

1985 Senate Bill 298

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## 1985 Wisconsin Act 81

AN ACT to affect laws of 1959, chapter 198, sections 2 and 3; laws of 1979, chapter 34, section 2058; laws of 1979, chapter 360; and 1983 Wisconsin Act 27, sections 2058 and 2059, relating to grants to the city of Kenosha of certain submerged and filled lands lying along the shore of Lake Michigan on the eastern frontage of the city of Kenosha.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

### SECTION 1. Legislative findings and declarations.

(1) PRIOR GRANTS MADE. The legislature finds that:

(a) The state of Wisconsin, by chapter 230, laws of 1919, granted to the city of Kenosha certain submerged lands lying along the shore of Lake Michigan on the eastern frontage of the city of Kenosha to be used for public park purposes.

(b) The state of Wisconsin, by chapter 198, laws of 1959, granted to the city of Kenosha certain submerged lands of Lake Michigan adjacent to the lands granted in 1919, for harbor and related purposes.

(2) AMENDMENTS OF PRIOR GRANTS PREVIOUSLY APPROVED. The legislature further finds that:

(a) In sections 2058 and 2059 of chapter 27, laws of 1983, the legislature approved extensive changes in the terms and provisions of the 1919 and 1959 land grants to facilitate development of the land areas with a large mixed-use project containing a public marina and promenade, and to serve as a catalyst for redevelopment and revitalization of the city of Kenosha, and the governor signed chapter 27, laws of 1983, without vetoing sections 2058 or 2059 or any part thereof.

(b) The legislature also approved amendment of the 1919 land grant in section 2058 of chapter 34, laws of 1979, so as to authorize use of part of the 1919 land grant area as parking and open space for senior citizen subsidized rental housing, and the governor signed chapter 34, laws of 1979, without vetoing section 2058 or any part thereof.

(c) The legislature, by chapter 360, laws of 1979, amended section 2058 of chapter 34, laws of 1979, to expand the permitted uses for such portion of the 1919 land grant area to include a senior citizen housing project, a senior citizen nursing home, a neighborhood reinvestment program or any other purpose approved by the city of Kenosha, and the governor signed chapter 360, laws of 1979.

(3) DEVELOPMENT PROPOSAL RECEIVED AND APPROVED BY THE CITY OF KENOSHA. The legislature further finds that:

(a) The city of Kenosha has received a bona fide proposal for a major mixed-use development project for such land areas, which includes a public marina

and promenade along the shoreline as contemplated by sections 2058 and 2059 of chapter 27, laws of 1983.

(b) The proposal has been approved by the common council and mayor of the city of Kenosha, as well as its redevelopment and housing authorities, board of harbor commissioners and park and plan commissions by unanimous votes.

(4) UNCERTAINTIES PREVENT DEVELOPMENT AND RAISE QUESTIONS ABOUT EXISTING PROJECT, USER AND PROGRAM. The legislature further finds that:

(a) The legal descriptions used in chapter 230, laws of 1919, and in section 2059 of chapter 27, laws of 1983, contain errors.

(b) Questions have arisen as to whether the amendments of the land grants adopted as a part of the 1979 and 1983 executive budget bills (chapter 34, laws of 1979, and chapter 27, laws of 1983) were adopted in compliance with Article IV, section 18, of the Constitution, and whether the amendment of section 2058 of chapter 34, laws of 1979, by chapter 360, laws of 1979, was effective.

(c) A senior citizen housing project has already been built in the area identified in chapter 360, laws of 1979, and some of the area is also being used on the effective date of this paragraph as parking and open space for such project, all in reasonable reliance that chapter 360, laws of 1979, was effective to accomplish its intended purpose of authorizing such actions.

(d) The errors and questions and the complexity and uncertainties inherent in the 4 pieces of legislation now comprising the land grants make it impossible for the development to proceed, absent amendment as provided in this act.

(5) REPETITION OF SECTION 2058 (1) OF CHAPTER 27, LAWS OF 1983. As it did in section 2058 (1) of chapter 27, laws of 1983, the legislature again recognizes that public access to and public enjoyment of the navigable waters of this state are constitutionally protected rights.

(6) REPETITION OF SECTION 2058 (2) OF CHAPTER 27, LAWS OF 1983. The legislature repeats the findings which it made in section 2058 (2) of chapter 27, laws of 1983, and again declares and finds that:

(a) A portion of Lake Michigan and a portion of the shoreline of Lake Michigan are adjacent to the city of Kenosha and this lake and shoreline are valuable

natural resources available to the people of the city of Kenosha and visitors to that city.

(b) The submerged lands granted to the city of Kenosha by chapter 230, laws of 1919, have been filled for over 50 years and are primarily open space.

(c) By reason of the location and character of the lands granted by chapter 230, laws of 1919, the area is well-suited for water-related improvements such as a public marina and promenade.

(d) A public marina and promenade and similar water-related improvements are likely to substantially increase the use of this area by members of the public interested in recreational boating, sport fishing and scenic beauty.

(e) A public marina and promenade in this area would not materially impair public use of the area.

(f) The use of the waters of Lake Michigan near this area for navigation and commercial maritime activities is not significant.

(g) The portion of Lake Michigan near this area suitable for use as a public marina and promenade is insignificant in comparison to the remainder of Lake Michigan.

(h) The area is bounded on the south by Eichelman Park with public swimming and beach facilities.

(i) The development and use of this area for public marina and promenade and a low-rise and medium-rise building development will enhance public use of Eichelman Park.

(j) A public marina and promenade in this area will enhance public access to and use of this area and promote tourism.

(7) REPETITION OF SECTION 2058 (3) OF CHAPTER 27, LAWS OF 1983. As it did in section 2058 (3) of chapter 27, laws of 1983, the legislature again recognizes and reaffirms the findings and declarations made under sections 66.43 (2), 66.431 (2) and 66.435 (2) of the statutes, and again further finds and declares that:

(a) The existence of substandard, deteriorated, slum and blighted conditions is a matter of statewide concern.

(b) It is the policy of this state to protect and promote the health, safety, morals and general welfare of the state in areas where these conditions exist by elimination and prevention of these conditions through the utilization of all means appropriate, including means such as promoting safe, sanitary and attractive housing, commercial development and office development, promoting or providing safe, healthful and aesthetically pleasing open spaces and recreational facilities and preserving and improving the employment opportunities, the tax base and investment incentives within these areas.

(c) The revitalization of such areas and proximate central business district areas is necessary to retain existing enterprises and attract new enterprises to these areas and to protect the health, safety and welfare of the residents of this state.

(d) The lands granted to the city of Kenosha under chapter 230, laws of 1919, could serve as a link between Lake Michigan and the central business district of the city of Kenosha, thus improving access to and use of both Lake Michigan and the central business district.

(e) The improvement of these lands is likely to improve the image and investment potential of the central business district of the city of Kenosha and the employment opportunities in the city of Kenosha.

(8) REPETITION OF SECTION 2058 (4) OF CHAPTER 27, LAWS OF 1983. As it did in section 2058 (4) of chapter 27, laws of 1983, the legislature again finds that:

(a) The submerged lake bed granted to the city of Kenosha under chapter 198, laws of 1959, is adjacent to the lands granted to that city under chapter 230, laws of 1919.

(b) That the submerged lake bed granted to the city of Kenosha under chapter 198, laws of 1959, is well-suited for water-related improvements such as a public marina and promenade.

(c) That the use of this area for a public marina and promenade is consistent with one of the original purposes for which the lake bed was granted and that the term "fisheries" is sufficiently broad and should be interpreted to include public use of this area for sport fishing and boating and similar purposes.

(d) A public marina and promenade and similar water-related improvements are likely to substantially increase the use of this area by members of the public interested in sport fishing, recreational boating and scenic beauty.

(e) A public marina and promenade in this area would not materially impair public use of this area.

(f) The use of the waters of Lake Michigan over and near this area for navigation and commercial maritime activities is not significant.

(g) The portion of Lake Michigan over the area which is above found to be suitable for use as a public marina and promenade is insignificant in comparison with the remainder of Lake Michigan.

(h) A public marina and promenade in this area will enhance public access to and use of this area and would promote tourism.

(i) Continued reservation of this area for the exclusive purpose of promoting commercial navigation is no longer in the best interest of the city of Kenosha, this state or the residents of that city or this state.

(9) CONFINED DREDGE DISPOSAL AREA AND OPERATION CONTRIBUTES TO BLIGHT. The legislature further finds that:

(a) Approximately 32 acres of the submerged lake bed granted to the city of Kenosha under chapter 198, laws of 1959, is being used on the effective date of this paragraph by the United States Army Corps of Engineers as a confined dredge disposal area for fill materials, such use having been in process since 1975.

(b) A result thereof is that the area is now a blighted area and contributes to the blighted nature of the lands granted to the city of Kenosha under chapter 230, laws of 1919, the balance of the lands granted under chapter 198, laws of 1959, and surrounding areas.

(c) Even after almost 10 years of the operation on the confined dredge disposal area it is now estimated to be only approximately 20% completed, and the projected continuation of this operation far into the future is a serious blighting influence on such area and surrounding areas.

(d) The proposed major mixed-use development project is expected to be a cause of acceleration and change in such area and operation, and will convert such area into an attractive area which will enhance enjoyment of the scenic beauty and water of Lake Michigan and the area.

(10) REPEAL OF PART OF CHAPTER 198, LAWS OF 1959. The legislature declares that the repeal of sections 2 and 3 of chapter 198, laws of 1959, by this act is not in derogation of any other provision of this act, but rather is in furtherance of this act since all of the powers and rights of the city of Kenosha contained in sections 2 and 3 of chapter 198, laws of 1959, are granted by this act.

(11) CONSTRUCTION OF ACT. This act shall be construed liberally to effectuate the purposes of this act and the enumeration in this act of specific powers shall not operate to restrict the meaning of any general grant of power contained in this act or the statutes or to exclude other powers comprehended in any such general grant.

SECTION 2. Laws of 1959, chapter 198, sections 2 and 3 are repealed.

SECTION 2d. Laws of 1979, chapter 34, section 2058, as last affected by 1983 Wisconsin Act 27, is repealed.

SECTION 2f. Laws of 1979, chapter 360 is repealed.

SECTION 2m. 1983 Wisconsin Act 27, sections 2058 and 2059 are repealed.

SECTION 3. Grants. All remaining right, title and interest of this state in and to the lands ceded or granted to the city of Kenosha by chapter 230, laws of 1919, or by chapter 198, laws of 1959, are hereby ceded, granted and confirmed to the city of Kenosha, a municipal corporation, for the following purposes. Legal descriptions of the lands are as follows:

(1) PARCEL I - 1919 GRANT LAND AREA. All of the following lands, including those lands which were filled in 1919 and have been filled since 1919, or are on the effective date of this subsection submerged beneath the waters of Lake Michigan:

Commencing at a point on the north line of 57th Street, formerly Park Street, in the city of Kenosha extended easterly which is 860.6 feet easterly of the intersection of the north line of 57th Street and the west line of Lake Street, previously vacated; thence

southerly a distance of 2,230 feet and to a point which is 1,144.16 feet easterly of the intersection of the east line of 3rd Avenue, formerly Durkee Avenue, and the south line of certain city park premises known as and called "Eichelman Park"; thence westerly a distance of 1,144.16 feet along the line last described and to the intersection of the east line of 3rd Avenue and the south line of certain city park premises known as and called "Eichelman Park"; thence northerly along the east line of 3rd Avenue to the section line running east and west between Section 32, Town 2 North, Range 23 East of the Fourth Principal Meridian and Section 5, Town 1 North, Range 23 East of the Fourth Principal Meridian through 60th Street, formerly English Court; thence easterly along said section line to the point of intersection with the southerly extension of the west line of that part of 3rd Avenue north of 60th Street; thence northerly along and following the west line of 3rd Avenue and that part of 3rd Avenue which has been vacated and lies north of 60th Street to the intersection of 3rd Avenue and 58th Street, formerly Wisconsin Street; thence easterly to the intersection of the east line of 3rd Avenue and the former breakwater built by the city of Kenosha in 1889 as shown in plat drawn by Hugh Southmayd, county surveyor, dated February 5, 1948; thence northerly along the line of said former breakwater to the intersection of said former breakwater and the north line of 57th Street, said point lying and being in Lake Street, previously vacated; thence easterly from said last named point along the line of 57th Street extended to the point of beginning; all of the premises hereinbefore described, lying and being in the Southwest Quarter of Section 32, Town 2 North, Range 23 East, and in the Northwest Quarter of Section 5, Town 1 North, Range 23 East of the Fourth Principal Meridian, in the County of Kenosha and the State of Wisconsin.

(2) PARCEL II - 1959 GRANT LAND AREA. All lands and submerged lands in Lake Michigan along and adjacent to the easterly corporate limits of the city of Kenosha between 61st Street extended and the straight line of 45th Street extended into Lake Michigan a distance of 1,300 feet from the most easterly point of such corporate limits between such 2 extended lines, including the confined dredge disposal area being filled on the effective date of this subsection by the United States Army Corps of Engineers.

(3) OTHER ASPECTS OF PARCELS I AND II. Both Parcel I and Parcel II are in the Southwest Quarter of Section 32, Town 2 North, Range 23 East of the Fourth Principal Meridian, and in the Northwest Quarter of Section 5, Town 1 North, Range 23 East of the Fourth Principal Meridian in the County of Kenosha and the State of Wisconsin. Part of Parcel II is located in the Northwest Quarter of Section 32, Town 2 North, Range 23 East of the Fourth Principal Meridian in the County of Kenosha and the State of Wisconsin. Parcels I and II are contiguous or overlapping parcels between the easterly extensions of the south line of

60th Street and the north line of the confined dredge disposal area, and there are no gores or gaps between Parcel I and Parcel II. Parcel I is located within the city of Kenosha and Parcel II is not. The city of Kenosha is authorized to annex Parcel II in accordance with the statutes.

**SECTION 4. Public park and harbor purposes.** The lands specified under SECTION 3 may be used for public park, harbor or related purposes.

**SECTION 5. Definition of public park and harbor purposes.** As used in this act, "public park purposes" include but is not limited to recreation, wildlife refuges, public park, marina, promenade, veterans or war memorial, recreational, special event and festival uses and facilities, structures, roads, slips, basins, walkways, gardens, parking areas, open spaces and public facilities. "Harbor purposes" include but is not limited to commercial harbor or maritime uses, sport fishing, recreational boating and other water-related uses, as well as breakwaters, bulkheads, boat basins, piers, wharves, warehouses, transfer sheds, railroad tracks, airports and all other harbor facilities. "Public park purposes" and "harbor and related purposes", in each case, include but are not limited to those uses and facilities present on the effective date of this SECTION in any public park or harbor area in any county of this state which contains shoreline on Lake Michigan or Lake Superior or any of the waters tributary to either of such lakes, as well as all other uses or facilities which could lawfully be included on the effective date of this SECTION or at any time after the effective date of this SECTION in any such public park or harbor area.

**SECTION 6. Definition of "public marina and promenade".** As used in this act, "public marina and promenade" includes, but is not limited to, improvements and activities related to the development, maintenance and operation of a marina and promenade, and related facilities, including but not limited to:

(1) Walkways, gardens, parking areas, boat launch, boat storage, roadways, open spaces, recreational, special event and festival areas.

(2) Breakwaters, piers, bulkheads and uses of areas which are submerged on the effective date of this subsection which are not inconsistent with the enhancement of sport fishing, recreational boating or other water-related uses of Lake Michigan.

(3) A public marina and promenade and related facilities is included within the definition of public park purposes contained in SECTION 5.

**SECTION 7. Definition of governing bodies' approval.** As used in this act:

(1) **REDEVELOPMENT AREAS.** With respect to lands which are blighted areas, within a redevelopment area or subject to a redevelopment plan under section 66.43, 66.431 or 66.4325 of the statutes, approval of the appropriate governing bodies consists of initial approval of the redevelopment authority of the city of Kenosha by a majority vote, followed by approval of the common council of the city of Kenosha by a

majority vote and followed by approval of the mayor of the city of Kenosha.

(2) **HARBOR AREAS.** With respect to lands which are within the Kenosha harbor, approval of the appropriate governing bodies consists of initial approval of the board of harbor commissioners of the city of Kenosha by a majority vote, followed by approval of the common council of the city of Kenosha by a majority vote and followed by approval of the mayor of the city of Kenosha.

(3) **PARK AREAS.** With respect to lands which are within a city public park, approval of the appropriate governing bodies consists of initial approval by the park commission of the city of Kenosha by a majority vote, followed by approval by the common council of the city of Kenosha by a majority vote and followed by approval by the mayor of the city of Kenosha.

(4) **HOUSING.** With respect to the lands upon which are located or are to be developed with housing, approval of the appropriate governing bodies consists of initial approval by the housing authority of the city of Kenosha by majority vote, followed by approval by the common council of the city of Kenosha by a majority vote and followed by approval by the mayor of the city of Kenosha.

(5) **OTHER AREAS.** With respect to lands not specified under subsection (1), (2), (3) or (4), approval of the appropriate governing bodies consists of approval of the common council of the city of Kenosha by a majority vote, followed by approval of the mayor of the city of Kenosha. When an area is developed with a public marina or a medium- or low-rise development according to this act, such area shall cease to be regarded as being within a city public park.

(6) **MISCELLANEOUS.** If after the effective date of this subsection the city of Kenosha establishes a community development authority under section 66.4325 of the statutes, then the approval rights and requirements of this SECTION with respect to the redevelopment and housing authorities of the city of Kenosha pass to and devolve upon the community development authority of the city of Kenosha. In like manner, the terms and provisions of this act, and the approval rights and requirements contained in this act with respect to the city of Kenosha, its redevelopment authority, housing authority, board of harbor commissioners and park commission shall be applicable and inure to the benefit of the successors of such municipal bodies. For purposes of this act, a veto by the mayor overridden by at least a two-thirds common council vote shall be the equivalent of the mayor's approval.

**SECTION 8. Senior citizen housing, nursing home, neighborhood reinvestment program and other city-approved purposes.** (1) **USE AUTHORIZATION: CERTAIN LANDS GRANTED BY THIS ACT AND PREVIOUSLY GRANTED BY CHAPTER 230, LAWS OF 1919.** The lands described under subsections (2) and (3), being portions of the lands described in chapter 230, laws of

1919, may also be used by the city of Kenosha or its grantees or lessees for the purposes of senior citizen housing or nursing home, parking or open space for either of the foregoing, a neighborhood reinvestment program or for any other purpose the city of Kenosha approves. Such purposes were previously approved by the legislature in chapter 360, laws of 1979.

(2) **LAND DESCRIPTION.** The lands which may also be used for the purposes specified under subsection (1) consist of:

Part of the Northwest Quarter of Section 5, Town 1 North, Range 23 East of the Fourth Principal Meridian and part of the Southwest Quarter of Section 32, Town 2 North, Range 23 East of the Fourth Principal Meridian lying and being in the City of Kenosha, Kenosha County, Wisconsin, and more particularly described as follows:

Beginning at the Southeast corner of lot numbered One (1) of the Lake View Subdivision, a subdivision of part of Blocks 14 and 15 of the plat of Southport in the Southwest fractional Quarter of Section 32, Town and Range aforesaid; thence southeasterly along the extension southerly of the West line of 3rd Avenue, 33.06 feet to the North line of the Northwest Quarter of Section 5, Town and Range aforesaid; thence continue southeasterly along the extension of the West line of 3rd Avenue, 16.53 feet to the South line of 60th Street; thence East along said South line 168.30 feet; thence northwesterly parallel to the West line of said 3rd Avenue, 16.53 feet to the South line of the Southwest Quarter of Section 32; thence continue northwesterly parallel to and 168.00 feet East from (measured at right angle) the West line of 3rd Avenue, 712.66 feet; thence deflecting easterly 6 degrees 12 minutes 42 seconds from the prolongation of the previous course 346.92 feet to a point in the prolongation easterly of the North line of 58th Street; thence westerly along said North line, 155.00 feet to the prolongation northeasterly of the West line of the aforesaid 3rd Avenue; thence southwesterly along said West line and its prolongation, 339.52 feet to an angle point in said West line of 3rd Avenue; thence southeasterly along said West line, 669.57 feet to the point of beginning.

(3) **ADDITIONAL LAND DESCRIPTION.** The lands which may also be used for the purposes specified in subsection (1) also include the following lands:

Part of the Southwest Quarter of Section 32, Town 2 North, Range 23 East of the Fourth Principal Meridian lying and being in the City of Kenosha, Kenosha County, Wisconsin, and more particularly described as follows:

Beginning at a point on the west line of 3rd Avenue, formerly called Durkee Avenue, which is 150.00 feet northerly (measured at a right angle) from the south line of said Southwest Quarter; thence easterly 610.00 feet along a line which is parallel with and 150.00 feet northerly (measured at a right angle) from the south line of said Southwest Quarter; thence northerly along

a line which is perpendicular to the south line of said Southwest Quarter to a point which is 250.00 feet southerly (measured at a right angle) of the north line of 57th Street, formerly called Park Street, and its easterly extension; thence westerly along a line which is parallel with and 250.00 feet southerly (measured at a right angle) from the north line of said 57th Street and its easterly extension to the former breakwater built by the city of Kenosha in 1889 as shown on plat drawn by Hugh Southmayd, county surveyor, dated February 5, 1948; thence southerly along said former breakwater to the south line of 58th Street, formerly called Wisconsin Street; thence westerly along the south line of said 58th Street to the west line of former 3rd Avenue, previously vacated, also formerly called Durkee Avenue; thence southerly along the west line of said former 3rd Avenue, previously vacated, and along the west line of said 3rd Avenue to the point of beginning.

**SECTION 9. Public marina and promenade.** (1) **USE AUTHORIZATION:** CERTAIN LAND GRANTED BY THIS ACT AND PREVIOUSLY GRANTED BY CHAPTER 230, LAWS OF 1919. The lands described under subsections (2) and (3), being portions of the lands described in chapter 230, laws of 1919, may also be used for purposes of a public marina and promenade, subject to approval of the appropriate governing bodies specified under SECTION 7. Such purposes were approved by the legislature in chapter 27, laws of 1983. Without limiting the generality of the foregoing authorization or of any other provision of this act, as a part of use for those purposes, the boat slips and mooring spaces may be rented by the marina operator to boat owners, lessees or users on an annual basis with renewal rights on a year-to-year basis, and the marina operator may also rent no more than one-third of the boat slips and mooring spaces for a demised term of more than one year. On terms approved by the appropriate governing bodies, the marina itself may be leased by the city of Kenosha or its board of harbor commissioners, for operation of a public marina, on such rentals, terms and provisions as are approved by the appropriate governing bodies, to a marina operator for a demised term of not more than 50 years.

(2) **LAND DESCRIPTION.** (a) The lands which may also be used for the purposes specified in subsection (1) consist of:

That parcel of land described in document number 147289, volume 109 of deeds, page 227, recorded at the register of deeds office, Kenosha County courthouse, Kenosha, Wisconsin, except for parcel A and parcel B described under paragraphs (b) and (c).

(b) Parcel A consists of all lands described in the document specified under paragraph (a) which are located within the Northwest Quarter of Section 5, Town 1 North, Range 23 East of the Fourth Principal Meridian lying and being in the City of Kenosha, Kenosha County, Wisconsin.

(c) Parcel B consists of part of the Southwest Quarter of Section 32, Town 2 North, Range 23 East of the Fourth Principal Meridian lying and being in the City of Kenosha, Kenosha County, Wisconsin, and more particularly described as follows:

Beginning at a point on the west line of 3rd Avenue, formerly called Durkee Avenue, which is 150.00 feet northerly (measured at a right angle) from the south line of said Southwest Quarter; thence easterly 610.00 feet along a line which is parallel with and 150.00 feet northerly (measured at a right angle) from the south line of said Southwest Quarter; thence northerly along a line which is perpendicular to the south line of said Southwest Quarter to a point which is 250.00 feet southerly (measured at a right angle) of the north line of 57th Street, formerly called Park Street, and its easterly extension; thence westerly along a line which is parallel with and 250.00 feet southerly (measured at a right angle) from the north line of said 57th Street and its easterly extension to the former breakwater built by the city of Kenosha in 1889 as shown on plat drawn by Hugh Southmayd, county surveyor, dated February 5, 1948; thence southerly along said former breakwater to the south line of 58th Street, formerly called Wisconsin Street; thence westerly along the south line of said 58th Street to the west line of former 3rd Avenue, previously vacated, also formerly called Durkee Avenue; thence southerly along the west line of former 3rd Avenue, previously vacated, and along the west line of 3rd Avenue to the point of beginning.

(3) ADDITIONAL LAND DESCRIPTION. The lands which may also be used for the purposes specified in subsection (1) also include the following lands:

Part of the Southwest Quarter of Section 32, Town 2 North, Range 23 East of the Fourth Principal Meridian lying and being in the City of Kenosha, Kenosha County, Wisconsin, and more particularly described as follows:

Beginning at a point on the west line of 3rd Avenue, formerly called Durkee Avenue, which is 150.00 feet northerly (measured at a right angle) from the south line of said Southwest Quarter; thence easterly 610.00 feet along a line which is parallel with and 150.00 feet northerly (measured at a right angle) from the south line of said Southwest Quarter; thence northerly along a line which is perpendicular to the south line of said Southwest Quarter to a point which is 250.00 feet southerly (measured at a right angle) of the north line of 57th Street, formerly called Park Street, and its easterly extension; thence westerly along a line which is parallel with and 250.00 feet southerly (measured at a right angle) from the north line of said 57th Street and its easterly extension to the former breakwater built by the city of Kenosha in 1889 as shown on plat drawn by Hugh Southmayd, county surveyor, dated February 5, 1948; thence southerly along said former breakwater to the south line of 58th Street, formerly called Wisconsin Street; thence easterly 370.00 feet along the south line of said 58th Street extended;

thence southerly along a line perpendicular to the south line of said Southwest Quarter to a point which is 300.00 feet northerly (measured at a right angle) from the south line of said Southwest Quarter; thence westerly along a line parallel with and 300.00 feet (measured at a right angle) from the south line of said Southwest Quarter to the west line of said 3rd Avenue; thence southerly along the west line of said 3rd Avenue to the point of beginning.

(4) USE AUTHORIZATION: CERTAIN LANDS GRANTED BY THIS ACT AND PREVIOUSLY GRANTED BY CHAPTER 198, LAWS OF 1959. The lands described in subsections (5) and (6), being portions of the lands described in chapter 198, laws of 1959, may also be used for purposes of a public marina and promenade, subject to the approval of the appropriate governing bodies specified in SECTION 7.

(5) LAND DESCRIPTION. The lands which may also be used for the purposes specified in subsection (4) consist of:

All those submerged lands in Lake Michigan along and adjacent to the easterly corporate limits of the city of Kenosha between 61st Street extended and the straight line of 45th Street extended into Lake Michigan a distance of 1,300 feet from the most easterly point of such corporate limits between such 2 extended lines, except those submerged lands located north of the south bulkhead line of the United States Army Corps of Engineers confined dredge disposal area, said south bulkhead is located approximately at the intersection of the north line of 57th Street extended easterly and the shore of Lake Michigan.

(6) ADDITIONAL LAND DESCRIPTION. The lands which may also be used for the purposes specified under subsection (4) also include the following lands:

A parcel of land located in the Southwest Quarter of Section 32, Town 2 North, Range 23 East of the Fourth Principal Meridian lying and being in Kenosha County, Wisconsin, and more particularly described as follows:

Those lands being used on the effective date of this subsection by the United States Army Corps of Engineers as a confined dredge disposal area, said lands extending 1,150 feet, more or less, easterly from the existing shoreline and extending 1,260 feet, more or less, southerly from the existing south pier of the Kenosha harbor.

**SECTION 10. Low-rise and medium-rise building development.** (1) USE AUTHORIZATION: CERTAIN LANDS GRANTED BY THIS ACT AND PREVIOUSLY GRANTED BY CHAPTER 230, LAWS OF 1919. The lands described under subsections (2) and (3) being portions of the lands described in chapter 230, laws of 1919, may also be used for housing, commercial or office purposes, including, without limitation, hotels, convention centers and related facilities, subject to the approval of the appropriate governing bodies as specified under SECTION 7 and the conditions specified under subsection (4). Such purposes were previously approved by

the legislature in chapter 27, laws of 1983. All forms of ownership of property, including, without limitation by reason of specification, the condominium and cooperative forms of ownership, are available for such housing, commercial or office facilities.

(2) LAND DESCRIPTION. The lands which may also be used for the purposes specified under subsection (1) consist of:

Part of the Southwest Quarter of Section 32, Town 2 North, Range 23 East of the Fourth Principal Meridian lying and being in the City of Kenosha, Kenosha County, Wisconsin, and more particularly described as follows:

Beginning at a point on the west line of 3rd Avenue, formerly called Durkee Avenue, which is 150.00 feet northerly (measured at a right angle) from the south line of said Southwest Quarter; thence easterly 610.00 feet along a line which is parallel with and 150.00 feet northerly (measured at a right angle) from the south line of said Southwest Quarter; thence northerly along a line which is perpendicular to the south line of said Southwest Quarter to a point which is 250.00 feet southerly (measured at a right angle) of the north line of 57th Street, formerly called Park Street, and its easterly extension; thence westerly along a line which is parallel with and 250.00 feet southerly (measured at a right angle) from the north line of said 57th Street and its easterly extension to the former breakwater built by the city of Kenosha in 1889 as shown on plat drawn by Hugh Southmayd, county surveyor, dated February 5, 1948; thence southerly along said former breakwater to the south line of 58th Street, formerly called Wisconsin Street; thence westerly along the south line of said 58th Street to the west line of former 3rd Avenue, previously vacated, also formerly called Durkee Avenue; thence southerly along the west line of said former 3rd Avenue, previously vacated, and along the west line of said 3rd Avenue to the point of beginning.

(3) ADDITIONAL LAND DESCRIPTION. The lands which may also be used for the purposes specified under subsection (1) also include the following lands:

Part of the Southwest Quarter of Section 32, Town 2 North, Range 23 East of the Fourth Principal Meridian lying and being in the City of Kenosha, Kenosha County, Wisconsin, and more particularly described as follows:

Beginning at a point on the west line of 3rd Avenue, formerly called Durkee Avenue, which is 150.00 feet northerly (measured at a right angle) from the south line of said Southwest Quarter; thence easterly 610.00 feet along a line which is parallel with and 150.00 feet northerly (measured at a right angle) from the south line of said Southwest Quarter; thence northerly along a line which is perpendicular to the south line of said Southwest Quarter to a point which is 250.00 feet southerly (measured at a right angle) from the north line of 57th Street, formerly called Park Street, and its easterly extension; thence westerly along a line which

is parallel with and 250.00 feet southerly (measured at a right angle) from the north line of said 57th Street and its easterly extension to the former breakwater built by the city of Kenosha in 1889 as shown on plat drawn by Hugh Southmayd, county surveyor, dated February 5, 1948; thence northerly along said former breakwater to a point which is 100.00 feet southerly (measured at a right angle) from the north line of said 57th Street and its easterly extension; thence easterly 800.00 feet along a line parallel with and 100.00 feet southerly (measured at a right angle) from the north line of said 57th Street and its easterly extension; thence southerly along a line which is perpendicular to the south line of said Southwest Quarter to a point which is on the south line of said Southwest Quarter; thence westerly along the south line of said Southwest Quarter to the southerly extension of the west line of said 3rd Avenue; thence northerly along said southerly extension and the west line of said 3rd Avenue to the point of beginning.

(4) CONDITIONS OF APPROVAL. The appropriate governing bodies' approval for a project under subsection (1) shall be deemed to have been given only if the redevelopment authority and the common council of the city of Kenosha, each by majority vote, with the mayor's approval, shall have determined that:

(a) The project is necessary in order to fund or finance, by means of tax incremental financing or other means, the creation or continuation of a public marina and promenade as authorized under SECTION 9 or public improvements required for such a development;

(b) The project is to be undertaken at the same time or after the creation of a public marina and promenade as authorized under SECTION 9 in the lands described under SECTION 9;

(c) The project is to be located on lands in or adjacent to a blighted area as defined under section 66.43 (3) (j), 66.431 (4) (e) or 66.46 (2) (a) of the statutes;

(d) No building in the project is to be higher than 12 stories or levels above the surrounding grade, exclusive of any elevator or mechanical penthouse;

(e) The project is to allow reasonably adequate public access to Lake Michigan and its shoreline;

(f) The project is to allow public control over a majority of the lands described in chapter 230, laws of 1919;

(g) The project is to be aesthetically pleasing and enhance the public enjoyment of the scenic beauty of Lake Michigan and its shoreline;

(h) The project, taken together with all other approved projects under this SECTION, permits at least 50% of the lands available under this SECTION for such projects to be used as space not covered by a building, and the project, again taken together with all other approved projects under this SECTION, is designed to develop, maintain and operate the space not covered by a building in a manner which enhances public



access to Lake Michigan and its shoreline and public enjoyment of the scenic beauty of the area; and

(i) The project contains no provision or specification which is reasonably expected to materially impair public use of Lake Michigan or its shoreline.

**SECTION 11. Recreational and other uses.** (1) **USE AUTHORIZATION: CERTAIN LAND GRANTED BY THIS ACT AND PREVIOUSLY GRANTED BY CHAPTER 198, LAWS OF 1959, USED ON THE EFFECTIVE DATE OF THIS SECTION AS A CONFINED DREDGE DISPOSAL AREA.** Any of the lands described under subsection (2), being a portion of the lands described in chapter 198, laws of 1959, may also be used for recreational purposes, for the purposes specified in SECTION 4 or 9 or for any other purpose approved by the city of Kenosha.

(2) **LAND DESCRIPTION.** The lands which may also be used for the purposes specified under subsection (1) consist of:

A parcel of land located in the Southwest Quarter of Section 32, Town 2 North, Range 23 East of the Fourth Principal Meridian lying and being in Kenosha County, Wisconsin, and more particularly described as follows:

Those lands being used on the effective date of this subsection by the United States Army Corps of Engineers as a confined dredge disposal area, said lands extending 1,150 feet, more or less, easterly from the existing shoreline and extending 1,260 feet, more or less, southerly from the existing south pier of the Kenosha harbor.

**SECTION 12. Eichelman park.** Notwithstanding any other provision of this act, no part of the city park known as "Eichelman Park" may be used for any purpose except that of a public park. Sewer, water and utility facilities may be located therein. Eichelman Park is located entirely in the Northwest Quarter of Section 5, Town 1 North, Range 23 East of the Fourth Principal Meridian in the city and county of Kenosha and state of Wisconsin.

**SECTION 13. Powers of city and local governmental bodies.** The powers and authority of the city of Kenosha, its redevelopment authority, housing authority, board of harbor commissioners and park commission under the statutes and applicable laws apply to the lands granted by this act to the city of Kenosha and previously granted to the city of Kenosha by chapter 230, laws of 1919, or by chapter 198, laws of 1959, including but not limited to such powers and authority contained in chapter 27, 30 or 66 of the statutes, including without limitation the right to own, manage, lease, sell or otherwise dispose of such lands, and the right to fund or finance improvements thereon or encumber to secure indebtedness. The purpose or purposes to which any particular part of the lands described in SECTION 3 are put at any time and from time to time after the effective date of this SECTION, shall be determined by the appropriate governing bodies identified in SECTION 7, and can be changed by them from time to time after the effective date of this

**SECTION.** The city of Kenosha may cede, grant, convey, sell, lease or otherwise transfer to the county of Kenosha or any other public body with authority to carry out the purposes of this act, including those identified in SECTION 7, any or all of the lands described in this act for any of the uses permitted by this act. If any lands described in this act are ceded, granted, conveyed, leased or otherwise transferred to the county of Kenosha or any other public body, and the county of Kenosha or such other public body accepts the lands or lease, then the county of Kenosha or such other public body shall hold, use and regulate those lands or the lease thereof for the uses permitted by this act. In order to carry out the purposes of this act, the city of Kenosha, the county of Kenosha and all other public bodies may, upon such terms as the city, county or public body determines and to the extent permitted under statutory authority, furnish services, facilities or property, with or without charge, or lend or contribute funds; borrow money and issue bonds, notes, debentures and other forms of indebtedness, including bond, revenue, tax and grant anticipation notes; apply for and accept loans, grants, contributions and any other form of assistance from the federal government, the state, the city or county of Kenosha, or any public or private body, or from any sources public or private for the purposes of this act, and give such security as may be required and enter into and carry out contracts and agreements therewith; lend money to any public body or private redevelopment company, association or corporation, or an individual or partnership in connection with development of the lands described in SECTION 10 for uses permitted by this act or in connection with development of a public marina on any of the lands described in this act; perform any other action of a character which it is authorized to perform for general purposes; and enter into cooperation agreements and related contracts in furtherance of any of the purposes enumerated in this act. The city of Kenosha and the county of Kenosha may levy taxes and assessments and appropriate funds and make expenditures, and all public bodies may appropriate funds and make expenditures, as may be necessary or advisable to carry out the purposes of this act. In carrying out the purposes of this act, the city and county of Kenosha and every other public body shall have the same powers as a redevelopment authority has with respect to a redevelopment program for a redevelopment project located in a blighted area, in addition to all such other powers of such city, county or other public body, and in addition to all other powers necessary or incidental to carry out and effectuate the purposes of this act. In this SECTION, "public body" includes any public corporation. The previous conveyance by the city of Kenosha of a portion of the lands described in SECTION 8 to Lakeside Towers, Inc., a Wisconsin corporation, which conveyance was recorded in the office of the register of deeds of Kenosha County, Wisconsin, on January 8, 1980, in volume 1066, page 415, as doc-



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ument number 663066, for the development thereon  
of a senior citizen housing project is approved, and the  
city is authorized to again so convey such lands to

such grantee, its successor or assign, for purposes of  
providing parking and open space for senior citizen  
housing.

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