

Resolution authorizing the Board of Public Works to take steps necessary to acquire real estate for a Bike Trail to be constructed on BNSF Railroad property and Dairyland Power property from Oak Street to Gillette Street.

## **RESOLUTION**

**WHEREAS**, the Common Council of the City of La Crosse has approved an Agreement with the Wisconsin Department of Transportation for the construction of a Bike Trail on BNSF Railroad property and Dairyland Power property from Gillette Street to Oak Street; and

**WHEREAS**, said Bike Trail will require the acquisition of easements or fee title; and

**WHEREAS**, the Common Council of the City of La Crosse has approved Resolution #2007-09-027 which appropriated \$20,955.50 for expenses related to the acquisition of real estate for a Bike Trail to be constructed on BNSF property and Dairyland Power's property from North Street to Oak Street.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of La Crosse that in order to proceed with said construction of the Bike Trail it is necessary in the furtherance of the above-stated public purpose, to acquire the necessary interests in certain real estate adjacent to this Bike Trail; and

**BE IT FURTHER RESOLVED** that the City will acquire, by eminent domain, if Necessary, fee title interest or other requisite interest in such property required for said Intersection construction from all persons or entities who may have an interest in said real estate; and

**BE IT FURTHER RESOLVED** that the Board of Public Works is authorized to file a relocation order, prepare and file a relocation plan, conduct the necessary negotiations, make the jurisdictional offer and take any and all other steps necessary to acquire such real estate as necessary for said Bike Trail construction; and

**BE IT FURTHER RESOLVED** that if such jurisdictional offers are not accepted, the City Attorney's Office is authorized for and on behalf of the City to protect and file the necessary awards for compensation, all more particularly provided in Chapter 32 of the Wisconsin Statutes; and

**BE IT FURTHER RESOLVED** that the City Attorney is authorized to prepare and have filed the appropriate Lis Pendens with the La Crosse County Register of Deeds; and

**BE IT FURTHER RESOLVED** that the Board of Public Works is authorized to retain an appraiser, relocation specialist, environmental consultant, and/or Title Company necessary to assist in the acquisition; and

**BE IT FURTHER RESOLVED** that expenses related to the acquisition, such as, but not limited to, appraisals, environmental assessments, title work, surveys and costs of acquisition shall be paid out of previously adopted Resolution #2007-09-027; and

**BE IT FURTHER RESOLVED** the City Engineer, City Attorney, City Finance Director and Board of Public Works are authorized to perform all duties to effectuate this resolution.