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LEGAL SERVICES DEPARTMENT

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TO: Members of the Common Council

FROM: Christopher R. Behrens, Deputy City Attorney 

DATE: December 14, 2017

RE: ARA Acquisition of 222 North Oneida Street

The following is a brief explanation for the need and request that the Common Council adopt the resolution approving ARA's purchase of 222 North Oneida Street as a blighted property.

Upon conducting a Phase 1 and 2 environmental study and learning that the property will require some remediation in the future, ARA is still planning to acquire the property with a portion of the purchase funds being withheld and placed in an escrow account to fund the future remediation expenses, or a part thereof. While future development of this property is currently uncertain, given that it is adjacent to the Transit Center and neighbors the Library and parking ramp, it seems a logical parcel for ARA to hold on to pending future City development.

Both the City and ARA are considered a "Local Government Unit" for the purposes of obtaining a local government liability exemption from the State of Wisconsin. This exemption affords certain protections and flexibility with regard to future site cleanup. However, to obtain the exemption, the property must be acquired in certain ways and specific steps must be taken. One of those methods is to declare the property blighted (this designation has been addressed through the terms of the Offer to Purchase) along with a resolution passed by 2/3 of the Common Council 1.) Granting approval to ARA to acquire the property and, 2.) Finding that a comprehensive redevelopment plan is not necessary to determine the need for the acquisition, the uses of the property after acquisition, and the relation of the acquisition to other ARA redevelopment projects.

Based on the above, staff respectfully requests and recommends adoption of the resolution approving ARA's acquisition of this blighted property.

Should anyone have questions, please feel free to contact me prior to the Council meeting.

Thank you.

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