

COMMISSION FILE NO: 20-159-10 **DATE INTRODUCED:** October 12, 2020

INTRODUCED BY: Executive Director (Signature on File in the Office of the Commission)

REFERRED BY COMMISSION CHAIRPERSON TO: Policy, Finance, and Personnel Committee

RELATING TO: Declaration of the Public Necessity and Approval of the Revised Acquisition Plat (Relocation Order) for the Western Milwaukee Flood Management Plan, Project W20029

SUMMARY:

The Commission is requested to approve the revised acquisition plat for the Western Milwaukee Flood Management Plan, Project W20029, and to authorize the Executive Director to approve future minor changes to the identified parcels and to approve the addition of new parcels where they have a minor impact on the overall project and land rights acquisition process.

The approval of the revised acquisition plat also authorizes the Executive Director to execute deeds, easements, purchase agreements, intergovernmental cooperation agreements, and any other related real estate documents with property owners and governmental agencies that have real estate that is affected by the project.

Upon approval and within 20 days, the revised acquisition plat (relocation order) will be filed with the Milwaukee County Clerk's Office as required by law, thereby allowing acquisition matters to proceed

The segment of the Menomonee River covered by this plat is along and just downstream of the Western Milwaukee Phase 2B project area along the river approximately between 63rd Street and Bluemound Road in the Cities of Wauwatosa and Milwaukee. The requested update is based upon refinements to the flood risk reduction approach for structures in the floodplain as a result of more in depth analysis for the Western Milwaukee Phase 2B project.

ATTACHMENTS: **BACKGROUND** ☐ **KEY ISSUES** ☐ **RESOLUTION** ☒

FISCAL NOTE ☐ **S/W/MBE** ☐ **OTHER** ☒ Revised Acquisition Plat

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COMMITTEE ACTION: _____ **DATE:** _____

COMMISSION ACTION: _____ **DATE:** _____

SUMMARY (Cont'd)

Declaration of the Public Necessity and Approval of the Revised Acquisition Plat (Relocation Order) for the Western Milwaukee Flood Management Plan Project W20029

Due to changes in Federal Emergency Management Agency guidelines, the requirements and feedback from Canadian Pacific Railway (CP), and resulting changes in the alignment and dimensions of River, the easement needs on the plat changed as well. The need for flood easements was dramatically reduced due to changes in the handling of flood easements and the changes in the Phase 2B design.

Parcels 30 and 31 are being added to construct and provide long-term access to inspect and conduct regular maintenance of the flood management improvements on the south bank of the Menomonee River across from the floodwall. The permanent easement will include access across an existing paved surface to link to an existing MMSD access easement.

Parcels 32 and 33 are being added to construct and provide long-term access to inspect and conduct regular maintenance of the floodwall. The permanent easement on CP property will contain a portion of the maintenance drive with the remaining width of the access drive being located on Parcel 13, an acquisition in progress for the project. These easements are in the area of the former Parcel 14, which is no longer needed due to the realignment of the floodwall to the south.

Parcel 12 is no longer needed, as the City will issue a permit for work in the right-of-way.

Parcels 15, 22, 23, 24, and 26 are no longer needed, as Milwaukee County will use a permitting process for flood easements instead of a real estate easement.

Parcels 17, 18, and 19 are no longer needed due to the recommended levee configuration ending west of Highway 175 based upon detailed design analysis of the Western Milwaukee Phase 2B project.

Parcel 21, 27, and 28 are no longer needed for flood easements based upon final design analysis of the Western Milwaukee Phase 2B project.

Parcel 25 is no longer needed as a real estate interest, because the District has an existing easement which will be used to demonstrate the flood easement requirement for the project.

The cost of the acquisition Parcels 30-33 is anticipated to be within the Executive Director's spending authority.

RESOLUTION

Declaration of the Public Necessity and Approval of the Revised Acquisition Plat
(Relocation Order) for the Western Milwaukee Flood Management Plan Project W20029

RESOLVED, by the Milwaukee Metropolitan Sewerage Commission, that:

1. The revised acquisition plat (relocation order) is approved, and the public necessity is hereby declared for the addition of Parcels 30-33 and for the removal of Parcels 12, 14, 15, 17-19, and 21-28.
2. The Executive Director is authorized to approve future changes to the identified parcels, and to approve the addition of new parcels where they have a minor impact on the overall project and the land rights acquisition process.
3. The Executive Director may accept and execute on behalf of the Commission all project related easement documents, memorandums of understanding, intergovernmental cooperation agreements, jurisdictional offers, awards of compensation damages, leases, purchase agreements, deeds of conveyance, permits, or any other related real estate documents.