



Legislation Text

File #: 171176, **Version:** 0

171176

ORIGINAL

THE CHAIR

Resolution authorizing the proper City officials to execute a Wisconsin Department of Transportation Conveyance of Rights in Land document for water easements and water easement rights in the Village of Hales Corners.

This resolution authorizes the proper City officials to execute a Wisconsin Department of Transportation Conveyance of Rights in Land document, for portions of water easements and water easement prescriptive rights in areas located along US Highway 45/State Trunk Highway 100/South 108th Street between West College Avenue and West Layton Avenue in the Village of Hales Corners.

Whereas, The Wisconsin Department of Transportation ("DOT") is undertaking a highway improvement project, DOT Project I.D. No. 2040-11-21, concerning improvement of US Highway 45, and in conjunction therewith, the DOT has requested that the City of Milwaukee ("City") provide Conveyance of Rights in Land in defined areas within the improvement area; and

Whereas, The areas where the DOT has requested the City to grant the conveyance of rights are within Parcel 2, Parcel 19, Parcel 69, Parcel 70, Parcel 73, Parcel 74 and Parcel 80, as shown in the Transportation Project Plat and its subsequent Amendments; said Plat is attached hereto and is part of this resolution; and

Whereas, The Village of Hales Corners obtained certain easement rights for public water utility facilities (water easements) in and to the conveyed area by virtue of easement documents recorded in the Milwaukee County Register of Deeds as Document No. 5956381 within Parcel 2, Document No. 5733778 within Parcel 19, Document No. 5522885 within Parcels 69 and 70, Document No. 5522886 within Parcel 73; and

Whereas, The Village of Hales Corners assigned said water easement rights to the City by virtue of those same referenced documents; and

Whereas, A water main easement exists within Parcel 74, identified as Document No. 4537306 as shown on a Plat of Survey by Kenneth Berke dated 9/5/92, and any such water easement rights belong to the City as owner of the Milwaukee Water Works system; and

Whereas, The DOT states the City has established prescriptive rights for any Milwaukee Water Works facilities that may exist within parcel 80; and

Whereas, The Conveyance of Rights in Land document indicates that the costs of any relocation or alteration of water facilities within lands described in the document, now or in the future, required by DOT for any reason will be paid by DOT; and

Whereas, The City, by its Department of Public Works, with assistance from the City Attorney's Office, negotiated the Conveyance of Rights in Land that is part of this file to accomplish the conveyance and release of easement rights; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper City officials, including the

Commissioner of Public Works, are hereby authorized: (i) to sign the Conveyance of Rights in Land document affecting Parcel 2, Parcel 19, Parcel 69, Parcel 70, Parcel 73, Parcel 74 and Parcel 80 as shown on the Transportation Project Plat and its subsequent Amendments, in the form and substance submitted to this file (or in substantially the same form and substance as submitted, and to effectuate the intent of this resolution), and said documents being attached to this Common Council Resolution File Number 171176 and incorporated in this resolution by reference as though set forth in full; and (ii) to cause the same to be recorded in the Milwaukee County Register of Deeds Office.

Department of Public Works
Milwaukee Water Works
Water Engineering Section
Patrick W. Pauly
November 14, 2017