



MEMORANDUM

DATE: November 9, 2018

TO: Commissioners

FROM: Dan Duchniak, General Manager

RE: Recommend approval of the Relocation Order Resolution and Resolution of Public Necessity for the easements necessary for the return flow pipeline portion of the Great Water Alliance program

As part of the Great Water Alliance program that will bring Great Lakes water from the City of Milwaukee to the residents in the City of Waukesha, the approval requires the water to be returned to the Great Lakes Basin. In order to accomplish this, a return flow pipeline will be constructed from the Clean Water Plant in Waukesha to a parcel in the City of Franklin at 60th Street and Oakwood Road that is adjacent to the Root River, which discharges into Lake Michigan.

As part of the program, Greeley and Hansen has evaluated several alternatives for the alignment of the Return Flow Pipeline. The preferred route for the Return Flow Pipeline requires 11 easements to avoid construction in the portion of Ryan Road in Franklin that Milwaukee County recently rebuilt as well as avoiding wetlands. Another easement in New Berlin is required to cross I-43.

Additionally, 10 easements have been identified and included in this packet in the event that the program is not allowed to utilize the I-43 ROW. These easements will only be acquired if the program's hardship application is denied. They are included in the packet to mitigate potential schedule impacts, should they be required.

In order to continue to ensure the selected route will be available for construction to enable us to meet the requirements in the Amended Stipulation and Order, staff is recommending that a Relocation Order Resolution and Resolution of Public Necessity be passed to indicate the City is planning to utilize the property for easements for the pipeline. We will then begin the negotiations with the property owners to acquire the necessary easements on the properties involved. If negotiations are not successful, which we have no reason to believe they will not be, the City will be able to utilize its powers of eminent domain to acquire the easements.

As part of our contract with Greeley and Hansen, we have been working with subcontractors from the Highland Group and Terra Ventures, firms that specializes in this type of transaction.

The City Attorney's office has been appraised of all developments and will monitor the transaction.

Once this resolution is passed, the item will then be placed on the Common Council agenda for official action. A certified copy of the resolution must be filed with the Milwaukee County Clerk and the Waukesha County Clerk for the respective properties within twenty days of its adoption and final approval by the City Clerk.

I look forward to discussing this with you at the commission meeting on November 15, 2018. Please let me know if you have any questions you would like to discuss.

Recommended motion: Move to recommend approval of the Relocation Order Resolution and Resolution of Public Necessity for the return flow pipeline easements on various properties along the return flow pipeline route pending review by the City Attorney.

**Common Council
of the
City of Waukesha, Wisconsin**

Resolution No. _____-18

**RELOCATION ORDER RESOLUTION AND RESOLUTION OF PUBLIC
NECESSITY FOR THE WAUKESHA WATER UTILITY PIPELINE IN WAUKESHA AND MILWAUKEE
COUNTIES**

WHEREAS, the City of Waukesha and the Waukesha Water Utility has determined that a new pipeline must be installed in order to return clean water to the Root River from the City of Waukesha, as part of the Great Water Alliance, in Waukesha and Milwaukee Counties, thereof as further described in attached Plat of Right-of-Way (hereinafter the "Property").

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Common Council of the City of Waukesha, Waukesha County, Wisconsin, as follows:

1. That this Resolution is a relocation order, further described in attached two relocation orders, in accordance with subsection 32.05(1), Wisconsin Statutes, for the purpose of the public improvement project described herein and it is also a determination of necessity for that project in accordance with subsection 32.07(2), Wisconsin Statutes;
2. That the Common Council of the City of Waukesha hereby determines that it is necessary and a public purpose to construct a new pipeline to be located on multiple properties in the Counties of Waukesha and Milwaukee;
3. That said the new pipeline will be constructed within the area depicted on the Plat of Right-Way drawing labeled "Permanent Easement for Water Line" attached hereto, and incorporated herein as Exhibit A;
4. That the Waukesha Water Utility will acquire permanent easements for such work;
5. That the legal description of said lands will be prepared prior to completing final negotiations with the Property owner and are incorporated by reference;
6. That a certified copy of this resolution shall be filed with the Waukesha and Milwaukee County Clerks within twenty (20) days of its adoption and final approval by City Clerk.

I hereby certify that on this _____ Day of _____, 2018, this relocation order resolution and resolution of public necessity adopted by a vote of ___ ayes and ___ nays by the Common Council of the City of Waukesha, Waukesha County, Wisconsin.

CITY OF WAUKESHA

Shawn N. Reilly, Mayor

ATTEST:

Gina L. Kozlik, City Clerk