



Legislation Details (With Text)

File #: 090219 **Version:** 0

Type: Resolution **Status:** Passed

File created: 6/16/2009 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:** 7/7/2009

Effective date:

Title: Resolution approving a plat of right-of-way required to implement the Valley Passage Project and directing the proper City officials to execute the right-of-way plat and associated agreements.

Sponsors: THE CHAIR

Indexes:

Attachments: 1. Cover Letter, 2. Fiscal Note, 3. Easement agreement, 4. Extension agreement, 5. Exhibit A Maps, 6. Map picture and drawing handout at 6 24 09 committee meeting, 7. City Plan Commission letter.pdf, 8. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
6/16/2009	0	COMMON COUNCIL	ASSIGNED TO		
6/18/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
6/19/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/19/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/24/2009	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
7/7/2009	0	COMMON COUNCIL	ADOPTED	Pass	15:0
7/14/2009	0	MAYOR	SIGNED		

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070291
THE CHAIR

Resolution approving a plat of right-of-way required to implement the Valley Passage Project and directing the proper City officials to execute the right-of-way plat and associated agreements.

Resolution approving a plat of right-of-way required to implement the Valley Passage Project and authorizing and directing the proper City officials to execute the right-of-way plat and associated agreements.

Whereas, The City of Milwaukee, Department of Public Works (DPW), the Redevelopment Authority of the City of Milwaukee (RACM), Wisconsin Department of Transportation (WISDOT), Wisconsin Department of Natural Resources (DNR) and The Menomonee Valley Partners (MVP) are working in a cooperative effort to implement The Menomonee Valley Industrial Center and Community Park Master Plan (MVICCPMP); and

Whereas, The first component of the MVICCPMP is known as the Valley Passage Project; and

Whereas, The Valley Passage will provide bike/pedestrian connections from Pierce Street to the Hank Aaron State Trail (HAST) along Canal Street in the area of South 37th Street and include an approach, a box culvert under CP Rail tracks, a new bridge over the Menomonee River, and connections to the HAST West Allis trail; and

Whereas, Capital costs for the Valley Passage Project shall be funded by various federal grants with the local share associated with the grants to be provided by the DNR and/or private contributions at no cost to the City; and

Whereas, The funding plan for the Valley Passage and remaining elements of the MVICCPMP requires reallocation of an existing CMAQ grant secured by DPW originally intended for the HAST 44th Street project; and

Whereas, Future phases of the MVICCPMP are expected to provide additional bike/pedestrian connections and include a new bridge over the Menomonee River at 33rd Court, a bridge over CP Rail tracks to Mitchell Park, and trail extension through Airline Yards; and

Whereas, City participation in future phases of the MVICCPMP shall be authorized by future Common Council action; and

Whereas, As part of preliminary engineering for the Valley Passage Project, a right-of-way plat and associated agreements have been drafted to secure necessary real estate interests for the project and define implementation and maintenance responsibilities among the governmental entities; and

Whereas, The agreements to be executed by the proper City officials include the 2009 West Allis Trail Extension Agreement which identifies individual agreements to secure the necessary real estate interests; and

Whereas, Among other agreements, the 2009 West Allis Trail Extension Agreement incorporates individual agreements to be executed by the proper City officials including the stipulation that defines design, funding, construction, maintenance, and right-of-way responsibilities of the Valley Passage Project on Soo Line Railroad property; the Valley Passage Easement which secures real estate interests and defines maintenance responsibilities for the Valley Passage; and the Quit Claim Deed which transfers ownership of the Underpass (box culvert), wing walls, and bridge to the City of Milwaukee upon completion of construction; and

Whereas, The agreements to be executed by the proper City officials also include the Valley Passage Service Road Easement that secures the necessary real estate interests from the Wisconsin Department of Administration/Southeast Wisconsin Professional Baseball Park District/Milwaukee Brewers; and

Whereas, The agreements provide for an equitable division of implementation and maintenance responsibilities among the governmental agencies; and

Whereas, Because the Valley Passage will benefit City residents, it is proposed that the City contribute to the project as follows:

- Provide assistance with patrolling, law enforcement and fire service
- Provide periodic good faith efforts to provide graffiti removal on underpass structure and wing walls
- Maintain any trail lighting
- Reimbursement of CP for CP maintenance of underpass structure
- Maintenance of retaining walls (but not landscaping within any retaining walls)

: and

Whereas, It is anticipated that costs associated with maintenance activities will be funded through existing and

future departmental Operation and Maintenance (O&M) budgets; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the right-of-way plat for Project I.D. 1693-38-00: Hank Aaron State Trail be approved and that the City Engineer and Commissioner of Public Works are authorized and directed to affix their signatures to the plat, a draft copy of which is attached to this resolution and is incorporated by reference as though set forth in full; and, be it

Further Resolved, That the proper City officials are hereby authorized to execute the 2009 West Allis Trail Extension Agreement along with applicable appendices including the stipulation, the Valley Passage Easement, and Quit Claim Deed for the underpass, wing walls, and bridge; along with the Valley Passage Service Road agreement; draft copies of which are attached to this resolution and are incorporated by reference as though set forth in full; and, be it

Further Resolved, That non-substantial changes to the right-of-way plat and associated agreements are hereby approved; and, be it

Further Resolved, That the City Engineer is authorized to request the WISDOT to reassign the 44th Street CMAQ grant to the DNR for use on the Valley Passage Project and/or future phases of the MVICCPMP; and, be it

Further Resolved, That the Commissioner of Public Works is authorized and directed to perform required maintenance as identified in the agreements with City forces and/or let contracts as necessary using O&M funding; and, be it

Further Resolved, That this resolution supersedes Common Council Resolution Number 070291.

Department of Public works
Infrastructure Services Division
MDL: ns
June 10, 2009