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From the Executive Director of Parks, requesting authorization to grant to the City of Wauwatosa a permanent storm sewer easement across the Oak Leaf Trail by 115<sup>th</sup> Street and Underwood Creek so that the City may construct, operate, and maintain a storm sewer and related improvements, by recommending adoption of the following:

**A RESOLUTION**

WHEREAS, the City of Wauwatosa (the City) is requesting an easement across parkland near 115<sup>th</sup> Street and Underwood Creek across the Oak Leaf Trail (OLT) for a storm sewer to alleviate flooding impacts for the community; and

WHEREAS, there is currently a storm sewer pipe at this location that is owned by the City, but it is undersized and does not have an easement; and

WHEREAS, to effectuate the construction of the improvements, the City requires a Permanent Easement (the Easement) of 13,154 square feet for installation and future maintenance, repair, and replacement purposes of the storm sewer pipe; and

WHEREAS, the City is offering to rehabilitate the OLT from 115<sup>th</sup> Street to the desired easement location, including addressing the flooding and failure on the OLT; and

WHEREAS, additionally, the City will improve the connection at 115<sup>th</sup> Street to include a new crossing to connect to a future bicycle and pedestrian trail, as well as provide increased connectivity by making improvements west up to the Milwaukee County trail improvements that end at 119<sup>th</sup> Street; and

WHEREAS, the Department of Parks, Recreation, and Culture (DPRC), retains the right to require a right-of-entry permit for all work on parkland; and

WHEREAS, it is the City's role and responsibility to identify, propose, and pay for the project, as well as all required future maintenance and repairs; and

WHEREAS, based on the size of the Easement, the minimal impact to parkland and natural areas, the overall benefit to the community, the need for a recorded Easement, and the improvements to the OLT, including flood mitigation, DPRC is recommending approval of this Easement; and

WHEREAS, the Committee on Parks and Culture, at its meeting of September 12, 2023, recommended adoption of File No. 23-793 (vote 4-0); now, therefore,

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BE IT RESOLVED, the Department of Parks, Recreation, and Culture, is hereby authorized to prepare, review, approve, execute, record, and/or implement the required documents or perform actions required to grant the Permanent Infrastructure Easement (the Easement) to the City of Wauwatosa (the City) for the construction, operation, and maintenance of the City's storm sewer by 115<sup>th</sup> Street and Underwood Creek across the Oak Leaf Trail; and

BE IT FURTHER RESOLVED, the County Executive and County Clerk are authorized to execute any required documents to effectuate the approved permanent storm sewer Easement.

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09/12/23  
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