



Legislation Details (With Text)

**File #:** 54879      **Version:** 1      **Name:** Determining a Public Purpose & Necessity & adopting a Transportation Project Plat Numbers. 5992-10-16 - 4.01 thru 5992-10-16 - 4.06, Atwood Ave - Fair Oaks Ave to Cottage Grove Rd for the acquisitions per the Plat of Land Interests required. Located in pa

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

**File created:** 2/26/2019      **In control:** BOARD OF PUBLIC WORKS

**On agenda:** 3/19/2019      **Final action:** 3/19/2019

**Enactment date:** 3/25/2019      **Enactment #:** RES-19-00216

**Title:** Determining a Public Purpose and Necessity and adopting a Transportation Project Plat Numbers. 5992-10-16 - 4.01 thru 5992-10-16 - 4.06, Atwood Avenue - Fair Oaks Avenue to Cottage Grove Road for the acquisitions per the Plat of Land Interests required. Located in part of the SW ¼ and SE ¼ of Section 5, the NW ¼ and NE ¼ of Section 8 and the NW ¼ of Section 9, T7N, R10E, in the City of Madison. (6th and 15th AD)

**Sponsors:** David Ahrens, Marsha A. Rummel

**Indexes:**

**Code sections:**

**Attachments:** 1. 54879 Locator\_Maps.pdf, 2. 5992-10-16\_TPP\_Atwood\_Avenue.pdf

Date	Ver.	Action By	Action	Result
3/19/2019	1	COMMON COUNCIL	Adopt	Pass
3/11/2019	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
3/11/2019	1	FINANCE COMMITTEE		
3/6/2019	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
3/5/2019	1	BOARD OF PUBLIC WORKS	Refer	
3/5/2019	1	COMMON COUNCIL	Refer	Pass
2/26/2019	1	Engineering Division	Referred for Introduction	

**Fiscal Note**

The land interest acquisition and relocation cost estimate, including City Real Estate staff time and related administration costs, not to exceed \$126,000. Funding for the cost of the land acquisition are included in the adopted 2019 capital budget for Engineering Major Streets via carryforward GO Borrowing authority within the Atwood Avenue reconstruction project (MUNIS 11127).

**MUNIS:**

11127-402-160 Atwood Avenue Reconstruction, (\$67,000 Easement Acquisition)  
11127-402-110 Atwood Avenue Reconstruction, (\$59,000 Fee Acquisition)

**Title**

Determining a Public Purpose and Necessity and adopting a Transportation Project Plat Numbers. 5992-10-16 - 4.01 thru 5992-10-16 - 4.06, Atwood Avenue - Fair Oaks Avenue to Cottage Grove Road for the acquisitions per the Plat of Land Interests required. Located in part of the SW ¼ and SE ¼ of Section 5, the NW ¼ and NE ¼ of Section 8 and the NW ¼ of Section 9, T7N, R10E, in the City of Madison. (6th and 15th AD)

Body

**PREAMBLE**

**WHEREAS**, the City of Madison is proposing to reconstruct Atwood Avenue from S. Fair Oaks Avenue to Cottage Grove Road; and

**WHEREAS**, the City of Madison Engineering Division has established Project Number 11127 Atwood Avenue Reconstruction, for the design and administration of the reconstruction of the above street; and

**WHEREAS**, the City of Madison Common Council adopted as RES-16-00375, File ID 42658 on May 17, 2016 authorizing the Mayor and the City Clerk to execute an agreement with MSA Professional Services, Inc. for design engineering services for the reconstruction of Atwood Avenue from Fair Oaks to Cottage Grove Road and to enter into agreements with the City of Monona for cost sharing on the project. The resolution was amended by the City of Madison Common Council resolution revising the fiscal note adopted as RES-16-00486, File ID 43255 on June 21, 2016. Subsequently, the City of Madison Common Council adopted RES-19-00024, File ID 54037 on January 08, 2019, authorizing the Mayor and City Clerk to execute and Amendment to the agreement with MSA Professional Services, Inc. for additional design engineering services for the same project above; and,

**WHEREAS**, the City of Madison Common Council adopted RES-16-00732, File ID 44302 on September 20, 2016, authorizing the Mayor and City Clerk to execute a State/Municipal agreement with the State of Wisconsin Department of Transportation for construction and cost sharing of the proposed project defining the terms under which the City is awarded Federal funds and requires the City to indemnify the State of Wisconsin Department of Transportation; and,

**WHEREAS**, the City of Madison Board of Park Commissioners on July 11, 2018, File ID 52354 approved the Atwood Avenue reconstruction plans with recommendations; and,

**WHEREAS**, the City of Madison Common Council adopted RES-18-00533, File ID 52035 on July 24, 2018, approving the roadway geometry for the Atwood Avenue Reconstruction project - Fair Oaks to Cottage Grove Road; and,

**WHEREAS**, the City of Madison Office of Real Estate Services of the Economic Development Division has established a Master File / Project No. 11746 to facilitate and administer the land interest acquisitions required for the Atwood Avenue - Fair Oaks Avenue to Cottage Grove Road reconstruction, all acquisitions as identified in Relocation Order - Transportation Project Plat Numbers 5992-10-16 - 4.01 thru 5992-10-16 - 4.06; and,

**WHEREAS**, the completion of the Environmental Assessment (EA) for the project is initiated and well on its way to completion; and

**WHEREAS**, the Design Study Report (DSR) approval by the WisDOT Southwest Region Project Development Section Local Program Project Manager for the project Atwood Avenue - Fair Oaks Avenue to Cottage Grove Road is pending final approval; and,

**WHEREAS**, a need has been determined to use the Early Acquisition Process to, as set forth for by Chapter 3.2.2 of the Wisconsin Department of Transportation Real Estate Program Manual, to acquire the lands and interests in conjunction with Parcel Numbers 1, 2, 5, 6, 7, 8, 9, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 of Relocation Order - Transportation Project Plat Numbers 5992-10-16 - 4.01 thru 5992-10-16 - 4.06. The Early Acquisition Process is necessary to bring the Project's Plans, Specifications and Estimate (PS&E) to a stage ready for letting as soon as possible; and,

**WHEREAS**, a copy of the Relocation Order - Transportation Project Plat Numbers 5992-10-16 - 4.01 thru 5992-10-16 - 4.06 are attached hereto and made part of this resolution; and,

**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 these acquisitions are 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 Atwood Avenue -Fair Oaks Avenue to Cottage Grove Road.
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, 11127 Atwood Avenue Reconstruction, consisting of the attached Relocation Order Maps in accordance with Section 32.05(1) and 62.22, Wisconsin Statutes.
4. That the Office of Real Estate Services of the Economic Development Division 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 shall administer the acquisition of all land interests by Real Estate Master Project Number 11746.
6. That the City of Madison Office of Real Estate Services of the Economic Development Division is 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 City of Madison Office of Real Estate Services of the Economic Development Division is hereby authorized to acquire the land interests for Parcel Numbers 1, 2, 5, 6, 7, 8, 9, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 and all Utility Interests as shown on the attached Relocation Order using the Early Acquisition Process as set forth for by Chapter 3.2.2 of the Wisconsin Department of Transportation Real Estate Program Manual. All other interests set forth on the attached Relocation Order shall not be acquired until the Environmental Assessment and Design Study Report (DSR) have been approved.
8. That the Mayor and City Clerk are authorized to sign all necessary documents to accomplish the acquisitions.