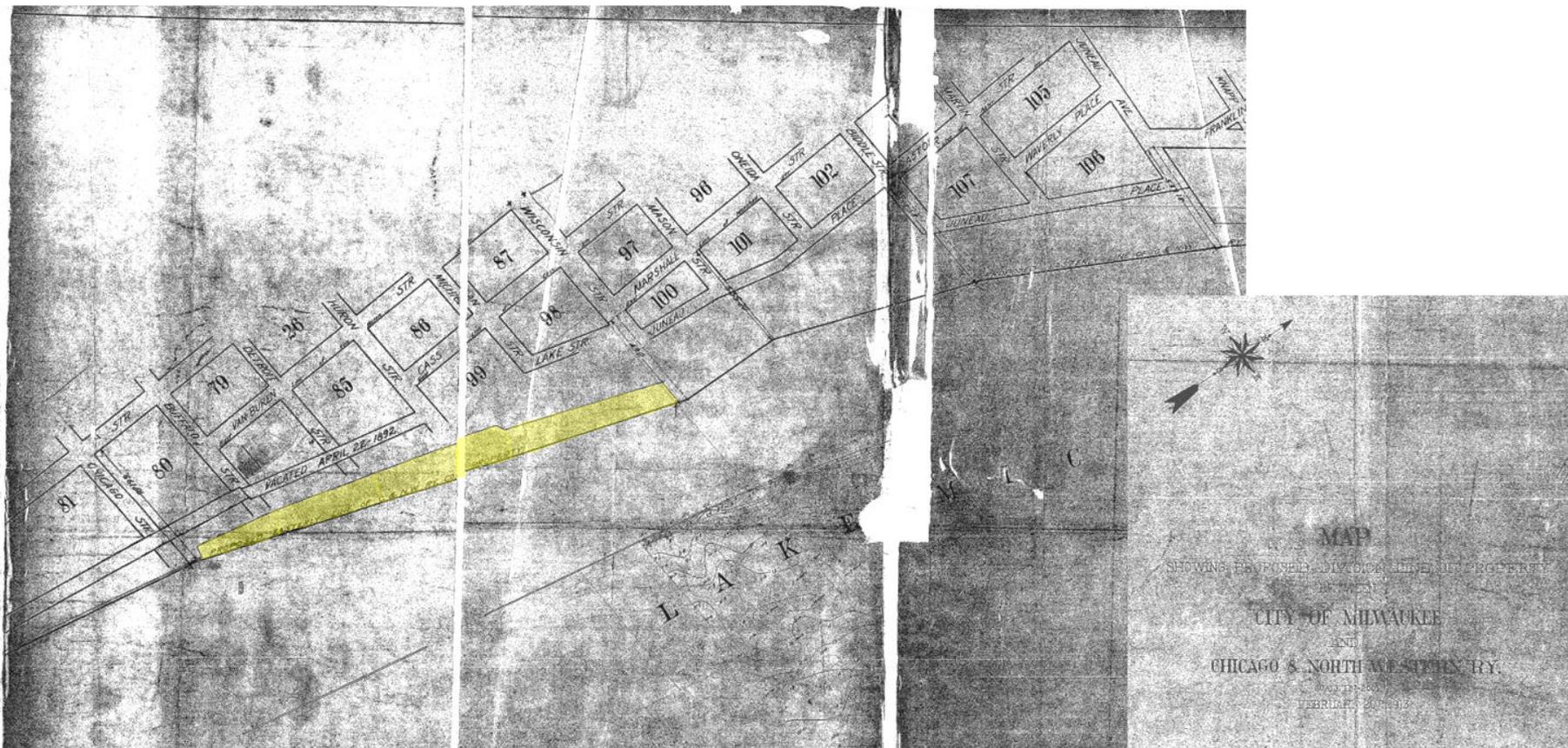
Permit issued to the City of Milwaukee by the United States Army, giving permission to fill and build out into Lake Michigan. Recorded as Document No. 666597



# Division Line Established By 1913 Agreement between City of Milwaukee & C&NW Railway



# Division Line Established By 1913 Agreement between City of Milwaukee & C&NW Railway

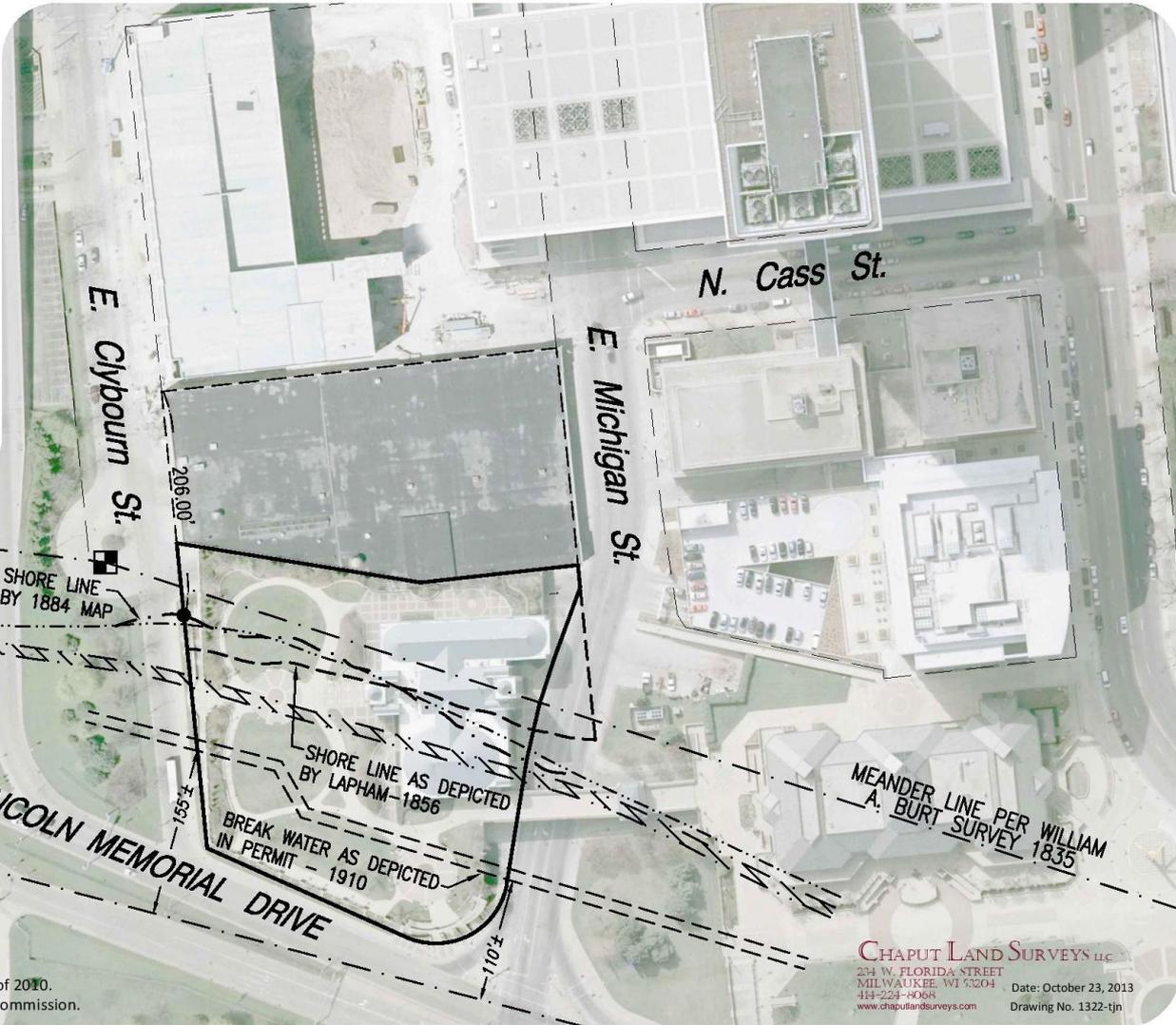


# City of Milwaukee 1971 Engineering Department Plat Page



# Overview

MILWAUKEE COUNTY  
TRANSIT CENTER EXHIBIT



SHORE LINE AS DEPICTED  
BY DUPRE - 1879

SHORE LINE  
BY 1884 MAP

BREAK WATER AS DEPICTED  
BY DUPRE - 1879  
AND 1884 MAP

SHORE LINE AS DEPICTED  
BY LAPHAM-1856

BREAK WATER AS DEPICTED  
IN PERMIT - 1910

MEANDER LINE PER WILLIAM  
A. BURT SURVEY 1835

Note: Ortho-rectified aerial photograph taken in the Spring of 2010.  
Obtained from the Southeast Wisconsin Regional Planning Commission.

# 1884 Map

## Wisconsin Public Land Commissioners Office

MILWAUKEE COUNTY  
TRANSIT CENTER EXHIBIT



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