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LEE HOLLOWAY, MILWAUKEE COUNTY EXECUTIVE  
SUE BLACK, DIRECTOR OF PARKS, RECREATION AND CULTURE

Date: January 20, 2011

To: Chairman Michael Mayo, County Board of Supervisors

From: Sue Black, Director, Department of Parks, Recreation and Culture

**Subject: Falk Park Land Transfers – Action Item**

**POLICY**

The Department of Parks, Recreation and Culture (DPRC) respectfully requests authorization to execute the exchange of lands in and near Falk Park.

**BACKGROUND**

In 2007 the Milwaukee County Board of Supervisors adopted Resolution File No. 07-120, which directed DPRC to negotiate mitigation measures with the Wisconsin Department of Transportation (WisDOT) to diminish right-of-way impacts for the proposed Interstate 94 North/South Corridor improvements Project ID 1030-20-00. Since then, many discussions have been held between representatives of DPRC, WisDOT, the Wisconsin Department of Natural Resources (WDNR), the City of Oak Creek, surrounding property owners and other stakeholders. As a result, strategies to accomplish mutual goals have been generally agreed upon. WisDOT plans to reconstruct Interstate 94 on the east side of Falk Park between Rawson Avenue and Drexel Avenue in the City of Oak Creek. As part of that project, WisDOT will reconstruct the existing Freeway interchange at Rawson Avenue and construct a new interchange at Drexel Avenue. The City of Oak Creek will also be reconstructing Drexel Avenue from the new freeway interchange westward to S. 27<sup>th</sup> Street. Resolution File No. 07-120 authorized negotiations of the land exchanges. In October, 2010, Resolution No. 10-374 authorized the exchange of land between the DPRC and WisDOT.

DPRC in cooperation with the Southeastern Wisconsin Planning Commission (SEWRPC) has identified several additional parcels of land in this area that should be acquired and preserved as parkland because of the many high quality natural resources present. The environmentally significant woodland/wetland complex known as the Esch Honadel Woods located south of Drexel Avenue and west of the freeway is one of those areas. Discussions with various property owners in the area have identified additional parcels of land that could be exchanged with DPRC to help achieve its goal of acquiring and protecting the significant natural resources in the area. If authorized, DPRC will continue negotiations with these property owners, and, if successful, execute the required documents, deeds and easements to acquire or transfer these lands. The goal would be to receive approximately 1.5 acres for every acre of parkland transferred.

To implement these land transfers and easements DPRC must receive approvals from the National Park Service (NPS) and WDNR to convert the restrictions placed on the County property through previous Land and Water Conservation Fund (LAWCON) funding to the new properties. To accomplish this, DPRC will submit an application and related documentation to NPS and WDNR that describes the specifics of the properties being considered for trade and conversion of the deed restrictions imposed by the LAWCON funding. NPS and WDNR's approval is generally based upon a determination that the parcels to be converted have equivalent or greater functional value, monetary value and are not compromised by significant environmental problems. Appraisals will be commissioned for each property to document its monetary and functional values per LAWCON requirements. Milwaukee County DTPW staff will prepare a Phase 1 Environmental Assessment of the parcels, and, pending favorable review of the LAWCON conversion application, the WDNR will provide a recommendation to NPS for final consideration. Upon final approval by NPS, the County will be able to exchange the various properties. Prior to execution, DPRC, DTPW, Corporation Counsel and Risk Management will review and approve all documents as required.

### **RECOMMENDATION**

The Parks Director respectfully recommends that the authority to negotiate, prepare, review, approve, execute and record all documents and perform all actions required to implement the proposed land exchanges and easements be granted to the Parks Department, the Department of Transportation and Public Works, Corporation Counsel, Risk Management, County Clerk and Register of Deeds. It is further recommended that the County Executive and County Clerk be authorized to execute the deeds, easements and other required documents.

Prepared by: Kevin Haley, Landscape Architect/DPRC

#### **Recommended by:**

#### **Approved by:**

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James Keegan, Chief of Administration and  
External Affairs

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Sue Black, Parks Director

Attachments: copy of Resolution 07-120, map depicting the Falk Park area and related parcels

cc: County Executive Lee Holloway  
E. Marie Broussard, Deputy Chief of Staff, County Executive's Office  
Terrence Cooley, Chief of Staff, County Board  
Renee Booker, Director, DAS  
John Ruggini, Assistant Fiscal & Budget Administrator, Admin & Fiscal Affairs/DAS  
Supv. Gerry Broderick, Chairman, Parks, Energy & Environment Committee  
Supv. Joe Sanfelippo, Vice-Chair, Parks, Energy & Environment Committee  
Supv. Paul Cesarz, 9<sup>th</sup> District  
Sarah Jankowski, Fiscal Mgt. Analyst, Admin & Fiscal Affairs/DAS  
Linda Durham, Parks, Energy & Environment Committee Clerk  
Julie Esch, Research Analyst, County Board

(ITEM NO. ) From the Director, Department of Parks, Recreation and Culture (DPRC), seeking authorization to execute the exchange of lands in and near Falk Park, by recommending adoption of the following:

A RESOLUTION

WHEREAS, in 2007 the Milwaukee County Board adopted Resolution File No. 07-120, which directed DPRC to negotiate mitigation measures with the Wisconsin Department of Transportation (WisDOT) to diminish right-of-way impacts for the proposed Interstate 94 North/South Corridor improvements Project ID 1030-20-00; and

WHEREAS, since then many discussions have been held between representatives of DPRC, WisDOT, the Wisconsin Department of Natural Resources (WDNR), the City of Oak Creek, surrounding property owners and other stakeholders; and

WHEREAS, as a result of these discussions, strategies to accomplish mutual goals have been generally agreed upon by all parties involved; and

WHEREAS, WisDOT plans to reconstruct Interstate 94 on the east side of Falk Park between Rawson Avenue and Drexel Avenue in the City of Oak Creek; and

WHEREAS, as part of that project, WisDOT will reconstruct the existing Freeway interchange at Rawson Avenue and construct a new interchange at Drexel Avenue; and

WHEREAS, the City of Oak Creek will also be reconstructing Drexel Avenue from the new freeway interchange westward to S. 27<sup>th</sup> Street; and

WHEREAS, Resolution File No. 07-120 authorized negotiations of the land exchanges and Resolution No. 10-374 authorized the exchange of land between the DPRC and WisDOT; and

WHEREAS, DPRC in cooperation the Southeastern Wisconsin Planning Commission (SEWRPC) has identified several additional parcels of land of specific interest in this area; and

WHEREAS, it is agreed that the area located south of Falk Park known as the Esch Honadel Woods should be acquired and preserved because of the many high quality natural resources present there; and

WHEREAS, discussions with various property owners in the area have identified

45 additional parcels of land that could be exchanged with DPRC to help achieve its goal of  
46 acquiring and protecting the significant natural resources of this area; and

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48 WHEREAS, if authorized, DPRC will continue negotiations with these property  
49 owners and, if successful, execute the required deeds and easements to acquire or transfer  
50 these lands as appropriate; and

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52 WHEREAS, to implement these land transfers and easements the County must also  
53 receive approvals from the National park Service (NPS) and the WDNR to convert the  
54 restrictions placed on the County property through previous Land and Water Conservation  
55 Fund (LAWCON) funding to the properties being acquired; and

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57 WHEREAS, to accomplish this DPRC must submit an application and related  
58 documentation to NPS and WDNR that describes the specifics of the properties being  
59 considered for trade and conversion of the deed restrictions imposed by the LAWCON  
60 funding; and

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62 WHEREAS, the approval by NPS and WDNR is generally based upon a  
63 determination that the parcels to be converted have equivalent or greater functional value,  
64 monetary value and are not compromised by significant environmental problems; and

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66 WHEREAS, appraisals will be commissioned for all involved properties to document  
67 their monetary and functional values per the LAWCON requirements; and

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69 WHEREAS, Milwaukee County DTPW staff will prepare a Phase 1 Environmental  
70 Assessment of all parcels proposed to be acquired by Milwaukee County; and

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72 WHEREAS, pending favorable review of the LAWCON conversion application, the  
73 WDNR would provide a recommendation to the NPS for final consideration; and

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75 WHEREAS, upon final approval by NPS, the County will be able to exchange the  
76 various properties; and

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78 WHEREAS, prior to execution, DPRC, DTPW, Corporation Counsel and Risk  
79 Management will review and approve all documents as required; and

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81 WHEREAS, the Parks Director has recommended that the authority to prepare,  
82 review, approve, execute and record all documents as required to execute the proposed  
83 land exchanges and easements be granted to the Parks Department, the Department of  
84 Transportation and Public Works, Corporation Counsel, Risk Management, County Clerk,  
85 Register of Deeds, and the County Executive; now, therefore,

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87 BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby  
88 authorizes the Parks Director, the Department of Transportation and Public Works, Risk

89 Management, Corporation Counsel, and Register of Deeds to prepare, review, approve,  
90 execute and record all documents, and perform all actions as required to grant, execute  
91 and implement these land transfers, related easements and LAWCON program procedures  
92 and requirements; and

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94 BE IT FURTHER RESOLVED that the County Executive and County Clerk are  
95 authorized to execute the deeds, easements and any other required documents.

**MILWAUKEE COUNTY FISCAL NOTE FORM**

**DATE:** January 11, 2010

Original Fiscal Note

Substitute Fiscal Note

**SUBJECT:** Falk Park Land Transfers

**FISCAL EFFECT:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> No Direct County Fiscal Impact                                     | <input type="checkbox"/> Increase Capital Expenditures |
| <input checked="" type="checkbox"/> Existing Staff Time Required                                       | <input type="checkbox"/> Decrease Capital Expenditures |
| <input type="checkbox"/> Increase Operating Expenditures<br>(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues     |
| <input type="checkbox"/> Absorbed Within Agency's Budget   | <input type="checkbox"/> Decrease Capital Revenues     |
| <input type="checkbox"/> Not Absorbed Within Agency's Budget   |  |
| <input type="checkbox"/> Decrease Operating Expenditures   | <input type="checkbox"/> Use of contingent funds       |
| <input type="checkbox"/> Increase Operating Revenues   |  |
| <input type="checkbox"/> Decrease Operating Revenues   |  |

*Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.*

	<b>Expenditure or Revenue Category</b>	<b>Current Year</b>	<b>Subsequent Year</b>
<b>Operating Budget</b>	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0
<b>Capital Improvement Budget</b>	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0

## DESCRIPTION OF FISCAL EFFECT

**In the space below, you must provide the following information. Attach additional pages if necessary.**

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.<sup>1</sup> If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

In 2007 the Milwaukee County Board adopted Resolution File No. 07-120, which directed the DPRC to negotiate mitigation measures with the Wisconsin Department of Transportation (WisDOT) to diminish right-of-way impacts for the proposed Interstate 94 North/South Corridor improvements Project ID 1030-20-00. Since then, many discussions have been held between representatives of the DPRC, WisDOT, Wisconsin Department of Natural Resources (WDNR), the City of Oak Creek, surrounding property owners and other stakeholders towards this end. WisDOT plans to reconstruct Interstate Highway 94 on the east side of Falk Park between Rawson Avenue and Drexel Avenue in the City of Oak Creek. As part of that project, WisDOT will reconstruct the existing Freeway interchange at Rawson Avenue and construct a new interchange at Drexel Avenue.

DPRC has identified several additional parcels of land in this area that should be acquired and preserved because of the many high quality natural resources present. Discussions with various property owners in the area have identified additional parcels of land that could be exchanged with the DPRC to help achieve its goal of acquiring and protecting significant natural resources. If authorized, the DPRC will continue negotiations with these property owners and if successful will execute the required deeds and easements to acquire or transfer these lands as appropriate. It is anticipated that the land transfers will not require County funding. Any County lands conveyed would be replaced by environmentally valuable lands at an approximate ratio of 1.5 acres for each acre of parkland exchanged.

To implement these land transfers and easements the County must also receive approvals from the National park Service (NPS) and the WDNR to convert the restrictions placed on the

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<sup>1</sup> If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

County property through previous Land and Water Conservation Fund (LAWCON) funding to the properties being acquired. To accomplish this the DPRC must submit an application and related documentation to WDNR and NPS that describes the specifics of the properties being considered for trade and conversion of the deed restrictions imposed by the LAWCON funding. The approval by NPS and WDNR is generally based upon a determination that the parcels to be converted have equivalent or greater functional value, monetary value and are not compromised by significant environmental problems. Appraisals will be commissioned for involved properties to document their monetary and functional values per the LAWCON requirements. Milwaukee County DTPW staff will prepare a Phase 1 Environmental Assessment of all parcels to be acquired by Milwaukee County. Pending favorable review of the LAWCON conversion application, the WDNR would provide a recommendation to the NPS for final consideration and with approval by the NPS and compliance with its conditions; the County will be able to exchange the various properties. Prior to execution, the Parks Department, the Department of Transportation and Public Works, Corporation Counsel and Risk Management will review and approve all documents as required.

Department/Prepared By Kevin Haley/DPRC

Authorized Signature \_\_\_\_\_

Did DAS-Fiscal Staff Review?        Yes        No





Milwaukee County  
Department of Parks, Recreation and Culture

INTER-OFFICE COMMUNICATION

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Date: February 6, 2007  
To: Chairman Lee Holloway, County Board of Supervisors  
From: Sue Black, Director, Department of Parks, Recreation and Culture  
Subject: **Proposed Interstate 94 North/South Corridor Improvements Project ID 1030-20-00**

**POLICY**

The Parks Director is seeking authorization to negotiate with the State of Wisconsin Department of Transportation (WisDOT) to mitigate right of way impacts for the proposed Interstate 94 North/South Corridor Improvements Project ID 1030-20-00 to Milwaukee County park property.

**BACKGROUND**

Since early 2006, WisDOT has been planning improvements along the Interstate 94 corridor from Milwaukee County to Lake County, Illinois. In reviewing the interstate alignment, existing exit and entrance ramps, and proposed exit and entrance ramps, WisDOT has presented viable alternatives and preliminary plans for the project (Attachment A) to the Department of Parks, Recreation and Culture (DPRC).

The proposed alternatives may impact Falk Park and the Root River Parkway. The DPRC will require relief from those impacts. The Parks Director, as a result, is seeking authorization to negotiate mitigation measures with WisDOT, such measures potentially including land transfers and easements.

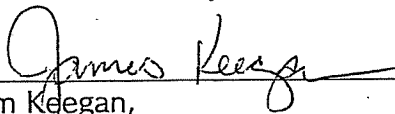
As the negotiations proceed, the Parks Director will give the Milwaukee County Department of Transportation and Public Works, Corporation Counsel, Risk Management and other appropriate staff opportunities to review and comment on the mitigation proposals. Once agreement with WisDOT on the mitigation measures has been reached, the Parks Director will return to the Board for formal approval.

**RECOMMENDATION**


The Parks Director respectfully recommends that the department be given the authorization to negotiate mitigation measures with WisDOT relating to the proposed Interstate 94 North/South Corridor Improvements Project ID 1030-20-00

Prepared by: Jim Ciha, Planning & Development Division/DPRC

Recommended by:

  
Jim Keegan,  
Chief of Planning, Policy and Partnerships.

Approved by:

  
Sue Black,  
Director

Enclosures: (Attachment A) January 9, 2007 Correspondence, State of Wisconsin DOT

cc: County Executive Scott Walker  
Ed Eberle, Deputy Chief of Staff, County Executive's Office  
Linda Seemeyer, Director, DAS  
Cynthia Archer, Fiscal & Budget Administrator, Admin. & Fiscal Affairs/DAS  
Supervisor Lynne De Bruin, Parks, Energy & Environment Committee Chairman  
Supervisor Dan Devine, Parks, Energy & Environment Committee Vice-Chair  
Julie Esch, Research Analyst, County Board  
Carol Mueller, Parks, Energy & Environment Committee Clerk  
Mike Compton, Fiscal Mgt. Analyst, Administration & Fiscal Affairs Division/DAS  
Jim Keegan, Chief of Planning, Policy & Partnerships/DPRC  
Jim Ciha, Landscape Architect III, Planning & Development Division/DPRC

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(ITEM NO. ) From the Director, Department of Parks, Recreation and Culture (DPRC), seeking authorization to negotiate with the State of Wisconsin Department of Transportation (WIDOT) in mitigating the right of way impacts to Milwaukee County park property, by recommending adoption of the following:

A RESOLUTION

WHEREAS, The Parks Director is seeking authorization to negotiate with the State of Wisconsin Department of Transportation (WisDOT) to mitigate right of way impacts for the proposed Interstate 94 North/South Corridor Improvements Project ID 1030-20-00 to Milwaukee County park property.

WHEREAS, since early 2006, WisDOT has been planning improvements along the Interstate 94 corridor from Milwaukee County to Lake County, Illinois, and

WHEREAS, in reviewing the interstate alignment, existing exit and entrance ramps, and proposed exit and entrance ramps, WisDOT has presented viable alternatives and preliminary plans for the project (Attachment A) to the Department of Parks, Recreation and Culture (DPRC), and

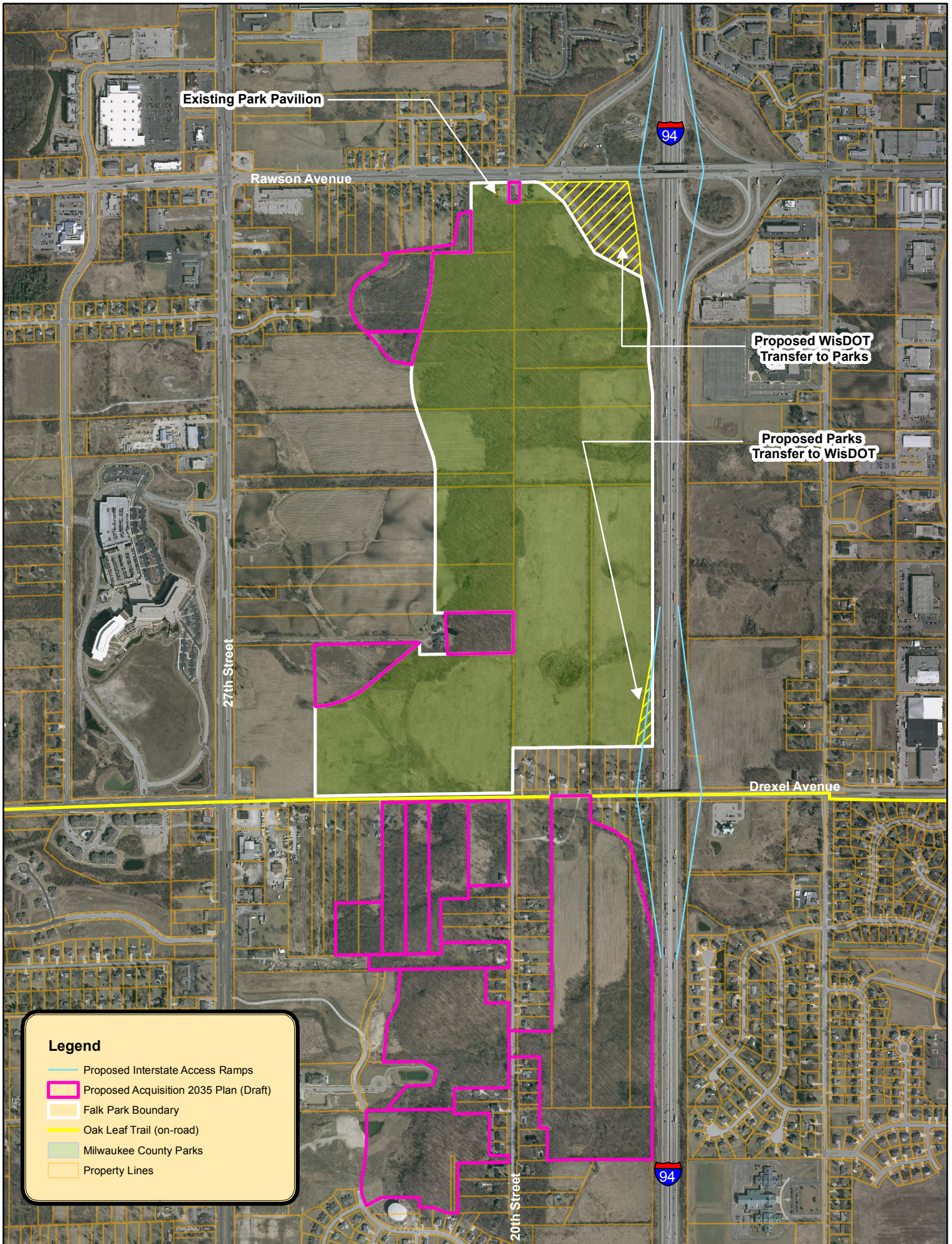
WHEREAS, the proposed alternatives may impact Falk Park and the Root River Parkway, and

WHEREAS, the DPRC will require relief from those impacts and as a result, the Parks Director is seeking authorization to negotiate mitigation measures with WisDOT, potentially including land transfers and easements, and







WHEREAS, as the negotiations proceed, the Parks Director will give the Milwaukee County Department of Transportation and Public Works, Corporation Counsel, Risk Management and other appropriate staff opportunities to review and comment on the mitigation proposals, and

WHEREAS, once agreement with WisDOT on the mitigation measures has been reached, the Parks Director will return to the Board for formal approval.

BE IT RESOLVED, the Parks Director respectfully recommends that the department be given the authorization to negotiate mitigation measures with WisDOT relating to the proposed Interstate 94 North/South Corridor Improvements Project ID 1030-20-00



**Legend**

-  Proposed Interstate Access Ramps
-  Proposed Acquisition 2035 Plan (Draft)
-  Falk Park Boundary
-  Oak Leaf Trail (on-road)
-  Milwaukee County Parks
-  Property Lines