

COUNTY OF MILWAUKEE
Inter-Office Communication

Date: May 16, 2024

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

From: Guy Smith, Executive Director, Milwaukee County Parks

Subject: Authorization to grant a 20-year conservation easement to the Milwaukee Metropolitan Sewerage District at Brown Deer Park.

File Type: Action Report

REQUEST

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 Brown Deer Park. 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 March 2021, in File No. 20-250, Milwaukee County Parks requested and was granted authorization by the Milwaukee County Board of Supervisors to enter into certain agreements with Milwaukee Metropolitan Sewerage District (“MMSD”) for grant funding applicable to green infrastructure (“GI”) elements of a capital project at Brown Deer Park (WP0628).

The scope of work includes planning, design, and construction to complete the project (including the entire Brown Deer Roadway, tennis court parking lot, remainder of the upper driving and range, and the adjacent walkways). Storm water best management practices, green infrastructure, natural areas restoration and management were incorporated.

The GI elements of the Brown Deer Park Phase 3 project included installation of 878 sq. ft.

native landscaping, 20,318 sq. ft. porous pavement, 4,198 sq. ft. bioswales, and planting of 48 trees for stormwater treatment providing 1,200 gallons detention, providing a total design detention capacity of 94,350 gallons.

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

Related File No's:	20-250
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](#):

3A, 3B: Green infrastructure reduces the volume of stormwater in the sewerage system and the amount of pollutants discharged to surface water.

FISCAL EFFECT

No fiscal impact. Staff time to ensure compliance with the grant and conversation easement requirements.

TERMS

- Twenty-year limited term conservation easement to keep, preserve, and maintain the green infrastructure.
- County 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

Chris Schultz, MMSD Senior Project Manager cschultz@mmsd.com

PREPARED BY:

Robert Senglaub, Contracts Manager, Milwaukee County Parks

APPROVED BY:

Guy Smith, Parks Executive Director *Guy Smith*

ATTACHMENTS:

Attachment A: Aerial Map Brown Deer

Attachment B: Draft easement

Attachment C: Executed MMSD GIPP

cc: David Crowley, County Executive
Mary Jo Meyers, Chief of Staff, County Executive's Office
Sheldon A. Wasserman, Supervisor District 3, PEEC Chair
Steve F. Taylor, Supervisor District 17, PEEC Vice Chair Member
Jack Eckblad, Supervisor District 4, PEEC Member
Felesia A. Martin, Supervisor District 7, PEEC Member
Juan Miguel Martinez, Supervisor District 12, 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