



## Legislation Details (With Text)

**File #:** 060807 **Version:** 0

**Type:** Resolution **Status:** Passed

**File created:** 10/24/2006 **In control:** PUBLIC WORKS COMMITTEE

**On agenda:** **Final action:** 12/12/2006

**Effective date:**

**Title:** Resolution authorizing and approving conveyance to the Wisconsin Department of Transportation of a permanent easement in Milwaukee Public School lands at 1111 N. 10th Street to allow repair work associated with the Marquette Interchange reconstruction project in the 4th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** AGREEMENTS, ALLEY IMPROVEMENTS, EASEMENTS, EXPRESSWAYS, MILWAUKEE PUBLIC SCHOOLS, WISCONSIN DEPARTMENT OF TRANSPORTATION

**Attachments:** 1. City Atty. Cover Letter.pdf, 2. Easement.pdf, 3. Fiscal Note.pdf, 4. Repair Agreement.pdf, 5. MPS Letter.PDF, 6. MPS Board Minutes.PDF, 7. Letter from CA attached to Easement.Doc, 8. 11-30-06 E-mail regarding revised agreement, 9. 11-30-06 Letter from City Attorney, 10. Revised MPS Permanent Easement Agreement

Date	Ver.	Action By	Action	Result	Tally
10/24/2006	0	COMMON COUNCIL	ASSIGNED TO		
10/26/2006	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/31/2006	0	PUBLIC WORKS COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
12/4/2006	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/12/2006	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	3:0
12/12/2006	0	COMMON COUNCIL	ADOPTED	Pass	15:0
12/21/2006	0	MAYOR	SIGNED		

060807  
ORIGINAL  
041677 and 040200  
THE CHAIR

Resolution authorizing and approving conveyance to the Wisconsin Department of Transportation of a permanent easement in Milwaukee Public School lands at 1111 N. 10<sup>th</sup> Street to allow repair work associated with the Marquette Interchange reconstruction project in the 4<sup>th</sup> Aldermanic District. This Resolution authorizes the City, on behalf of the Board of School Directors of the Milwaukee Public Schools ("MPS") under Wis. Stat. § 119.60 (2), to grant to the Wisconsin Department of Transportation ("DOT") a permanent easement ("PE") interest in and to that certain parcel at 1111 North 10<sup>th</sup> Street (sometimes also referred to as 1124 North 11<sup>th</sup> Street or 1110 North 10<sup>th</sup> Street) (the "MPS Facilities and Maintenance Property") to allow repair work associated with the DOT's Marquette Interchange reconstruction work.

Whereas, Per Common Council Resolution File No.'s 041677 and 040200, the City on behalf of Milwaukee Public Schools (MPS) conveyed certain fees, permanent easement (PE), and temporary limited easement ("TLE") interests to Department of Transportation (DOT) in the MPS Facilities and Maintenance Property to allow (DOT) and its contractors to undertake Marquette Interchange reconstruction work involving the north-leg segment; and

Whereas, In conjunction with that Marquette Interchange reconstruction work, a DOT contractor, Walsh Construction Company of Illinois ("Walsh"), by excavating, caused soil instability and damage resulted to the MPS Facilities and Maintenance Property; and

Whereas, MPS and DOT (after MPS Board approval) entered into an "Agreement Relating to Damage to Property at 1111 North 10<sup>th</sup> Street" dated May 11, 2006 (the "Repair Agreement") whereby the damage would be repaired and addressed; and

Whereas, As contemplated by the Repair Agreement, TLE's and PE's are required, the PE being necessary, among other things, to allow for tie-backs associated with the repair work; and

Whereas, DOT and MPS, with assistance from the City Attorney's Office, negotiated the "Permanent Easement" Agreement (the "PE Agreement") that is attached to this file; and

Whereas, This matter has already been considered and approved by the Board of School Directors of MPS at its May 25, 2006 meeting, and the MPS issued to the City a written request under Wis. Stat. § 119.60 (2) directing and authorizing the conveyance of the requisite PE to DOT on the terms and conditions reflected in the PE Agreement (or on terms and conditions substantially similar thereto); now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council approves and authorizes the proper City officials to enter into the PE Agreement in accordance with such MPS request and conveying to DOT the PE contemplated thereunder and taking such further actions as may be deemed necessary or required to effectuate the purposes of the same; and, be it

Further Resolved, That, in accordance with Wis. Stat. § 119.60 (1), the Common Council recognizes the Repair Agreement and that the proceeds of the TLE and PE shall not go into the general City fund but shall become part of the school-construction fund.

City Attorney  
GCH  
October 17, 2006  
1034-2006-996:104554