



## Legislation Text

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**File #:** 06858, **Version:** 1

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### Fiscal Note

This resolution amends the 2007 Engineering - Other Capital Budget by the creation of a new project for the Cannonball Bike Trail. Total funding of \$2,400,000 will be provided by the Wisconsin Department of Natural Resources (\$1,150,000), the City of Fitchburg (\$562,500), and increased General Obligation Debt (\$687,500). Related debt service costs are expected to average approximately \$89,000 per year, for ten years. This resolution also authorizes the City Comptroller to internally borrow \$1,712,500 to temporarily cover the DNR and Fitchburg funding, until reimbursement is received.

This amendment is intended to fund the first phase of a multi-year project extending through 2012. Future year expenses are projected to total \$7,300,000, including \$2,180,000 of General Obligation Debt.

### Title

Acquiring necessary land interests for a planned multi-use path in the abandoned corridor of the Union Pacific Railroad Company under a rails-to-trails conversion; amending the 2007 Engineering - Other Capital Budget to provide \$2,400,000 for this project; authorizing the City Engineer to apply for grant funding from the Wisconsin Department of Natural Resources (WDNR) and authorizing the Mayor and City Clerk to execute agreements with WDNR for funding and with the City of Fitchburg to partially fund the acquisition, assume ownership of a portion of the corridor, jointly develop and cooperatively maintain the multi-use path with the City of Madison. (14th AD)

### Body

#### PREAMBLE

The City of Madison Engineering Division has established Project No. 53W0499 - Cannonball Path (Military Ridge Trail Extension). The City is proposing to construct a multi-use bike and pedestrian path in the abandoned corridor of the Union Pacific Railroad Company (UPRR) in cooperation with the Wisconsin Department of Natural Resources (WDNR) and the City of Fitchburg. With connections to residential neighborhoods, the Capital City Trail, the Military Ridge Trail and points north of the Beltline Highway, the project will provide a safe and direct route for bicycles and pedestrians and constitute an important link in the City's bike and pedestrian network.

The project requires land interest acquisition from the UPRR consisting of a 100-foot wide corridor approximately 4.2 miles in length, lying partially in the City of Madison and partially in Fitchburg. A map showing the proposed acquisition is included with this resolution as Attachment A.

The UPRR has filed for abandonment with the Surface Transportation Board (STB), has removed trackage and indicated its interest in selling the property, known as the Central Soya Line, from Mile Post 85.5 (approximately 1000' north of Beltline Highway) to Mile Post 89.9 (south of CTH PD in the City of Fitchburg).

Federal procedures for rails-to-trails conversion, pursuant to 49 CFR, requires the unit of government proposing to use the corridor (Interim Trail User) to provide a Statement of Willingness to Assume Financial Responsibility with the Surface Transportation Board (STB). This statement commits the unit to negotiate in good faith the terms of a Rails-to-Trails agreement involving ownership of the corridor and conditions of its interim use for trail purposes.

WDNR has filed a Statement of Willingness to Assume Financial Responsibility with the STB under federal Rails to Trails provisions, has obtained appraisals of the property and has reached a tentative agreement with UPRR on price and conditions of sale of the property. WDNR has also tentatively agreed to fund 50 percent of the acquisition cost pending availability of grant funding and adoption by City of Madison of the necessary resolutions.

In order to complete the transaction with UPRR under Rails to Trails, the City of Madison must file a Statement of Willingness to Assume Financial Responsibility to supersede the one filed by WDNR

The City of Fitchburg has expressed its support of this project. Fitchburg has tentatively agreed to fund \$547,000 plus

approximately 45 percent of any closing costs on condition that their share not exceed a specified amount and that they receive title to a portion of the corridor. Staff from Fitchburg and Madison have reached tentative agreement on terms of acquisition, ownership, development of the path and maintenance responsibilities for the path and corridor.

In addition to participation by City of Fitchburg and WDNR, there may be potential sales of property that would fund a portion of the City's cost but not compromise the multi-use path.

NOW THEREFORE BE IT RESOLVED that:

1. The 2007 Engineering - Other Capital Budget is amended by the addition of the Cannonball Trail Project for the acquisition of the abandoned Union Pacific Railroad corridor, known as the Central Soya Line, from Mile Post 85.5 (approximately 1000' north of Beltline Highway) to Mile Post 89.9 (south of CTH PD in the City of Fitchburg). Total funding is \$2,400,000 to be derived as follows: \$1,150,000 from the Wisconsin DNR, \$562,500 from the City of Fitchburg, and \$687,500 from increased General Obligation Debt.
2. The City Comptroller is authorized to internally borrow \$1,712,500 to cover the Wisconsin DNR and Fitchburg funding until reimbursement from these entities.
3. The City Engineer is hereby authorized to act on behalf of the City to Madison to submit an application to the State of Wisconsin, Department of Natural Resources for any financial aid that may be available, submit reimbursement claims and supporting documentation and take necessary action to undertake, direct and complete the approved project. The Mayor and City Clerk are hereby authorized to execute the project agreement with WDNR and sign documents in connection with the grant funding;
4. The City of Madison will comply with state and federal rules for the operation of the facility and will obtain from the WDNR or the National Parks Service approval in writing before any change is made in the use of that portion of the project site that is acquired with WDNR funding participation.
5. The Mayor and City Clerk are hereby authorized to provide a Statement of Willingness to Assume Financial Responsibility to the Wisconsin Department of Transportation and the Surface Transportation Board, Department of Transportation in connection with a rails-to-trails conversion of the Union Pacific Railroad line between County Highway PD (McKee Road) and USH 18/151 (Beltline Highway);
6. The City of Madison Real Estate Section of the Community and Economic Development Unit and the City Attorney are hereby authorized to proceed with final negotiation to acquire the real estate interests shown on the attached map, and the Real Estate Section 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;
7. The Mayor and City Clerk are hereby authorized to sign all necessary documents to accomplish the acquisition provided: 1) that WDNR agrees to reimburse the City of Madison approximately 50 percent of the cost of the acquisition; 2) that the City of Fitchburg agrees to fund approximately \$562,500 plus 45 percent of the closing costs for the acquisition in return for a transfer of title to a portion of the corridor with that transaction to occur within 30 days of the closing with UPRR; and 3) that the remaining City of Madison share of the acquisition costs not exceed \$687,500.
8. The Mayor and City Clerk are hereby authorized to execute an agreement with City of Fitchburg regarding joint development, operation and maintenance of a paved, multi-use trail in the corridor, and execute all documents necessary to transfer land interests to Fitchburg as shown on Attachment B.