



**CITY OF WAUKESHA**

**Administration**

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<b>Committee:</b> Building and Grounds	<b>Date:</b> 7/6/2020
<b>Common Council Item Number:</b> ID No. 20-0804	<b>Date:</b> 9/14/2020
<b>Submitted By:</b> Fred Abadi, P.E. Public Works Director	<b>City Administrator Approval:</b> Kevin Lahner, City Administrator
<b>Finance Department Review:</b> Diane Gard, Finance Director	<b>City Attorney's Office Review:</b> Brian Running, City Attorney
<b>Subject:</b> Please consider assigning the three angled parking spots located on Martin Street to be used exclusively by the apartments in the old courthouse.	

**Details:**  
This item was brought forward from Ald. Miller. This topic of private parking on Martin Street, adjacent to the Museum Apartments, vs. public parking has been ongoing with the developer for some time. Earlier this year, Department of Public Works staff had sent out a letter to inform the developer (Mr. Huelsman) that the 3 subject parking stalls, that he signed as private, are actually public parking. This topic was referred to the City Attorney's office. Held.

7/6/20. Held. Attorney Julie Gay has replied with the following message: *"The Plan Commission approval of this project clearly require public parking on this street at this location. Furthermore, there is an easement from the developer to the city that has been recorded that provides for public parking in the angle parking on Martin Street. This document was approved and signed by the mayor in November 2017. Changing these parking spots to private parking at this juncture is in violation of the conditions for project approval granted by plan commission as well as contrary to the recorded easement on this property. Given that approval of the overall project was granted with the provision of adequate public parking and actions have been taken by both parties in reliance on the approval, it is in the City's interest to keep the parking spots for use by the general public as anticipated by the Plan Commission and the subsequent easement."*

8/3/20. Held.

9/14/20. Attorney Julie Gay has sent an email dated 9/09/20 to all Alderpersons on the Buildings & Grounds Committee explaining the disposition of the attorneys office on this matter.

**Options & Alternatives:**

**Financial Remarks:**

**Executive Recommendation:**  
The Department of Public Works recommends Ald. Miller withdraw this item from B&G at the meeting and the matter will be handled through the Attorney's office.

