



## Legislation Text

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**File #:** 45696, **Version:** 1

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### **Fiscal Note**

In the adopted 2017 capital budget Engineering-Bicycle and Pedestrian has budgeted \$779,000 for improvements to the City's existing bike paths via the Bikeways Program (MUNIS 10138). Funding is provided by GO Borrowing.

The proposed resolution authorizes execution of the agreements at an estimated cost of \$25,000.

MUNIS:  
10138-403-130

### **Title**

Authorizing the Mayor and City Clerk to execute agreements with the Wisconsin Department of Transportation for a permanent exchange of easement and/ or property and rescinding Res-16-00882, File Number 45311.

### **Body**

WHEREAS, numerous plans over the last century, including John Nolen's "Madison, A Model City", have called for additional connections between the Capitol and the Lake Monona shoreline; and

WHEREAS, most recently, the adopted 2012 Downtown Plan recommended that the City "expand and enhance public access and recreational opportunities to and along the Downtown lakefronts", and;

WHEREAS, many concept plans have included a pedestrian and bike overpass (the "Overpass") of John Nolen Drive (USH 151) and the State owned Wisconsin and Southern Railroad Right-of-Way (the "Rail ROW") that would connect the southerly side of John Nolen Drive, Law Park and the Capital City Trail to East Wilson Street and the Capitol Loop in the general vicinity of the intersection of East Wilson Street and King Street; and,

WHEREAS, an overpass or connection of some type will reduce the need for many pedestrians and cyclists to cross South Blair Street (USH 151) and the Rail ROW which both intersect with John Nolen Drive, and greatly improve connectivity as well as pedestrian, bicycle and vehicular safety in the heavily traveled corridor; and,

WHEREAS, the owners of the property at 151 East Wilson Street, Madison Wisconsin (hereinafter referred to as "151 E Wilson") have an approved development on the site; and,

WHEREAS, the owners of the property at 151 E Wilson indicated a willingness to grant an easement to the City across 151 E Wilson to facilitate the Overpass if an access to a planned underground parking at the development can be provided off of the south side (the Rail ROW side) of the building (hereinafter referred to as "151 E Wilson Rear Access"); and,

WHEREAS, the City owns property north of the Rail ROW starting just east of the easterly property line of 151E Wilson and extending toward South Hancock Street (hereinafter referred to as the "Existing Rail ROW Access") where an access road currently exists for the purpose of accessing the rear (Rail ROW side) of other properties east of 151 E Wilson; and,

WHEREAS, the portion of the Rail ROW behind 151 E Wilson located between a line 33 feet north of the current center of track and the southerly property line of 151 Wilson St is sufficient to extend the Existing Rail

ROW Access westerly to provide for the 151 E Wilson Rear Access; and,

WHEREAS, the State has determined that the property needed for the 151 E Wilson Rear Access is not needed for rail purposes; and,

WHEREAS, the City is in the process of purchasing a property at 202 South Baldwin Street in Madison (hereinafter referred to as "202 S Baldwin") for transportation purposes related to the expansion of the City's Central Park; and,

WHEREAS, the north line of 202 S Baldwin is in close proximity to the Rail ROW with a minimum dimension from the property line to the center of track of approximately 15 10 feet; and,

WHEREAS, the State has determined that expanding the Rail ROW width at 202 S Baldwin such that a dimension of approximately 25 feet from the center of the track to the southerly Rail ROW property line in the area between South Few Street and South Baldwin Street would enhance rail ROW safety and operation; and,

WHEREAS, the City has determined that the portion of 202 S Baldwin needed for the expanded Rail ROW will not interfere with the City's plans for Central Park; and,

WHEREAS, when the City purchased the abandoned Rail Corridor that is now occupied by the Cannonball Bike Path an error was made and a portion of the City purchased abandoned rail corridor includes active rail line; and,

WHEREAS, the City has determined that the area over which active rail still occupies the Cannonball Bike Path corridor is not needed for bike path purposes; and,

WHEREAS, the Wisconsin and Southern Railroad, LLC (WSOR) and the Wisconsin Department of Transportation have operating agreement for the rail line behind 151 E Wilson St which provides for the sale of land outside of 33 feet from the center of the railroad track if it is approved by both the Wisconsin River Rail Transit Committee and the WSOR; and,

WHEREAS, the WSOR is in agreement with the land exchange provided that the City install a berm and fencing adjacent to the Cannonball Bike path not to exceed \$25,000; and,

WHEREAS, the WSOR and the Wisconsin Department of Transportation have an operating agreement for the rail corridor that runs under STH 30 which provides for the use of land by other parties within the area that is 33 feet from the center of the railroad track provided the use is approved by both the Wisconsin River Rail Transit Committee (WRRTC) and the WSOR; and,

WHEREAS, the City has been working on obtaining State and WSOR approval of a pedestrian and bike underpass of STH 30 adjacent to the WSOR railroad track; and

WHEREAS, the State and the WSOR will approve, as a condition of the land exchange agreement, the installation of the bike path underpass of STH 30; and,

WHEREAS, the City and the State find that both parties will benefit by a land exchange whereby the City acquires from the State rights within the Rail ROW behind 151 E Wilson for the 151 E Wilson Rear Access and to facilitate the Overpass, and the State acquires from the City rights within a portion of 202 S Baldwin for railroad purposes and a portion of the Cannonball Bike Path Corridor occupied by an active rail line.

NOW THEREFORE BE IT RESOLVED, that the Mayor and City Clerk are hereby authorized to execute agreements with the Wisconsin Department of Transportation whereby the City acquires from the State

property or permanent easement rights within the Rail ROW behind 151 E Wilson for the 151 E Wilson Rear Access and overpass and the State acquires from the City property or permanent easement rights within a portion of 202 S Baldwin and a portion of the Cannonball Bike Path Corridor occupied by an active rail line for railroad purposes: and,

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to execute, deliver, accept, and record any and all documents and take such actions as shall be necessary or desirable to accomplish the purpose of this resolution in a form approved by the City Attorney; and,

BE IT FURTHER RESOLVED, that the City Engineer is hereby authorized to construct a fence and berm adjacent to the Rail corridor and Cannonball Bike Path at a cost not to exceed \$25,000; and,

BE IT FINALLY RESOLVED, that resolution 16-00882, File Number 45311 is hereby rescinded.