

COUNTY OF MILWAUKEE
Inter-Office Communication

Date: August 20, 2021

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

From: Guy Smith, Executive Director, Milwaukee County Parks

Subject: From the Executive Director of Milwaukee County Parks, requesting authorization to grant the City of Wauwatosa Permanent Easements for the water mains near 87th Street and Watertown Plank Road on County Grounds and at Menomonee River Parkway

File Type: Action Report

REQUEST

Milwaukee County Parks Executive Director respectfully requests authorization to execute two (2) Permanent Easements for the City of Wauwatosa for water mains and related water utilities near 87th Street and Watertown Plank Road on County grounds and at Menomonee River Parkway.

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

Previous Legislation –

File 13-636-A resolution authorizing the Department of Administrative Services to enter into a Memorandum of Agreement with the City of Wauwatosa for the transfer of seven Milwaukee County water utility customers and the West Water Tower to the City of Wauwatosa

File 14-310- Informational Report from the Public Policy Forum, presenting "Milwaukee County Water Utility: Analyzing the issues surrounding a potential transfer in ownership to the City of

Wauwatosa."

File 18-764 - 2019 Recommended Budget (specifically attachments #16 and #18)

File 19-928 - An informational report on land combination, subdivision and rezoning in the northeast quadrant of the Milwaukee County Grounds

File 20-235 – An informational Report regarding the sale of County owned land at 9201-9501 W. Watertown Plank Road and other lands at the Milwaukee Regional Medical Complex

File 20-236 - An Informational Report regarding potential transfer of the County water system servicing portions of the Milwaukee County Grounds to the City of Wauwatosa and the Milwaukee Regional Medical Center

As reported in the Informational Report 20-236, related to the sale of the water system to the Milwaukee Regional Medical Center and the City of Wauwatosa, prior to the closing of the sale it is required that easements be granted to the City of Wauwatosa for the existing County water system it is acquiring that crosses the Menomonee River Parkway at approximately Kenyon Avenue, servicing Hoyt Pool on its way south to 87th Street as well as a section of the system that crosses lands recently rezoned as park and added to County Grounds park, near the Watertown Plank Road and the wooded area commonly referred to as "Sanctuary Woods."

Related File No's:	13-636 , 14-310 , 18-764 , 19-928 , 20-235 , 20-236
Associated File No's (Including Transfer Packets):	
Previous Action Date(s):	

ALIGNMENT TO STRATEGIC PLAN

The reduction in County owned infrastructure will improve the County's fiscal health and sustainability.

3B: Enhance the County's fiscal health and sustainability

FISCAL EFFECT

No fiscal impact because the operation and maintenance of the water system was transferred by formal agreement to the Milwaukee Regional Medical Center in October 2019 (see County Board File 20-236). Existing staff time will be utilized to complete the easements.

TERMS

The easement is permanent.

Revocation and Termination rights under the easement:

The County shall have the right, at its sole option, to declare this easement void, revoke the same, reenter and take possession of the Easement Area under the following conditions:

(1) By giving the Grantee thirty (30) days written notice, upon or after any one of the following events:

(i) The abandonment by the Grantee of the Easement Area.

(ii) The use of the Easement Area for an illegal purpose.

In the event of revocation under this Subparagraph, the County shall retain any Easement Fee that has been prepaid.

(2) By giving the Grantee thirty (30) days written notice specifying the nature of the default in the event the Grantee defaults in the performance of any term or condition of the easement other than those as set forth in Subparagraph 15(a)(1). Notwithstanding the foregoing, if such default is not a health or safety violation and cannot, because of the nature of the default, be cured within said thirty (30) days, then the Grantee shall be deemed to be complying with such notice if, promptly upon receipt of such notice, the Grantee immediately takes steps to cure the default as soon as reasonably possible and proceeds thereafter continuously with due diligence to cure the default within a period of time which, under all prevailing circumstances, shall be reasonable. In the event of revocation under this Subparagraph, any prepaid Easement Fee shall be prorated on a per diem basis and refunded to the Grantee.

VIRTUAL MEETING INVITES

Erica Hayden, Contracts Manager, Milwaukee County Parks

Adam Stehly, Associate Project Manager, DAS – Economic & Community Development

PREPARED BY:

Erica Hayden, Contracts Manager

APPROVED BY:

Guy Smith, Parks Executive Director *Guy Smith*

ATTACHMENTS:

Resolution

Fiscal Note

Easement 87th Street

Easement WTP

cc: Kelly Bablitch, Chief of Staff, Milwaukee County Board of Supervisors
Janelle M. Jensen, Legislative Services Division Manager, Office of the County Clerk
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
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
Kelsey Evans, Committee Coordinator, Office of the County Clerk
Emily Peterson, Research & Policy Analyst, Office of the Comptroller
Anthony Rux, Budget & Management Analyst, DAS-PSB