

COUNTY OF MILWAUKEE
Inter-Office Communication

Date: November 13, 2024

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

From: Guy Smith, Executive Director for Milwaukee County Parks

Subject: Authorization to enter into a Storm Sewer Easement with the City of Wauwatosa within the Underwood Creek.

File Type: Action Report

REQUEST

From the Executive Director of Milwaukee County Parks, requesting authorization to enter into an Easement with the City of Wauwatosa to repair, upgrade, operate and maintain a Storm Sewer pipe on land located near 113th Street and Watertown Plank Road.

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 in the process of upgrading their drainage outfalls across the city. During the course of this project, it was discovered that the City has several outfalls that drain onto Milwaukee County Parks land. The purpose of this report is to request authorization to enter into an Easement to correct one of those storm sewer outfalls which will require the conveyance of some park land in the area of N 113th St and W Watertown Plank Rd.

The existing outfall was installed in the 1970’s by WisDOT as part of the Watertown Plank Road reconstruction project, but no records of an Easement were located. However, Parks were provided copies of the right of entry and temporary Easements granted previously by the County allowing permission to install the outfall. Therefore, Parks and City of Wauwatosa would like to record an easement at this location to address the stormwater management and infrastructure maintenance responsibilities.

There are no storm sewer outfall alternatives from the Watertown Plank Road drainage basin that are feasible to drain elsewhere besides this parkland area, as all stormwater runoff from the neighborhoods north and south of Watertown Plank Road, drains towards Underwood Creek.

Adding capacity to the outfall at the 113th Street – Watertown Plank Road intersection was determined to be the most effective alternative for improving the storm sewer system in Watertown Plank Road, based on an evaluation of impacts to existing properties, locations of existing utilities, and cost.

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 land 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:	File 24-717
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](#):

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

FISCAL EFFECT

Increase in revenues due to Easement Collection Fee and the ROE Permit Fee

TERMS

- Easement Term of 99 Years
- One Time Easement Fee due at time of Recording
- Right of Entry Permit required for all work on Easement
- The easement area is 450 feet, the rate is \$1.60/foot resulting in a permit fee of \$720
- All costs associated with the storm sewer are the responsibility of the City.

VIRTUAL MEETING INVITES

Jessica Henderson PE, Civil Engineer, City of Wauwatosa,
jhenderson@wauwatosa.net

Chris Jain PE CFM, Senior Civil Engineer City of Wauwatosa, cjain@wauwatosa.net

PREPARED BY:

Robert Senglaub, Contracts Manager, Milwaukee County Parks

APPROVED BY:

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

ATTACHMENTS:

Resolution

Fiscal Note

Attachment 1 – Draft Easement

Attachment 2 – Easement Map

Attachment 3 – PowerPoint

CC: David Crowley, County Executive
Mary Jo Meyers, Chief of Staff, County Executive's Office
Sheldon Wasserman, Committee on Parks & Culture Chairperson
Steve Taylor, Committee on Parks & Culture Vice Chairperson
Priscilla Coggs-Jones, Committee on Parks & Culture Member
Jack Eckblad, Committee on Parks & Culture Member
Felesia Martin, Committee on Parks & Culture Member
Juan Miguel Martinez, Committee on Parks & Culture Member
Anne O'Connor, Committee on Parks & Culture 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
Anthony Rux, Budget & Management Analyst, DAS-PSB
Sandy Saltzstein, Research and Policy Analyst