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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, by recommending **REJECTION** of the following:

AN ENGROSSED RESOLUTION

WHEREAS, the City of Waukesha (the City) Water Utility (the Utility) is requesting an Easement (the Easement) on parkland, off Ryan Road (the Road), between South 60th Street, and South 68th Street, to install a segment of the Return Flow Pipeline, as part of the Great Water Alliance Program; and

WHEREAS, the Return Flow Pipeline conveys treated effluent from the City Clean Water Plant, to the Outfall Facilities that discharge flow to the Root River; and

WHEREAS, the Easement on parkland is required because of a lack of alternatives, due to the Right-of-Way on the Road being full; and

WHEREAS, to provide for the ongoing maintenance of the improvements, the Utility requires from the Department of Parks, Recreation, and Culture (DPRC), a 0.75-acre Easement along the Road, just East of South 68th Street, for placement, construction, operation, maintenance, repair, replacement, and removal of the equipment; and

WHEREAS, a waiver of the requirements of Section 47.08(2)(d), Milwaukee County Code of General Ordinances, is needed, due to this project increasing the infrastructure footprint, in an area designated by the Southeastern Wisconsin Regional Planning Commission as Natural Areas of Local, Regional, or State-wide Significance, or designated as Critical Species Habitat Areas; and

~~WHEREAS, the City is offering \$100,000 for the Easement of 0.75 acres, and the term of the Easement is 100 years; and~~

WHEREAS, the Easement is 0.75 acres for a term of 25 years with three automatic 25-year renewals as long as the City is in compliance with all terms of the Easement; and

WHEREAS, the City is offering \$275,000 for the Easement, which shall be paid in four payments the first being \$50,000 upon execution of the Easement, and \$75,000 at each of the three subsequent renewals; and

WHEREAS, the ~~\$100,000~~ payments will be put in a trust fund for the benefit of DPRC natural areas; and

47 WHEREAS, DPRC retains the right to require a right-of-entry permit for all future
48 work on parkland; and

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

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53 WHEREAS, DPRC has reviewed this project, and recommends approval based
54 on the impact to parkland, the lack of alternative options, the benefit to the Waukesha
55 community, and the funding to offset any natural area concerns; and

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57 WHEREAS, the Committee on Parks and Culture, at its meeting of December 6,
58 2022, recommended REJECTION of File No. 22-1124, due to a failed motion to
59 recommend adoption (vote 1-3); now, therefore,

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61 BE IT RESOLVED, the Department of Parks, Recreation, and Culture (DPRC), is
62 hereby authorized to prepare, review, approve, execute, record, and/or implement the
63 required documents, or perform actions, required to grant the Easement (the Easement)
64 to the City of Waukesha (the City) Water Utility, for the construction, operation, and
65 maintenance of a Return Flow Pipeline (the Pipeline), near Ryan Road and South 68th
66 Street, in the City of Franklin; and

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68 ~~BE IT FURTHER RESOLVED, the term of the Easement is 100 years, and the~~
69 ~~fee is a one-time payment of \$100,000, that will be held in trust for the benefit of~~
70 ~~DPRC natural areas; and~~

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72 BE IT FURTHER RESOLVED, the term of the Easement is 25 years with
73 three automatic 25-year renewals, as long as the City is in compliance with all
74 terms of the Easement, and the fee for the Easement shall be \$275,000, which
75 shall be paid in four payments the first being \$50,000 upon execution of the
76 Easement, and \$75,000 at each of the three subsequent renewals; and

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78 BE IT FURTHER RESOLVED, the Milwaukee County Board of Supervisors
79 waives the requirements under Section 47.08(2)(d), Milwaukee County Code of General
80 Ordinances, to allow for the increase in the infrastructure footprint, in an area
81 designated by the Southeastern Wisconsin Regional Planning Commission as Natural
82 Areas of Local, Regional, or State-wide Significance, or designated as Critical Species
83 Habitat Areas; and

84
85 BE IT FURTHER RESOLVED, the County Executive and County Clerk are
86 authorized to execute any required documents to effectuate the approved Pipeline
87 Easement.

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