

1 By Supervisors Jursik and Broderick

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3 **A RESOLUTION**

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5 Authorizing and directing the Office of the Corporation Counsel to coordinate with  
6 outside counsel on the filing of an action for a declaration of rights in property to obtain  
7 a judgment determining the extent of the County's title and rights to the downtown  
8 Transit Center property  
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10 WHEREAS, the County Board of Supervisors in July 2012 adopted Resolution  
11 File No. 12-633 (vote 18-0) which authorized the Director of Economic Development to  
12 negotiate with Barrett Visionary Development on the terms and conditions of purchasing  
13 the downtown Transit Center which the county had declared excess property for  
14 development of the property as the Couture; and  
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16 WHEREAS, the Department of Natural Resources (DNR) concluded in  
17 September 2012 that none of the property is subject to the Public Trust Doctrine, but  
18 individuals and community groups have indicated disagreement with this DNR  
19 conclusion; and  
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21 WHEREAS, in February 2013, The Milwaukee County Board of Supervisors  
22 adopted Resolution File No. 13-152 (vote 14-2) to obtain legal certainty concerning the  
23 legal right to develop the property as intended and authorized and directed Corporation  
24 Counsel to amend the legal services contract with Reinhart Boerner Van Deuren S.C.  
25 to represent Milwaukee County in litigation to declare rights in the subject property and  
26 further authorized the filing of an action under Chapter 841, Wis. Stats, to obtain a  
27 judgment determining the extent of the County's title and rights to the subject property;  
28 and  
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30 WHEREAS, no such action was commenced but instead provisions were  
31 inserted into the most recent budget bill adopted by the Wisconsin legislature declaring  
32 that the shoreline of Lake Michigan in the City of Milwaukee is "fixed and established"  
33 along a line that lies east of the downtown Transit Center property; and  
34

35 WHEREAS, in spite of this legislative action, no title company has been willing to  
36 issue a title policy that removes the issues concerning Public Trust and the Milwaukee  
37 County Board believes that it is necessary to obtain legal certainty regarding legal rights  
38 to develop the said Transit Center property and that such legal certainty can only be  
39 attained by a final court judgment; now, therefore,  
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41 BE IT RESOLVED, to the extent that the County's title and rights permit, the  
42 County Board of Supervisors supports the redevelopment of the Transit Center site; and

43           BE IT FURTHER RESOLVED, that the Office of Corporation Counsel is  
44 authorized and directed forthwith to arrange for the filing of an action under Chapter  
45 841, Wis. Stats. for a declaration of rights in property to obtain a judgment determining  
46 the extent of the County's title and rights to the downtown Transit Center property, with  
47 such action to be filed no later than March 15, 2014.