

[No. 352, A.]

[Published April 21, 1887.]

## CHAPTER 476.

AN ACT to provide for the laying of a highway and the building of a viaduct across the Menominee River.

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

City of Milwaukee authorized to build viaduct.

SECTION 1. The common council of the city of Milwaukee is hereby authorized to cause to be built with all reasonable dispatch a suitable viaduct from a convenient point at or near the intersection of Eleventh avenue with Pierce street, and extending as nearly as practicable on a level across the Menominee valley in a northerly direction towards the intersection of Sixteenth and Fowler streets, in the Fourth ward of the city of Milwaukee, or such other northern terminal point as may be found available for this purpose.

How constructed.

SECTION 2. Said viaduct shall be constructed in a substantial manner of iron (except the floor and floor beams). It shall rest upon iron columns of suitable size and dimensions set upon stone foundations, and shall be of a uniform width of no less than sixty feet, and at least nineteen feet above and clear of railway tracks. Wherever necessary draw-bridges shall be provided, as well as suitable approaches, at both termini of said viaduct and such intermediate points as may be necessary for safe and convenient access thereto. All abutments that may be needed shall be constructed of masonry in solid manner.

Provisions of charter, to apply.

SECTION 3. All provisions of the charter of the city of Milwaukee, and the several acts amendatory thereof, in relation to public work or improvements in said city, and the condemnation of lands for highways and public purposes, and the assessment of damages and benefits arising therefrom, which are not inconsistent with the provisions of this act, shall apply to the work hereby authorized, and all official acts incidental thereto.

SECTION 4. The said common council, within two months from the passage and publication of

this act, shall cause to be made a plan and detailed specifications for doing said work, and an estimate of the cost of such improvement; and as soon thereafter as practicable, the city shall enter upon the construction of the north half of the said viaduct, bridges and approaches in conformity thereto. The common council shall also furnish a duplicate of said plan and specifications to the Chicago, Milwaukee and St. Paul Railway Company, whose duty it shall be and who are hereby directed and required simultaneously with the building of the north half on part of the city of Milwaukee, to build the south half of said viaduct and the approaches thereto in accordance with such plan and specifications, so that the whole of said work and all necessary abutments, bridges and approaches, be completed with reasonable dispatch.

C. M. and St. P. Ry. Co. to build portion of viaduct.

SECTION 5. It shall be the duty of the Chicago, Milwaukee and St Paul Railway Company, within sixty days from and after the passage and publication of this act, to file with the city clerk of the city of Milwaukee its written declaration whether it will or will not accept of the provisions of this act, and comply with the terms thereof; and if unwilling to participate in said public improvement upon the terms herein prescribed, it shall communicate the particular reasons and points of objection; and thereupon the common council of said city may, in its discretion, appoint a committee of conference, and may consent to a change and modification of the particular terms and details of construction or division of said work, as may seem to be just and equitable; and may also by resolution or ordinance extend the time, in any particular that may be found to be essential, for entering upon such improvement, or completing the same, as the circumstances of the case may require, anything to the contrary herein contained notwithstanding.

Duty of railway company either to accept or reject provisions of this act.

SECTION 6. The said viaduct and approaches thereto shall forever remain under the absolute control and management of the city of Milwaukee, and no exclusive rights or franchises, for purposes of horse-railway communication, the lighting of streets, highways or the like, or any other exclusive franchises, privileges or immunities shall ever be granted over the same on part

Viaduct to remain under absolute control of city.

of said city, to any person or corporation whatsoever.

City may issue  
bonds and levy  
tax.

SECTION 7. The mayor and common council of the city of Milwaukee are hereby authorized to issue the corporate bonds of said city to an amount not exceeding two hundred and fifty thousand dollars, to be applied to the building of the north half of said public improvement, in such denominations, and payable at such time or times, with interest, as the common council by ordinance may see fit and determine. Said council may also levy such tax or taxes as may be found necessary to cover the balance of the expense or cost of such construction, if any such there should be. The provisions of chapter 465, general laws of 1885, as to form of bonds, the issue and sale thereof, the levy of taxes, creating a sinking fund, and other details not inconsistent herewith, are made applicable to the bonds intended to be issued for viaduct purposes under this act

Viaduct to be  
maintained by  
city and C. M.  
and St. P. Ry.

SECTION 8. Said viaduct and appurtenances shall be thereafter maintained by the city of Milwaukee and the Chicago, Milwaukee and St. Paul Railway Company, in the same proportions hereinbefore fixed for the original construction thereof, but no further or additional claims shall be hereafter made upon said railway company in that behalf, although its tracks may be multiplied and extended, or additional territory in the future secured by them or occupied for railway purposes; it being the intention of the legislature to liquidate hereby finally the rate and proportion in which the city and railway company shall participate in the expense of this common improvement, due regard being had not only to the present condition of things but to the future.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved April 14, 1887.