

COUNTY OF MILWAUKEE
Inter-Office Communication

Date: February 16, 2024

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

From: Guy Smith, Executive Parks Director for Milwaukee County Parks

Subject: Informational Report on Requests for Utility Easements and Land Sales related to Public Works projects impacting County Parks

File Type: Informational Report

REQUEST

This report is for informational purposes, there is no request at this time.

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 maintains over 15,000 acres of parkland which includes 11 parkways and over 215 miles of trails. Milwaukee County Parks reside in nearly every municipality within the county and overlap or are adjacent to jurisdictions of cities, villages, sewerage districts, state forests, state highways, interstate highways, neighboring counties and more. As an organization with a long history there have been many partnerships with these jurisdictions to provide public services like storm sewer, water service, roads, trails, communications and land conservation.

Many intergovernmental partnerships have taken the form of an easement. An easement grants another entity the right to access or otherwise use someone else's property for a specified purpose. Easements can apply to utilities, drainage, access and even conservation. Easements can be permanent or for a set period of time.

Today Milwaukee County Parks has over 1,300 easements on parkland, the earliest known dating back to the late 1890's. Below is a chart of known easements issued by decade.

<u>Decade</u>	<u>Number Issued</u>	<u>Percent of total</u>
2020-	31	2%
2010-2019	105	8%
2000-2009	81	6%
1990-1999	97	7%
1980-1989	153	12%
1970-1979	193	15%
1960-1969	276	21%
1950-1959	225	17%
1940-1949	56	4%
1930-1939	35	3%
1920-1929	19	1%
Pre-1920	36	3%

Parks has worked diligently to limit future restrictions on parkland from easements and encouraged easement holding entities to relinquish old easements that are no longer in use for the original intended purpose. When possible Parks establishes a set timeframe for easements to align with the life cycle of the purpose for the easement (gas line construction, water or sewer pipes etc). Below is a chart of easements issued from 2019-2023:

<u>Year</u>	<u>Number of Easements</u>	<u>Type</u>	
		<u>Permanent</u>	<u>Temporary</u>
2019	4	3	1
2020	2	2	0
2021	7	5	2
2022	7	3	4
2023	8	6	2
Total	28	19	9

Typically easements are granted for a fee. One of the greatest challenges for the Parks Department regarding these transactions has been the valuation of the land. Private real estate transactions usually involve an appraisal. An appraisal is typically conducted on a sales comparison approach by researching comparable transactions in the near vicinity. In Milwaukee County, Milwaukee County Parks owns the parkland and rarely sells it. Additionally, parkland throughout southeastern Wisconsin is rarely sold. This provides no comparable transactions. Additionally, similar parcels exchanged by private parties are not reasonable proxies as the zoning for parkland is distinctly reserved for institutional entities like governments.

In rare instances, parkland is requested to be purchased for the execution of public works projects. Primarily state or municipal road projects request the purchase of small areas of parkland adjacent to highways or roads to accommodate a road construction project.

Park planning staff work with engineers on the infrastructure designs to mitigate the amount of land needed. However, the same issues that surround valuation of parkland for easements occur with the sale of parkland in these instances.

Milwaukee County Parkland is invaluable. As the only fully incorporated county in the state there is no additional land to capture or annex to create parkland. Parks operates under the philosophy that the well-being of our citizenry is served through their access to amenities provided by municipalities and private utilities through easements and land sales to allow municipal public works improvements.

Parks has historically engaged individual projects and requests for easements on a case-by-case basis to ensure flexibility in negotiation. Beginning in the 2025 budget Parks will implement a more transparent and efficient approach for these projects by setting our fees annually through the fee schedule that applies to all other posted rates. This approach will not replace County Board approval of individual requests but will standardize the base fees received in each transaction. Parks will use the following rates to guide any new easements throughout 2024 -

<u>Easements</u>	<u>Purpose</u>	<u>Cost</u>	<u>Unit</u>
Power Utilities	Gas/Steam/Electric	\$ 1.60	Square Feet
Telecommunications	Fiber/Broadband/Internet	\$ 2.05	Linear Feet

<u>Land Sales</u>	<u>Purpose</u>	<u>Cost</u>	<u>Unit</u>
Municipal/state public works projects	Expansion of existing infrastructure footprint for public purpose	\$ 4.95	Square Feet

Parks has also been successful in partnering to obtain infrastructure improvements for park users in lieu of easement fees. Often the value of these improvements exceed the compensation Parks would have received for a cash transaction. Revenue from telecommunications easements is evenly divided between the playground and bike trails trust fund as authorized in File# 98-320. Power utility revenue and land sale revenue are deposited in the departmental general fund.

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

3C: Dismantle barriers to diverse and inclusive communities

FISCAL EFFECT

None

TERMS

None

VIRTUAL MEETING INVITES

PREPARED BY:

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APPROVED BY:

Guy Smith, Executive Director Milwaukee County Parks

ATTACHMENTS:

None

CC: David Crowley, County Executive
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Sheldon A. Wasserman, Supervisor District 3, Comm on Parks & Culture Chair
Steven Shea, Supervisor District 8, Comm on Parks & Culture Vice Chair
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