

COUNTY OF MILWAUKEE
Inter-Office Communication

Date: April 19, 2024

To: Marcelia Nicholson, Chairwoman, Milwaukee County Board of Supervisors

From: Guy Smith, Executive Director, Milwaukee County Parks

Subject: Temporary easement with Everstream GLC Holding Company for underground telecommunications on 0.1 acres of Honey Creek Parkway

File Type: Action report

REQUEST

From the Executive Director of Milwaukee of County Parks, requesting authorization to execute a temporary easement with Everstream GLC Holding Company for underground telecommunications on 0.1 acres of Honey Creek Parkway

POLICY

Wisconsin State Statutes:	
Milwaukee County Code of General Ordinances:	
Specific Adopted Budget:	
Specific Adopted Budget Amendment:	
Specific Adopted Capital Project:	

BACKGROUND

Milwaukee County Parks owns Honey Creek Parkway, which traverses the eastern boundary of the City of Wauwatosa. and flows northward under Wisconsin Avenue at approximately 80th street in the City of Wauwatosa. The Honey Creek Parkway runs along the east bank of Honey Creek.

In 2020, Everstream obtained permits from the City of Wauwatosa to install a fiber telecommunications line along the east-west alignment of Wisconsin Ave. At the Wisconsin Avenue Bridge crossing over Honey Creek, Everstream diverted the line south of the bridge and installed the fiber optic line across County owned land in the Honey Creek Parkway. This installation occurred in 2021. Everstream failed to obtain any permits or discuss the fiber line installation with Milwaukee County.

In 2023, during the coordination with the City of Wauwatosa on the reconstruction of the Wisconsin Avenue Bridge, Parks discovered the fiber line installation. Parks subsequently contacted Everstream, who confirmed the installation and that it was done without obtaining County permits or easements.

Parks and Everstream have been negotiating since November 2023 to discuss easement and payments for the unauthorized installation. Everstream is requesting a 10-foot wide easement for the installed transmission line and infrastructure.

Everstream will pay for an after-the-fact Parks Right-of-Entry permit and penalties, rent for 2021, 2022, 2023 & 2024 (escalating 3% each year from 2021). Everstream will make a lump sum payment to clear all the owed fees retroactive from the 2021 date of install in 2024. In sum Everstream has agreed to pay approximately \$10,000 in back fees, and rent to cover use of parkland from 2021 through 2024.

Parks is recommending approval of up to .1 acre temporary easement at the current rate of \$5.00/linear foot with an annual 3% increase, effective from 2021 for a ten year term with an additional 10 year extension.

Related File No's:	24-118
Associated File No's (Including Transfer Packets):	
Previous Action Date(s):	1/23/2024

ALIGNMENT TO STRATEGIC PLAN

Describe how the item aligns to the objectives in the [strategic plan](#):

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

FISCAL EFFECT

Annual rent to increase Parks revenue.

TERMS

- Rate \$5.00 per linear ft.
- Annual 3% increase in rent
- Initial 10 year term, with one additional ten-year extension.

VIRTUAL MEETING INVITES

Shad Garcia, Everstream Field Services Manager, sgarcia@everstream.net

Joe Hines, Everstream engineer, jhines@everstream.net

PREPARED BY:

Saji Villoth, Assistant Contracts Officer, Milwaukee County Parks

APPROVED BY:

Guy Smith, Executive Director Milwaukee County Parks *Guy Smith*

ATTACHMENTS:

- Draft Easement
- As-built construction plan
- PowerPoint Presentation

CC:

David Crowley, County Executive

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

Comm on Parks & Culture Chair

Comm on Parks & Culture Members

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

Allyson R. Smith, Committee Coordinator, Office of the County Clerk

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

Anthony Rux, Budget & Management Analyst, DAS-PSB