

CITY OF WAUKESHA COMMON COUNCIL

PETITION FOR THE AUTHORIZATION OF THE SPUR TRACK REMOVAL INCLUDING THE RAILROAD BRIDGE OVER THE FOX RIVER, PEDESTRIAN PATHWAY OF THE DRUMLIN GLACIAL TRAIL, AND TWO AT-GRADE CROSSINGS ON SENTRY DRIVE IN THE CITY OF WAUKESHA

WHEREAS, the City of Waukesha proposes to remove the railroad bridge located north of crossing number 917686A, pedestrian pathway (crossing no. 917686A) and two at-grade crossings of Sentry Drive (crossing nos. 391525V and 177311S) of the WSOR and WCL spur tracks, and

WHEREAS, the city believes that the WSOR and WCL spur tracks have been abandoned under Wis. Stat. § 85.09, and

WHEREAS, Wis. Stat. §190.16 authorizes the Office of the Commissioner of Railroads to determine whether the spur track has been abandoned, as defined in Wis. Stat. § 85.09, and authorize the removal of the spur tracks including the railroad bridge across the Fox River, pedestrian pathway of Glacial Drumlin Trail and the two at-grade crossings of Sentry Drive.

NOW, THEREFORE, BE IT RESOLVED, that the City of Waukesha Common Council hereby directs the City of Waukesha staff to take all necessary steps to petition the Office of the Commissioner of Railroads for an investigation, determination of spur track ownership, and determination of whether the spur tracks have been abandoned and authorization for removal of the tracks, railroad bridge, and railroad crossings of the WSOR and WCL spur tracks, in the city of Waukesha, County of Waukesha.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City of Waukesha staff is hereby directed to prepare a petition letter presenting facts regarding the ownership and abandonment of the spur tracks, the measures the City of Waukesha proposes to remove the spur tracks, the City of Waukesha proposed schedule to complete the spur track removal, and the City of Waukesha's proposed apportionment of costs to accomplish the track removal.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City of Waukesha staff is hereby directed to comply with any order issued by the hearing examiner assigned by the Commissioner of Railroads to hear this matter, and the City of Waukesha staff is authorized to take all necessary steps to prepare and present testimony and evidence at any hearing scheduled by the hearing examiner.

ADOPTED THIS ____ DAY OF _____ 2020

APPROVED THIS ____ DAY OF _____ 2020

Shawn Reilly, Mayor

Attest:

Gina Kozlik, City Clerk