



## Legislation Text

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File #: 41303, Version: 1

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### Fiscal Note

Real Estate acquisition costs estimated at \$200,000 for this project are available in Acct. No(s):

10460-403-160 Demetral Bike Path, (\$105,000 Easement Acquisition)

10460-403-110 Demetral Bike Path, (\$95,000.00 Right of way Fee Acquisition)

### Title

Determining a Public Purpose and Necessity and adopting a Relocation Order for the acquisition of land interests required for the construction and maintenance of the Demetral Park Path, a new shared-use (bicycle and pedestrian) path completing a route from E. Johnson Street at Pennsylvania Avenue to Commercial Avenue at Packers Avenue. Located in part of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 6, T7N, R10E. (12th AD)

### Body

#### PREAMBLE

**WHEREAS**, the Demetral Park Path is a component of the Bikeways item in the 2016 Capital Budget. It consists of widening and reconstruction of existing paths within the Park as well as segments of new path, both within and outside the Park itself. It provides a continuous, shared-use (bike and pedestrian) path from E Johnson St at Pennsylvania Ave to Commercial Ave at Packers Ave. It will be an important component of the City's non-motorized transportation network, completing a safe, direct off-street route nearly 1.5 miles long from Yahara Parkway Path to Commercial Avenue; and

**WHEREAS**, the City of Madison Engineering Division has established Engineering Project No. 10460 - Demetral Park Path for the design and construction of public infrastructure associated with the proposed bike and pedestrian path; and

**WHEREAS**, the City of Madison Office of Real Estate Services has established a Master File / Project No. 10919 to facilitate and administer acquisition of required land interests to construct the necessary public improvements associated with the bike and pedestrian path; and

**WHEREAS**, attached hereto and made part of this resolution is a City of Madison Relocation Order Map titled "PLAT OF LAND INTERESTS REQUIRED FOR THE CONSTRUCTION AND MAINTENANCE OF IMPROVEMENTS FOR A PUBLIC MULTI-USE PATH", PART OF LOTS 8-16, BLOCK 315, MADISON SQUARE RILEY PLAT, & PART OF LOT 1, CSM 11946, LOCATED IN PART OF THE NW  $\frac{1}{4}$  - SW  $\frac{1}{4}$  & THE NE  $\frac{1}{4}$  - SW  $\frac{1}{4}$  OF SEC 6, T 7 N, R 10 E, CITY OF MADISON, DANE COUNTY, WISCONSIN; and,

**WHEREAS**, this Relocation Order Map identifies the necessary public land interest areas of acquisition as shown on the City of Madison Relocation Order Map and Schedule of Land Interests Required for the Demetral Park Path public improvements; and,

**WHEREAS**, all required funding for the land interest acquisitions by the City of Madison will be available in Account Numbers 10460-403-160 Demetral Bike Path (Easement Acquisition) and 10460-403-110 Demetral Bike Path, (Right of way Fee Acquisition).

**NOW THEREFORE BE IT RESOLVED,**

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 Demetral Park Path, Engineering Project No. 10460.
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 Land Interests on the attached Relocation Order Map and such acquisitions are required to allow for the construction of said public bike and pedestrian path 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 installation of public bike and pedestrian path improvements associated with Engineering Division Project Number 10460 - Demetral Park Path, consisting of the attached Relocation Order Map 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 that may be subsequently determined to exist. 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 No. 10919.
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 the 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 acquisition.