

--MEMORANDUM--

MEMO TO: City Council

FROM: Gregory E. Buckley
City Manager



DATE: July 28, 2023

SUBJECT: Conveyance of City Property Adjacent to L.B. Clarke Middle School
To the Two Rivers Public School District

Monday's meeting agenda includes action on a purchase agreement for the above-cited property.

This matter was discussed at length by City Council and representatives of the School District at the January 23 work session. In follow-up, the Council at its February 20 meeting approved the attached resolution (p. 4-5), stating the conditions for the conveyance.

You may recall that a big topic of discussion at the January meeting was the District's plan, at that time, to place stormwater detention ponds, with standing water, in close proximity to the north side of the Pony League baseball field that is used by the City. Staff understood those "wet ponds" to be the major reason for the provision in the Council resolution that the District replace that ballfield with a new one, at the northwest corner of the property.

(There was also a lot of discussion at the January work session about the City's desire to have the School District end use of Walsh Field for TRHS baseball, as that use limits other possible uses for that facility—including Pony League baseball and softball. While a number of Council members encouraged the District to develop a varsity baseball field on District property—whether at the high school or L.B. Clarke—that was not tied to the Council action on conveyance of the subject property.)

City staff engaged in further discussions with the District and its architects/engineers following the Council's February action, and were provided in early June with revised site plans that reflected further development of the school project's storm water design. Those plans showed next to the ballfield, in place of the wet ponds, a "bioretention basin" connected to an "infiltration basin." We were assured that there would be standing water in the bioretention basin only for brief intervals following typical rainfalls, although it would be heavily vegetated with grasses and shrubs. (Water depth could briefly be up to 4 feet following a 100-year rain event).

Based on that new information, we as a staff concluded that the Pony League ballfield, in its current location, continued to be adequate to meet the City's programming needs and that there was no need for a new ballfield to be constructed. That conclusion was admittedly not taken back to City Council for your consideration—I acknowledge that it should have been, since it was contrary to one of the provisions in the February resolution.

Moving forward to the Plan Commission's site plan review for the school project on July 10, Council President Wachowski expressed concern about the plans that showed leaving the diamond in its current location. Those concerns included not only an ongoing concern about the stormwater management facilities near the ballfield, but also:

- The distance from the existing diamond to public parking, once the additions to the school are completed and the current parking lot on the north side of the school is eliminated. He noted that a new diamond to the west would be in closer proximity to the new, expanded parking lots west of the school.
- The short distance between the left field outfield fence of the existing field and the new, 5th grade classroom wing of the school—about 15 feet.
- The prospect that the above aspects of the existing ballfield would cause the public to be unhappy, ultimately resulting in the City having to spend money on a new field.

Based on those expressed concerns, I “pulled” final action on the property purchase agreement from the July 24 Council agenda, to allow the opportunity for further discussion involving City staff, the Council President, and the School District and its design team. We met this past Tuesday morning, July 25, for further discussion of the ballfield issue.

As the result of that discussion, the School District offered three options for the City's consideration—see the attached communication received on Wednesday, July 26 (p. 6). While none of those proposals offers to build a new Pony League ballfield at the northwest corner of the L.B. Clarke campus (something the City Council could still insist on), they do reflect a willingness to address the issue of Walsh Field. And I believe that they warrant the City's serious consideration.

Staff still recommends that it is not necessary to require the School District to spend an estimated \$150,000 to build a new Pony League field for City use. But we do think that Options 2 and 3 as presented by the School District have considerable merit, based on the commitment being made relative to Walsh Field.

We recommend either Option 2 or an Option “2A” where the City would keep some real estate for future Park and Rec uses—more than under School District Option 1 or 2, but less than

under School District Option 3. See attached maps (p. 7-10). These can be discussed in more detail on Monday night.

Whether some or all of the property currently owned by the City gets sold to the School District, the City will want to retain certain rights, including:

- an easement to assure access from Bellevue Place to and around the City sanitary sewer lift station that is located on school property
- an easement for City underground electric and possibly other utilities, running east-west between Bellevue and Parkway, across the open space well north of the expanded school building
- reservation of a 30-foot wide strip across the entire north boundary of the property, for possible future dedication as a street right-of-way

The easements/reservations above are shown on the attached mark-up of the certified survey map (p. 11).

We look forward to getting these issues resolved on Monday night, so the conveyance can be finalized and the School District can proceed with bidding their project in August, knowing that the land sale is fully approved and moving ahead.

**RESOLUTION
REGARDING CONVEYANCE OF CITY OWNED PROPERTY TO
TWO RIVERS PUBLIC SCHOOL DISTRICT FOR L.B. CLARKE EXPANSION**

WHEREAS, the City of Two Rivers (hereinafter "City") is the owner of an approximately 9.55 acre parcel of land, which borders on the north and west a parcel owned by the Two Rivers Public School District (hereinafter "District"), site of the District's L.B. Clarke Middle School; and

WHEREAS, said City-owned parcel, shown in the certified survey map attached hereto, is further identified as tax parcel 053-226-103-052-07, with legal description as follows:

Lot 2 of a Certified Survey Map recorded in Volume 21 at Page 204 of Certified Survey Maps with the Manitowoc County Register of Deeds, located in the SW ¼ of the NW ¼ of Section 26, Township 20 North, Range 24 East; and

WHEREAS, the voters of the District in November 2022 approved a bond issue to fund projects including a major renovation and expansion of L.B. Clarke Middle School, such expansion to include a new gymnasium and parking lot to the west and a new fifth grade classroom wing to the north; and

WHEREAS, undertaking said project will require that the District acquire some or all of the property comprising the above-referenced City parcel; and

WHEREAS, at a special City Council meeting held on January 23, 2023, the City Council discussed such a proposed conveyance with City staff and representatives of the District; at that meeting, Council members indicated support for conveying the entirety of the City-owned parcel to the District for one dollar, subject to the following conditions:

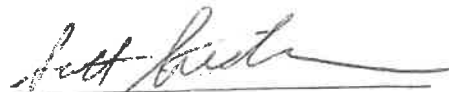
1. District to construct, at its cost, a new pony league baseball field at the northwest corner of what is now the City parcel, to replace an existing field at the Northeast corner of that parcel;
2. All routine turf maintenance on said baseball field and adjacent green space located north of the expanded L.B. Clarke facilities to be performed by the District;
3. City to retain an exclusive ability to use and schedule said baseball field and adjacent green space outside of the hours when school is in session; and

WHEREAS, this proposed conveyance was referred to the City's Plan Commission by the City Manager's Office for the Plan Commission's consideration and report to the Council, as required by Section 62.23(5) of Wisconsin Statutes; and

WHEREAS, the Plan Commission at its meeting of February 13, 2023 considered this proposed conveyance and the proposed conditions thereto as stated above, and voted unanimously to recommend that the City proceed with the conveyance;

NOW, THEREFORE BE IT RESOLVED that the City Council does hereby direct the City Manager to prepare a purchase agreement incorporating the above conditions, along with any other provisions he and staff consider to be in the City's best interests, to be reviewed with staff of the District and presented for City Council action not later than the regular meeting of March 20, 2023

Approved this 20th day of February, 2023.



Council Member

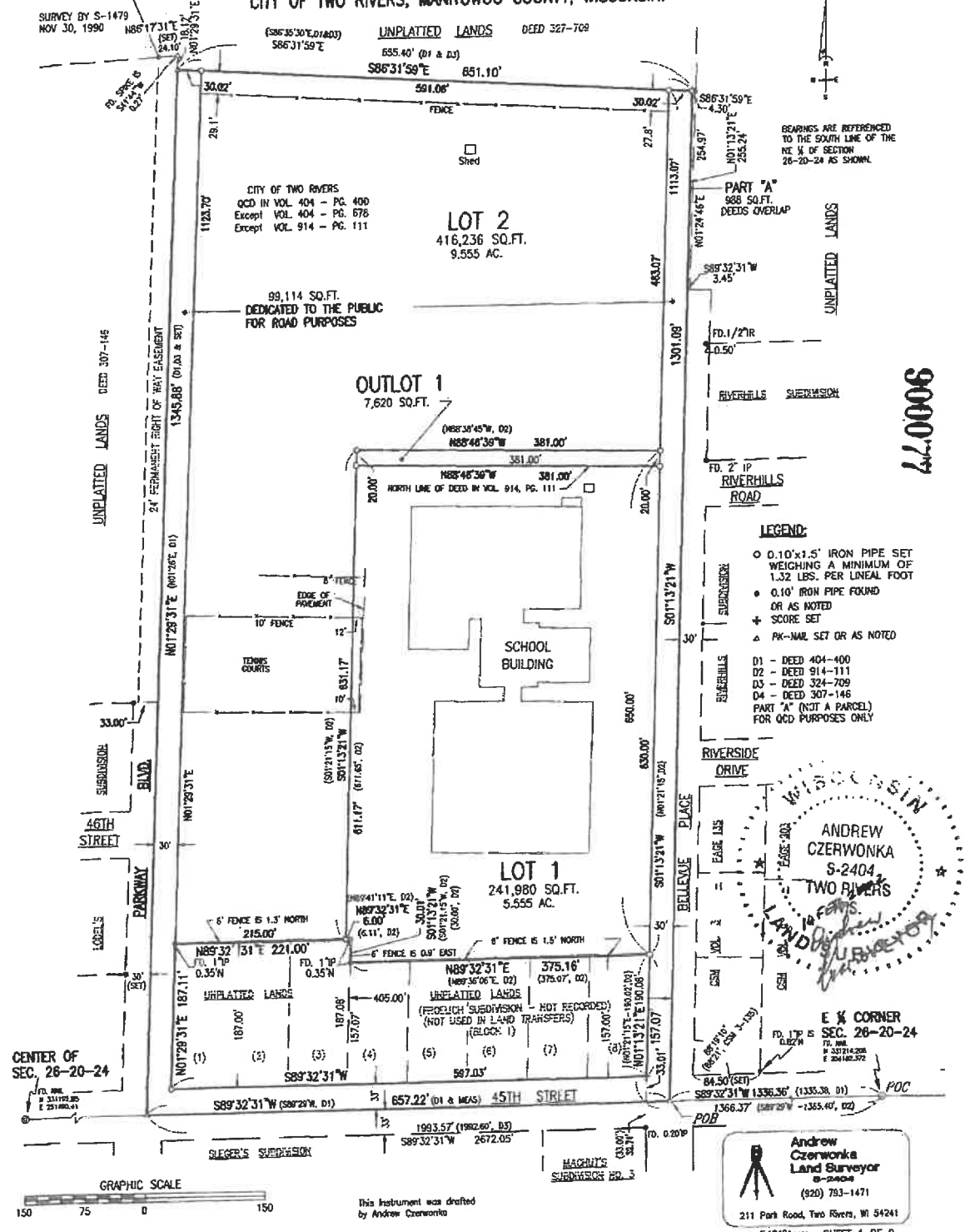


Gregory E. Buckley, City Manager

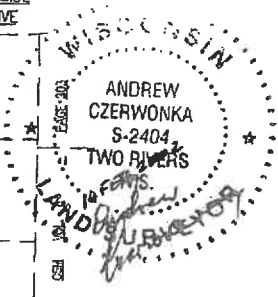
STATE OF WISCONSIN
 MANITOWOC COUNTY
 REGISTERS OF DEEDS
 RECEIVED FOR RECORD
 VOL. 21 CSM PG. 207
 7 MAR 2002 1:25:00 PM

MANITOWOC COUNTY CERTIFIED SURVEY MAP

LOCATED IN THE SW 1/4 OF THE NE 1/4 OF SECTION 26, T.20 N., R.24 E.,
 CITY OF TWO RIVERS, MANITOWOC COUNTY, WISCONSIN.



300077



207



4521 Lincoln Ave, Two Rivers, WI 54241 (920) 793-4560

Two Rivers Public School District Proposed Options for City Council Consideration

Option 1: The pony league field remains where it is currently located, on the east side of the property. The property is sold to the District for \$1 with the provision the City can continue to use the field after school hours and during the summer, at its discretion. The District will maintain the property.

Rationale: The District does not believe that there are significant safety or environmental concerns with the configuration of the east pony league field following the construction project that would warrant spending significant dollars from the District operating funds to build a new pony league field on the west end of the field. *Any dollars spent on construction of a ball field would be best spent on a new high school varsity baseball field.*

Option 2: The pony league field remains where it is currently located, on the east side of the property. The land is sold to the District for \$1 with the provision the City can continue to use the field after school hours and during the summer, at its discretion. The District pledges to build a baseball field by the end of Summer 2025 at Two Rivers High School and no longer use Walsh Field after the 2025 season.

Rationale: If the City Council's intent is to include a ball field construction contingency within the land conveyance, then it is the preference of the District that the following contingency be included as a condition: The District commits to construct a varsity baseball field at its Two Rivers High School location, or another location outside of the current Walsh Field location, following completion of the 2025 baseball season. Additionally, the condition that the City of Two Rivers maintains programming rights for the existing east pony league field will be honored.

This approach will release the need for continued City maintenance of the Walsh Field varsity baseball diamond in the future. It also provides a much wider overall benefit to the District and community than a relocated pony league field.

Option 3: The pony league field remains where it is currently located, on the east side of the property. Only the land needed for the playground, new construction, and the water basins is sold to the district for \$1. The City maintains ownership of the rest of the land, including the pony league field, and maintains that land and field. The District pledges to build a baseball field by the end of Summer 2025 at Two Rivers High School and no longer use Walsh Field after the 2025 season.

Rationale: This approach will release the need for continued City maintenance of the Walsh Field varsity baseball diamond in the future. It also provides a much wider overall benefit to the District and community than a relocated pony league field. The City continues ownership of the pony league.

00 PEOPLE

134

150

7

157

BIO-RETENTION BASIN-1
TOP OF ENGINEERED SOIL 602.50
BOTTOM OF BASIN 600.50

INFILTRATION BASIN-1
TOP OF SOIL 600.00

City

Current
Ownership

S.D.

PARKWAY BLVD.

PARKWAY BLVD.

BELLEVUE PL.

BELLEVUE PL.

00 PEOPLE	134
	150
	7
	157

PARKWAY BLVD.

PARKWAY BLVD.

BELLEVUE PL.

BELLEVUE PL.

BIO-RETENTION BASIN-1
TOP OF ENGINEERED SOIL 602.50
BOTTOM OF BASIN 600.50

INFILTRATION BASIN-1
TOP OF SOIL 600.00

S.D.

Proposed,
Per Prior
Council
Discretion
+
School
District
Options
142

00 PEOPLE

134

150

7

157

BIO-RETENTION BASIN
TOP OF ENGINEERED SOIL 600'
BOTTOM OF BASIN 600'

INFILTRATION BASIN-1
TOP OF SOIL 600.00

City

City

School
District
Option
3

SD

PARKWAY BLVD.

PARKWAY BLVD.

BELLEVUE PL.

BELLEVUE PL.

100 PEOPLE	134
	150
	7
	157

PARKWAY BLVD.

PARKWAY BLVD.

BELLEVUE PL.

BELLEVUE PL.

City

S.D.

"Option 2.5"

BIO-RETENTION BASIN
TOP OF ENGINEERED SOIL 600.00
BOTTOM OF BASIN 600.00

INFILTRATION BASIN-1
TOP OF SOIL 600.00

F.L.E.L. 610.11

F.L.E.L. 610.13

F.L.E.L. 610.09

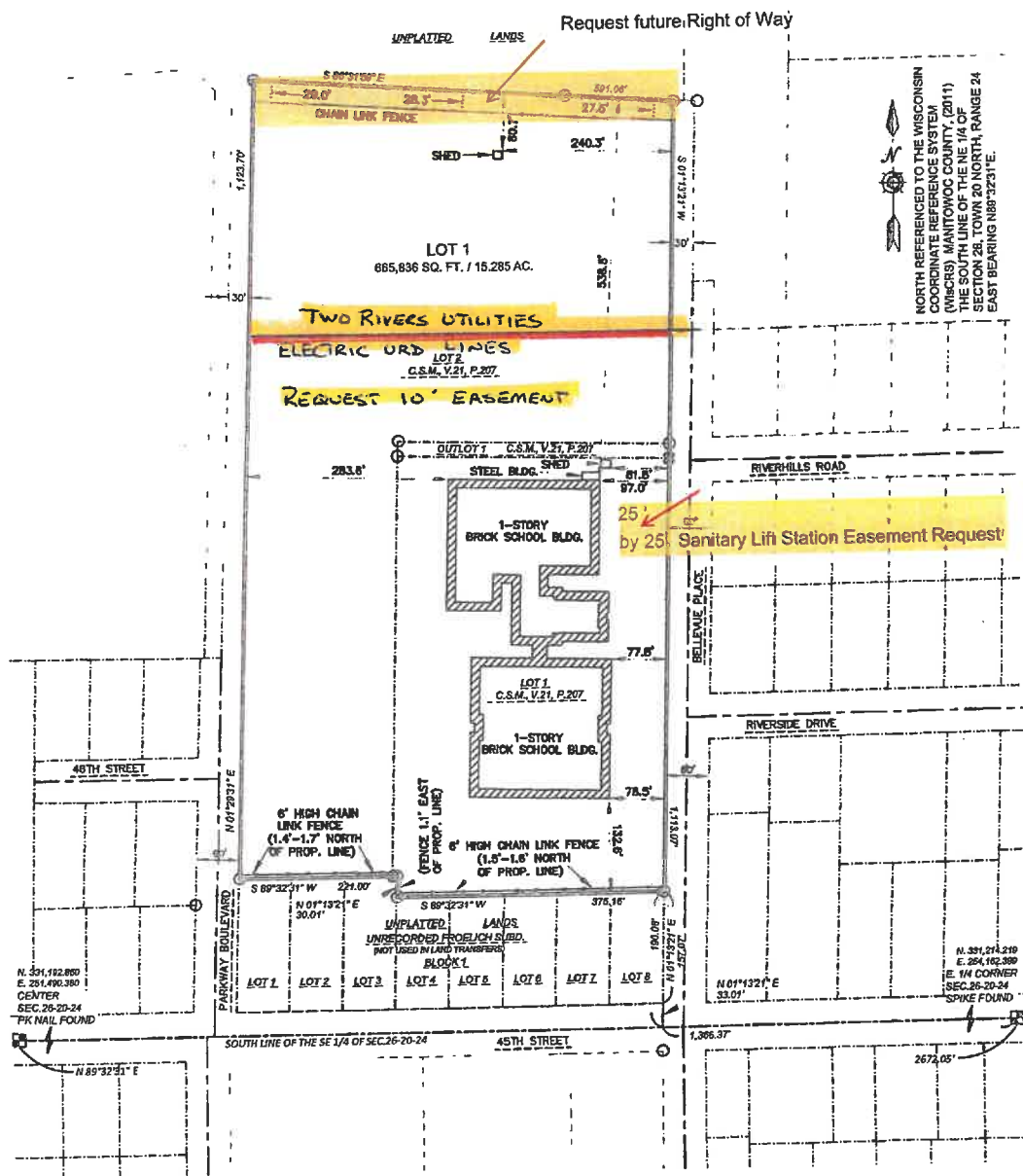
F.L.E.L. 610.16

221.00

375.10

CERTIFIED SURVEY MAP NO. _____

LOTS 1 & 2, AND OUTLOT 1, OF CERTIFIED SURVEY MAP AS RECORDED WITHIN VOLUME 21, ON PAGE 207, OF CERTIFIED SURVEY MAPS OF THE MANITOWOC COUNTY REGISTRY, AS DOCUMENT No. 900077, BEING PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 20 NORTH, RANGE 24 EAST, SITUATED WITHIN THE CITY OF TWO RIVERS, MANITOWOC COUNTY, WISCONSIN.



NORTH REFERENCED TO THE WISCONSIN
COORDINATE REFERENCE SYSTEM
(NAD83) MANITOWOC COUNTY, (2011)
THE SOUTH LINE OF THE NE 1/4 OF
SECTION 26, TOWN 20 NORTH, RANGE 24
EAST BEARING N89°32'31"E.

LEGEND:

- O = 1-1/4" O.D. IRON PIPE FOUND
- xx = CHISELED "X" FOUND
- ☐ = SECTION CORNER MONUMENT
- R.A. = RECORDED AS
- ▨ = EXISTING BUILDING OUTLINE



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APPLETON, WI 54911
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