



## Legislation Text

File #: 54549, Version: 1

### Fiscal Note

The proposed resolution adopts the associated transportation project plat numbers for the land acquisition for the future South Gammon Road reconstruction project and West Towne Path project. The land interest acquisition and relocation cost estimate, including City Real Estate staff time and related administration costs, not to exceed \$ 600,000. Funding for the land acquisition is provided in the adopted 2019 capital budget via carryforward GO Borrowing appropriation on the South Gammon Road project (MUNIS 11130) and the West Town Path project (MUNIS 10168). The adopted 2019 CIP reflects anticipated construction to start in 2020 for these projects.

### MUNIS:

11130-402-160 Gammon Road South, (\$375,000 Easement Acquisition)

10168-402-160 West Towne Path, (\$225,000 Easement Acquisition)

### Title

Determining a Public Purpose and Necessity and adopting a Transportation Project Plat Numbers. 5992-10-30 - 4.01 thru 5992-10-30 - 4.03, S. Gammon Road - USH 12/14 to Mineral Point Road for the acquisitions per the Plat of Land Interests required. Located in part of the NE ¼ and NW ¼ of Section 25 and the NE ¼ of Section 26, T7N, R8E, in the City of Madison. (9th and 19th AD)

### Body

#### PREAMBLE

**WHEREAS**, the City of Madison is proposing to reconstruct S. Gammon Road from Mineral Point Road to USH 12/14 and a portion of West Towne Path (Bicycle and Pedestrian) from Grand Canyon Drive to S. Gammon Road. The City secured Federal Funds through the Surface Transportation Program (STP-Urban Program) for S. Gammon Road and also secured federal funds through the Transportation Alternatives Program (TAP) for the West Towne Path; and,

**WHEREAS**, the City of Madison Engineering Division has established Project Numbers 10168 West Towne Path and 11130 Gammon Road South for the design and administration of the reconstruction project of S. Gammon Road and the construction project of West Towne Path; and,

**WHEREAS**, the City of Madison Common Council adopted RES-16-00379, File ID 42677 on May 17, 2016 authorizing the Mayor and the City Clerk to execute an agreement with Ayres Associates for design engineering services for the reconstruction of S. Gammon Road and the construction of West Towne Path. Subsequently, the City of Madison Common Council adopted RES-18-00052, file ID 49940 on January 16, 2018, authorizing the Mayor and City Clerk to execute and Amendment to the agreement with Ayres Associates for additional design engineering services for the same projects above; and,

**WHEREAS**, the City of Madison Common Council adopted RES-16-00731, File ID 44299 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 State review service for preliminary engineering for S. Gammon Road and West Towne Path. Subsequently, Legislative File ID 54239 has been introduced to authorize the Mayor and City Clerk to execute a revised State/Municipal agreement with the State of Wisconsin Department of Transportation for construction cost sharing, plan development and State design review costs for the same projects above; and,

**WHEREAS**, the City of Madison Office of Real Estate Services of the Economic Development Division has established a Master File / Project No. 11749 to facilitate and administer the land interest acquisitions required for the S. Gammon Road - USH 12/14 to Mineral Point Road reconstruction and Master File / Project No. 10793 to facilitate and administer the land interest acquisitions required for West Towne Path, all acquisitions as identified in Relocation Order - Transportation Project Plat Numbers 5992-10-30 - 4.01 thru 5992-10-30 - 4.03; and,

**WHEREAS**, the Design Study Report (DSR) approval by the WisDOT Southwest Region Project Development Section Local Program Project Manager for the project USH 12/14 to Mineral Point Road is pending final approval; and,

**WHEREAS**, a copy of the Relocation Order - Transportation Project Plat Numbers 5992-10-30 - 4.01 thru 5992-10-30 - 4.03 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 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 S Gammon Road - USH 12/14 to Mineral Point Road and West Towne Path.
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 Numbers, 11130 Gammon Road South and 10168 West Towne Path, 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 5992-10-309 - 4.01 thru 5992-10-30 - 4.03 shall be executed and the relocation map recorded only upon the satisfaction of this contingency.
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 Numbers 10793 (West Towne Path) and 11749 (S. Gammon Road).

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 Mayor and City Clerk are authorized to sign all necessary documents to accomplish the acquisitions.