



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

Date: March 20, 2017

To: Jason Haas, Chair, Parks, Energy and Environment Committee

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

Subject: **Oak Leaf Trail (OLT) – Bender Racine Connector Appropriation Transfer (INFORMATION)**

ISSUE

Informational report on the OLT – Bender Racine Connector Appropriation Transfer as a result of the Finance and Audit Committee approval of File 17-245 on March 16, 2017.

BACKGROUND

In December 2015, the Committee on Parks, Energy and Environment and the Milwaukee County Board of Supervisors authorized the DPRC to apply for the Transportation Alternative Program (TAP) grant (File 15-774). TAP is a federal legislative program authorized by the 2012 Moving Ahead for Progress in the 21st Century Act (MAP-21). TAP projects must fit within the eligibility categories, comply with Wisconsin Department of Transportation (WisDOT) policies, relate to surface transportation, and have a unit of government as the sponsors. Funding is 80% federal and requires a 20% local match.

In January 2016, DPRC staff met with City of Oak Creek officials to discuss potential multi-use trail projects connecting to and at Bender Park. The City offered to fund the local match up to \$400,000. DPRC collaborated with DAS A&E to scope and estimate an OLT connection between Oak Creek’s Abendschein Park and Milwaukee County’s Bender Park. The trail would run almost entirely within the WE Energies corridor and cost approximately \$2,000,000, including State mandated third party design and review fees. DPRC submitted the application by the January 29, 2016 deadline.

In July and August of 2016, DPRC coordinated with WE Energies, WisDOT, and the Federal Highway Administration (FHWA) to advocate for accepting a license agreement for constructing a trail on someone else’s property. Use of a license agreement had been the agreement for constructing trails on WE Energies ROW. WisDOT and WE Energies had been in discussions about WE Energies providing an easement



agreement for use of their ROW for trails. Since the OLT Drexel to Bender Connector is proposed to be along WE Energies ROW, the County needed to start discussions with WE Energies right away even though no TAP agreement was in place as it typically takes a long time to get the real estate rights.

On August 29, 2016, WisDOT awarded DPRC \$1,458,370 in TAP grant funding. Due to high demand for TAP grant funding, WisDOT could not commit the entire \$1,600,000 requested. Consequently, Oak Creek reduced their commitment to \$320,000, which left a \$221,630 budget shortfall.

In October 2016, DPRC began working with DAS and the Comptroller's Office on the fund transfer request to create the project and recognize the TAP grant funding, Oak Creek funding, and identify a source of funding to fill the gap.

In November 2016, WisDOT informed DPRC that revisions in FHWA guidance and interpretation of that guidance would allow for a license agreement as acceptable R/E interest for this federal aid project. In addition, the City of Oak Creek adopted a resolution with their intent to budget \$320,000 as part of the 2017 Capital Improvements Program to fund the City's share of the trail extension.

This appropriation request of \$2,000,000 will allow for the recognition of the TAP funding (\$1,458,370), allow for the recognition of the Oak Creek match (\$320,000), and reallocate funding from completed OLT projects at Grant and Sheridan Parks (\$221,630).

Subsequent to Finance and Audit Committee approval of File 17-245, DPRC is requesting authorization to apply for a Wisconsin Stewardship Program grant in the amount of \$222,000 towards the OLT – Bender Racine Connector project. The WDNR is currently reviewing the project for eligibility. That determination had not been made at the time this report was submitted.

RECOMMENDATION

No action requested. Informational item unless further action required.

Prepared by: Jill Organ, Chief of Planning and Development

Approved by:



John Dargle, Jr., CPRP, Director

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