

County of Milwaukee
Interoffice Communication

Date: September 6, 2011

To: Supervisor Johnny Thomas, Chairman, Finance & Audit Committee
Supervisor Gerry Broderick, Chairman, Committee on Parks, Energy and Environment

From: Pamela Bryant, Interim Fiscal and Budget Administrator

Subject: Due Diligence Report for Agreement with American Legion Post and Veterans of Foreign Wars for Construction of a Veterans Memorial in Hales Corners Park

Request

The Department of Parks, Recreation, and Culture requests approval to enter into a land use and escrow agreement for the construction of a Veterans Memorial in Hales Corners Park. The memorial would be constructed and paid for by the American Legion Post 299 (ALP) and the Veterans of Foreign Wars Chapter 10394 (VFW).

Background

In September 2010, the Parks Department submitted a report to the County Board requesting approval to enter into a long term land use and endowment agreement with the ALP/VFW to construct, endow, maintain and operate a Veterans Memorial in Hales Corners Park. The Board approved the resolution with the condition that the ALP/VFW successfully meet all requirements of due diligence prior to commencement of construction.

Review & Analysis

The Parks Department has prepared a land use agreement for use of a portion of Hales Corners Park and an escrow agreement for the maintenance of the memorial.

The land use agreement authorizes the ALP/VFW to use a portion of Hales Corners Park to construct and maintain a memorial. The construction contract lists the total cost at \$99,310. In addition there is approximately \$6,000 in survey and electrical work to be completed. The County's Department of Transportation and Public Works – Architecture and Engineering Division shall review and approve all construction documents. The agreement is in effect until mutual consent of both parties. If the parties cannot negotiate an end to the agreement, then the County shall provide 30 days written notice requiring the memorial be removed from the subject area.

The ALP/VFW has provided verification that they have the available funds to complete the project. They have \$140,000 available for the project, which covers construction costs and the \$15,000 for the escrow account.

The second agreement sets up an escrow account for purposes of maintaining and repairing the memorial. The escrow must contain a minimum balance of \$15,000. The

ALP/VFW is responsible for all maintenance and repair of the memorial. If the ALP/VFW defaults on any maintenance, the County shall have access to the funds in the escrow account to complete the work. The Parks Department is responsible for mowing in the leased area. The ALP/VFW is responsible for all other maintenance, including graffiti removal, trash removal, snow and weed removal, lighting of the memorial (and utility and maintenance costs associated with the lighting), as well as maintenance of the memorial itself. The ALP/VFW estimates the annual maintenance to be \$1,500, which would include light bulb replacement, anti-graffiti sealer and flag replacement. A site map of the leased area will be attached to the land use agreement. The escrow account must be set up prior to beginning construction on the site and must be fully funded within 12 months construction is completed.

Recommendation

Acknowledging the opinions of Parks, Risk Management and Corporation Counsel staff as well as DAS's review of pertinent documents, DAS recommends that the land use and escrow agreement be approved.



Pamela Bryant, Interim Fiscal and Budget Administrator

- pc: Chris Abele, County Executive
Supervisor Lee Holloway, Chair, County Board of Supervisors
George Aldrich, Chief of Staff, County Executive's Office
Pat Farley, Director, Department of Administrative Services
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