

COUNTY OF MILWAUKEE
Inter-Office Communication

Date: December 8, 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 execute all contracts, agreements, deeds, easements, and any other documents necessary with the Wisconsin Department of Transportation, WE Energies, and the City of Wauwatosa, to improve roadways and bridges and provide efficient bicycle and pedestrian travel in the area of STH 100 and the Upper Menomonee River Parkway

File Type: **REVISED** Action report

REQUEST

From the Executive Director of Milwaukee of County Parks, requesting authorization to execute all contracts, agreements, deeds, easements, and any other documents necessary with the Wisconsin Department of Transportation, WE Energies, and the City of Wauwatosa, to improve roadways and bridges and provide efficient bicycle and pedestrian travel in the area of STH 100 and the Upper Menomonee River Parkway

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

BACKGROUND

The Wisconsin Department of Transportation (DOT) is improving the roadways and bridges in the area of STH 100 from Burleigh Street to Silver Spring Drive, including work by Currie Park and the Upper Menomonee River Parkway. The purpose of the project is to address deteriorating pavement and structural conditions to maintain safe and efficient vehicular movement along STH 100 within the project limits.

To meet this purpose, the project would resurface the roadway pavement, replace two bridges crossing the Menomonee River (B-40-339 and B-40-340) and complete minor concrete surface repairs on the underdeck of the two bridges over the Little Menomonee River (B-40-344 and B-40-345).

The City of Wauwatosa determined that the DOT project was an opportunity to also address existing design deficiencies and conditions to provide efficient bicycle and pedestrian travel. The pedestrian and bicycle access to county-owned Currie Park from the east of Highway 100 is across an uncontrolled intersection. DOT agreed to include bicycle and pedestrian improvements in the project. Wauwatosa is contributing over one million dollars to make these improvements. Due to the impacts of the improvements on parkland, Wauwatosa has made certain commitments to mitigate those impacts, which are addressed in the Letter Agreement between Parks and Wauwatosa dated March 14, 2022, and attached to this file, and include tree mitigation, maintenance responsibilities for the sidewalk, turf restoration, screening, signage, etc.

The Wauwatosa-funded bicycle and pedestrian improvements will include new construction of bicycle and pedestrian access under the new DOT bridge, along the Menomonee River, adjacent to Currie Park. The DOT will raise the existing bridge profile to provide an underpass as an alternative for trail users to the current uncontrolled six-lane crossing across STH 100. The DOT needs to accommodate the underpass and the conversion of the bridge from a slab span structure to a girder structure.

The DOT-installed bicycle and pedestrian improvements will impact two Milwaukee County Parks properties, TK 259-9999-003 and TK 260-9985-000, both of which are zoned as "Parks." Both properties are on the east and west sides of Highway 100. The Wauwatosa-funded trail amenities will require that portions of these two properties need to be deeded to DOT.

DOT needs to acquire the following land for this project:

- Parcel 1 - FEE 10,844 sf - Milwaukee County Parkway – Currie Park (TK 259-9999-003)
- Parcel 9 - FEE 10,064 sf - Milwaukee County Parkway – Currie Park (TK 259-9999-003)
- Parcel 5 – FEE 8,218 sf – Milwaukee County Parks Administration (TK 260-9985-000)

Additionally, WE Energies needs to relocate a gas line as part of the DOT STH 100 project, and will require an easement from Milwaukee County Parks at parcel TK 259-999-003. WE Energies will pay a one-time easement fee for the easement. WE Energies will be responsible for all maintenance to the utility.

Milwaukee County Parks is in the process of negotiating a higher rate for the proposed permanent use of park land. There is currently no financial contribution to this project from Milwaukee County. As recognition of the enhanced public access and increased

use of parkway and considering that Wauwatosa will be responsible for the long-term maintenance of the improvements, Parks is willing to entertain the difference between any negotiated payments for the land and County's the valuation of the parcels be considered as Milwaukee County's in-kind contribution to the improvements.

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](#):

- 1A: Reflect the full diversity of the County at every level of County government
- 1B: Create and nurture an inclusive culture across County government
- 1C: Increase the number of County contracts awarded to minority and women-owned businesses
- 2A: Determine what, where, and how we deliver services to advance health equity
- 2B: Break down silos across County government to maximize access to and quality of services offered
- 2C: Apply a racial equity lens to all decisions
- 3A: Invest "upstream" to address root causes of health disparities
- 3B: Enhance the County's fiscal health and sustainability
- 3C: Dismantle barriers to diverse and inclusive communities

2C & 3A: STH 100 City of Wauwatosa, at Currie Park, contains an uncontrolled intersection at the Menomonee River Parkway at Grantosa Ave. and Hwy 100, leading to pedestrian and bicyclist injuries. Wauwatosa will fund an underpass below the DOT bridge, which will be a considerable improvement in trail user safety. Increased use of the recreational trail will improve public access to Currie Park.

3B: Wauwatosa will be financially responsible for the improvements, with no burden on the County. Monies received for the easement helps Parks meet revenue goals

FISCAL EFFECT

- The sale of the parcels to DOT will minimally result in a one-time payment of \$8,200.
- The granting of an easement to WE Energies will result in a one-time payment of \$6,000. The easement is permanent.

TERMS

- City of Wauwatosa will provide one million dollars to DOT for construction of the bicycle and pedestrian improvements and maintain the improvements at Wauwatosa's expense.

- DOT will construct the improvements, and purchase portions of County owned properties to install the improvements.
- Parks will deed approximately 0.67 acres to DOT, at a price no lower than \$0.28 per sq. ft.
- WE Energies will pay a one-time easement fee for a gas main relocation required by the DOT project.
- The WE Energies easement is permanent.
- The WE Energies easement size is 0.09 acre, and WE Energies will pay a one time fee at \$1.60 per sq. ft.

VIRTUAL MEETING INVITES

William Wehrley, City Engineer- City of Wauwatosa, wwehrley@wauwatosa.net

Dean Veling, DOT Real Estate Specialist – dean.veling@dot.wi.gov

James D. Schumacher, DOT Project Manager - jamesd.schumacher@dot.wi.gov

Kurt Van Dulm, WE Energies Lead Right-of-Way Agent – kurt.vandulm@we-energies.com

PREPARED BY:

Saji Villoth, Interim Contracts Services Manager, Milwaukee County Parks

APPROVED BY:

Guy Smith, Executive Director Milwaukee County Parks



ATTACHMENTS:

City of Wauwatosa Letter Agreement

DOT Parcel Appraisals and Offer

WE Energies 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