



## 1997 ASSEMBLY BILL 798

February 19, 1998 - Introduced by Representatives NOTESTEIN, WALKER, RILEY, CARPENTER, R. POTTER, WILLIAMS, GUNDERSON, STASKUNAS, BOCK, KRUG, COGGS, WASSERMAN, KUNICKI, L. YOUNG, DUFF, LA FAVE, KRUSICK, LAZICH, PLALE, MORRIS-TATUM and CULLEN, cosponsored by Senators GROBSCHMIDT, MOORE, DARLING, BURKE, GEORGE, FARROW and ROSENZWEIG. Referred to Committee on Environment.

1     **AN ACT** *to renumber and amend* 30.37 (1); and *to create* 30.37 (1) (c) of the  
2             statutes; **relating to:** lake bed areas owned by Milwaukee County that are  
3             used for certain recreational purposes and to Milwaukee County's creating or  
4             acting as a board of harbor commissioners.

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### ***Analysis by the Legislative Reference Bureau***

In 1893, the state, by legislative act, granted to the city of Milwaukee a 2 parcels of submerged land in Lake Michigan to be used for park and boulevard purposes. In 1937, the state by legislative act authorized the city of Milwaukee to grant or lease to Milwaukee County any submerged lands in Lake Michigan that the state had previously granted to the city. Using this authorization, the city of Milwaukee granted to Milwaukee County the land granted to the city under the 1893 legislative act. In 1963, the state by legislative act granted to Milwaukee County a 3rd parcel of submerged land in Lake Michigan to be used for park, recreational and marina and other related purposes. The McKinley Marina is located on these 3 parcels.

This bill confirms and recognizes Milwaukee County's title to these submerged lands. The bill also authorizes both parcels to be used for recreational and marina and other related purposes. The bill enumerates types of structures that may be built and maintained at the McKinley Marina.

Under current law, a county may not create a board of harbor commissioners if a city, town or village has created one within the county. A board of harbor commissioners is responsible for the maintenance and operation of a harbor's facilities such as piers, basins, dock walls and storage facilities. Under the bill,

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Milwaukee County is exempt from this prohibition. The bill authorizes Milwaukee County to create a county board of harbor commissioners or to exercise the powers and duties of a board of harbor commissioners for the 3 parcels described above without creating such a board.

Because this bill concerns a conveyance of a lake bed area, the department of natural resources, as required by law, will prepare a detailed report to be printed as an appendix to this bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 30.37 (1) of the statutes is renumbered 30.37 (1) (a) and amended  
2 to read:

3           30.37 (1) (a) ~~Any~~ Except as provided in par. (b), a municipality situated on a  
4 navigable waterway may create a board of harbor commissioners to exercise the  
5 powers and perform the duties conferred upon such boards by law, ~~except that a.~~

6           (b) A county may not create a board of harbor commissioners if there exists an  
7 active town, village or city board of harbor commissioners within the county.

8           **SECTION 2.** 30.37 (1) (c) of the statutes is created to read:

9           30.37 (1) (c) Notwithstanding par. (b), Milwaukee County may create a board  
10 of harbor commissioners, or Milwaukee County may directly exercise all of the  
11 powers and perform all of the duties of a board of harbor commissioners; including  
12 the powers and duties conferred by ss. 30.34, 30.35 and 30.38; with respect to the land  
13 ceded or granted to Milwaukee County as described in 1997 Wisconsin Act ... (this  
14 act), section 3 Milwaukee County shall have exclusive jurisdiction over any harbor  
15 or marina located on this land.

16           **SECTION 3. Nonstatutory provisions.**

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1           (1) TITLE GRANTED BY STATE. The state recognizes and confirms that Milwaukee  
2 County has been granted all rights and title to, and interest in, the land described  
3 in subsection (2) based on the land being ceded and granted as follows:

4           (a) A portion was granted and ceded by the state to Milwaukee County under  
5 chapter 175, laws of 1963.

6           (b) A portion was granted and ceded by the state to the city of Milwaukee under  
7 chapter 197, laws of 1893, as amended by chapter 200, laws of 1897, chapter 608,  
8 laws of 1907, chapter 359, laws of 1909, chapter 198, laws of 1911, chapters 183 and  
9 254, laws of 1913, chapter 389, laws of 1915, chapter 309, laws of 1921, and chapter  
10 284, laws of 1923, and was subsequently ceded or granted by the city of Milwaukee  
11 to Milwaukee County pursuant to the city's authority under chapter 297, laws of  
12 1937.

13           (c) A portion was granted and ceded by the state to the city of Milwaukee under  
14 chapter 206, laws of 1893, as amended by chapter 191, laws of 1897, and under  
15 chapter 307, laws of 1921, as amended by chapter 261, laws of 1933, and was  
16 subsequently ceded or granted by the city of Milwaukee to Milwaukee County  
17 pursuant to the city's authority under chapter 297, laws of 1937.

18           (2) LEGAL DESCRIPTION. The land to which Milwaukee County has been granted  
19 all rights and title to, and interest in, as recognized and confirmed by the state under  
20 subsection (1) is described as follows:

21           (3) That part of all the submerged lands located in that part of the SW-1/4 of  
22 the SE-1/4, part of the SE-1/4 of the SE-1/4, and part of the NE-1/4 of the SE-1/4  
23 of Sec. 21; also the SW-1/4 of the NW-1/4, and part of the SE-1/4 of the NW-1/4, and  
24 part of the NE-1/4 of the SW-1/4, and part of the SE-1/4 of the SW-1/4, and part of  
25 the SW-1/4 of the SW-1/4, and the NW-1/4 of the SW-1/4 all in Sec. 22; part of the

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1 NW-1/4 of the NW-1/4 of Sec. 27; also that part of the NE-1/4 of the NE-1/4, and  
2 part of the NW-1/4 of the NE-1/4, and part of the SW-1/4 of the NE-1/4 of Sec. 28,  
3 all in T. 7 N., R. 21 E. of the 4th principal meridian, Milwaukee County, State of  
4 Wisconsin and more particularly described as follows:

5 (4) Begin at a concrete monument marking the W-1/4 corner of Sec. 22, thence  
6 N. 88 degrees 57 minutes 07 seconds E. along the East-West 1/4 line of said section,  
7 15.79 feet to the east line of the Chicago and Northwest Railway right-of-way by  
8 agreement dated April 9, 1913; thence N. 71 degrees 35 minutes 21 seconds E. 700.89  
9 feet; thence N. 85 degrees 29 minutes 34 seconds E. 556.56 feet to a point 40 feet  
10 westerly and perpendicular to the United States Break Water; thence S. 26 degrees  
11 23 minutes 26 seconds E. parallel with said breakwater, 2365.86 feet; thence S. 17  
12 degrees 47 minutes 56 seconds E. parallel with said breakwater, 71.58 feet; thence  
13 S. 00 degrees 35 minutes 56 seconds E. Parallel with said breakwater, 64.25 feet;  
14 thence S. 09 degrees 41 minutes 34 seconds W. parallel with said breakwater, 443.37  
15 feet to a point that is 500 feet northerly of the north end of the fair weather entrance;  
16 thence S. 89 degrees 29 minutes 49 seconds W. 1,059.36 feet; thence S. 34 degrees 29  
17 minutes 49 seconds W. 1,682.44 feet to a point on the north right-of-way line of East  
18 Wells Street extended easterly; thence S. 84 degrees 02 minutes 42 seconds W. along  
19 the easterly extension of the north line of said street, 2,675.21 feet to the east line  
20 of the Chicago and Northwest Railway right-of-way by agreement dated April 9,  
21 1913; thence N. 16 degrees 31 minutes 35 seconds E. along said east right-of-way  
22 line 432.36 feet; thence N. 27 degrees 17 minutes 11 seconds E. along said  
23 right-of-way line 1,828.24 feet; thence N. 32 degrees 43 minutes 58 seconds E.  
24 1,433.86 feet; thence N. 40 degrees 01 minutes 48 seconds E. along said right-of-way  
25 line 668.26 feet; thence N. 40 degrees 12 minutes 33 seconds E. 420.78 feet to a point

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1 on the west line of the SE-1/4 of Section 22; thence N. 0 degrees 17 minutes 03  
2 seconds W. along the west line of said 1/4 section, 18.28 feet to the point of beginning.

3 (5) AUTHORIZED USES.

4 (a) The park, recreational, marina and other related purposes, as specified  
5 under chapter 175, laws of 1963, for which the land granted and ceded under chapter  
6 175, laws of 1963, may be used may include the construction and maintenance of  
7 buildings, boat ramps or slips, boat moorings, boat basins, docks, wharves and other  
8 structures that provide protection or security.

9 (b) In addition to the purposes for use as a public park and boulevards as  
10 specified under chapter 197, laws of 1893, as amended by chapter 200, laws of 1897,  
11 chapter 608, laws of 1907, chapter 359, laws of 1909, chapter 198, laws of 1911,  
12 chapters 183 and 254, laws of 1913, chapter 389, laws of 1915, chapter 309, laws of  
13 1921, chapter 284, laws of 1923, and chapter 175, laws of 1963, the land granted and  
14 ceded under chapter 197, laws of 1893, as so amended, may be used for park,  
15 recreational, marina and other related purposes and may include the construction  
16 and maintenance of any of the items specified in paragraph (a).

17

(END)