



CHRIS ABELE, MILWAUKEE COUNTY EXECUTIVE
JOHN DARGLE, JR., DIRECTOR OF PARKS, RECREATION AND CULTURE

Date: November 23, 2016

To: Theodore Lipscomb, Sr., Chairman, County Board of Supervisors

From: John Dargle, Jr., CPRP, Director, Department of Parks, Recreation and Culture (DPRC)

Subject: **Oak Creek Parkway Encroachment by Caterpillar, Inc. –
INFORMATIONAL – *Additional Background***

As requested in your email of November 21, 2016, DPRC is providing additional background information related to its informational report for File 16-710.

ADDITIONAL BACKGROUND

In the 1950s, the Milwaukee County Park Commission actively acquired property and land rights near and around primary environmental corridors. The acquisitions protected sensitive lands from development, which also reduced potential flooding and sewer backups by preserving the low lying pervious areas adjacent to waterways. Under this policy and initiative, the Commission acquired approximately two acres owned by Bucyrus-Erie at their South Milwaukee plant, north of Rawson Ave and west of N Chicago Ave.

In 2011, Caterpillar Global Mining LLC (“Caterpillar”) purchased Bucyrus International. While reviewing their property boundary for the purpose of improving site security and perimeter fencing, Caterpillar discovered that a portion of fenced-in land was outside of its current property line. The area is a heavily vegetated, undevelopable, steep slope that runs adjacent to the eastern portion of the current boundary of the site and provide stability to support the remaining area of the site at the top of the slope.

The eastern slope of the site was used from 1918 to approximately 1980 by Bucyrus-Erie as an industrial fill site. Activities on this historical fill site are regulated by the Wisconsin Department of Natural Resources (WDNR). The slope appears to have been originally fenced during Bucyrus-Erie’s early operation, prior to acquisition by Milwaukee County, and was believed to be part of the site when Caterpillar purchased Bucyrus. The slope, while undevelopable and unusable for most purposes, constitutes an important part of overall stability and security for the Site. It is possible that inclusion of the slope in the transfer from Bucyrus Erie to the County was unintended.



Given that for many decades, Bucyrus-Erie, now Caterpillar, have exercised daily operational control over the site and recognized the Site as its own property, Caterpillar desires to have Milwaukee County clarify ownership of this parcel. From the discussion with the County thus far, Caterpillar has completed a Certified Survey Map, field assessment of surficial conditions, and are now preparing supporting documents that provides the background history, relevant basis for the transaction, and binding conditions to be presented as an informational item to the County Board's Parks, Energy and Environment Committee on December 6, 2016. We look forward to continuing to work with Caterpillar to make progress toward a resolution of these issues and to reach a final resolution in the near future.

Copy: Chris Abele, County Executive

Jason Haas, Chair, Parks, Energy and Environment Committee

Marcelia Nicholson, Vice-Chair, Parks, Energy & Environment Committee

David Sartori, County Board Supervisor, District 8

Raisa Koltun, Chief of Staff, County Executive's Office

Kelly Bablitch, Chief of Staff, County Board of Supervisors

Allyson Smith, Committee Coordinator, Office of the County Clerk

Jessica Janz-McKnight, Research & Policy Analyst, Office of the Comptroller