



Legislation Text

File #: 48612, **Version:** 1

Fiscal Note

No fiscal impact.

Title

Authorizing the City Engineer, on behalf of the City of Madison, to execute a release of the City's first right to acquire pursuant to Wisconsin Statutes Section 85.09 pertaining to a portion of the WISDOT rail corridor abutting property located at 1335 Gilson Street.

Body

WHEREAS, BB Golden Enterprises LLC ("Golden") is the owner of certain property located at 1335 Gilson Street (the "Golden Property"); and

WHEREAS, the Wisconsin Department of Transportation (WISDOT) is the owner of the former Union Pacific Railroad corridor abutting the Golden Property; and

WHEREAS, there exists a concrete loading dock serving the Golden Property which encroaches into WISDOT's rail corridor, and such encroachment exists without benefit of an agreement between Golden and WISDOT; and

WHEREAS, WISDOT and Golden have agreed to a sale/purchase of the area of the encroachment (the "Subject Property"); and

WHEREAS, pursuant to Wisconsin Statutes Section 85.09, prior to WISDOT selling the Subject Property, the City has a period of six (6) months to either exercise its first right to acquire or to release any right or interest in the Subject Property; and

WHEREAS, by letter dated June 20, 2017 (attached as Exhibit A), the City received notice from WISDOT of its intent to sell the Subject Property; and

WHEREAS, the City Engineer has determined that the City has no interest in acquiring the Subject Property and in consultation with the City Attorney's office recommends that the City proceed to release its first right to acquire.

NOW, THEREFORE, BE IT RESOLVED that the City Engineer, on behalf of the City of Madison, is hereby authorized to execute the letter attached as Exhibit A, releasing the City's first right to acquire the Subject Property as more specifically described therein.