



Legislation Details (With Text)

File #: 59519 **Version:** 1 **Name:** Approving Plans, Specifications, And Schedule Of Assessments For City View Drive Assessment District - 2020, and authorizing the Mayor and City Clerk to enter into agreements with the Wisconsin Department of Transportation, the Wisconsin and Southern Rail

Type: Resolution **Status:** Passed

File created: 2/10/2020 **In control:** Engineering Division

On agenda: 3/3/2020 **Final action:** 3/3/2020

Enactment date: 3/6/2020 **Enactment #:** RES-20-00154

Title: Approving Plans, Specifications, And Schedule Of Assessments For City View Drive Assessment District - 2020, and authorizing the Mayor and City Clerk to enter into agreements with the Wisconsin Department of Transportation, the Wisconsin and Southern Railroad Company and it's sub-Contractors and C.D.L. Electric, Inc. to install the necessary improvements pursuant to CFR Parts 222 and 229 to create a new at-grade railroad crossing at City View Drive in the City of Madison. (17th AD)

Sponsors: BOARD OF PUBLIC WORKS

Indexes:

Code sections:

Attachments: 1. BPW Mailing City View Drive Assessment District - 2020.pdf, 2. 11958EN-City View BPW Display.pdf, 3. 11958EN-Project Location & Details.pdf, 4. CC Hearing Notice City View Drive Assessment District - 2020.pdf, 5. 11958_City View Assessment Schedule All Parcels.pdf, 6. Adopted CC Mailing Leg 59519.pdf

Date	Ver.	Action By	Action	Result
3/3/2020	1	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
2/19/2020	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
2/10/2020	1	Engineering Division	Refer	

Fiscal Note

The proposed resolution approves plans and specifications and authorizes the Board of Public Works to approve plans, specifications, and schedule of assessments for the City View Drive Assessment District - 2020. The total estimated cost of the project is \$3,708,000, including \$1,905,500 funded as the City Share and \$1,802,500 funded through assessments. The breakdown of assessment amounts is included below.

- Street Assessments: \$703,000
- Storm Sewer Assessments: \$940,000
- Sanitary Sewer Assessments: \$60,000
- Water Main Assessments: \$58,000
- Street Lighting Assessments: \$41,500

Funding is available for this project in the 2020 Adopted Capital Budget under the Reconstruct Streets Project (11958) according to the following breakdown.

- 11958-402-170: \$1,240,000
- 11958-402-174: \$121,000

11958-84-174 : \$1,480,000
11958-83-173: \$60,000
11958-86-179: \$58,000
11958-402-177: \$159,000
11958-402-170: \$590,000

Title

Approving Plans, Specifications, And Schedule Of Assessments For City View Drive Assessment District - 2020, and authorizing the Mayor and City Clerk to enter into agreements with the Wisconsin Department of Transportation, the Wisconsin and Southern Railroad Company and its sub-Contractors and C.D.L. Electric, Inc. to install the necessary improvements pursuant to CFR Parts 222 and 229 to create a new at-grade railroad crossing at City View Drive in the City of Madison. (17th AD)

Body

WHEREAS, The Board of Public Works and the City Engineer having made reports of all proceedings in relation to the improvement of City View Drive Assessment District - 2020 pursuant to a resolution of the Common Council, RES-20-00014, ID No. 58538, adopted 1/7/2020, 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; and

WHEREAS, the City petitioned the State of Wisconsin Office of the Commissioner of Railroads (OCR) to make a determination on construction of a new roadway and pedestrian at-grade crossing of the railroad corridor at City View Drive and to make a determination of the crossing protection required (RES-16-00101); and,

WHEREAS, the OCR issued its final decision in the matter of the City petition for the new roadway and pedestrian crossing of the railroad corridor at City View Drive on May 20, 2019 granting the petition and ordering the Wisconsin and Southern Railroad Company (WSOR) to install and maintain a new at-grade railroad crossing at City View Drive with appropriate grade crossing warning devices and that the cost of construction of these improvements be borne by the City; and,

WHEREAS, the crossing surface and crossing protection equipment ordered to be install by the OCR ruling will be primarily located on property owned by the Wisconsin Department of Transportation (WisDOT) and controlled by WSOR; and,

WHEREAS, because regulation of rail/highway safety is preempted by the Federal Rail Safety Act, 49 U.S.C. 20106 and 23 CFR 140, 900 to 140, 922 of the United States Code, the City must follow applicable regulations in the construction of rail/highway grade crossings; and,

WHEREAS, the WSOR has specified that it will utilize sub-contractors to perform the crossing installation work and its chosen contractor to perform the installation of the crossing protection equipment is C.D.L. Electric, Inc., of Pittsburg, Kansas

NOW, THEREFORE IT BE IT RESOLVED:

1. That the City at large is justly chargeable with and shall pay the sum of \$1,905,500 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 31st 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 31st of that year.
11. 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.
12. That the Mayor and City Clerk are hereby authorized to enter into agreements with the Wisconsin Department of Transportation, Wisconsin and Southern Railroad Company and its sub-contractors and C.D.L. Electric to perform the work of installing a new at-grade crossing of the railroad corridor at City View Drive and appropriate grade crossing warning devices as ordered by the State of Wisconsin Office of the Commissioner of Railroads.

INSTALLMENT ASSESSMENT NOTICE

Notice is hereby given that a contract has been (or is about to be) let for City View Drive Assessment District - 2020 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 1st.

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."