



## Legislation Details (With Text)

<b>File #:</b>	28156	<b>Version:</b>	1	<b>Name:</b>	Approving Plans, Specs & Schedule Of Assessments For the Mineral Point Rd & Junction Rd / S. Junction Rd Asmnt Dist - 2013 & authorizing the Mayor & City Clerk to execute an agreements with the WDOT & Dane County for the Project.
<b>Type:</b>	Resolution	<b>Status:</b>			Passed
<b>File created:</b>	10/26/2012	<b>In control:</b>			BOARD OF PUBLIC WORKS
<b>On agenda:</b>	11/27/2012	<b>Final action:</b>			11/27/2012
<b>Enactment date:</b>	11/28/2012	<b>Enactment #:</b>			RES-12-00866
<b>Title:</b>	Approving Plans, Specifications, And Schedule Of Assessments For For the Mineral Point Road and Junction Road / S. Junction Road Assessment District - 2013 and authorizing the Mayor and City Clerk to execute an agreements with the State of Wisconsin Department of Transportation and Dane County for the Project.				
<b>Sponsors:</b>	BOARD OF PUBLIC WORKS				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. State Mailing affidavit, 2. cc mailing affidavit, 3. fiscal note.pdf, 4. bpw mailing affidavit.pdf, 5. 53W0391_Mineral Point Junction.pdf, 6. adopted cc mailing leg 28156.pdf				

Date	Ver.	Action By	Action	Result
11/27/2012	1	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
11/7/2012	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass

### Fiscal Note

Budget authority is available in the following accounts and included in the 2013 Capital Budget (see attached).

### Title

Approving Plans, Specifications, And Schedule Of Assessments For For the Mineral Point Road and Junction Road / S. Junction Road Assessment District - 2013 and authorizing the Mayor and City Clerk to execute an agreements with the State of Wisconsin Department of Transportation and Dane County for the Project.

### Body

#### PREAMBLE

The City is proposing to improve Mineral Point Road (from Pleasant View Rd to the Beltline) and Junction Road/South Junction Road (from Isaac Dr to Valley View Rd). The intersections of Mineral Point Road and South Junction Road will be reconstructed with a modified Jug Handle grade separated intersection. Bicycle and pedestrian accommodations will be provided, including an overpass over Mineral Point Road and an underpass of the Jug Handle. The design accommodates present and future growth demands of the area as defined in the City's neighborhood plans. The City of Madison will be the lead agency for the project, which also involves Dane County. The City applied for Federal Funding with the Surface Transportation Program - Urban and the project received approval for approximately 50% federal funding. The City also has applied for a federal earmark and in fiscal year of 2009 was awarded an earmark of \$311,220.

The project will be constructed under a contract let by the Wisconsin Department of Transportation (WisDOT) and a project Agreement with WisDOT will be required for funding, oversight and construction. The proposed project is planned for construction in the year 2013-14. Phase 1 of the project has occurred in 2012.

The City of Madison and the WisDOT propose to enter into an agreement for construction and cost sharing of the proposed project. The basis for cost sharing participation is as follows:

- 1) Design Engineering: All design-engineering costs necessitated by the street reconstruction are 100% Local Funding.
- 2) Local Utilities: The City shall pay for 100% of the cost of installing or adjusting new water and sanitary sewer mains. The City assumes full responsibility for the design, installation, testing and operation of the sanitary sewer and water system. Each affected local municipality shall pay for 100% of the costs for installing or adjusting new or existing local utilities.
- 3) Street Improvements: The WisDOT shall pay approximately 50% of the costs for pavement, concrete curb and gutter, storm sewer, street lights, traffic signals, drive aprons, base material, sidewalk as needed, terrace restoration and all other necessary street improvements for completion of the project, through administration of Federal funding. Federal Funds are limited to \$8,165,000; any costs over this limit will be funded by the City of Madison.

The agreement with the State of Wisconsin Department of Transportation for construction cost sharing defines the terms under which the City is awarded Federal funds and the agreement requires that the City indemnify the State of Wisconsin Department of Transportation. City APM 1-1 requires Common Council Approval whenever the City indemnifies another party.

The proposed indemnification language has been reviewed by the City's Risk Manager. The City's risk exposure is increased by this clause, but the exposure is covered by the City's insurance policies, subject to their terms and conditions.

In accordance with Madison General Ordinance 4.081, the assessment for parcel(s) parcels zoned or used for agriculture and in the City of Madison and the UW Research Park lots shall be deferred for 10 years with interest. Upon completion of the deferment period, payment shall be made with interest in 8 equal yearly installments. In the event of certain occurrences as outlined in Sec. 4.081(4), the assessments shall be paid in full prior to the end of the deferral period

The Board of Public Works and the City Engineer having made reports of all proceedings in relation to the improvement of the Mineral Point Road and Junction Road / S. Junction Road Assessment District - 2013 pursuant to a resolution of the Common Council, RES-12-00767, ID No. 27677, adopted 10/02/2012, which resolution was adopted thereto, and the provisions of the Madison General Ordinances and the Wisconsin Statutes in such case made and provided, and the Common Council being fully advised.

**BE IT RESOLVED:**

1. That the City at large is justly chargeable with and shall pay the sum of \$6,440,000 of the entire cost of said improvement.
2. That for those eligible property owners requesting construction of a rain garden in the public right-of-way adjacent to their property shall execute the necessary waiver of special assessments on forms provided by the City Engineer;
3. That the sum assigned to each separate parcel, as indicated on the attached schedule of assessment, is hereby specially assessed upon each such parcel.
4. That the Common Council determines such special assessments to be reasonable.

5. That the work or improvement be carried out in accordance with the reports as finally approved.
6. That such work or improvement represents an exercise of the police power of the City of Madison.
7. That the plans & specifications and schedule of assessments in the Report of the Board of Public Works and the Report of the City Engineer for the above named improvement be and are hereby approved.
8. That the Board of Public Works be and is hereby authorized to advertise for and receive bids for the said improvements.
9. That the due date by which all such special assessments shall be paid in full is October 31<sup>st</sup> of the year in which it is billed, or,
10. That such special assessments shall be collected in eight (8) equal installments, with interest thereon at 3.0 percent per annum, except those special assessments paid in full on or before October 31<sup>st</sup> of that year or that certain parcels that are eligible under Madison General Ordinance 4.081 shall be deferred for 10 years with interest. Upon completion of the deferment period, payment shall be made with interest in 8 equal yearly installments. In the event of certain occurrences as outlined in Sec. 4.081(4), the assessments shall be paid in full prior to the end of the deferral period.
11. That properties being assessed that are located in the Town of Middleton shall have their assessments deferred, and interest shall not accrue, until the parcel is attached to the City. However, the amount of each special assessment shall be adjusted from the date of the levy to the date of the attachment as set forth in the Final City of Madison and Town of Middleton Cooperative Plan dated September 29, 2003. Upon attachment, each special assessment shall be payable in six annual installments with interest, from the date of attachment.
12. That the Mayor and City Clerk are hereby authorized to accept dedication of lands and/or easements from the Developer/Owner for public improvements located outside of existing public fee title or easement right-of-ways.
13. That the Mayor and City Clerk are hereby authorized to enter into an agreement with Dane County for cost sharing of the project.
14. That the Mayor and City Clerk are hereby authorized to execute an agreement with the State of Wisconsin Department of Transportation for the project.
15. That the Common Council approved indemnification of the State of Wisconsin Department of Transportation under this agreement.

## INSTALLMENT ASSESSMENT NOTICE

Notice is hereby given that a contract has been (or is about to be) let for Mineral Point Road and Junction Road / S. Junction Road Assessment District - 2013 and that the amount of the special assessment therefore has been determined as to each parcel of real estate affected thereby and a statement of the same is on file with the City Clerk; it is proposed to collect the same in eight (8) installments, as provided for by Section 66.0715 of the Wisconsin Statutes, with interest thereon at 3.0 percent per annum; that all assessments will be collected in installments as above provided except such assessments on property where the owner of the same has paid the assessment to the City Treasurer on or before the next succeeding November 1<sup>st</sup>.

## NOTICE OF APPEAL RIGHTS

"Pursuant to Sec.4.09(14), Madison General Ordinances, as authorized by Sec. 66.0701(2), Wisconsin Statutes, any person against whose land a special assessment has been levied by this resolution has the right to appeal therefrom in the manner prescribed in Sec. 66.0703(12), Wisconsin Statutes, within forty (40) days of the day of the final determination of the Common Council, said date being the date of adoption of this resolution."