

File No. 160339. A substitute ordinance relating to the change in zoning, from Parks to Institutional, of lands located south of West Hampton Avenue and east of North Port Washington Road in the 6th Aldermanic District.

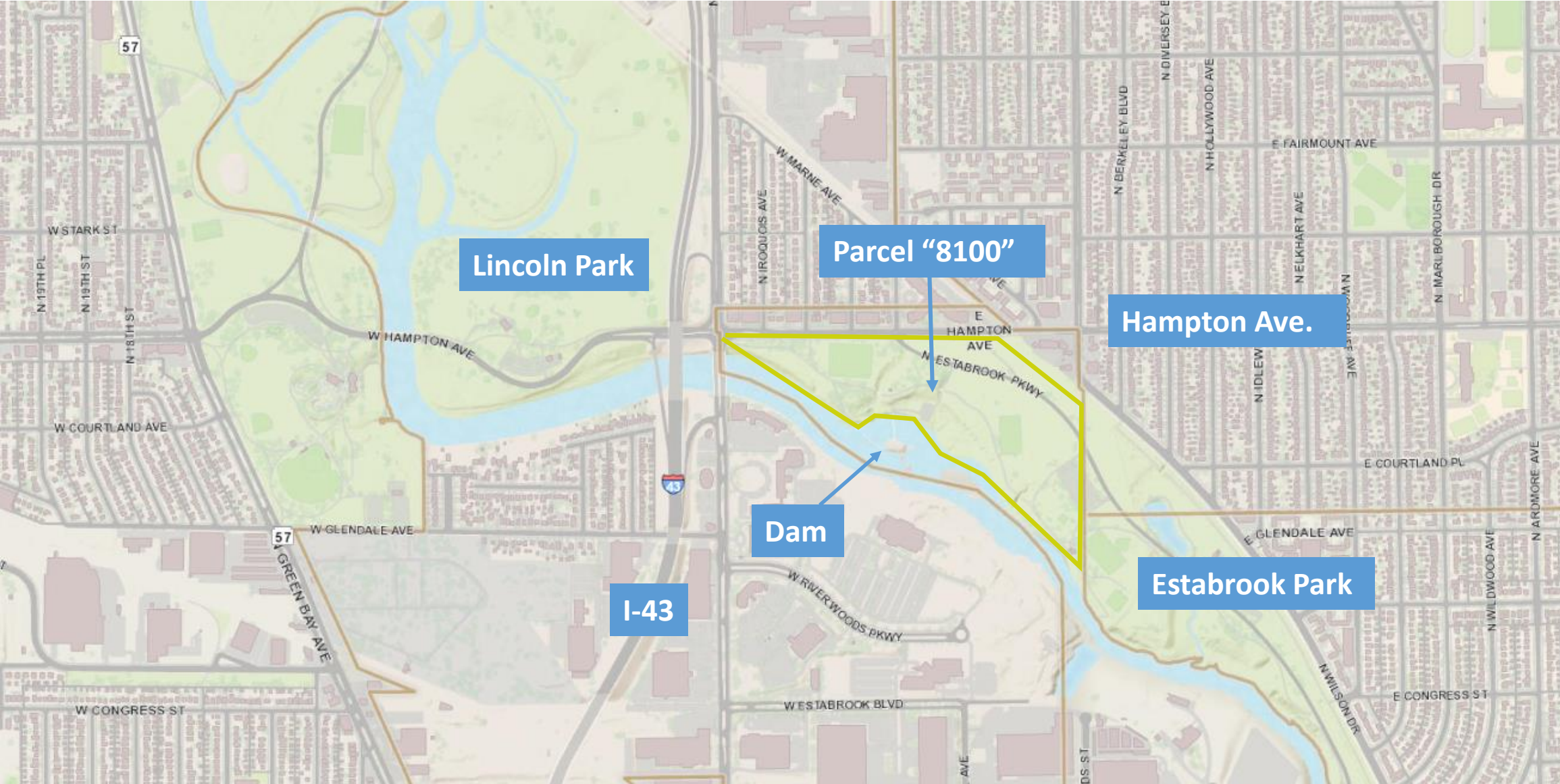


Removing Estabrook Dam

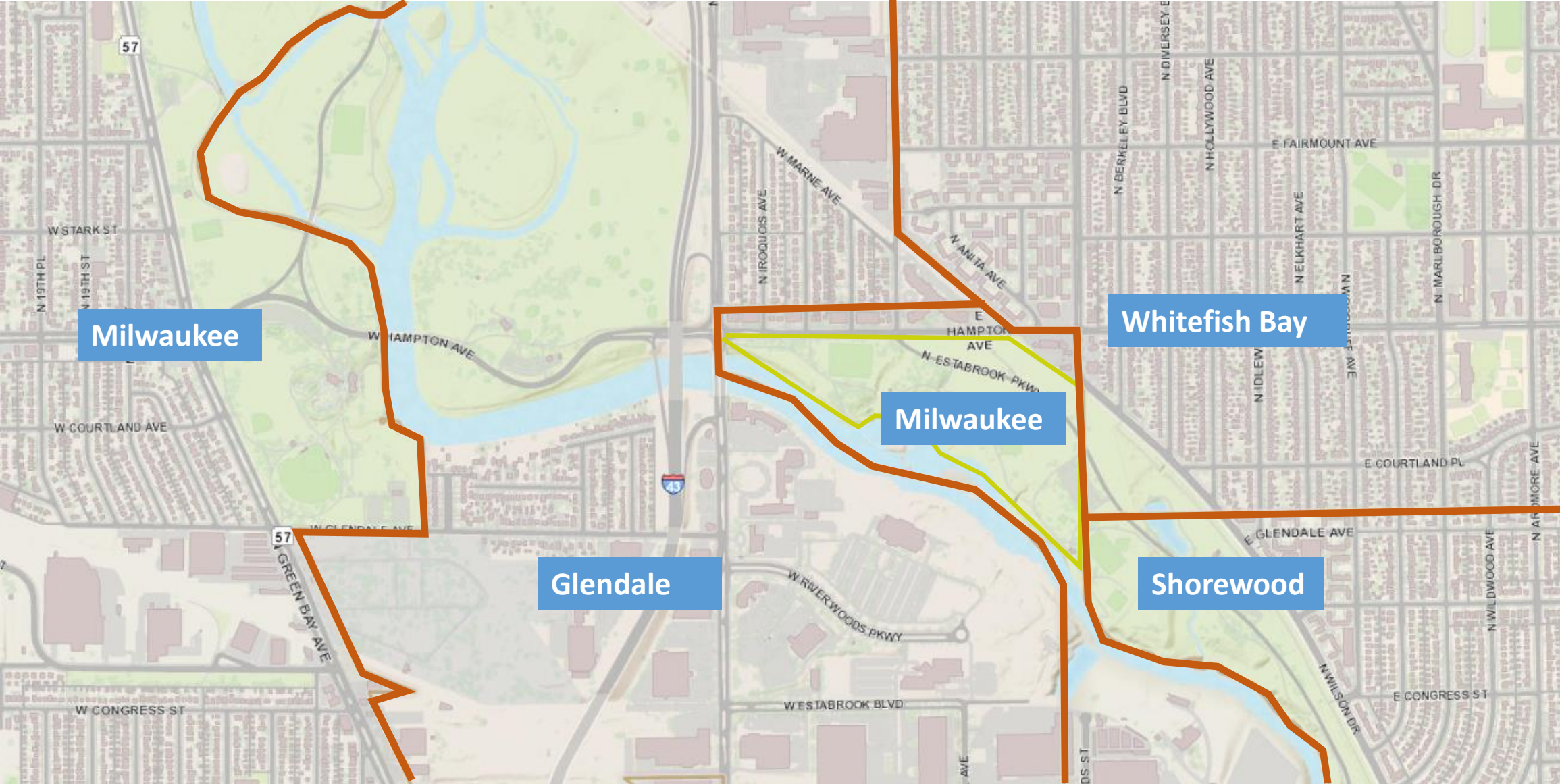


Photo: Michael Sears / Milwaukee Journal Sentinel

The Property



The Municipalities



Parcel 8100



The Dam

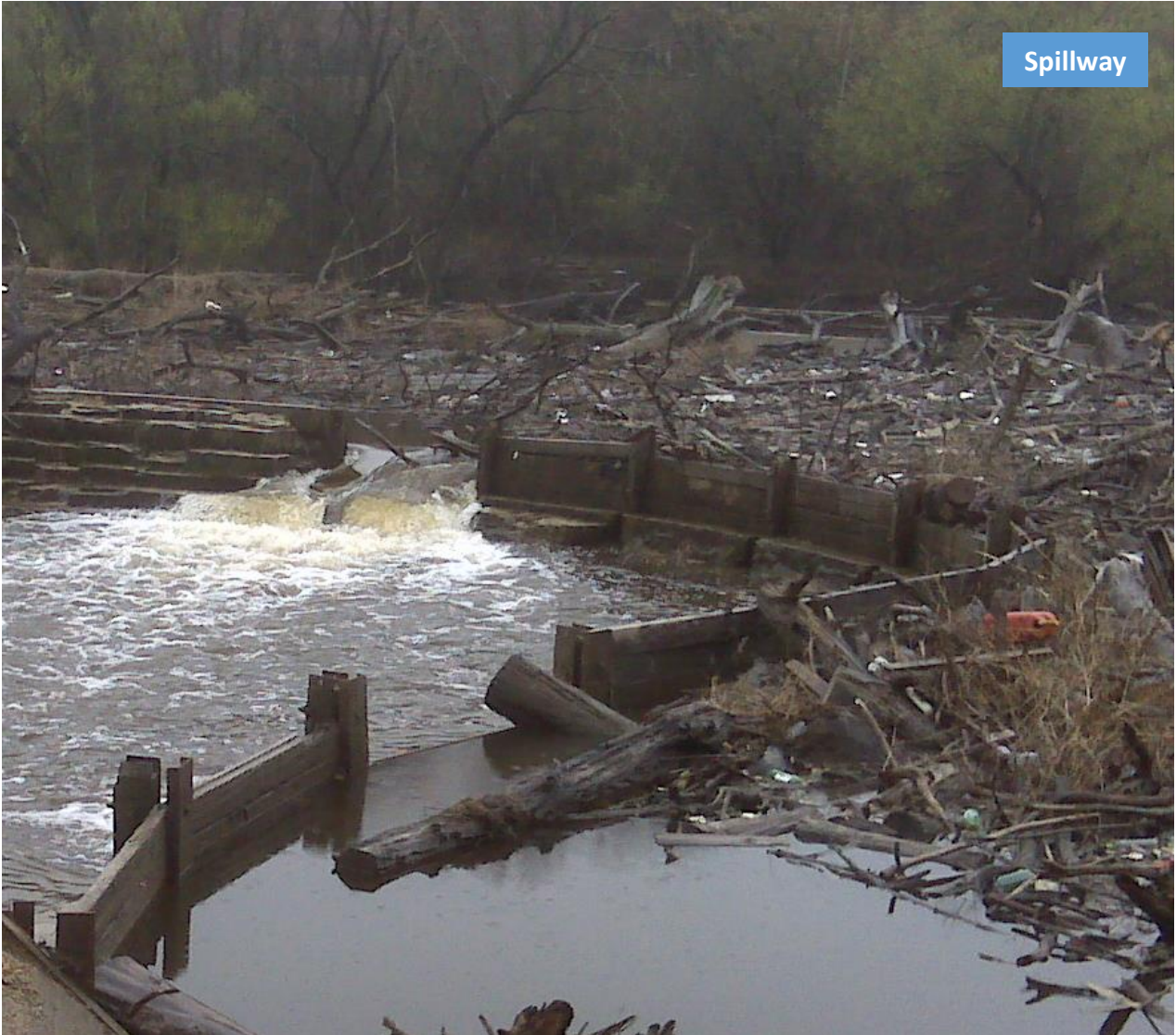


The Dam



Photo: Michael Sears / Milwaukee Journal Sentinel

The Dam



The Dam



The Difference Between Repair and Removal

Difference # 1 Water Levels

“[Although] some residents prefer the aesthetics of the impoundment as compared to a river, ... a flood event somewhat greater than a 10-year frequency is large enough to cause upstream flooding equivalent to a 100-year flood if the 10 gates are closed at the time. This can be a huge liability issue to the County.”

AECOM. Environmental Assessment for Estabrook Dam (Aug. 2014) at p 4-1 and 4-12 available at http://county.milwaukee.gov/ImageLibrary/Groups/cntyParks/Planning/Construction/Estabrook-Dam/Estabrook-Scoping/DRAFT_EstabrookDamEnvAssmnt090.pdf.

Table 6

MAXIMUM WATER DEPTH UNDER MEDIAN FLOW CONDITIONS

Condition Alternative	Lower Reach (Estabrook dam or Rock Ramp to W. Hampton Avenue) (feet)	Middle Reach (W. Hampton Avenue to abandoned railroad bridge upstream of Lincoln Park) (feet)	Upper Reach (Abandoned Railroad Bridge Upstream of Lincoln Park to W. Bender Road) (feet)	W. Silver Spring Drive to W. Bender Road (subreach of Upper Reach) (feet)
Existing Condition	7.4 to 8.7	6.3 to 9.2	2.4 to 9.1	2.4 to 5.0
Alternatives 1 and 1A Rehabilitated Dam (with and without fish passage)	7.4 to 8.7	6.3 to 9.2	2.4 to 9.1	2.4 to 5.0
Alternative 2 Dam Abandoned and Removed	0.7 to 2.5	1.6 to 4.5	0.8 to 4.5	1.5 to 2.1
Alternative 3 Dam Abandoned and Removed with a 5.5-Foot-High Rock Ramp Constructed	5.8 to 6.8	4.7 to 7.6	1.7 to 7.5	1.7 to 3.4
Alternative 3A Dam Abandoned and Removed with a Four-Foot-High Rock Ramp Constructed	4.3 to 5.3	3.6 to 6.5	1.5 to 6.4	1.5 to 2.5
Alternative 4 Gated Portion of Dam Abandoned and Removed with a 6.3-Foot-High Rock Ramp Constructed and Lowered and Rehabilitated Overflow Spillway	6.2 to 7.5	5.1 to 8.0	1.9 to 7.9	1.9 to 3.8

Source: SEWRPC.

SEWRPC, “Hydraulic Analyses for Estabrook Dam Environmental Assessment (Apr. 25 2014), available at: <http://county.milwaukee.gov/ImageLibrary/Groups/cntyParks/Planning/Construction/Estabrook-Dam/Estabrook-Scoping/ESTABROOKDAMEAHYDRAULICANALYSI.PDF>

The Difference Between Repair and Removal

Difference # 2 Capital Costs

<u>Repair</u>	<u>Removal</u>
\$ 4,105,244	\$ 1,674,000

Scott Manske, Milwaukee County Comptroller, Memo Re: Estabrook Dam Project costs and Financing (Milwaukee County Board File 16-427)(Sept. 1, 2016) available at <https://milwaukeecounty.legistar.com/Legislation.aspx>.

AECOM. Environmental Assessment for Estabrook Dam (Aug. 2014) at p 2-14 available at http://county.milwaukee.gov/ImageLibrary/Groups/cntyParks/Planning/Construction/Estabrook-Dam/Estabrook-Scoping/DRAFT_EstabrookDamEnvAssmnt090.pdf.

The Difference Between Repair and Removal

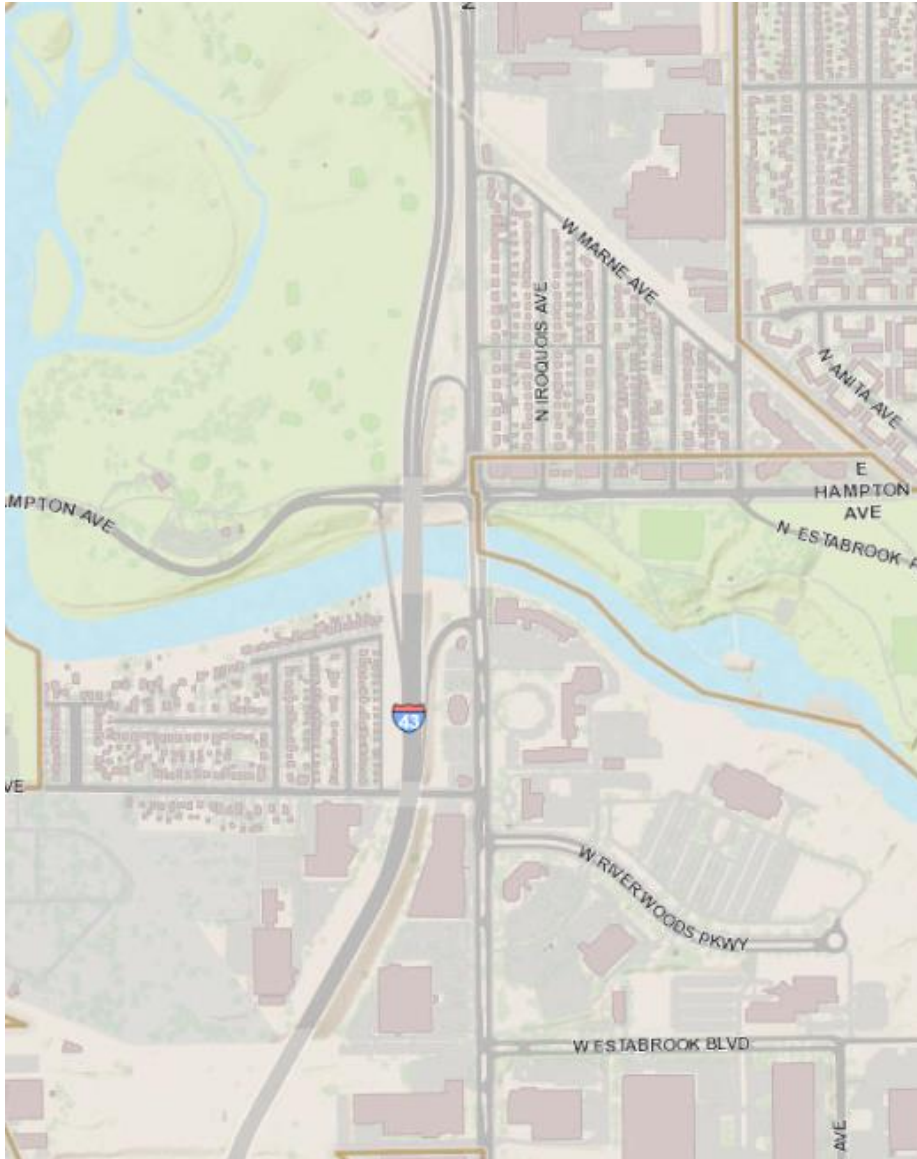
Difference # 3 Annual Operating Costs

<u>Repair</u>	<u>Removal</u>
\$ 207,302	\$ 0

Christine Westrich, Director, Office of Emergency Management, Milwaukee County. Correspondence to Chairman Lipscomb regarding Figures for Estabrook Dam (Sept. 15, 2016).

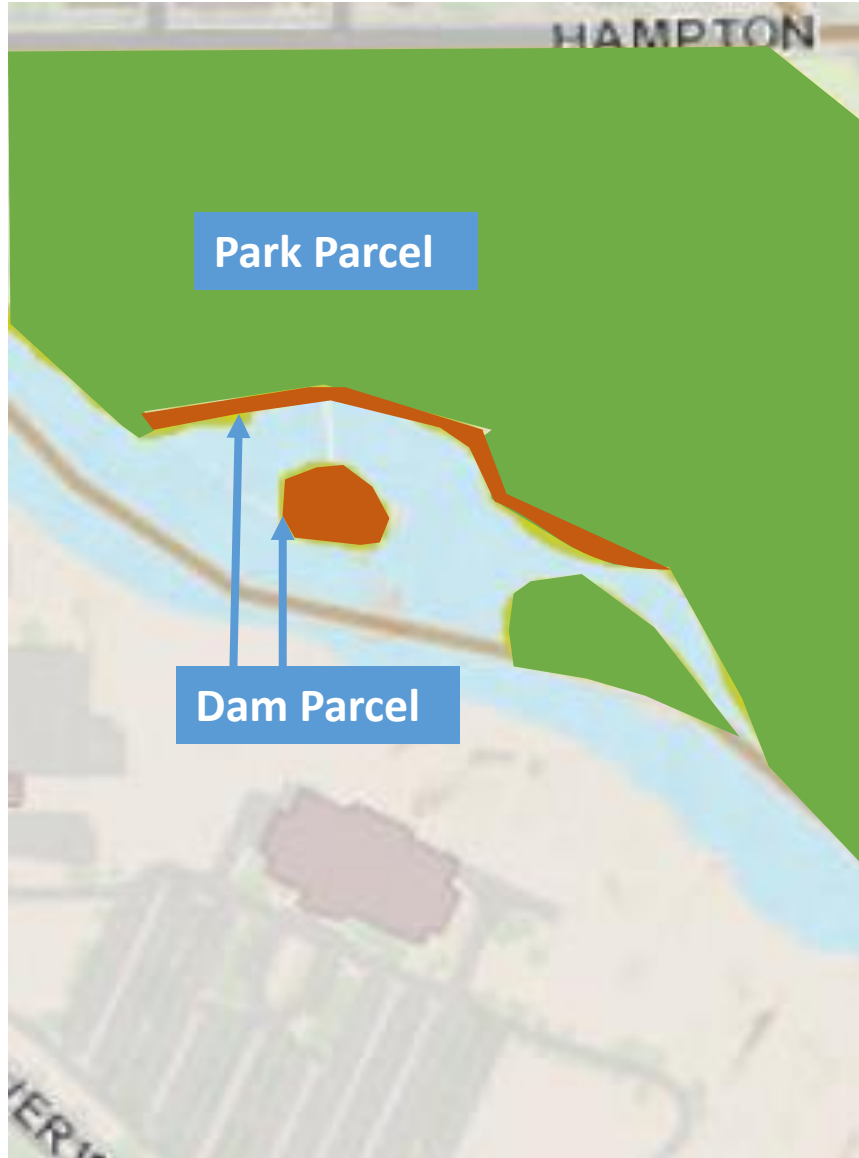
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The Timeline - Historical



- 1930s Dam Built
- 2009 DNR Order to Abandon or Repair
- 2011 Milwaukee Riverkeeper, Inc. vs. Milwaukee County
- 2014 Milwaukee River Preservation Association Joins lawsuit
AECOM and SEWRPC Reports
- 2015 Multiple requests to County Board to remove
City of Milwaukee supports removal (File 141707)
Village of Shorewood supports removal
MMSD Supports Removal
- 2016 City of Milwaukee authorizes intervention in DNR lawsuit
(File 160250)
Intergovernmental Cooperation Counsel supports removal
Project is over budget and removal tabled by County Board
Policy and Finance Committee of MMSD recommends
MMSD acquire and remove (board approval pending)

The Timeline – Going Forward



Process of transfer to MMSD

Step #1: “First Zoning Change”

Wis. Stat. 59.17(2)(B)(3) allows a three person panel to transfer county land, if it is not zoned parks. Consequently, to sell the Dam Parcel, the first step is to rezone Parcel 8100 to Institutional.

Step #2: Transfer of Parcel 8100 to MMSD

All of Parcel 8100 would be transferred to MMSD.

Step #3: Transfer of Park Parcel back to County

MMSD would then immediately split Parcel 8100 into the Dam Parcel and Park Parcel. Easements would be recorded against both parcels restricting the reconstruction of a Dam, and allowing for construction access during the removal of the Dam. The Park Parcel would immediately be transferred back to Milwaukee County.

Step #4: “Second Rezoning”

The Park Parcel would then be rezoned back to Park.

Step #5: Demolition of Dam

MMSD would then remove the Dam, Spill Way and Ice Guards.

Step #6: Transfer of Dam Parcel to County and “Third Rezoning”

Once the Dam is removed, MMSD would transfer the Dam parcel back to Milwaukee County, and the Dam Parcel would be rezoned back to Park.

