

From the Director, Department of Parks, Recreation, and Culture, requesting authorization to accept an offer from Caterpillar, Inc., in the amount of \$30,000 to purchase 2.006 acres of Milwaukee County parkland located north of East Rawson Avenue, and west of 15<sup>th</sup> Avenue in South Milwaukee, by recommending adoption of the following:

**A RESOLUTION**

WHEREAS, in December 2016, the Department of Parks, Recreation, and Culture presented File No. 16-710 to the Committee on Parks, Energy, and Environment, providing background information on an existing encroachment by Caterpillar, Inc., (Caterpillar) in the Oak Creek Parkway; and

WHEREAS, the impacted area is approximately two acres located north of East Rawson Avenue and west of 15th Avenue in South Milwaukee; and

WHEREAS, to assist in the evaluation of the options available to Milwaukee County (the County), the following documents were prepared and reviewed as part of the evaluation to resolve the disposition of the impacted parkland:

- A letter from Caterpillar, dated December 21, 2016, providing a history of the site and the encroachment onto the Parkway, accompanying an offer to purchase the property for \$30,000, and to place appropriate Deed Restrictions on the parcel
- An environmental assessment report from the Southeastern Wisconsin Regional Planning Commission (SEWRPC), dated January 25, 2017, evaluating the site and parkway

; and

WHEREAS, SEWRPC concurs with the land transfer to Caterpillar, under the condition that they place a Deed Restriction on the entire site to permanently preserve and protect the resources within the Primary Environmental Corridor (the Corridor); and

WHEREAS, a report from the Architecture, Engineering, and Environmental Services Section, Facilities Management Division, Department of Administrative Services, dated April 11, 2017, recommended transferring the two-acre parcel to Caterpillar, with conditions, in order to reduce the County’s potential environmental liabilities; and

WHEREAS, the Environmental Assessment and Procedure for Proposed Parkland Disposition (File No. 83-803) establishes criteria for determining if a potential disposal of parkland is appropriate for action by the Milwaukee County Board of Supervisors (County Board); and

47 WHEREAS, an appraisal report dated April 25, 2017, from Lavold Appraisals,  
48 LLC, for the Caterpillar adjacent site in South Milwaukee, valued the entire 9.02 acre  
49 parcel at \$25,000, or \$2,772 per acre; and

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51 WHEREAS, in an offer letter from Caterpillar, dated December 21, 2016, they  
52 offered to pay \$30,000 for the 2.006 acre encroachment area or \$14,955 per acre,  
53 which far exceeds the market value, and is not discounted for environmental conditions;  
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56 WHEREAS, the \$2,772 per acre would need to be discounted in a market  
57 transaction for the cost remediation, which makes Caterpillar's above-value market offer  
58 even more competitive; and

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60 WHEREAS, the sale would be structured around the following terms:

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- 62 • Purchase price of \$30,000
  - 63 • Deed restriction on the entire site to preserve as the Corridor
  - 64 • County will sell the property "as is" with Caterpillar offering full indemnity of  
65 the County for future liabilities
  - 66 • Caterpillar will be obligated to make site improvements including:
    - 67 ○ Repair portions of the existing fence
    - 68 ○ Remove surficial debris across the two acre parcel
    - 69 ○ Repair disturbed area of slope by regrading and revegetating to  
70 create a buffer space between the slope and the park property line
    - 71 ○ Properly abandon the storm sewer outfall pipes
    - 72 ○ Redirect the runoff to the existing Caterpillar retention pond
    - 73 ○ Perform regular inspections of the slope to address erosion, seeps,  
74 and slope stability

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78 WHEREAS, the Committee on Parks, Energy, and Environment, at its meeting of  
79 June 13, 2017, recommended adoption of File No. 17-443 (vote 4-0); and

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81 WHEREAS, the County Board, at its meeting of June 22, 2017, referred File No.  
82 17-443 to the Committee on Finance and Audit (vote 18-0); and

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84 WHEREAS, the Committee on Finance and Audit, at its meeting of July 20, 2017,  
85 recommended adoption of File No. 17-443 (vote 7-0); now, therefore,

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87 BE IT RESOLVED, the Department of Parks, Recreation, and Culture (DPRC) is  
88 hereby authorized to accept an offer from Caterpillar, Inc., (Caterpillar) to purchase a  
89 property within Oak Creek Parkway; and

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BE IT FURTHER RESOLVED, the DPRC, Department of Administrative Services, Office of Corporation Counsel, Risk Management, County Clerk, Register of Deeds, and the County Executive are hereby authorized to prepare, execute, record all documents, and take all actions as required to execute and implement the land transfer of 2.006 acres of Milwaukee County parkland located north of East Rawson Avenue, and west of 15<sup>th</sup> Avenue in South Milwaukee to Caterpillar.

jmj  
07/20/17  
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