

June 22, 2004

To the Honorable Common Council
Public Improvements Committee
City of Milwaukee

Dear Committee Members:

Attached is File No. 011425, being a substitute resolution to vacate South 11th Street between West Canal Street and the South Menomonee Canal, in the 12th Aldermanic District

The Department of Public Works Coordinated Report contains no stated objections to the proposed vacation but does note that the existing railroad spur track within Canal Street is proposed to be relocated to a new alignment along the north bank of the South Menomonee Canal through a portion of the street to be vacated. Some type of right-of-way action will be required for the spur track relocation, either fee title acquisition in the name of CP Rail or acquisition of an operating easement. The Commissioner of Public Works has requested a money deposit for the following:

1. An 8-inch diameter water main, with building services and 2 fire hydrants are located within the vacation limits. There are 2 options available:

- Option 1: The existing water main would remain in place within a water main easement granted to the City of Milwaukee. The petitioner would deposit \$600 for the easement preparation. No structures are permitted within the limits of any easement without express permission from the City. Said permission is only granted subject to design limitations being imposed on the structure, which allow no loads being placed on the structure and permit access to the sewer for maintenance or construction purposes. Grade changes greater than one foot to the existing surface elevation must also have prior approval from the City.
- Option 2: The water main facilities within the vacation limits will become private. If the petitioner wants this water main to remain in service, they can construct a meter pit on the south side of West Canal Street. The City will install the water meter. If the petitioner wants to relocate the hydrants, they should do so after contacting the Fire Department to ensure that an adequate water supply is provided for fire protection. The useful life of this water main is \$4,869 which the petitioner is to deposit with the City under this option.

2. The petitioner is to deposit \$13,047.40 for the remaining useful life of both the sanitary and storm sewers. These will become private sewers when the street is vacated.

3. The petitioner is to deposit \$800 for equity in 2 storm inlets and drains.
4. There are 2 street lights affected by this proposed vacation. WE Energies maintain these units for the City of Milwaukee; therefore, no deposit will be required for their removal.
5. The petitioner is to deposit \$6,700 with the City to cover the cost to construct a full face curb at the north end of South 11th Street. If the petitioner prefers to have a driveway constructed at this location, then they are to deposit \$8,000 for that work. The petitioner should indicate which treatment is desired and deposit either \$6,700 or \$8,000 for the City to undertake that work. If the petitioner satisfactorily undertakes this work under DPW permit, this deposit will be refunded.

6. Upon vacation of the subject right-of-way, the following benefit assessments will accrue to the abutting property:

<u>Tax Key Number 427-0406-100-x</u>	
West Canal Street	
Pavement	\$ 350
Sanitary and storm sewers	\$3,500
Water Main	<u>\$1,750</u>
	\$5,600

The City is also interested in maintaining public access to the Canal and to that end, WE Energies has agreed to replace the lost public access with a 35-foot wide reservation for future public right-of-way generally located within the vicinity of South 12th Street. Common Council File No. 040230 will create this 35-foot wide reservation. The petitioner, WE Energies has not made a deposit at this time. Since the proposed vacation is not in conflict with city plans, the City Plan Commission at its regular meeting on June 7, 2004 recommended approval of the attached substitute resolution conditioned on providing the required deposit.

Sincerely,

Martha L. Brown
Acting Executive Secretary
City Plan Commission of Milwaukee

Attachment

cc: Ald. Witkowiak
File