

**COUNTY OF MILWAUKEE**  
Inter-Office Communication

Date: August 18, 2023

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

From: Guy Smith, Executive Director, Milwaukee County Parks

Subject: From the Executive Director of Milwaukee County Parks, requesting authorization to grant a 20-year conservation easement to the Milwaukee Metropolitan Sewerage District for the grant-funded green infrastructure project located at Moss Universal Park

File Type: Action Report

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**REQUEST**

Milwaukee County Parks requests authorization to grant a 20-Year conservation easement to the Milwaukee Metropolitan Sewerage District (MMSD) for the green infrastructure at Moss Universal Park located at 10300 West Wisconsin Avenue in the City of Wauwatosa. It is further requested that the County Executive and County Clerk be authorized to execute any required documents.

**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**

In July 2023, in File No. 23-599, Milwaukee County Parks requested and was granted authorization by the Milwaukee County Board of Supervisors to enter into certain agreements with The Ability Center for the construction and long-term maintenance of a universal park at Wisconsin Avenue Park, including a 25-year lease of the park clubhouse with two 25-year renewals, and the authority to rename the park to Moss Universal Park. This project is completely funded by The Ability Center.

As part of its fundraising efforts, The Ability Center (TAC) applied for and received a grant award from the Milwaukee Metropolitan Sewerage District (MMSD) in June 2023 for \$1.16 million. The grant is for the construction of green infrastructure as part of the overall project and includes installation of 12,200 square feet of porous pavement; 5,000 square feet of bioswale; and 128,500 square feet of synthetic turf with an underlayer of stone storage, providing a total design detention capacity of 596,064 gallons (Green Infrastructure).

As part of the grant requirements, MMSD requires that the green infrastructure be protected and maintained by TAC and that the County grant a limited conservation easement in favor of MMSD.

Related File No's:	<a href="#">23-599</a> , <a href="#">23-311</a>
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](#):  
 2A, 2C, 3A, 3B, 3C: Green infrastructure reduces the volume of stormwater in the sewerage system and the amount of pollutants discharged to surface water. Funding for these improvements assists The Ability Center in creating the first fully accessible park for people of all abilities. No funding is required by Milwaukee County.

**FISCAL EFFECT**

No fiscal impact. Staff time required to ensure The Ability Center complies with the grant and conservation easement requirements.

**TERMS**

- Twenty-year limited term conservation easement to keep, preserve, and maintain the green infrastructure.
- The Ability Center is solely responsible for operation, maintenance, and evaluating performance.
- MMSD has the right to enter the property to inspect and monitor for compliance.
- MMSD has the right to prevent any inconsistent uses.

**VIRTUAL MEETING INVITES**

Erica Goblet, Contracts Manager, Milwaukee County Parks  
 David Mortensen, Assistant Director of Site Design Services, raSmith,  
[david.mortensen@rasmith.com](mailto:david.mortensen@rasmith.com)

**PREPARED BY:**

Erica Goblet, Contracts Manager, Milwaukee County Parks

**APPROVED BY:**

Guy Smith, Parks Executive Director *Guy Smith*

**ATTACHMENTS:**

- Attachment 1 – Resolution
- Attachment 2 – Fiscal Note
- Attachment 3 – Grant Agreement

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