



June Board Cycle

Milwaukee County Parks

9480 Watertown Plank Rd.

Wauwatosa, WI 53226

(414) 257-PARK

Date: May 20, 2020

To: Marcelia Nicholson, Chairwoman, County Board of Supervisors

From: Guy Smith, Executive Director, Milwaukee County Parks

Subject: **Easement Request from MCImetro Access Transmission Services for an Underground Telecommunication system within the Root River Parkway (ACTION)**

Issue

Authorization to execute a twenty-five year easement with one (1) ten-year renewal with MCImetro Access Transmission Services (MCImetro) to allow for the construction, operation, and maintenance of an underground telecommunication system across parkland.

Background

Declaratory rulings by the Federal Communications Commission and subsequent state law prohibit local governments from adopting regulations or taking actions that prohibit or have the effect of prohibiting wireless or wireline telecommunication services.

The easement requested serves Small Wireless Facilities (SWF) on Root River Parkway. All installation work will be underground and installed by MCImetro and their contractors. Permission for installation work is granted through the Parks Right-of-Entry permit process. Granting the permanent easement is necessary for the long-term operation of the utility and requires authorization from the Milwaukee County Board of Supervisors and the County Executive.

The easement is for twenty-five years with one (1) ten-year renewal. The fee for the easement is five dollars per lineal foot and includes an annual 3% increase. The lineal footage of the easement is 3,812 and the first-year fee will be \$19,060. The annual fee will be equally distributed between the trail maintenance trust and the playground trust.

Recommendation

Parks' Executive Director recommends authorization to prepare, review, approve, execute, record and/or implement the required documents or perform actions required to grant a twenty-five years easement with one (1) ten-year renewal for underground telecommunications to MCImetro for the construction, operation and maintenance of the electric



service in Root River Parkway. It is further recommended that that the County Executive and County Clerk be authorized to execute any required documents to effectuate this easement.

Prepared By: Erica Hayden, Contracts Manager, Milwaukee County Parks

Approved By: Guy Smith, Executive Director, Milwaukee County Parks



Attachments

- Attachment 1 – Resolution
- Attachment 2 – Fiscal Note
- Attachment 3 – Easement with Exhibit

Copy

- David Crowley, County Executive
- Mary Jo Meyers, Chief of Staff, County Executive's Office
- Sheldon Wasserman, Parks, Energy & Environment Chair, Supervisor District 3
- Steven Shea, Parks, Energy & Environment Committee Vice-Chair, Supervisor District 8
- Felesia Martin, Parks, Energy & Environment Committee Member, Supervisor District 7
- Sylvia Ortiz-Velez, Parks, Energy & Environment Committee Member, Supervisor District 12
- Liz Sumner, Parks, Energy & Environment Committee Member, Supervisor District 1
- Kelly Bablitch, Chief of Staff, County Board
- Julie Landry, 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
- Kelsey Evans, Committee Coordinator, Office of the County Clerk
- Emily Peterson, Research & Policy Analyst, Office of the Comptroller
- Lindsey Peterson, Budget & Management Analyst, DAS-PSB



MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: May 20

, 2020 Original Fiscal Note



Substitute Fiscal Note



SUBJECT: Authorize Milwaukee County Parks to grant and execute a twenty-five year easement with one (1) ten-year renewal to MCI metro Access Transmission Services for an underground telecommunication system within the Root River Parkway

FISCAL EFFECT:

- | | |
|--|--|
| <input type="checkbox"/> No Direct County Fiscal Impact | <input type="checkbox"/> Increase Capital Expenditures |
| <input type="checkbox"/> Existing Staff Time Required | <input type="checkbox"/> Decrease Capital Expenditures |
| <input type="checkbox"/> Increase Operating Expenditures
(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues |
| <input type="checkbox"/> Absorbed within Agency's Budget | <input type="checkbox"/> Decrease Capital Revenues |
| <input type="checkbox"/> Not Absorbed within Agency's Budget | |
| <input type="checkbox"/> Decrease Operating Expenditures | <input type="checkbox"/> Use of contingent funds |
| <input checked="" type="checkbox"/> Increase Operating Revenues | |
| <input type="checkbox"/> Decrease Operating Revenues | |

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	0
	Revenue	\$19,060	\$19,632
	Net Cost	0	0
Capital Improvement Budget	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

- A. Authorization to approve and execute a twenty-five year easement with one (1) ten-year renewals with MCImetro Access Transmission Services for an underground telecommunication system within the Milwaukee River Parkway.
- B. Revenue will be calculated at five dollars a linear foot. The lineal footage is 3,812, so the first-year fee will be \$19,060. Rate will increase three percent a year.
- C. The revenue for the easement will help meet revenue targets for this and future budget years.
- D. None.

Department/Prepared by: Erica Hayden, Contracts Manager, Milwaukee County Parks

Authorized Signature: _____



Did DAS-Fiscal Staff Review? ☐ Yes ☒ No

Did CDBP Review?² ☐ Yes ☐ No ☒ Not Required

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.

(ITEM NO.) From the Executive Director of Milwaukee County Parks, requesting authorization to grant MCImetro Access Transmission Services a twenty-five-year easement with one (1) ten-year renewal for an underground telecommunication system within the Root River Parkway, by recommending adoption of the following:

A RESOLUTION

WHEREAS, MCImetro is requesting a twenty-five-year easement with one (1) ten-year renewal on parkland to place an underground telecommunications system (fiber optic cable, conduit, and ducts) and surface line location markers within the Root River Parkway, to increase the reliability of telecommunications systems; and

WHEREAS, under Federal and state law, local governments cannot adopt regulations or take actions that prohibit or have the effect of prohibiting wireless or wireline telecommunication services; and

WHEREAS, this requested easement is related to Small Wireless Facilities on Root River Parkway that have been approved under the state regulatory framework; and

WHEREAS, MCImetro has requested that Milwaukee County grant a twenty-five-year easement with one (1) ten-year renewal to allow for the construction, operation, and maintenance of the underground telecommunication system and is offering an annual fee of \$5.00 per lineal foot, which will increase by three percent annually as compensation; and

WHEREAS, the Parks Interim Executive Director has reviewed this request and based on the requirements of federal and state law related to small wireless facilities, recommends that MCImetro be granted a twenty-five-year easement with one (1) ten-year renewal for the construction, operation, and maintenance of an underground telecommunication system and related improvements within the Root River Parkway; now, therefore,

BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby authorizes Milwaukee County Parks, the Department of Administrative Services, the Register of Deeds, Corporation Counsel and Risk Management to prepare, review, approve, execute and record all documents, and take all actions as required to grant MCImetro the twenty-five-year easement with one (1) ten-year renewal for the construction, operation, and maintenance of the attached underground telecommunication system and related improvements within the Root River Parkway; and

46 BE IT FURTHER RESOLVED, that MCI metro will pay an annual fee of \$5.00 per
47 lineal foot, which will increase by three percent annually as compensation for the
48 easement; and
49

50 BE IT FURTHER RESOLVED, that Milwaukee County Parks is authorized to split
51 the annual fee equally between the trail maintenance trust fund and the playground
52 equipment trust fund; and
53

54 BE IT FURTHER RESOLVED, that the County Executive and County Clerk are
55 authorized to execute the easement and other required documents.