



Legislation Details (With Text)

**File #:** 72356      **Version:** 1      **Name:** Approving plans, specifications and Schedule of Assessments for Atwood Avenue Assessment District - 2023.

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

**File created:** 6/29/2022      **In control:** BOARD OF PUBLIC WORKS

**On agenda:** 7/19/2022      **Final action:** 7/19/2022

**Enactment date:** 7/22/2022      **Enactment #:** RES-22-00505

**Title:** Approving plans, specifications and Schedule of Assessments for Atwood Avenue Assessment District - 2023. (15th AD)

**Sponsors:** BOARD OF PUBLIC WORKS

**Indexes:**

**Code sections:**

**Attachments:** 1. 11127\_BPW Mailing.pdf, 2. AtwoodAve\_BPWnotes\_07-06-2022.pdf, 3. Atwood Ave\_PlanDetails.pdf, 4. Atwood Ave\_Fair Oaks to Walter St.pdf, 5. Atwood Ave\_Walter St to Cottage Grove Rd.pdf, 6. Atwood Ave\_PavementMarking.pdf, 7. Atwood Ave\_StormSanitary.pdf, 8. 11127\_CC Mailing.pdf, 9. 72356 cc approved.pdf, 10. 0722\_CC\_public\_comments.pdf

Date	Ver.	Action By	Action	Result
7/19/2022	1	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
7/6/2022	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
6/29/2022	1	Engineering Division	Refer	

**Fiscal Note**

The proposed resolution approves plans, specifications, and a schedule of assessments for the Atwood Avenue Assessment District - 2023. The share of funding is shown in the following breakdown.

City of Madison Accounts:

- 11127-402-170 Atwood Ave-Madison Street \$ 3,100,000
- 11127-402-170 Atwood Ave-Madison B-13-336 \$ 75,000
- 11127-402-174 Atwood Ave-Madison Storm Sewer \$ 1,900,000
- 11127-402-177 Atwood Ave-Madison Street Lighting \$ 275,000
- 11127-402-176 Atwood Ave-Madison Traffic Signals \$ 200,000
- 11127-402-200 Atwood Avenue-Monona Street \$ 200,000
- 11127-402-200 Atwood Avenue-Monona Storm Sewer \$ 50,000
- 11127-402-200 Atwood Avenue-Monona Street Lighting \$ 7,500
- 11127-402-171 Atwood Avenue-Madison Structure R-13-254 \$ 35,000
- 11127-402-130 Atwood Avenue-Madison Lakeland Avenue Parking Lot \$ 100,000

11127-402-172 Atwood Avenue-Madison Multi-Use Path \$ 125,000  
11127-402-171-010001 Atwood Avenue-Madison Structure B-13-864 \$ 115,000  
11127-83-173 Atwood Avenue-Madison Sanitary Sewer \$ 1,900,000  
11127-402-200 Atwood Avenue-Monona Storm Sewer \$ 65,000  
11127-86-179 Atwood Avenue-Madison Water \$ 375,000

City of Madison Accounts Total: \$ 8,200,000  
City of Madison Assessable Cost: \$ 284,883.16  
City of Madison Project Cost: \$7,915,116.84  
City of Monona Cost Accounts Total: \$ 322,500

City of Madison Federal Funds Available (96.48%): \$ 7,138,290.48  
City of Monona Federal Funds Available (3.52%): \$ 260,160.78  
Total State/Federal Cost: \$ 7,398,451.26  
Total Project Cost: \$ 15,636,068.10

Funds are included in the 2023 Engineering Major Streets Capital Budget (MUNIS 11127). The City of Madison will be billing the City of Monona for construction costs incurred within Monona during the project.

**Title**

Approving plans, specifications and Schedule of Assessments for Atwood Avenue Assessment District - 2023. (15th AD)

**Body**

The City of Madison, City of Monona, and WisDOT are partnered for the design and construction. The project will be constructed under a contract let by the Wisconsin Department of Transportation (WisDOT). The City of Madison is the lead municipality for this project. The proposed project is planned for construction in the year 2023.

The roadway geometry for the reconstruction of Atwood Avenue from South Fair Oaks Road to Cottage Grove Road was approved by the Common Council on July 24, 2018, File ID 52035, RES-18-00533.

The basis for construction cost sharing participation is as follows:

- 1) Local Utilities: Each affected local municipality shall pay for 100% of the costs for installing or adjusting new or existing local utilities (sanitary sewer and water system).
- 2) Street Improvements: The WisDOT shall pay approximately 60% of the costs for excavation, aggregate, concrete curb and gutter, asphalt pavement, sidewalk, driveway aprons, retaining walls, bridge improvements, storm sewer, stormwater quality features, street lights, traffic signals, pavement marking, traffic signing, terrace restoration and approximately 80% of the costs for multi-use paths and pedestrian bridge,

through administration of Federal funding. Federal Funds are limited to \$ 7,398,451.26; any costs over this limit will be funded by the City of Madison and City of Monona.

Agreements with the State of Wisconsin Department of Transportation for construction cost sharing defines the terms under which the City is awarded Federal funds and the agreement requires that the City indemnify the State of Wisconsin Department of Transportation. City APM 1-1 requires Common Council Approval whenever the City indemnifies another party.

The proposed indemnification language has been reviewed by the City's Risk Manager. The City's risk exposure is increased by this clause, but the exposure is covered by the City's insurance policies, subject to their terms and conditions.

The Board of Public Works and the City Engineer having made reports of all proceedings in relation to the improvement of Atwood Avenue Assessment District - 2023 pursuant to a resolution of the Common Council, Resolution No. RES-22-00388, ID No. 71349, adopted 05/24/2022, which resolution was adopted thereto, and the provisions of the Madison General Ordinances and the Wisconsin Statutes in such case made and provided, and the Common Council being fully advised.

BE IT RESOLVED:

1. That the City at large is justly chargeable with and shall pay the sum of \$7,915,116.84 of the entire cost of said improvement.
2. That for those eligible property owners requesting construction of a rain garden in the public right-of-way adjacent to their property shall execute the necessary waiver of special assessments on forms provided by the City Engineer;
3. That the sum assigned to each separate parcel, as indicated on the attached schedule of assessment, is hereby specially assessed upon each such parcel.
4. That the Common Council determines such special assessments to be reasonable.
5. That the work or improvement be carried out in accordance with the reports as finally approved.
6. That such work or improvement represents an exercise of the police power of the City of Madison.
7. That the plans & specifications and schedule of assessments in the Report of the Board of Public Works and the Report of the City Engineer for the above named improvement be and are hereby approved.
8. That the Board of Public Works be and is hereby authorized to advertise for and receive bids for the said improvements.
9. That the due date by which all such special assessments shall be paid in full is October 31st of the year in which it is billed, or,
10. That such special assessments shall be collected in eight (8) equal installments, with interest thereon at 2.0 percent per annum, except those special assessments paid in full on or before October 31st of that year.

11. That the Mayor and City Clerk are hereby authorized to accept dedication of lands and/or easements from the Developer/Owner for public improvements located outside of existing public fee title or easement right-of-ways.
12. That the Department indemnifies the State Wisconsin of Transportation
13. That the Mayor and City Clerk are hereby authorized to execute agreements and revised agreements with the State of Wisconsin Department of Transportation for the project.
14. That the Mayor and City Clerk are hereby authorized to enter into agreements and revised agreements with the City of Monona.
15. That the Mayor and City Clerk are hereby authorized to enter into an easement agreement and construction permit agreement with 3234 Atwood Avenue.
16. That the Mayor and City Clerk are hereby authorized to enter into agreements and revised agreements with Madison Gas & Electric, AT&T, and Charter Communications for cost sharing of the project.

#### INSTALLMENT ASSESSMENT NOTICE

Notice is hereby given that a contract has been (or is about to be) let for Atwood Avenue Assessment District - 2023 and that the amount of the special assessment therefore has been determined as to each parcel of real estate affected thereby and a statement of the same is on file with the City Clerk; it is proposed to collect the same in eight (8) installments, as provided for by Section 66.0715 of the Wisconsin Statutes, with interest thereon at 2.0 percent per annum; that all assessments will be collected in installments as above provided except such assessments on property where the owner of the same has paid the assessment to the City Treasurer on or before the next succeeding November 1st.

#### NOTICE OF APPEAL RIGHTS

"Pursuant to Sec.4.09(14), Madison General Ordinances, as authorized by Sec. 66.0701(2), Wisconsin Statutes, any person against whose land a special assessment has been levied by this resolution has the right to appeal therefrom in the manner prescribed in Sec. 66.0703(12), Wisconsin Statutes, within forty (40) days of the day of the final determination of the Common Council, said date being the date of adoption of this resolution."