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

Date: February 17, 2017

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

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

Subject: **Easement – Harbor Drive and Clybourn Street (ACTION)**

POLICY

Authorization to approve an easement to the City of Milwaukee on land zoned as a park currently improved as Harbor Drive in the City of Milwaukee adjacent to Summerfest to conduct public improvements and maintenance.

BACKGROUND

Milwaukee County is the owner of a long and narrow parcel known as "Harbor Drive" which is 2.635 acres. This parcel has been improved as a road that has traditionally been maintained and repaired by the City of Milwaukee. There is no formal arrangement that allowed for this dual authority of the Harbor Drive roadway.

The Lakefront Gateway Plaza and Summerfest gate expansion projects adjacent to Harbor Drive were enabled through the re-design of the Lakefront Interchange. The new interchange re-aligned the highway on and off ramps and 794, but also caused the re-alignment of at grade streets in Milwaukee. Because of this, the existing Harbor Drive parcel will exist on the Summerfest front gate area while some of the County owned parcel will continue to occupy a portion of the new road.

In December 2016, the Milwaukee County Board of Supervisors approved a resolution to create a Certified Survey Map (CSM) to clarify parcel property lines and public rights of way between Milwaukee County, the City of Milwaukee, the Milwaukee Art Museum, and the Couture properties (File 16-700). This CSM created four distinct lots and established a dedicated right-of-way at the intersection of Lincoln Memorial Drive and East Michigan Street.

The Milwaukee Lakefront Gateway Project (File 15-418 and File 16-302) combines the efforts of the City of Milwaukee, Milwaukee County and the State of Wisconsin to improve public spaces and encourage ongoing developments at the downtown lakefront area and to simplify connections between the lakefront, Downtown Milwaukee, and the

Historic Third Ward.

Easement

In line with the goals of the lakefront gateway planning process, Milwaukee County seeks to grant an easement to the City of Milwaukee for the roadway on North Harbor Drive, adjacent to Summerfest grounds. While the City has historically been able to access and use this land, and has maintained responsibility and control over the land, there has been no easement or other legal protection of their access and control. Milwaukee County will retain ownership of the parcel and it will remain zoned as a park, but the operational obligations would transfer to the City to guarantee continued maintenance. This easement would allow the City of Milwaukee full access as needed to Harbor Drive, without in any way affecting Milwaukee County's ownership rights in such land or County's own rights to access and use the land.

An easement is an interest in land that entitles its holder to a specific limited use or enjoyment. In this case, the easement over County-owned land would allow the City of Milwaukee to access the land in question for the purpose of undertaking roadway improvements and such other improvements as they deem necessary, as related to the Milwaukee Lakefront Gateway Project. In doing so, Milwaukee County removes from itself the maintenance obligation over the site. The improvements planned by the City include roads, recreational trails, landscaping, and a public plaza in the Summerfest entrance area.

This project was reviewed by the Consolidated Facilities Plan Steering Committee (CFP) at its February 16, 2017 meeting and recommended for approval.

Terms

The terms of this easement would allow the City to construct and maintain improvements upon the property in good order and condition, and all construction, maintenance, repair and replacement of the improvements or roadway would be the responsibility of the City. The County would retain full ownership of the property, but improvements would be completed by the City and at the cost of the City, at no cost to the County. Any assignment or sublease of this easement by the City would require prior written approval from the County.

The improvements to be installed and maintained by the City will be roads, recreational trails, landscaping, and a public plaza in the Summerfest entrance area.

RECOMMENDATION

Authorize/approve DPRC to execute the attached easement to the City of Milwaukee for public access

Prepared by: James Tarantino, Director, Economic Development

Approved by:



John Dargle, Jr., CPRP, Director DPRC

Attachments:

- Attachment 1 – Fiscal Note
- Attachment 2 – Resolution
- Attachment 3 – Easement
- Attachment 4 – Map Exhibit
- Attachment 5 – Harbor Drive Renderings

Copy: Chris Abele, County Executive

Raisa Koltun, Chief of Staff, County Executive's Office
Jason Haas, Chairman, Parks, Energy & Environment Committee
Marcelia Nicholson, Vice-Chair, Parks, Energy & Environment Committee
Kelly Bablitch, Chief of Staff, County Board of Supervisors
Teig Whaley-Smith, Director, Department of Administrative Services
Scott Manske, Comptroller, Office of the Comptroller
Allyson Smith, Committee Coordinator, Office of the County Clerk
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Jeremy Lucas, Fiscal Mgt. Analyst, Admin & Fiscal Affairs/DAS