



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBs0528/1
MGG;jlg:ijs

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 798**

March 3, 1998 - Offered by COMMITTEE ON ENVIRONMENT.

1 **AN ACT to renumber and amend** 30.37 (1); and **to create** 30.37 (7) 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 having the
4 duties and powers of a board of harbor commissioners in regard to certain lake
5 bed areas.

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

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

8 30.37 (1) (a) Any Except as provided in par. (b), a municipality situated on a
9 navigable waterway may create a board of harbor commissioners to exercise the
10 powers and perform the duties conferred upon such boards by law, ~~except that a~~

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

1 **SECTION 2.** 30.37 (7) of the statutes is created to read:

2 30.37 (7) MILWAUKEE COUNTY. Milwaukee County, with respect to the land
3 ceded or granted to Milwaukee County as described in 1997 Wisconsin Act ... (this
4 act), section 3, may directly exercise all of the powers and perform all of the duties
5 conferred on a board of harbor commissioners under ss. 30.34, 30.35 and 30.38, but
6 Milwaukee County may not create a board of harbor commissioners if sub. (1) (b)
7 applies. Milwaukee County shall have exclusive jurisdiction over the operation,
8 administration, maintenance, improvement, alteration and repair of any marina
9 facility or marina related anchorage located on this land.

10 **SECTION 3. Nonstatutory provisions.**

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

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

16 (b) A portion was granted and ceded by the state to the city of Milwaukee under
17 chapter 197, laws of 1893, as amended by chapter 200, laws of 1897, chapter 608,
18 laws of 1907, chapter 359, laws of 1909, chapter 198, laws of 1911, chapters 183 and
19 254, laws of 1913, chapter 389, laws of 1915, chapter 309, laws of 1921, and chapter
20 284, laws of 1923, and was subsequently ceded or granted by the city of Milwaukee
21 to Milwaukee County pursuant to the city's authority under chapter 297, laws of
22 1937.

23 (c) A portion was granted and ceded by the state to the city of Milwaukee under
24 chapter 206, laws of 1893, as amended by chapter 191, laws of 1897, and under
25 chapter 307, laws of 1921, as amended by chapter 261, laws of 1933, and was

1 subsequently ceded or granted by the city of Milwaukee to Milwaukee County
2 pursuant to the city's authority under chapter 297, laws of 1937.

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

6 (3) That part of all the submerged lands located in that part of the SW-1/4 of
7 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
8 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
9 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
10 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
11 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
12 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,
13 all in T. 7 N., R. 22 E. of the 4th principal meridian, Milwaukee County, State of
14 Wisconsin and more particularly described as follows:

15 (4) Begin at a concrete monument marking the W-1/4 corner of Sec. 22, thence
16 N. 88 degrees 57 minutes 07 seconds E. along the East-West 1/4 line of said section,
17 15.79 feet to the east line of the Chicago and Northwest Railway right-of-way by
18 agreement dated April 9, 1913; thence N. 71 degrees 35 minutes 21 seconds E. 700.89
19 feet; thence N. 85 degrees 29 minutes 34 seconds E. 556.56 feet to a point 40 feet
20 westerly and perpendicular to the United States Break Water; thence S. 26 degrees
21 23 minutes 26 seconds E. parallel with said breakwater, 2365.86 feet; thence S. 17
22 degrees 47 minutes 56 seconds E. parallel with said breakwater, 71.58 feet; thence
23 S. 00 degrees 35 minutes 56 seconds E. Parallel with said breakwater, 64.25 feet;
24 thence S. 09 degrees 41 minutes 34 seconds W. parallel with said breakwater, 443.37
25 feet to a point that is 500 feet northerly of the north end of the fair weather entrance;

1 thence S. 89 degrees 29 minutes 49 seconds W. 1,059.36 feet; thence S. 34 degrees 29
2 minutes 49 seconds W. 1,682.44 feet to a point on the north right-of-way line of East
3 Wells Street extended easterly; thence S. 84 degrees 02 minutes 42 seconds W. along
4 the easterly extension of the north line of said street, 2,675.21 feet to the east line
5 of the Chicago and Northwest Railway right-of-way by agreement dated April 9,
6 1913; thence N. 16 degrees 31 minutes 35 seconds E. along said east right-of-way
7 line 432.36 feet; thence N. 27 degrees 17 minutes 11 seconds E. along said
8 right-of-way line 1,828.24 feet; thence N. 32 degrees 43 minutes 58 seconds E.
9 1,433.86 feet; thence N. 40 degrees 01 minutes 48 seconds E. along said right-of-way
10 line 668.26 feet; thence N. 40 degrees 12 minutes 33 seconds E. 420.78 feet to a point
11 on the west line of the SW-1/4 of Section 22; thence N. 0 degrees 17 minutes 03
12 seconds W. along the west line of said 1/4 section, 18.28 feet to the point of beginning.

13 (5) AUTHORIZED USES.

14 (a) The park, recreational, marina and other related purposes, as specified
15 under chapter 175, laws of 1963, for which the land granted and ceded under chapter
16 175, laws of 1963, may be used may include the construction and maintenance of
17 buildings, boat ramps or slips, boat moorings, boat basins, docks, wharves and other
18 structures that provide protection or security.

19 (b) In addition to the purposes for use as a public park and boulevards as
20 specified under chapter 197, laws of 1893, as amended by chapter 200, laws of 1897,
21 chapter 608, laws of 1907, chapter 359, laws of 1909, chapter 198, laws of 1911,
22 chapters 183 and 254, laws of 1913, chapter 389, laws of 1915, chapter 309, laws of
23 1921, chapter 284, laws of 1923, and chapter 175, laws of 1963, the land granted and
24 ceded under chapter 197, laws of 1893, as so amended, may be used for park,

1 recreational, marina and other related purposes and may include the construction
2 and maintenance of any of the items specified in paragraph (a).

3 (END)