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(ITEM) A resolution by Supervisors Jursik and Broderick, authorizing and directing the Office of Corporation Counsel to coordinate with outside counsel on the filing of an action for a declaration of rights in property to obtain a judgment determining the extent of the County’s title and rights to the Downtown Transit Center property, by recommending adoption of the following:

AN AMENDED RESOLUTION

WHEREAS, in July 2012, the County Board of Supervisors adopted Resolution File No. 12-633 (vote 18-0) which authorized the Director of County Economic Development to negotiate with Barrett Visionary Development on the terms and conditions of purchasing the Downtown Transit Center which the County had declared excess property for development of the property as the Couture; and

WHEREAS, in September 2012, the Department of Natural Resources (DNR) concluded that none of the property is subject to the Public Trust Doctrine, but individuals and community groups have indicated disagreement with this DNR conclusion; and

WHEREAS, in February 2013, the Milwaukee County Board of Supervisors adopted Resolution File No. 13-152 (vote 14-2) to obtain legal certainty concerning the legal right to develop the property as intended and authorized and directed Corporation Counsel to amend the legal services contract with Reinhart Boerner Van Deuren S.C. to represent Milwaukee County in litigation to declare rights in the subject property and further authorized the filing of an action under Chapter 841, Wisconsin Statutes, to obtain a judgment determining the extent of the County’s title and rights to the subject property; and

WHEREAS, no such action was commenced but instead provisions were inserted into the most recent budget bill adopted by the Wisconsin Legislature declaring that the shoreline of Lake Michigan in the City of Milwaukee is “fixed and established” along a line that lies east of the Downtown Transit Center property; and

WHEREAS, in spite of this legislative action, no title company has been willing to issue a title policy that removes the issues concerning Public Trust and the Milwaukee County Board believes that it is necessary to obtain legal certainty regarding legal rights to develop the said Transit Center property and that such legal certainty can only be attained by a final court judgment; now, therefore,

BE IT RESOLVED, to the extent that the County’s title and rights permit, the Milwaukee County Board of Supervisors supports the redevelopment of the Transit Center site; and

45 BE IT FURTHER RESOLVED, that the Office of Corporation Counsel is authorized
46 and directed forthwith to arrange for the filing of an action under Chapter 841, Wisconsin
47 Statutes, for a declaration of rights in property to obtain a judgment determining the extent
48 of the County's title and rights to the Downtown Transit Center property, with such action
49 to be filed no later than March 21, 2014.

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