

**-COUNTY OF MILWAUKEE-**  
INTEROFFICE COMMUNICATION

DATE: May 23, 2014

TO: Marina Dimitrijevic, Chairwoman  
Milwaukee County Board of Supervisors

FROM: Julie Esch, Director of Operations   
Department of Administrative Services

**SUBJECT: American Transmission Company: Western Milwaukee  
County Electric Reliability Transmission Line Project  
Purchase of Easements**

**REQUEST**

The Department of Administrative Services is requesting approval of the American Transmission Company's (ATC) purchase of easements (attached) for the construction of the Western Milwaukee County Electric Reliability Transmission Line Project. The easements are as follows: (1) two permanent easements for parcels located along Underwood Creek Parkway (west of Highway 100), (2) one permanent easement located on the Fleet parcel, (3) one permanent easement located on the Children's Adolescent Treatment Center parcel, (4) one permanent easement on a Watertown Plank Road parcel, (5) an access agreement along 92<sup>nd</sup> Street near the Behavioral Health Division's Food Service building and (6) a temporary construction easement for work related to the Underwood Creek bike path.

**BACKGROUND**

The Western Milwaukee County Electric Reliability Project (WMCERP) consists of the construction of two new electric transmission lines to support a new electrical substation located at the WE Energies power plant on the County Grounds. The American Transmission Company will be constructing the new lines that will interconnect into the new substation.

The WMCERP was approved in early 2013 by the Public Service Commission of Wisconsin. Per Wisconsin State Statute 196.491 (3e), ATC notified Milwaukee County of its request for easements on which land parcels they will be locating high tension poles that will carry the electric transmission lines. The County had 90 days to negotiate easement language and purchase price. DAS engaged an appraiser on behalf of all of the affected

departments to determine the value of each requested easement. ATC and County staff from the Parks, Transportation and Administrative Services Departments and Corporation Counsel were unable to come to an agreed upon price for the easements within the 90 day window. Therefore, ATC proceeded to arbitration on each of the parcels. According to Wisconsin State statutes, ATC was automatically granted the easements upon commencement of arbitration as follows:

“If the electric utility [ATC] and the owner of the land [Milwaukee County] cannot agree on the fair market value of the interest of the land, sought by the electric utility company within 90 days after the electric utility notifies the owner that the certificate of public convenience and necessity has been issued, the issue of the fair market value of the interest shall be appointed by an arbitrator appointed by the circuit court of the county in which the land is located.” The interest in land shall be conveyed to the electric utility upon commencement of the arbitration proceeding.”

As of last week, an agreement was reached on the price of all requested easements for a total offer of \$592,589.90. The negotiated prices for the individual parcels are as follows:

- Underwood Creek Parkway Bike Path Parcel - \$21,500
- Underwood Creek Parkway Wooded Wetland - \$9,300
- Access Easement (near 92th Street) - \$5,000
- Fleet Parcel - \$347,373.37
- CATC Parcel - \$190,400
- Watertown Plank Road Parcel - \$17,000

The County Board and County Executive are required to approve the negotiated offer.

### **RECOMMENDATION**

It is recommended that the Milwaukee County Board of Supervisors approve the easement price agreement negotiated with ATC. It is further recommended that the funds be placed in the Appropriations for Contingencies Account.