



Legislation Text

File #: 991636, Version: 1

991636
SUBSTITUTE
991272, 980231, 970113
THE CHAIR

Substitute resolution authorizing the City of Milwaukee to convey property interests to the State of Wisconsin for the construction of North 124th Street between Dretzka Park and Brown Deer Road and to authorize execution of agreements with West Shore Pipeline Co. for a facility in the new right of way, in the 15th Aldermanic District (Department of Public Works and Department of City Development).

- Analysis -

This substitute resolution will permit the City of Milwaukee to convey interests in a portion of City-owned property at 12207 West Brown Deer Road to the State of Wisconsin for the construction of North 124th Street and to permit execution of a Special Permission Agreement and Maintenance Easement with West Shore Pipeline Co. for its facility in the new right-of-way.

Whereas, The Common Council of the City of Milwaukee has taken several actions relating to construction of North 124th Street from Dretzka Park to Brown Deer Park among which were Resolution File No. 970113 approving a "State/Municipal Agreement for a Highway Improvement Project," Resolution File 980231 that established City of Milwaukee ("City") accounts for this work and Resolution File No. 991272 that authorized construction to proceed; and

Whereas, The City owns a tax-deed property adjacent to the right of way at 12207 West Brown Deer Road (Tax Key No. 038-9978-100-6), a portion of which is required for the new right of way and a portion of which contains an easement to West Shore Pipeline Co. ("West Shore") for an underground petroleum pipeline that needs to be relocated; and

Whereas, The State of Wisconsin ("State") through its agent has made the City an offer to purchase the fee simple interest in the portion of property required for the right-of-way and for permanent and temporary limited easements along the new right of way; and

Whereas, The offer to purchase was based on an independent appraisal and a final price has been negotiated with the State's agent by the Real Estate staff, subject to approval by the State Department of Transportation (WISDOT); and

Whereas, The proposed conveyance of land to the State and construction of the road requires relocation of West Shore's pipeline to another location in the right-of-way; and

Whereas, West Shore also requires an easement on the City's property in order to maintain its new facility; and

Whereas, The City Engineer needs to sign the relocation order, jurisdictional offers and award of damages; and

Whereas, The City agencies have prepared based upon negotiation, a Special Permission Agreement, a quit claim deed (Release of Easement), and a Maintenance Easement all of which are to be attached to a WISDOT document known as an Audit Agreement For Payment For Lands or Interests In Lands Acquired From Utility to allow West Shore to remain in the public right of way; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the proper City officials are authorized to execute a quit claim deed and easements to the State of Wisconsin for the following property interests:

Interest Acquired & Offering Price

Fee Taking of 71,438 square feet: \$41,000

Temporary Limited Easement: \$1,150

Permanent Limited Easement: \$9,750

Permanent Pipeline Easement: \$16,250

Total Compensation: \$68,150

; and be it

Further Resolved, That the proper City officials are authorized and directed to perform such other acts as may be required to consummate

conveyance of the property interests and that the sale proceeds, less a 10% fee to the Redevelopment Authority of the City of Milwaukee and other customary closing costs, shall be deposited to City Tax Deficit Fund Account No. 334106, Fund 0001, Org. 9990; and, be it

Further Resolved, That the proper City officials are authorized to execute a Special Permission Agreement and Maintenance Easement with West Shore for its facility in the new right-of-way and accept a Quit Claim Deed (Release of Easement) from West Shore, all of which are attached to this file by reference as though set forth in full; and, be it

Further Resolved, That the City Attorney in cooperation the the Department of Public Works and Department of City Development is hereby authorized to make non-substantive changes to the documents; and, be it

Further Resolved, That the City Engineer is hereby authorized to sign relocation orders, jurisdictional offers and award of damages to acquire by eminent domain.

Infrastructure Services Division

JJM:cjt

February 17, 2000

WESTSHOREPIPELINE