

1987 Senate Bill 128

Date of enactment: August 6, 1987
Date of publication: August 13, 1987

1987 Wisconsin Act 31

AN ACT to affect laws of 1933, chapter 178, section 1 and laws of 1933, chapter 178, section 1 (2) to (5) relating to the cession of certain submerged lands in Lake Michigan to the county of Milwaukee.

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

SECTION 1. Laws of 1933, chapter 178, section 1, as last affected by chapter 194, laws of 1935, is renumbered section 1 (1) and amended to read:

(Laws of 1933, chapter 178) Section 1 (1) All the right, title and interest of the state of Wisconsin in and to a strip of submerged land extending into Lake Michigan for a distance of twenty-four hundred feet along and adjacent to the shore of Lake Michigan from the north limits of the city of Milwaukee, as the same existed March 1, 1933, being the south line of the northeast quarter of section ten, town seven north, range twenty-two east, north to a line drawn parallel to and twelve hundred feet south of the north line of section twenty-one, town eight north, range twenty-two east, also from a line drawn parallel to and eight hundred feet south of the north line of the southwest quarter of section ten, town eight north, range twenty-two east, thence north to the north boundary of the county of Milwaukee; also commencing on the east and west center line of section fourteen, town six

north, range twenty-two east, thence south to the south boundary of Milwaukee county, and extending into Lake Michigan for a distance of twenty-four hundred feet, are hereby granted and ceded to the county of Milwaukee, to be held and used by said the county forever as a part of its system of county parks, parkways and highways, and to be managed, controlled and improved by the Milwaukee county park commission as provided in sections 27.02 to 27.065 of the statutes or, with respect to the portion of the land granted to the county under this subsection which is adjacent to the city of St. Francis, for development as a marina and related facilities necessary for the operation of the marina; provided that ~~said~~ the land hereby ceded and granted shall not be leased or sold by said the county of Milwaukee, or used by it the county or any of its lessees for any other purpose than a public park, parkway ~~or~~ highway or marina and related facilities necessary for the operation of the marina. For the purpose of creating ~~said~~ parks, parkways ~~and~~ highways, a marina and related facilities necessary for the operation of the marina, the Milwaukee county park com-

~~mission~~ and any lessee of the county may do all things necessary to fill in and reclaim said the submerged lands.

SECTION 2. Laws of 1933, chapter 178, section 1 (2) to (5) are created to read:

(Laws of 1933, chapter 178) Section 1 (2) If subsection (4) or (5) applies with respect to the portion of the land granted to the county under subsection (1) which is adjacent to the city of St. Francis, the department of natural resources shall develop procedures and criteria to determine whether the portion of the land granted to the county under subsection (1) which is adjacent to the city of St. Francis is being used by the county or any other person under subsection (4) or (5) to serve a purpose enumerated under subsection (1). If the department of natural resources determines that the portion of the land granted under subsection (1) which is adjacent to the city of St. Francis is no longer being used to serve a purpose enumerated under subsection (1), the department of natural resources shall direct the county or other person to amend its use of that portion of the grant to comply with a purpose for which the grant was received. In addition, the department of natural resources shall recommend that a bill be introduced to revoke the grant if it is no longer being used to serve a purpose enumerated under subsection (1).

(3) The county of Milwaukee shall include in any lease executed under this SECTION that relates to the portion of the land granted to the county under subsection (1) which is adjacent to the city of St. Francis a provision that the lease is terminated if the county determines that the lessee is not using that portion of the land granted to the county under subsection (1) to serve a purpose enumerated under subsection (1). The

county shall exercise diligence in reviewing the actions of a lessee under this SECTION to determine whether the lessee is using that portion of the land granted to the county to serve a purpose enumerated under subsection (1).

(4) If the county of Milwaukee or any of its lessees proposes to build a marina and related facilities necessary for the operation of the marina on the portion of the land granted to the county under subsection (1) which is adjacent to the city of St. Francis, the county or lessee shall do all of the following with respect to the construction and operation of the marina and related facilities:

(a) Include mooring and docking facilities and services at the marina, to be offered at reasonable fees.

(b) Ensure that the marina does not interfere with any pedestrian walkway or bikeway located near the marina.

(c) Develop and maintain the marina in a manner consistent with any county park land adjacent to the marina.

(5) If the county of Milwaukee permits any person other than an employe or agent of the county to fill an area of the lake bed granted to the county under subsection (1) that is adjacent to the shoreline of the city of St. Francis and extends into the lake more than 50 feet beyond the shoreline, the county shall require that person to provide facilities for public access and use of the filled area, including providing for reasonable public access to the shoreline surrounding and adjacent to the filled area and providing a bikeway if the bikeway can be connected to an existing county bikeway.