



Legislation Details (With Text)

**File #:** 62412      **Version:** 1      **Name:** Determining a Public Purpose and Necessity and adopting a Transportation Project Plat Numbers. 5992-11-30 - 4.04 thru 5992-11-30 - 4.05, University Avenue - Shorewood Blvd to University Bay Dr for the acquisitions per the Plat of Land Interests required.

**Type:** Resolution      **Status:** Passed

**File created:** 9/29/2020      **In control:** Engineering Division

**On agenda:** 11/17/2020      **Final action:** 11/17/2020

**Enactment date:** 11/24/2020      **Enactment #:** RES-20-00750

**Title:** Determining a Public Purpose and Necessity and adopting a Transportation Project Plat Numbers. 5992-11-30 - 4.04 thru 5992-11-30 - 4.05, University Avenue - Shorewood Blvd to University Bay Dr for the acquisitions per the Plat of Land Interests required. Located in part of the NE 1/4 of the NW 1/4 and the NW 1/4 of the NE 1/4 of Section 21, T7N, R9E, in the City of Madison. (5th AD)

**Sponsors:** Shiva Bidar

**Indexes:**

**Code sections:**

**Attachments:** 1. TITLE SHEET 5992-11-30.pdf, 2. TRANSPORTATION PROJECT PLAT NO 5992-11-30 - 4.04.pdf, 3. TRANSPORTATION PROJECT PLAT NO 5992-11-30 - 4.05.pdf

Date	Ver.	Action By	Action	Result
11/17/2020	1	COMMON COUNCIL	Adopt	Pass
10/21/2020	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
10/19/2020	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
10/6/2020	1	BOARD OF PUBLIC WORKS	Refer	
10/6/2020	1	COMMON COUNCIL	Refer	Pass
9/29/2020	1	Engineering Division	Referred for Introduction	

**Fiscal Note**

The land interest acquisition and relocation cost (\$105,000 for easement acquisition), including City Real Estate staff time and related administration costs, is available in the Engineering's capital budget for University Ave Reconstruction - Shorewood Blvd to University Bay Drive (project account 11168-402-160). No additional City appropriation is required.

**Title**

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**Body**

**PREAMBLE**

**WHEREAS**, the City of Madison, in conjunction with the Village of Shorewood Hills and the Wisconsin Department of Transportation, have proposed a project to reconstruct University Avenue from Shorewood Boulevard to University Bay Drive; and,

**WHEREAS**, the City of Madison secured Federal Funds through the Surface Block Grant Program (STBG Program) for reconstruction of University Avenue; and,

**WHEREAS**, the City of Madison Engineering Division has established Project Number 11168 University Avenue Reconstruction - Shorewood Blvd to University Bay Dr for the design and administration of the reconstruction project; and,

**WHEREAS**, the City of Madison Common Council adopted RES-18-00143, File ID 50247 on February 27, 2018 authorizing the Mayor and the City Clerk to execute an agreement with KL Engineering for design engineering services for the reconstruction of University Avenue and authorizing the Mayor and City Clerk to enter into an agreement(s) with the Village of Shorewood Hills for cost sharing on the project; and,

**WHEREAS**, the City of Madison Common Council adopted RES-18-00420, File ID 51488 on June 5, 2018, authorizing the Mayor and City Clerk to execute a State/Municipal agreement with the State of Wisconsin Department of Transportation for State review service for preliminary engineering for University Avenue; and,

**WHEREAS**, the City of Madison Common Council adopted RES-19-00289, File ID 55080 on April 16, 2019, authorizing the Mayor and City Clerk to execute an amended agreement with the State of Wisconsin Department of Transportation and the Village of Shorewood Hills for the design and construction of University Avenue - Shorewood Blvd to University Bay Dr; and,

**WHEREAS**, the City of Madison Common Council adopted RES-19-00470, File ID 56115 on June 18, 2019, authorizing the Mayor and the City Clerk to execute an Amendment to the contract between the City of Madison and KL Engineering, Inc., for additional design engineering services for University Avenue from Shorewood Boulevard to University Bay Drive; and,

**WHEREAS**, the City of Madison Common Council adopted RES-20-00298, File ID 59953 on April 21, 2020, approving the roadway geometry for the reconstruction of University Avenue from Shorewood Boulevard to University Bay Drive; and,

**WHEREAS**, the City of Madison Office of Real Estate Services of the Economic Development Division has established a Master File / Project No. 11867 to facilitate and administer the land interest acquisitions required for the University Avenue - Shorewood Blvd to University Bay Drive reconstruction as identified in Relocation Order - Transportation Project Plat Numbers 5992-11-30 - 4.04 thru 5992-11-30 - 4.05; and,

**WHEREAS**, the contract between the City of Madison and KL Engineering, Inc. is to be amended to include a subcontractor (hereinafter the "KL Subcontractor") to assist City of Madison Office of Real Estate Services by administering the necessary land interests as identified in Relocation Order - Transportation Project Plat Numbers 5992-11-30 - 4.04 thru 5992-11-30 - 4.05, subject to the review and approval of the appraisals and offers by City of Madison Real Estate Office agents; and

**WHEREAS**, the Design Study Report (DSR) is pending final approval by the WisDOT Southwest Region Project Development Section Local Program Project Manager for the University Ave. - Shorewood Blvd. to University Bay Dr. project; and,

**WHEREAS**, a copy of the Relocation Order - Transportation Project Plat Numbers 5992-11-30 - 4.04 thru 5992-11-30 - 4.05 along with Transportation Project Plat Title Sheet 5992-11-30 are attached hereto and made part of this resolution.

**NOW THEREFORE BE IT RESOLVED**, that the City of Madison, Dane County, Wisconsin, by its City Common Council and for its Relocation Order hereby resolves as follows:

1. That this Resolution is a Relocation Order in accordance with Section 32.05(1) and 62.22, Wisconsin Statutes for the purpose of the within described public acquisition project and that this acquisition is determined to be necessity in accordance with Section 32.07(2), Wisconsin Statutes, and the acquisition shall allow for the construction of planned public improvements of University Avenue - Shorewood Blvd to University Bay Drive.
2. That the City of Madison hereby determines that it is necessary and a public purpose exists to acquire necessary land interests from the properties/parties as identified in the Schedule of Lands & Interests on the attached Relocation Order Map and such acquisitions are required to allow for the construction of said public improvements.
3. That the Common Council of the City of Madison, does hereby adopt this relocation order to acquire the necessary land interests required for the construction of planned public improvements associated with Engineering Division Project Number 11168, University Avenue - Shorewood Blvd to University Bay Drive, consisting of the attached Relocation Order Maps in accordance with Section 32.05(1) and 62.22, Wisconsin Statutes. The final approval of this relocation order and subsequent execution of the approval certificates on the Relocation Order Map are hereby contingent upon the Design Study Report (DSR) being approved. The approval certificates on Transportation Project Plat 5992-11-30 - 4.04 thru 5992-10-30 - 4.05 shall be executed and the Relocation Map - Transportation Plat recorded only upon the satisfaction of this contingency.
4. That the Office of Real Estate Services of the Economic Development Division, the KL Subcontractor and the City Attorney are hereby authorized to proceed by negotiation or condemnation under authority of Section 32 and 62.22 of the Wisconsin Statutes to acquire the real estate interests shown on said Relocation Order and any Uneconomic Remnant (Section 32.05(3m) of the Wisconsin Statutes) that may be subsequently determined to exist by the City of Madison. Also, the Office Real Estate Services is further authorized to obtain title reports, appraisals, survey information, environmental site assessment reports, and any other essential material or reports as may be necessary to perform due diligence in accomplishing the acquisition.
5. That the City of Madison Office of Real Estate Services Division of the Economic Development Division staff and the KL Subcontractor shall administer the acquisition of all land interests by Real Estate Master Project No. 11867.
6. That the City of Madison Office of Real Estate Services of the Economic Development Division and the KL Subcontractor are hereby authorized to execute the jurisdictional offer, lis pendens, and award of compensation if condemnation proceedings under Section 32 of the Wisconsin Statutes are necessary.
7. That the Mayor and City Clerk are authorized to sign all necessary documents to accomplish the acquisitions.