



Memorandum

DATE: January 14, 2016

TO: Board of Public Works

FROM: Mark Radtke, Director of Public Works *MR*

RE: Authorization to Execute Conveyance of Rights in Land for Third Street Bridge Replacement Project

At its December 21, 2015 meeting the Common Council approved the Relocation Order for the Third Street Bridge Replacement Project (report enclosed). The Relocation Order identifies the land interests necessary for completion of the project. As you may recall, the City needs additional right of way in order to construct the proposed new structure on Third Street crossing the Lake Winnebago slough. There are three utilities with facilities currently in easement outside the existing street right of way that would be within this future City right of way area.

As part of the federal grant process, it is necessary for the City to obtain the Conveyance of Rights in Land from the involved utilities prior to submittal of the project's final Plans, Specifications and Estimate (PS&E). Last week we learned the bid letting date for this project has been moved up from an August, 2016 date to a May, 2016 date. This is good news because we can expect better pricing with the May bid letting. It does, however, create some expediency issues with the final paperwork, including executing the necessary Conveyance of Rights in Land documents.

The three Conveyance of Rights documents enclosed represent the City of Menasha sanitary sewer and the Menasha Utilities electric and water main facilities. The documents essentially are repurposing the land interest from one of a utility easement need to one of a street (bridge) construction, operating and maintenance need, made necessary by the acquisition of property for right of way purposes.

I am requesting a recommendation from the Board of Public Works authorizing the Mayor to execute all three Conveyance of Rights in Land documents.

Enclosure

M:\word\BPW memo re Third St Bridge Conveyance of Rights_1-14-15.docx



Memorandum

DATE: December 17, 2015

TO: Board of Public Works

FROM: Mark Radtke, Director of Public Works *MR*

RE: Authorization to Execute Relocation Order for Third Street Bridge Project

The Third Street Bridge is scheduled for replacement starting in the second half of 2016. As previously reported, this project requires the acquisition of several small portions of adjacent properties. Those properties include a portion of Jefferson Park and a privately owned property in the northeast quadrant of the project area.

Per state statutes, in order to proceed with the negotiations to acquire the necessary real estate interests in property, the Common Council needs to approve the Relocation Order for this project. The land interests and acquisitions referred to in the Relocation Order are identified on the corresponding Right of Way Plat (both documents are enclosed).

The areas needed for this project include acquisitions of 0.058 acres for Parcel No. 1 (Avalone property) and 0.11 acres for Parcel No. 2 (Jefferson Park). Additionally there are small temporary and permanent easements needed from Jefferson Park for the continuation of the sidewalk on the south side of Third Street to the proposed bridge. Parks and Recreation Director Tungate and the Park Board are aware of these needs and acknowledge the minimal impact to the park. The Right of Way Plat also lists the need to obtain the release of easement rights from various utilities which is standard procedure in these situations. Funds are budgeted for this work.

As soon as the Relocation Order is signed and recorded, we will direct our real estate consultant to initiate negotiations for the necessary right of way, easements and release of rights. This project has met with several extended delays due to the concerns regarding protection of habitat for the northern long eared bat, and the special documentation and land transfer needed for the acquisition of Jefferson Park property. Therefore, I am requesting authorization to execute the Relocation Order as soon as possible in order to allow our agent to proceed with negotiations in a timely manner to meet the proposed bidding schedule.

Enclosures

M:\word\BPW memo re Third Street Bridge relocation order_12-17-15 docx

Document Number
CONVEYANCE OF RIGHTS IN LAND

Exempt from fee s.77.25(2r) Wis. Stats.
 s.62.22 Wis. Stats.
 City Projects 4/2015

City of Menasha, GRANTOR, for and in consideration of the sum of (\$) and other good and valuable consideration, grants and conveys any and all rights and interest which, by virtue of prior title, easement, license, or other legal devices, GRANTOR holds in the land described below to the City of Menasha, GRANTEE, for the purposes of constructing, operating, and maintaining a public highway and appurtenant facilities on, over, under, or across the said land; provided, however that GRANTOR reserves to itself the subordinate right to cross, traverse, or otherwise occupy said land with its present and future overhead or underground transmission lines, appurtenant facilities, and supporting structures in a manner consistent with the purposes of this conveyance and in a manner which will not interfere with normal highway maintenance and operation; provided, further, that the costs of any relocation or alteration, now or in the future, of the transmission lines, appurtenant facilities, or supporting structures when required by the GRANTEE for any reason, including accommodating future expanded or additional highway facilities on, over, under or across said land, will be paid by the GRANTEE; provided, however, that the costs of such relocation or alteration, or of the installation of new or additional facilities when done at the instance of and for the purposes of the GRANTOR, will be defrayed by the GRANTOR.

This conveyance shall be binding on the GRANTOR, GRANTEE, and their respective successors and assigns.

Other persons having an interest in record in the property: n/a

This space is reserved for recording data

Return to
 Mark Radtke
 City of Menasha
 140 Main Street
 Menasha, WI 54952

Parcel Identification Number/Tax Key Number
 705-0520-13

Legal Description

All that part of Government Lot 4, Section 13, T 20 N, R 17 E, City of Menasha, Winnebago County, Wisconsin, subject to Grantor's easement or interests in land acquired by the Grantee for Project 4992-01-00, City of Menasha, Third St, Winnebago County as filed with the County Clerk's office of the Winnebago County, State of Wisconsin.
 No Recorded Easement for sewer

The undersigned certify that this instrument is executed pursuant to a resolution of the Board of Directors (or shareholders, stockholders, or members, if authorized by law) of GRANTOR corporation or cooperative.

Acknowledgment

 City of Menasha
 (Grantor Name)

 (Signature)

 (Title)

 (Print Name)

 (Signature)

 (Title)

 (Print Name)

 (Date)
 State of _____)
 _____) ss.
 _____ County)
 On the above date, this instrument was acknowledged before me by the named person(s).

 (Signature, Notary Public)

 (Print or Type Name, Notary Public)

 (Date Commission Expires)

Document Number
CONVEYANCE OF RIGHTS IN LAND

Exempt from fee s.77.25(2r) Wis. Stats.
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City Projects 4/2015

City of Menasha, d.b.a. Menasha Utilities, GRANTOR, for and in consideration of the sum of (\$) and other good and valuable consideration, grants and conveys any and all rights and interest which, by virtue of prior title, easement, license, or other legal devices, GRANTOR holds in the land described below to the City of Menasha, GRANTEE, for the purposes of constructing, operating, and maintaining a public highway and appurtenant facilities on, over, under, or across the said land; provided, however that GRANTOR reserves to itself the subordinate right to cross, traverse, or otherwise occupy said land with its present and future overhead or underground transmission lines, appurtenant facilities, and supporting structures in a manner consistent with the purposes of this conveyance and in a manner which will not interfere with normal highway maintenance and operation; provided, further, that the costs of any relocation or alteration, now or in the future, of the transmission lines, appurtenant facilities, or supporting structures when required by the GRANTEE for any reason, including accommodating future expanded or additional highway facilities on, over, under or across said land, will be paid by the GRANTEE; provided, however, that the costs of such relocation or alteration, or of the installation of new or additional facilities when done at the instance of and for the purposes of the GRANTOR, will be defrayed by the GRANTOR.

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Recorded as Document No. 571774 for electric

The undersigned certify that this instrument is executed pursuant to a resolution of the Board of Directors (or shareholders, stockholders, or members, if authorized by law) of GRANTOR corporation or cooperative.

Acknowledgment

City of Menasha
(Grantor Name)

(Signature)

(Title)

(Print Name)

(Signature)

(Title)

(Print Name)

(Date)

State of _____)
County _____) ss.

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Document Number
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No Recorded Easement for Water main and Facilities

The undersigned certify that this instrument is executed pursuant to a resolution of the Board of Directors (or shareholders, stockholders, or members, if authorized by law) of GRANTOR corporation or cooperative.

Acknowledgment

City of Menasha
(Grantor Name)

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(Date Commission Expires)