

CITY OF RACINE, WISCONSIN
REDEVELOPMENT AUTHORITY RESOLUTION 19-11

APPROVING AND RECOMMENDING SALE OF PARCEL 3, CSM 2781
(1828 DEKOVEN 1811 PHILLIPS AVENUE) TO GLOBAL SIGNAL ACQUISITIONS IV,
LLC

WHEREAS, by Resolution 02-4 the Redevelopment Authority of the City of Racine (“RDA”) adopted the redevelopment plan for the Jacobsen/Textron Industrial Area, on July 24, 2002, which was approved by Common Council Resolution 4775 of August 5, 2002 and certified by the RDA on August 20, 2002, and as thereafter amended (“Redevelopment Plan”);

WHEREAS, by Resolution 5792 of February 3, 2004 the Common Council approved the RDA’s acquisition of certain property within the Redevelopment Plan area and subsequently the RDA acquired that property by Warranty Deed recorded on May 27, 2004 as Document No. 1974227, now known as Parcel 3 of Certified Survey Map 2781 (the “Property”);

WHEREAS, the Property was at time of acquisition and is now the site of a wireless communications facility, which includes a “mobile service facility” and/or a “mobile service support structure” as defined under Wisconsin Statute s. 66.0404 and as the same may be amended (collectively, “Wireless Communications Facility”), and which enjoys broad protections under state statutes including, without limitation, the right to remain on site, subject to local regulation that is consistent with state and federal law, notwithstanding the standards contained in the Redevelopment Plan;

WHEREAS, the Wireless Communications Facility is privately operated under lease from the RDA, said lease generating annual revenues that are insufficient to accomplish any significant purpose in any given year;

WHEREAS, the RDA desires to optimize and accelerate the benefit of the revenues from the Property by condensing the revenues into a single receipt of sufficient amount to achieve significant accomplishment as applied to other RDA projects or other RDA properties;

WHEREAS, the RDA is authorized by statute to sell property for fair market value for use in accordance with the Redevelopment Plan;

WHEREAS, through Resolution 18-32, the RDA authorized and directed the RDA Executive Director and the RDA chairman to execute a property sales agreement (“PSA”) with Global Signal Acquisitions IV, LLC (Crown Castle) for the fee-simple sale of the property for the lump sum of \$458,000 subject to conveyance documentation reviewed and approved by the City Attorney’s office;

WHEREAS, the RDA has reviewed in its entirety the Agenda Briefing Memorandum of the Executive Director dated March 29, 2019 describing the terms, conditions and other material provisions of the contemplated sale of the Property to Crown Castle pursuant to the PSA and describing the objectives of the Redevelopment Plan in relation to the contemplated sale transaction (the “Report”);

WHEREAS, the RDA agrees with the Director in concluding that the use of the Property as a Wireless Communications Facility is a permitted use in accordance with the Redevelopment Plan, that availability of wireless communications is essential to a modern industrial park and is useful to area residents, the objectives of the Redevelopment Plan will be furthered by selling the Property in accordance with the PSA, that continued use of the Property as a Wireless Communications Facility will assist the RDA to achieve the stated objectives of the Redevelopment Plan and is consistent with the vision for and not inconsistent with the Local Objectives described in the Neighborhood Strategic Plan for Southside Racine;

WHEREAS, the Redevelopment Plan is intended to serve as a general framework or guide of development within which the specific projects may be more precisely planned or calculated to further the objectives of the Redevelopment Plan by implementing uses in accordance with the Redevelopment Plan, provided not every objective of the Redevelopment Plan must be met by every project undertaken within the Redevelopment Plan area;

WHEREAS, the RDA concludes it may sell the Property in accordance with the PSA because the continued use of the Property as a communications facility is a use in accordance with the Redevelopment Plan to the extent it may be enforced against a Wireless Communications Facility, furthers the objectives of the Redevelopment Plan and is not inconsistent with the Local Objectives described in the Neighborhood Strategic Plan;

WHEREAS, the RDA acknowledges that its determinations and conclusions memorialized in this Resolution will be relied upon by the buyer in concluding its purchase by executing the PSA;

BE IT THEREFORE RESOLVED, the Redevelopment Authority does hereby adopt the findings and conclusions set forth above and those set forth in the Report;

FURTHER RESOLVED, the Redevelopment Authority does hereby approve and direct the Executive Director to proceed without delay as provided in Resolution 18-32 to close the contemplated transaction to sell the Property to Crown Castle in substantial accord with terms set forth in the PSA, contingent upon the following conditions precedent: provision of the Report to the Common Council; receipt of the Common Council’s resolution approving of contemplated transaction in substantial accord with terms set forth in the PSA; and the RDA’s proper notice and timely conduct of a public hearing pertaining to the sale of the Property.

Fiscal Note: The sale of property will provide \$458,000 in sale proceeds to be used by the RDA to further leverage and support quality private-sector investment in economic development and redevelopment in the City of Racine.

Adopted on: May 2, 2019 *Seal*

By a Vote of

For: 0

Against: 0

Abstain: 0

Attest:

Amy Connolly, AICP

Executive Director/Director of City Development