



Legislation Text

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071404
ORIGINAL
THE CHAIR

Resolution authorizing the City Engineer to grant permission to Milwaukee County for the construction and maintenance of an off-road bicycle trail in the public right-of-way of North Riverboat Road.

This resolution will authorize the City Engineer to grant permission to Milwaukee County for the construction and maintenance of an off-road bicycle trail in the public right-of-way of North Riverboat Road.

Whereas, The City of Milwaukee previously constructed a segment of off-street trail in unimproved North Riverboat Road; and

Whereas, Milwaukee County Department of Parks, Recreation and Culture proposes to construct, operate and maintain an extension to the Oak Leaf Bicycle Trail, known as The Beerline bike Trail over City right-of-way of unimproved North Riverboat Road; and

Whereas, The County's trail will extend northerly to Gordon Park on an abandoned railroad corridor; and

Whereas, Construction of an asphalt bicycle trail within the public way can only be granted with the approval of the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Engineer is hereby authorized to grant permission to Milwaukee County for the construction and maintenance of an asphalt bicycle trail in the public right-of-way of North Riverboat Road in accordance with the following conditions:

1. The County may construct or cause to construct an off-road bicycle trail in the public right-of-way of North Riverboat Road at no cost to the City and in accordance with plans approved by the City Engineer, which meets the requirements of The American Association of State Highway and Transportation Official's guide for the development of bicycle facilities.
2. The County accepts all responsibility for the construction, maintenance, repair, reconstruction or replacement and removal of the bike trail system to the satisfaction of the Commissioner of Public Works and upon removal restore the public way areas used by the bike trail system to its original condition or better at no cost to the City of Milwaukee.
3. The County shall notify the City a minimum of 48 hours prior to entering City lands to perform major maintenance or repairs to the bicycle trail, except for emergency situations, in which case the County shall notify the City as soon as reasonably possible after such entry.
4. The County agrees to save the City harmless from any and all claims, demands, causes of action or obligations, whatsoever, which may or shall arise in connection with the installation, operation, maintenance, removal or use by the public of the bike trail system, except those claims resulting from the negligence of officers, employees, or agents of the City.

5. The City reserves the right to enter upon the area adjacent to or under the bike trail for the purpose of repairing, maintaining, constructing, or reconstructing any City facilities that are in said area or for any other reason dictated by public interest.

6. Any governmental agencies and utility companies having the right to install and maintain facilities within the public way will continue to enjoy these rights.

7. The Commissioner of Public Works has the authority and is directed to prepare a written notification to the County to remove within 30 days any portion of the bike trail that is found to be detrimental to the public use of the area.

8. The County agrees to make periodic inspections of all portions of the bike trail system and to take the necessary action to keep the system in a reasonable condition so as not to create a hazard or nuisance.

Department of Public works
Infrastructure Services Division

MDL:lja

January 30, 2008