

**Common Council
of the
City of Waukesha, Wisconsin**

Resolution No. 2020 - _____

**Resolution Subjecting Newly-Acquired Lands to
National Park Service Restrictive Covenants**

Whereas the City of Waukesha acquired land formerly used as a Nike missile launch site from the United States government through the Federal Lands to Parks Program by a Quit-Claim Deed dated May 29, 2012 and recorded by the Register of Deeds for Waukesha County on August 2, 2012 as Document Number 3938053; and

Whereas the Quit-Claim Deed contained restrictive covenants requiring, among other things, that the land, placed under the jurisdiction of the City's Department of Parks, Recreation and Forestry and called Missile Park, would be used in perpetuity only for park and recreation purposes; and

Whereas the City will acquire from private individuals additional lands adjacent to Missile Park, which will be annexed to and become part of Missile Park, and

Whereas the City requires a booster pumping station and reservoir site to be used in connection with the pipelines being constructed by the Waukesha Water Utility to receive water from the City of Milwaukee; and

Whereas a suitable site for the booster pump station and reservoir straddles the boundary between Missile Park and the adjacent lands to be acquired by the City and contains a portion of Missile Park; and

Whereas locating booster pump and reservoir facilities on that portion of Missile Park would violate the restrictive covenants in the Quit-Claim Deed; and

Whereas the United States has agreed that it will allow such booster pump and reservoir facilities to be located on a portion of Missile Park if the newly-acquired lands are subjected to the restrictive covenants in substitution for the Missile Park lands to be used for Waukesha Water Utility facilities; and

Whereas; the City of Waukesha is willing to subject the newly-acquired lands to the same restrictive covenants contained in the Quit-Claim Deed;

Now, therefore, the Common Council of the City of Waukesha resolves that:

1. Lands to be acquired by the City of Waukesha adjacent and immediately to the east of Missile Park, tax key numbers WAKC 1300 982 and WAKC 1300 983, shall be subjected to the same restrictive covenants imposed upon Missile Park by the Quit Claim Deed recorded by the Register of Deeds for Waukesha County on August 2, 2012 as

Document Number 3938053; except that portion of WAKC 1300 982 that will be used for the location of a booster pump station, reservoirs, and other associated fixtures and improvements, as shown on the attached draft certified survey map, Exhibit A.

2. The City Attorney is authorized and directed to prepare a declaration of restrictions imposing the same restrictive covenants imposed upon Missile Park by the Quit Claim Deed recorded by the Register of Deeds for Waukesha County on August 2, 2012 as Document Number 3938053, to WAKC 1300 983 and the pertinent portion of WAKC 1300 982.
3. The City Attorney is authorized and directed to prepare a deed of release, whereby the restrictive covenants will be released from the portion of Missile Park that will be used for the booster pumping station, reservoir, and associated fixtures and improvements, as shown on the attached Exhibit A.
4. The Mayor and City Clerk-Treasurer are authorized and directed to execute the declaration of restrictions and deed of release.
5. The City Attorney is authorized and directed to record the executed declaration of restrictions against WAKC 1300 982 and WAKC 1300 983, to execute and record the deed of release, and to take all such other actions and to execute such other documents on behalf of the City of Waukesha as are necessary to impose the covenants and restrictions to the lands and to obtain the permission of the United States government to allow the construction of a booster pump station, reservoirs, and associated fixtures and improvements on a portion of Missile Park.

This Resolution was passed and adopted by the Common Council of the City of Waukesha the 7th day of July, 2020.

Shawn N. Reilly, Mayor

Gina L. Kozlik, City Clerk