

**COUNTY OF MILWAUKEE**  
Inter-Office Communication

Date: August 18, 2023

To: Marcelia Nicholson, Chairwoman, Milwaukee County Board of Supervisors

From: Guy D. Smith, Executive Director, Milwaukee County Parks

Subject: From the Executive Director of Milwaukee of County Parks, requesting authorization to grant to the City of Wauwatosa a permanent storm sewer easement across the Oak Leaf Trail by 115<sup>th</sup> Street and Underwood Creek so that the City may construct, operate, and maintain a storm sewer and related improvements

File Type: Action Report

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**REQUEST**

The Executive Director of Milwaukee County Parks respectfully requests authorization to grant to the City of Wauwatosa a permanent storm sewer easement across the Oak Leaf Trail by 115<sup>th</sup> Street and Underwood Creek so that the City may construct, operate, and maintain a storm sewer and related improvements.

**POLICY**

§ 59.17(2)(b)3., Wis. Stats., states that the “county board may continue to exercise the authority under s. 59.52(6) with regard to land that is zoned as a park...”. In the law of property, authority over “land” includes authority over all rights appurtenant to the land.

Wisconsin State Statutes:	§ 59.17(2)(b)3.
Milwaukee County Code of General Ordinances:	
Specific Adopted Budget:	
Specific Adopted Budget Amendment:	
Specific Adopted Capital Project:	

**BACKGROUND**

The City of Wauwatosa is planning to rectify on-street flooding that occurs near the Oak Leaf Trail and Underwood Creek. This flooding impacts residents with ponding in their yards, impacts Wauwatosa's water reservoir and booster station, and at times makes the nearby roadway non-traversable. The current storm sewer system in this area consists of an undersized 42” storm sewer that crosses Milwaukee County Lands and outfalls to the Underwood Creek/ This storm sewer does not have an easement. In order to alleviate the flooding impacts, a new, larger (108”) storm sewer is needed.

As part of discussions between the City and Parks, an area of flooding of the Oak Leaf Trail was discussed (where stormwater overtops the trail) causing the Oak Leaf Trail to

fail. The construction access needed for installation of the storm sewer will utilize this portion of the Oak Leaf Trail (beginning at 115th); therefore, as part of the final restoration, the entirety of the Oak Leaf Trail, from 115th to the desired easement, will be rehabilitated by the City and will address the flooding issue. In addition, the connection at 115th will be improved to include a new crossing to connect to a future bicycle and pedestrian trail on the west side of 115th Street, improving the connectivity to the surrounding neighborhoods and providing more safe routes to school. Additionally, the City has agreed to make bicycle improvements up to 119<sup>th</sup> Street to connect with recent trail improvements that the County made that end at 119<sup>th</sup>. The cost for rehabilitating the path, including some potential culverts to address the flooding, is estimated at \$165,000 based on recent work the County has done on the Oak Leaf Trail.

Parks has reviewed this request, and based on the size of the easement, the minimal impact to parkland and natural areas, the overall benefit to the community, the need for a recorded easement, and the improvements to the Oak Leaf Trail, including flood mitigation, is recommending approval of this easement. The proposed easement will provide the land rights to install, operate and maintain the sewer at no cost to the County. The City and Parks have met to ensure that the potential impacts to County parkland from the proposed improvements within the subject area are minimal. All areas disturbed by the construction, operation or maintenance of the subject areas will be restored to Parks' specifications at no cost to the County. Appropriate County staff will review and approve all documents as required prior to execution.

Related File No's:	
Associated File No's (Including Transfer Packets):	
Previous Action Date(s):	

**ALIGNMENT TO STRATEGIC PLAN**

Describe how the item aligns to the objectives in the [strategic plan](#):

2C: Apply a racial equity lens to all decisions

3B: Enhance the County's fiscal health and sustainability

This easement allows the City of Wauwatosa to improve its sanitary sewer system for residents of Milwaukee County. A well-maintained sewer system is essential to the health and well-being of Milwaukee County residents. The improvements to the Oak Leaf Trail and trail connectivity improvements will also enhance the County's fiscal health and sustainability.

**FISCAL EFFECT**

None.

**TERMS**

- City will replace the Oak Leaf Trail from 115<sup>th</sup> Street to the project area, including addressing the flooding concerns and trail failure on the Oak Leaf Trail, as well as an improved crossing at 115<sup>th</sup> Street and creating a connection to the

County's improvements at 119<sup>th</sup> and Underwood Parkway.

- The easement will be permanent.
- The easement size is 13,154 square feet.
- City is required to get a Right of Entry permit for all work on parkland.
- All costs associated with the storm sewer are the responsibility of the City.

**VIRTUAL MEETING INVITES**

Erica Goblet, Contracts Manager, Milwaukee County Parks

William Wehrley, City of Wauwatosa, [wwehrley@wauwatosa.net](mailto:wwehrley@wauwatosa.net)

Troy Hartjes, raSmith, [troy.hartjes@rasmith.com](mailto:troy.hartjes@rasmith.com)

**PREPARED BY:**

Erica Goblet, Contracts Manager, Milwaukee County Parks

**APPROVED BY:**

Guy Smith, Executive Director Milwaukee County Parks *Guy Smith*

**ATTACHMENTS:**

Resolution

Fiscal Note

Map

Easement Exhibit

Draft Easement

CC: David Crowley, County Executive  
Mary Jo Meyers, Chief of Staff, County Executive's Office  
Sheldon A. Wasserman, Supervisor District 3, PEEC Chair  
Steven Shea, Supervisor District 8, PEEC Vice Chair  
Felesia A. Martin, Supervisor District 7, PEEC Member  
Juan Miguel Martinez, Supervisor District 12, PEEC Member  
Steve F. Taylor, Supervisor District 17, PEEC Member  
Kelly Bablitch, Chief of Staff, Milwaukee County Board of Supervisors  
Janelle M. Jensen, Legislative Services Division Mgr, Office of the County Clerk  
Aaron Hertzberg, Director, Department of Administrative Services  
Joseph Lamers, Fiscal & Budget Director, DAS  
Vince Masterson, Fiscal & Strategic Asset Coordinator, DAS  
Pamela Bryant, Capital Finance Manager, Comptroller's Office  
Justin Rodriguez, Capital Finance Analyst, Comptroller's Office  
Allyson R. Smith, Committee Coordinator, Office of the County Clerk  
Ciara Miller, Research & Policy Analyst, Office of the Comptroller  
Anthony Rux, Budget & Management Analyst, DAS-PSB