

1981 Assembly Bill 871

Date published: April 26, 1982

## CHAPTER 233 , Laws of 1981

AN ACT relating to removing the Park East Freeway and Lake Freeway North in Milwaukee county from the state trunk highway system and disposing of the lands and property.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1. Nonstatutory provisions; freeway lands.** (1) **REMOVAL FROM THE STATE TRUNK HIGHWAY SYSTEM.** The department of transportation is directed to remove from the state trunk highway system:

(a) A highway in the county of Milwaukee extending from the intersection with Milwaukee Street easterly along the proposed Park East Freeway to the intersection with the proposed Lake Freeway, a total of approximately 1.7 miles.

(b) A highway in the county of Milwaukee extending from the intersection of the East-West Freeway northerly along the proposed Lake Freeway to the intersection with the proposed Park East Freeway, a total of approximately 0.8 miles.

(2) **DISPOSITION OF FREEWAY LANDS.** (a) *Disposition plan.* 1. a. The secretary of the department of development, in consultation and cooperation with the county of Milwaukee and the city of Milwaukee, shall develop a plan for the disposition of lands and property acquired for the Park East Freeway and the Lake Freeway North segments of the Loop Closure project in the Milwaukee County Expressway System.

b. The secretary of the department of development may delegate all or part of the secretary's responsibility under this subdivision to any other state agency or local unit of government or any combination of such governmental units, except that the responsibilities under subdivision 2. a relating to traffic flow are hereby delegated to the secretary of the department of transportation.

2. The disposition plan must include provisions for:

a. Traffic flow to and from the existing freeways, including provision for the connection of those portions of existing freeways commonly known as "stub ends" to existing streets.

b. Designation of certain appropriate lands or property as public parks.

c. Designation of the governmental unit or units which will be responsible for carrying out the disposition of the lands and property under paragraph (b).

d. Reimbursement of the county of Milwaukee for county funds actually expended in acquiring interests in any lands and property for the Park East Freeway or the Lake Freeway North which are sold or conveyed to any other governmental unit or person under the disposition plan. As used in this subdivision 2. d, "funds actually expended" means those county funds paid to 3rd parties for the acquisition of the interests in such lands and property, for the demolition of such property and for relocation costs incurred in connection with such lands.

e. Reimbursement of the federal government, if a waiver is not granted, for federal funds expended in acquiring interests in lands and property for the Park East Freeway or the Lake Freeway North.

3. The provision for traffic flow to and from existing freeways under subdivision 2. a shall be developed within 180 days after the effective date of this act.

4. Before approving the disposition plan, the secretary of the department of development shall hold a public hearing in the city of Milwaukee on the proposed plan. The secretary shall mail a notice stating the time and place of the hearing and a copy of the proposed plan to any interested governmental unit at least 30 days before the hearing. The secretary shall also publish a copy of the notice, including a copy of the proposed plan, as a class 2 notice under ch. 985 within the city of Milwaukee. The first publication shall be at least 30 days prior to the date of the hearing.

5. The disposition plan shall be completed and submitted to the governor within one year after the effective date of this act or as soon after such period as is practicable.

(b) *Disposition of lands.* 1. a. Notwithstanding any other provision of law, upon approval of the disposition plan by the secretary of the department of development the governor shall direct the disposal of interests in lands and property previously acquired and held in trust for the state for the Park East Freeway and the Lake Freeway North segments of the Loop Closure project in the Milwaukee County Expressway System by conveyance or otherwise under such terms as are established in the disposition plan.

b. As nearly as is practicable, the disposition of lands and property under this subdivision shall be completed by June 30, 1984.

2. a. If the moneys received from the disposition of lands and property under subdivision 1 are insufficient to reimburse both the county of Milwaukee and the federal government, the money shall be used first to reimburse the federal government in the amount provided under paragraph (a) 2. e and any remaining money shall be used to reimburse the county of Milwaukee.

b. Any moneys received by the city of Milwaukee from such disposition, except for such amounts as are necessary for reimbursement of the county of Milwaukee and the federal government, may be retained by the city and are not required to be used for highway purposes.

c. Under no circumstances may any reimbursement for expenditures made for the Park East Freeway and the Lake Freeway North be paid from the transportation fund.

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