

COUNTY OF MILWAUKEE
Inter-Office Communication

Date: June 21, 2024

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

From: Guy Smith, Executive Director for Milwaukee County Parks

Subject: Authorization to terminate a permanent Water Tower Easement at Jackson Park.

File Type: Action Report

REQUEST

From the Executive Director of Milwaukee County Parks, requesting authorization to terminate a permanent Water Tower Easement being held by the City of Milwaukee at Jackson Park

POLICY

59.17(2)(b)3., Wis. Stats., states that the “county board may continue to exercise the authority under s. 59.52(6) with regard to land that is zoned as a park...”. In the law of property, authority over “land” includes authority over all rights appurtenant to the land.

Wisconsin State Statutes:	§ 59.17(2)(b)3.
Milwaukee County Code of General Ordinances:	
Specific Adopted Budget:	
Specific Adopted Budget Amendment:	
Specific Adopted Capital Project:	

BACKGROUND

In 1936 the City of Milwaukee transferred Jackson Park to Milwaukee County Parks via a Warranty Deed. There are certain conditions on honoring easements, and that the deed conveyed to County interest in all hereditaments and appurtenances as existed at the date of the 1936 conveyance.

In 1959, the County granted the City Milwaukee a permanent easement to construct an elevated water tank, and references that all conditions of the 1936 deed still prevail. There is no termination clause which is why we are seeking County Board approval to terminate the Easement.

Around 1972, the elevated tank was removed, the laterals capped, and the foundations were removed to 3 ft. below grade which was policy at the time. The City of Milwaukee has stated they no longer have use for the Easement.

In 2024, Milwaukee Metropolitan Sewer District is in the process of doing some extensive stormwater improvements in Jackson Park and the existence of this easement became known to both MMSD and the Parks. The easement lies in a portion of the planned MMSD improvement area, so the easement needs to be terminated to continue to move forward with the project.

Therefore, Parks is recommending approval to terminate the easement.

Related File No's:	19-223, 20-86, 20-186
Associated File No's (Including Transfer Packets):	
Previous Action Date(s):	

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

There is no fiscal impact in terminating this easement.

VIRTUAL MEETING INVITES

Chris Kubacki, Landscape Architect Engineer Supervisor, Parks Department

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PREPARED BY:

Robert Senglaub, Contracts Manager, Milwaukee County Parks

APPROVED BY:

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

ATTACHMENTS:

Attachment A: Draft Termination

Attachment B: Plat Survey

Attachment C: PowerPoint Presentation

CC: David Crowley, County Executive
Mary Jo Meyers, Chief of Staff, County Executive's Office
Sheldon Wasserman, Committee on Parks & Culture Chairperson
Steve Taylor, Committee on Parks & Culture Vice Chairperson
Felesia Martin, Committee on Parks & Culture Member
Juan Miguel Martinez, Committee on Parks & Culture Member
Jack Eckblad, Committee on Parks & Culture Member
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