

COUNTY OF MILWAUKEE
Inter-Office Communication

Date: November 7, 2022

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 grant to the City of Waukesha Water Utility a hundred-year easement for the placement of a Return Flow Pipeline near Ryan Road and South 68th Street in the City of Franklin

File Type: Action Report

REQUEST

The Executive Director of Milwaukee County Parks requests authorization to execute a one-hundred-year easement with the City of Waukesha Water Utility for placement of a Return Flow Pipeline near Ryan Road and South 68th Street in the City of Franklin.

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.

MCGO 47.08(2)(d), states that “Natural areas within the Park System that are designated by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) as Natural Areas of Local, Regional, or State-wide Significance or designated as Critical Species Habitat Areas, will receive a heightened level of protection... The DPRC or individuals, groups, or entities authorized, through written permission from the DPRC, are allowed to maintain or repair existing built infrastructure within these designated areas, but are not allowed to increase the footprint of this infrastructure unless necessary to protect the ecological integrity of these designated sites.”

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| Wisconsin State Statutes: | § 59.17(2)(b)3. |
| Milwaukee County Code of General Ordinances: | 47.08(2)(d) |
| Specific Adopted Budget: | |
| Specific Adopted Budget Amendment: | |
| Specific Adopted Capital Project: | |

BACKGROUND

The City of Waukesha Water Utility is requesting this easement to install a segment of the Return Flow Pipeline as part of the Great Water Alliance Program. The Return Flow Pipeline conveys high treated effluent from the City of Waukesha Clean Water Plant to

the Outfall Facilities that discharge flow to the Root River. The Pipeline cannot be placed in the Right of Way on Ryan Road due to the R.O.W. being full.

Temporary construction area of 1.35 acres will be necessary during construction of the project. The final easement area is 0.75 acres. The term is one hundred years and the fee for the easement is a one-time payment of \$100,000 that will be put in trust for Parks' natural areas.

Access for maintenance of the pipeline would be from Ryan Road. Maintenance of the pipeline and pipeline appurtenances would be performed as needed by the Waukesha Water Utility or their representative. It is anticipated that pipeline appurtenances would be checked every 6 months. If repairs are necessary, it will be via open cut construction. The depth of the pipeline installed via Horizontal Directional Drilling (HDD) precludes accessing the pipeline and if repairs cannot be made from inside the pipeline, a new pipeline installed via HDD would be required and coordinated with Milwaukee County at that time.

Parks has reviewed the City's preliminary plans for these proposed improvements. The proposed easement will provide the land rights to install, operate and maintain the Return Flow Pipeline 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 and any impacts to natural areas should be mitigated by the \$100,000 payment for the benefit of natural areas. 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.

A waiver of the requirements of MCGO 47.08(2)(d) is needed due to this project increasing the infrastructure footprint in an area designated by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) as Natural Areas of Local, Regional, or State-wide Significance or designated as Critical Species Habitat Areas.

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| Related File No's: | |
| Associated File No's (Including Transfer Packets): | |
| Previous Action Date(s): | |

ALIGNMENT TO STRATEGIC PLAN

The fee paid by the City will enhance the County's fiscal health and sustainability.

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

FISCAL EFFECT

- \$100,000 will be put into a trust for natural areas

TERMS

- 100-year term
- \$100,000 to be put in trust for natural areas

VIRTUAL MEETING INVITES


Erica Goblet, Contracts Manager, Milwaukee County Parks

Daniel S. Duchniak, P.E., General Mgr., Waukesha Water Utility, dduchniak@waukesha-water.com

PREPARED BY:

Erica Goblet, Contracts Manager, Milwaukee County Parks

APPROVED BY:

Guy Smith, Executive Director Milwaukee County Parks 

ATTACHMENTS:

Resolution

Fiscal Note

Draft Easement

CC:

David Crowley, County Executive

Mary Jo Meyers, Chief of Staff, County Executive's Office

Sheldon Wasserman, Supervisor District 3, PEEC Chair

Steven Shea, Supervisor District 8, PEEC Vice Chair

Felicia Martin, Supervisor District 7, PEEC Member

Juan Miguel Martinez, Supervisor District 12, PEEC Member

Steve 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

Kelsey Evans, Committee Coordinator, Office of the County Clerk

Ciara Miller, Research & Policy Analyst, Office of the Comptroller

Anthony Rux, Budget & Management Analyst, DAS-PSB