



Community Development Authority

City of Racine

AGENDA BRIEFING MEMORANDUM

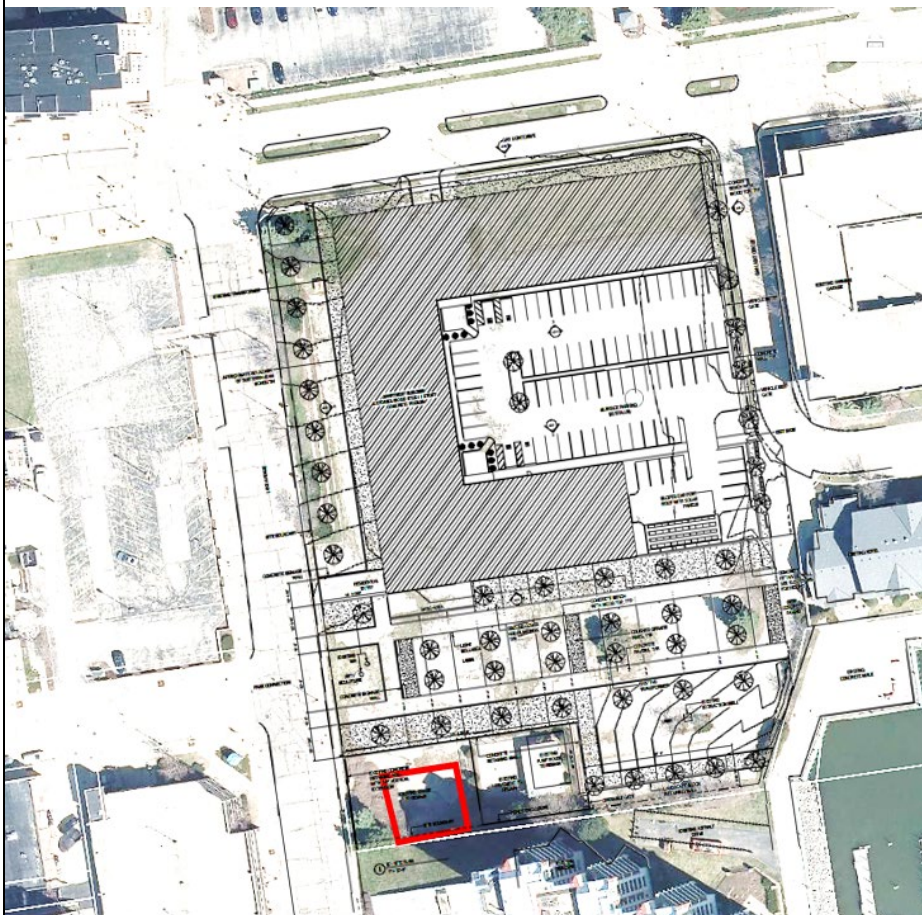
AGENDA DATE: May 15, 2023

PREPARED BY: Jeff Hintz, CNU-A, Planning Manager, City Development Department

SUBJECT: Communication from the Interim Executive Director on behalf of Lakeshore Towers of Racine, seeking permission to obtain a permanent access easement on Community Development Authority (CDA) owned property at 233 Lake Avenue.

SUMMARY: This easement if granted by the CDA, would allow the adjacent owner access onto 233 Lake Avenue for the purposes of maintaining the building at 333 Lake Avenue. A 50 foot by 50 foot area would be utilized for the maintenance and temporary placement of construction materials as repairs are done at Lakeshore Towers (333 Lake Avenue). The area where the easement is requested is depicted in the background and analysis section of this memo. Lakeshore Towers would be responsible for the maintenance and proposes pavement of the area so the weight of a crane can be supported. The CDA would retain ownership and control of the site, an easement would give the adjacent owner(s) the right to access the 233 Lake Avenue property for the purpose of maintaining their building.

BACKGROUND & ANALYSIS: The graphic below is an aerial photo of the 233 Lake Avenue property from 2022 and has imposed on it, an approved site development plan for Breakwater, which is being developed by Hovde Properties; on the southwest corner of the property (north is up) in red, is where Lakeshore Towers seeks to have the access easement to maintain the property at 333 Lake Avenue.



The area within the red boundary is not being utilized by Hovde properties in the development of the Breakwater. In 1989, the area in which is shown in red, and additional property in the vicinity, was sold by what is now Lakeshore Towers, to WE Energies. The reason(s) for the sale are not indicated in the deed granting the property to WE Energies; the CDA took ownership of the property in 2014. In 2023, the CDA signed a ground lease with Hovde Properties (which was authorized in 2019), allowing the redevelopment of the site as 202 market-rate dwelling units.

Until January of 2023, Lakeshore Towers was under the impression this property was still owned by the condominium association and unaware of the deed from 1989, which sold the property in question to WE Energies. This location is important to Lakeshore Towers as the only realistic way from both a technical and financial standpoint, to perform maintenance on the northern/eastern portion(s) of their building. This would also necessitate the use of a crane on a paved pad, as shown on the graphic on the previous page.

The CDA is not required to approve this easement as requested. Given the portion of the property outlined in red is not going to be utilized by Hovde for the Breakwater development and will generally remain unused, it would be prudent to consider granting the access easement. Keeping the property to the south at 333 Lake Avenue in good repair and order is in the best interest of all the parties involved. Lakeshore Towers Building Engineer Mat Mohr, has communicated about the location and use of the portion of the property shown in red with Hovde Properties and received no objections. The CDA as property owner, has the authority to authorize or deny the easement. Lakeshore Towers would assume maintenance responsibility for the easement area, and also be responsible for the proper reviews, permitting, and installation of the support pad for the crane if this easement is approved.

RECOMMENDED ACTION: Staff recommends that the Community Development Authority of the City of Racine recommend approval of this easement and authorizes the Acting Executive Director to work with necessary staff to draft, execute, and record a document granting access to the area for maintenance of the property at 333 Lake Avenue.

BUDGETARY IMPACT: Drafting and recording of the easement will incur some fees, which will be paid for by the requestor of the easement (Lakeshore Towers of Racine).