

MEMORANDUM

To: Ald. Robert Bauman
From: Max Drickey, Legislative & Fiscal Services Specialist
Date: January 27, 2025
Subject: Legal Status of Lakeshore State Park South Access Road and Recent Activities

On January 14, 2025, you requested information on the East-West road that abuts East Erie Street and runs alongside the Hank Aaron State Trail, including information on its legal status and duties and responsibilities for maintenance and public safety. On January 24, 2025, you asked whether the City of Milwaukee was responsible for parking enforcement, the placement of signs, and routine service like plowing. Additionally, you requested details on the 2005 Conservation Easement granted to the Wisconsin Department of Natural Resources (DNR) by the City of Milwaukee through the Board of Harbor Commissioners.

Image 1: Informal diagram of Lakeshore State Park South Access Road and overlapping jurisdictions¹



Legal Status of Access Road and Responsibility for Maintenance

After consulting with the City of Milwaukee Department of Public Works (DPW), Port Milwaukee, and DNR, the Legislative Reference Bureau can report that DNR claims

¹ Image courtesy of Wisconsin Department of Natural Resources, January 2, 2025.

responsibility for the access road (bounded by the yellow dashed line in Image 1) – including maintenance, parking enforcement, the posting of signs, and snow removal – under a 2005 conservation easement from the City of Milwaukee, which owns the parcel. Wisconsin DNR performs semi-annual road repair and contracts with private service providers for cleaning and snow clearing.

Powers Granted Under the 2005 Lakeshore State Park Conservation Easement²

The conservation easement grants DNR powers for “the construction, operation, and maintenance” of the State Park, as well as any infrastructure to assist “pedestrian ingress and egress.” The agreement provides for “limited vehicular ingress and egress from the State Park...for maintenance, operation, and service... and emergency vehicles.” DNR also has the power to make improvements to and to landscape the easement, provided these improvements and landscaping conform to the Millennium Momentum Master Plan and Design Guidelines associated with the festival grounds lease.

The City of Milwaukee retains the “non-exclusive right to use the Property” consistent with the rights, privileges, restrictions, and covenants associated with the Conservation Easement and the lease to Milwaukee World Festival (MWF). The City may renew or enter a new lease for the festival grounds, subject to the rights provided DNR by the Conservation Agreement. The City is prohibited from selling or gifting the property subject to the Easement except in the case of a lease of the festival grounds and subject to the terms of the Easement with DNR.

Short- and Long-Term Maintenance and Care of the Access Road

DNR officials have noted significant deterioration of the road, due in part to heavy use from semi-trailer trucks and heavy vehicles used by or associated with MWF. Though agency officials cite spending “tens of thousands” of dollars annually repairing alligator cracking in the road, poor drainage prevents any permanent road restoration without significant capital investment. DNR has also received complaints that unrestricted nighttime access to the property and a lack of nighttime lighting have contributed to a sense of disorder, disrepair, and danger for nearby residents.

To improve access and address public safety concerns, DNR has recommended a complete reconstruction of the road with appropriate drainage and the installation of a security gate and nighttime lighting. DNR estimates that these improvements would cost \$6-10 million with a project timeline of two years. As stated above, the Lakeshore State Park Project Conservation Easement suggests that capital improvements fall within DNR’s power: the agreement states that DNR shall have the right to make improvements and installations and obligates DNR to

² DOC. # 09208873, See Attachment 1.

construct, maintain, replace and repair “water and sewer lines required to serve the State Park...at its own expense.”

Though Lakeshore State Park was constructed using bonded funds, DNR maintains that it is prohibited by statute from spending bonded money on land that is not owned by the State of Wisconsin and has therefore requested the assistance of DPW, Port Milwaukee, Milwaukee World Festival (which makes use of the access road), and the US Army Corps of Engineers.³ At present, DNR is hosting irregular meetings with representatives from these organizations to discuss collaborating on capital improvements. Whether and how action will be taken in the short-term to improve public safety in the area remains an open question, and may rely on an amendment to the 2005 Conservation Easement subject to the approval of MWF, DNR, the Board of Harbor Commissioners, Milwaukee County Board of Supervisors, and the Mayor’s Office.

Legislative Reference Bureau staff have requested access to the ongoing discussions regarding the status of and plan for the access road and will report their findings.

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³ Wis. Admin. Code 23.198 <https://docs.legis.wisconsin.gov/document/statutes/2023/23.198>